

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

**Meeting of
September 11, 2019
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, David Houlé
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) VADIM AND OLGA DYAKIV, OWNERS

Requesting a 10' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 10' Setback from the main dwelling is proposed in order to construct a 64 SF Accessory Structure; property located at 17780 Lyon Lane, PPN 394-25-041, zoned R1-75.

The Board questioned if they could move the structure back a little further from the house. They indicated that there is a swale in the backyard, but that it's not very big. The Board specified that there is a 15' easement from the property line, but that they could move it up to the easement. They mentioned suggesting that they move it back 5' further than they have requested in their application.

2) PHILLIP AND BRENDA LANZO, OWNERS

Requesting a 530 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,530 SF Floor Area is proposed in order to construct a Garage Addition; property located at 19990 Royalton Road, PPN 392-34-008, zoned R1-75.

The Board noted that this is for an addition to an existing garage. They mentioned that there are three temporary storage units behind the garage; there is a shed and also a couple of canvas structures. The Board indicated that they should ask the applicant if they intend to remove those if the variance was approved. The Board mentioned that they will be putting in a hard surface driveway. They specified that the lot is very deep, behind it it's heavily wooded so it's shielded from neighbors, and it is located away from the visibility of the road. The Board concluded that it is a huge garage so they need to ask if the applicant intends to run a business out of it. They discussed the design and what door they intend to have on the addition.

3) RAYMOND AND KIM KAROLY, OWNERS

- a) Requesting a 14' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 6' Setback from the main dwelling is proposed in order to construct a 280 SF Pavilion;
- b) Requesting an 88 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 280 SF Floor Area is proposed in order to construct a 280 SF Pavilion; property located at 20001 Idlewood Trail, PPN 392-19-044, zoned R1-75.

The Board noted that this is for the construction of a pavilion. They mentioned that it appears to be larger than the one that the City has in the main square. The Board specified that they have an existing concrete pad, and they intend on putting the pavilion on top of it. They discussed how many requests they have recently gotten for pavilions this summer, and mentioned that they will need to make sure the applicant does not intend to put a fire pit inside or next to the pavilion for fire safety reasons. They also stated that it is on a corner lot.

4) ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS

- a) Requesting a variance from Zoning Code Section 1274.07, which prohibits the construction of a new building on an existing non-conforming lot and where a 440 SF Accessory Structure (Detached Garage) is proposed;
- b) Requesting a 15' Side Yard Setback variance from Zoning Code Section 1258.11, which requires a 20' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 440 SF Accessory Structure (Detached Garage);
- c) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1258.11, which requires a 10' Rear Yard Setback and where a 5' Rear Yard Setback is proposed in order to construct a 440 SF Accessory Structure (Detached Garage); property located at 21042 Westwood Drive, PPN 392-12-007, zoned Local Business.

The Board indicated that this is residential structure on local business zoned property. They specified that item (a) is to extend the residential use they already have which is already non-conforming so they can then add a garage as well. Mr. Kolick mentioned that he spoke to the City Planner about this, and he said that he is mostly concerned about item (b) in their application because they will only be 5' off the side yard of a residential zoned structure that is to their west. The Board then disputed the reason behind item (b) as well as item (c) in their application. They stated that there is plenty of room to put both the side and the rear yard into conformity with the Code. The Board concluded that it was most likely planned like that to line it up with surrounding structures. They also mentioned that the owner knows he will need to put in a hard surface driveway.

5) **CULVER’S RESTAURANT/Lora Martinson with Springfield Sign, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one Wall Sign and where two additional 29.12 SF Wall Signs (North and South) are proposed;
- b) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Menu Board and where one 47 SF Drive-Thru Menu Board Ground Sign is proposed;
- c) Requesting a variance from Zoning Code Section 1272.12, which does not permit a Drive-Thru Canopy and where one Drive-Thru Canopy is proposed;
- d) Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a changeable copy Sign in a Restaurant-Recreational Service Zoning District and where the applicant is proposing one two-sided changeable copy Monument Sign; property located at 8464 Pearl Road, PPN 395-05-019, zoned Restaurant-Recreational Service (R-RS).

The Board indicated that Culver’s is going where the Jennifer’s restaurant used to be. They specified that they will go over the reasoning behind the City’s Code with them, and that this application will be treated the same as all other signage requests in the past. The Board first and foremost disputed the monument sign with the changeable copy, and stated that the Board will never consider approving those in this City. They discussed how much they have debated over allowable signage with each new business that arrives, and how much flack the Board has taken by everyone saying they are too generous on their variance approvals. They then added that Council has the power to override them if they see fit. They studied the plan for Culvers, and discussed how many square feet they are allowed to have for their sign with a building of their size. The Building Department stated that they are proposing 104 SF, but that they are only allowed to have a total of 81 SF. Mr. Roenigk added that he will double check those numbers before the next meeting. The Board then discussed the size of the menu board, and the effectiveness of having a very large one. They mentioned though that neither the canopy nor the menu board will be the focus of their concerns. The Board also stressed that it is very important that they state on the floor every item they discuss in the caucus for the official record because unfortunately they do not always do so.

PUBLIC HEARINGS

There are no Public Hearings

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

**MINUTES OF MEETING
September 11, 2019**

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

Present: Mr. Evans
Mr. Baldin
Mr. Rusnov
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 September 11, 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 EXCEPT FOR MR. SMEADER

Mr. Houlé – I'd like to make a motion to excuse Mr. Smeader for just cause.

Mr. Baldin – Second.

Mr. Evans – I have a motion and a second. May I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

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 minutes from August 28, 2019. We spoke about them in caucus, and if there are no corrections to be made we will submit those as they were given to us by our Secretary. We also have the Findings of Facts and Conclusions of Law regarding Brian and Devon Szymanski for the decision of the Board on August 28th, 2019. I will entertain a motion to approve those.

Mr. Houlé – I make a motion to approve the Findings of Facts and Conclusions of Law regarding Brian and Devon Szymanski, and the Board's decision which was made on August 28th, 2019.

Mr. Baldin – Second.

Mr. Evans – Thank you. May we have a roll call please?

ROLL CALL: ALL AYES

Mr. Evans – Those have been approved. This evening 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 normally divided into two portions. We do not have any public hearings tonight, so we will only be hearing new applications this evening.

NEW APPLICATIONS

1) VADIM AND OLGA DYAKIV, OWNERS

Requesting a 10' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 10' Setback from the main dwelling is proposed in order to construct a 64 SF Accessory Structure; property located at 17780 Lyon Lane, PPN 394-25-041, zoned R1-75.

Mr. Evans – First on the agenda this evening is Dyakiv on Lyon Lane. Please come up to the microphone and give us your name and address for the record.

Ms. Dyakiv – My name is Sofia Dyakiv. My address is 17780 Lyon Lane in Strongsville.

Mr. Evans – Thank you. As we mentioned in caucus, your arrival has been highly anticipated.

Ms. Dyakiv – Thanks.

Mr. Evans – We've missed you the past couple meetings, so we are glad to have you here. You are asking for a 10' setback variance from the dwelling. We talked about this in caucus. We know that there is a swale behind it. Tell us about what you are doing, and why you need it in that particular spot. Perhaps you can venture into whether or not you think it could be moved back a little bit to decrease variance. One of our objectives as a Board is to either do away with variances or to decrease them.

Ms. Dyakiv – I'm speaking on behalf of my dad, Vadim. By his measurements, the only place that he can see that would fit it best is in the place that he gave you. Everything on the blueprint is how he specified it. It's an 8' by 8' shed. He wants to use it for winter storage. We have a two car garage, and we have 3 cars. The less stuff that he has in the garage, and the more he can put

1) **VADIM AND OLGA DYAKIV, OWNERS, Cont'd**

Ms. Dyakiv continues - in the shed will really help us out. As far as moving it back, I would have to verify it with him, but I don't think it's that big of a deal.

Mr. Evans – People tell us all the time that there is a lot of stuff they want to put in a shed so they can make room for cars. It never happens. Just so you know that. By the time the shed gets built, there will be more stuff to put in the shed, and the garage will stay full. That's how it always works out. We ask that you talk to your dad. We would like to know if he can move it back 5'. Our reason for doing this is because when people have sheds, they put gas and mowers and things like that in there. They are combustible. If it's not set away from the house by a proper amount and that little building catches on fire, it will spread to the other structures like the house. The 20' setback is because we want to keep it away from the primary dwellings. That's the reason we want to move it back as far as we can. If its 4' or 5' further back that will be better.

Ms. Dyakiv – So you mean you want it toward the fence further, not toward the home. If we do move it back, will it fit more into the regulations?

Mr. Evans – Yes.

Mr. Rusnov – Yes.

Mr. Evans – Because then the variance would be for a lesser amount. Right now you are asking for a 10' variance, and if you could slide it back 5' it will only be a 5' variance. That makes it 15' away from the residence which is much safer. That's the reason we ask you to do that.

Ms. Dyakiv – I know we have something about the waterline in the back which is why he couldn't. So moving it 5' back shouldn't affect that, right?

Mr. Evans – It should be that it doesn't get into the swale. The Building Department could be helpful in terms of telling you whether it's exactly 4' or 5'. You would not go into the swale, you would be right at the edge of it. That's the important thing. As Mr. Kolick pointed out, in most cases where we allow a variance for a shed to be closer to the main dwelling than the 20', we usually require something called fire-rated drywall on the interior. Fire-rated drywall means it won't burn as easily as normal drywall or as wood. The fire-rated drywall then insulates a fire inside the shed rather than allowing it to spread as quickly to the main building. That way the fire can hopefully be extinguished before it goes the 15' to get to the main dwelling. Unfortunately time has proven that when sheds are closer to a house than 20' and they catch on fire, the main dwelling catches on fire as well. That's not a good thing. If we were to grant the variance it would most likely be predicated on putting fire-rated drywall on the inside which would contain a fire and keep it from spreading.

Ms. Dyakiv – Alright, that sounds good.

1) **VADIM AND OLGA DYAKIV, OWNERS, Cont'd**

Mr. Evans – I wanted to make you aware of that.

Mr. Rusnov – You can avoid all that as the Chairman and Mr. Kolick has stated. You can build right up to the line of the easement.

Mr. Evans – The swale.

Mr. Rusnov – The swale, I'm sorry.

Ms. Dyakiv – Okay, got it.

Mr. Rusnov – That might help.

Mr. Baldin – My question would be, Brian, how much leeway would they have before they need to have fire-retardant stuff used in their structure?

Mr. Roenigk – There is no number we just go by the 20' from the dwelling.

Mr. Baldin – We don't approve anything under 20' normally, so we would have them do that.

Mr. Evans – Is there a HOA?

Ms. Dyakiv – Yes.

Mr. Evans – Have you applied with them to approve this plan?

Ms. Dyakiv – The request has been sent to the Architectural Committee to review, however the person I've been in contact with who does all the approvals said there is no set timeline on when they will get a response back. So I can't give you a timeline on that approval.

Mr. Evans – What you want to do is let them know that it would be helpful to have that before September 25th.

Ms. Dyakiv – I have.

Mr. Evans – If you get it ahead of time, then you can bring it to the Building Department and they will get it out to the Board Members. If you don't have it before the 25th, you can bring it to the next meeting. That would be okay as well.

Ms. Dyakiv – I submitted it to the HOA a week or two ago.

1) **VADIM AND OLGA DYAKIV, OWNERS, Cont'd**

Mr. Evans – Alright, is there anything else? All of the members of the Board will be out to visit the property to take a look at it. We ask that you stake out the four corners where your dad has proposed putting it. If he thinks it can be moved back, and again the Building Department can tell you exactly where the easement for the swale is, then at that point we would know that it's going to move back a little bit from there. Again, we'd like to know that before the 25th so we know at that meeting. Our primary objective is to lessen variances, and when we grant them we prefer to minimize them as much as we can. In this case, the setback from the main dwelling is for safety reasons.

Ms. Dyakiv – That's understandable. So stake it where he wants it, and if it's able to be moved...

Mr. Evans – Let us know that.

Ms. Dyakiv – Alright, that's perfect.

Mr. Evans – Your public hearing is on the 25th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Ms. Dyakiv – Thank you so much, good night.

Mr. Evans – Thank you.

2) **PHILLIP AND BRENDA LANZO, OWNERS**

Requesting a 530 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,530 SF Floor Area is proposed in order to construct a Garage Addition; property located at 19990 Royalton Road, PPN 392-34-008, zoned R1-75.

Mr. Evans – Second on the agenda this evening is Lanzo on Royalton Road. Please come up to the microphone and give us your name and address for the record.

Mr. Lanzo – Good evening. My name is Phillip Lanzo. I live at 19990 Royalton Road.

Mr. Evans – Mr. Lanzo, you are looking for a variance to make a very big garage from the garage you have already. So you may have heard us talking in caucus.

Mr. Lanzo – Yes.

Mr. Evans – We're always curious about what people do. First of all, do you intend to run a business out of this garage if we were to grant this?

2) **PHILLIP AND BRENDA LANZO, OWNERS, Cont'd**

Mr. Lanzo – I do not.

Mr. Evans – Okay, so tell us about the reason why you need such a large barn back there?

Mr. Lanzo – I am into antique cars. I have two of them. One of them is at my son's house right now, and one is at my mother-in-law's house. I am an avid woodworker. The garage is just getting too small for me to do what I like to do. I've been a mechanic for 40 years so the more tools you have the smaller the walls get on you. That's why I'd like the addition in the back. As you said I have the two portable shed and the other shed in the back, and they would all come down.

Mr. Evans – Okay, so that was another one of the questions we were going to ask you. So you do intend to remove those. You said you have been a mechanic for 40 years, so again I just want to make sure that you are just doing recreational things with the cars, and that the woodworking is also recreational. You're not doing anything for friends, neighbors, or online are you?

Mr. Lanzo – No.

Mr. Evans – We get into those situations where people tell us they are not planning to run a business, but then they say that they just sell stuff online. That's sort of a business these days, so we just need to ask those questions and be sure of what you're asking for. There are a lot of antique car collectors in this City. I could not even tell you how many variance requests we've gotten for antique car collections. This town is riddled with them. We really should have our own show. I'm often amazed at how many cars there are in this area. Are there any questions from the Board?

Mr. Houlé – Your garage is like 240' back from Route 82. It's still another 100' to the property line behind you to the north?

Mr. Lanzo – From where I want to put the addition? Yes.

Mr. Houlé – Okay.

Mr. Lanzo – It would still be another hundred and some feet. I didn't mark it all out.

Mr. Houlé – It's heavily wooded back there and throughout that whole area.

Mr. Lanzo – Yes. Also I own the property to the east of this one. The closest one would be Mr. Lay on the west side. I spoke to him about the addition, and he had no problem with it.

Mr. Evans – You may have heard us in caucus discussing the drawing that you gave us from Menard's, so is the large 10' by 8' door what is proposed for the front and to replace what is there now?

2) **PHILLIP AND BRENDA LANZO, OWNERS, Cont'd**

Mr. Lanzo – That is in the addition.

Mr. Evans – It's going to be connected?

Mr. Lanzo – It's going to be connected.

Mr. Evans – Open all the way through?

Mr. Lanzo – Well, I want to put a garage door in between.

Mr. Evans – Okay.

Mr. Lanzo – Then I have two 7' by 8' doors in the front now, and I would like to convert that over to one 16' door.

Mr. Evans – Alright. Again, we will all be out to visit it. It would be helpful for us if you could stake out the back two corners for where that is going to be added going toward the back.

Mr. Kolick – Hard surface drive.

Mr. Evans – I thought this one already had the hard surface. You already have a hard surface driveway going to the existing garage, correct?

Mr. Lanzo – I do not. It's gravel.

Mr. Evans – Ah ha. Okay, so one of the requirements of the City for when we grant variances is that the property has to be brought up to Code. So where we now require hard surface driveways, you would need to put in a hard surface. That can either be concrete or paver stones...

Mr. Roenigk – That's it. But there's special paver stones. They are not typical paver stones.

Mr. Lanzo – From the sidewalk all the way back to the garage?

Mr. Kolick – All the way back.

Mr. Lanzo – Then we might as well just forget it now. I can't afford \$30,000 for a driveway.

Mr. Evans – Okay.

Mr. Lanzo – I mean that's 240' times 10', that's 2400 SF.

2) **PHILLIP AND BRENDA LANZO, OWNERS, Cont'd**

Mr. Kolick – That's why we bring it up now before you get too far down in the process. So if that's not what you can do, you would be best too...

Mr. Lanzo – I mean, I'd be investing \$30,000 in concrete, and then another \$20,000 for the back. That's \$50,000.

Mr. Kolick – Right.

Mr. Baldin – That's one antique car less.

Mr. Evans – So Mr. Lanzo that is a requirement. I will tell you that you can ask for a variance to not put in the hard surface driveway, but every variance in the 15 or 20 years I've been on the Board that we've granted we've always required compliance with the hard surface driveway.

Mr. Lanzo – Even though the driveway has been there since 1954 when the house was built, it has to be up to date?

Mr. Kolick – Right. The whole idea behind the Code is to bring everything in compliance with the Code over time.

Mr. Evans – It would be the same thing with electrical or anything else we would require compliance. If you were adding onto the house and it was still 50's vintage with fuses or whatever, we would require electrical to be brought up to Code as well. Again, that's a safety and aesthetics issue for the City. It's just like replacing septic tanks with sewer lines and all those types of things.

Mr. Lanzo – So I can either go with cement or pavers.

Mr. Evans – Yes.

Mr. Lanzo – Let me work on that this weekend, and I'll come back in a couple weeks, and we'll see what happens.

Mr. Evans – Okay, so what I would recommend is that you table it for now...

Mr. Kolick – Well, we could set it for a public hearing, and if he determines that he's not going to go forward with it he can let us know so we can cancel it. That's all.

Mr. Evans – Alright.

Mr. Kolick – Just let us know as soon as you know. So if you determine that it's not cost-effective, we just won't go forward with it.

2) **PHILLIP AND BRENDA LANZO, OWNERS, Cont'd**

Mr. Lanzo – Okay.

Mr. Evans – Then we will go ahead and post it for public hearing. We'll keep it out there then. So the public hearing will be September 25th. Once you've made a determination whether or not that's what you want to do, at that point let the Building Department know so we can figure out what to do. Pavers are a less expensive alternative although a lot of people don't like that option, but it does make it a hard surface that can replace the gravel.

Mr. Lanzo – Okay.

Mr. Evans – Are there any other questions or anything? Alright, so we'll see you back here on September 25th.

Mr. Lanzo – Thank you for your time.

Mr. Evans – Okay.

3) **RAYMOND AND KIM KAROLY, OWNERS**

- a) Requesting a 14' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 6' Setback from the main dwelling is proposed in order to construct a 280 SF Pavilion;
- b) Requesting an 88 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 280 SF Floor Area is proposed in order to construct a 280 SF Pavilion; property located at 20001 Idlewood Trail, PPN 392-19-044, zoned R1-75.

Mr. Evans – Third on the agenda this evening is Karoly on Idlewood Trail. Please come up to the microphone and give us your name and address for the record.

Mr. Karoly – Raymond Karoly, 20001 Idlewood Trail.

Mr. Evans – You are asking for a setback and a square footage variance. This is because you're looking to build a pavilion. So first tell us why you need the pavilion in that particular spot, and how it figures into your overall plan of improving the property.

Mr. Karoly – I wanted to put it on the existing patio. It's going to make it look better. We need the shade for the wife and me.

Mr. Rusnov – You're at the corner of Hawthorne and Idlewood?

3) RAYMOND AND KIM KAROLY, OWNERS, Cont'd

Mr. Karoly – Yes.

Mr. Rusnov – Okay.

Mr. Evans – The first question would be whether or not you need to have it as big as you're requesting. Part of our job is to always look at variance requests and Council has the opportunity to override our decisions. They like us to minimize or not grant variances. So when we look at the 192 SF area that is allowed or permitted, and you're looking at 280 SF, that's a lot bigger. I know that would probably fill the entire patio.

Mr. Karoly – Yes.

Mr. Evans – I think you're looking at using Menard's?

Mr. Karoly – Bennett Builder's.

Mr. Evans – So it's pre-fab?

Mr. Karoly – Yes. Well, they are coming out to assemble it.

Mr. Evans – But I mean it's one that is already engineered and designed ahead of time. It's not custom-built for you, correct? It's an existing pavilion that they sell.

Mr. Karoly – Yes. It's an existing one that they do.

Mr. Evans – Right. Excellent.

Mr. Baldin – So you already have your concrete pad out there, correct?

Mr. Karoly – Yes.

Mr. Baldin – So you just want to cover that.

Mr. Karoly – Yes.

Mr. Baldin – You've had that pad out there for a few years?

Mr. Karoly – One year.

Mr. Baldin – One year. Okay, and why did you make it so large?

3) **RAYMOND AND KIM KAROLY, OWNERS, Cont'd**

Mr. Karoly – Well, we don't like falling off the edge.

Mr. Baldin – Good reason.

Mr. Karoly – My wife is disabled, and she has issues with walking on grass. If we have chairs out there, we don't want the chairs to be on the edge. So I just made it larger.

Mr. Baldin – Your property is pretty flat then?

Mr. Karoly – Yes.

Mr. Baldin – No drop-offs or anything?

Mr. Karoly – No.

Mr. Baldin – Okay, thank you.

Mr. Evans – Alright, and then in caucus you may have heard us talking about whether you are intending on having a fire pit or fireplace in there. The reason we ask that is because again this 20' setback from the primary residence is in order to protect the residences from burning because sheds, pavilions, pergolas, et cetera, if they have a fireplace or a fire pit in them often times it catches on fire. So our question would be if you are intending on having a fire pit or fire place or anything near it?

Mr. Karoly – No fire pit, no fireplace.

Mr. Evans – Okay. Is there anything else gentlemen?

Mr. Rusnov – No.

Mr. Evans – Alright, so I'll tell you what's going to happen. Somehow you guys let me get away with not telling everyone else this tonight. What's going to happen is that all of the members of the Board 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. If you have someone who's always a negative nelly near you, you may want to get to them before the public hearing where they have a chance to speak, show them a picture, and explain what you are intending to do and why. That may take care of the issue they'd have with it. The public hearing is on September 25th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

3) **RAYMOND AND KIM KAROLY, OWNERS, Cont'd**

Mr. Karoly – Okay. Thank you very much.

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS**

- a) Requesting a variance from Zoning Code Section 1274.07, which prohibits the construction of a new building on an existing non-conforming lot and where a 440 SF Accessory Structure (Detached Garage) is proposed;
- b) Requesting a 15' Side Yard Setback variance from Zoning Code Section 1258.11, which requires a 20' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 440 SF Accessory Structure (Detached Garage);
- b) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1258.11, which requires a 10' Rear Yard Setback and where a 5' Rear Yard Setback is proposed in order to construct a 440 SF Accessory Structure (Detached Garage); property located at 21042 Westwood Drive, PPN 392-12-007, zoned Local Business.

Mr. Evans – Forth on the agenda this evening is Sherry on Westwood Drive. Please come up to the microphone and give us your name and address for the record.

Mr. Velasquez – Sherry has been promoted to Ms. Velasquez.

Mr. Evans – Alright.

Mr. Velasquez – Albert Velasquez, 21042 Westwood Drive, Strongsville.

Mr. Evans – Alright, thank you. We have three variances here. The first one is the accessory structure and the other two are for the setbacks. You may have heard us talking in caucus because we have questions about whether or not there is a hard surface driveway there, and I believe there is not, correct?

Mr. Velasquez – There's not, I'm tired of buying limestone.

Mr. Evans – Okay.

Mr. Velasquez – We've been on the property about 10 years so there's probably 40 yards of stone that has been poured there. It's time for at least a driveway, whether or not I get my building or not. I need to put a driveway in.

Mr. Evans – Okay.

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Velasquez – I've tried to pull a permit to do that in the past, but I was stopped because of the non-conforming issue. It's an issue insuring it, to be honest with you. There was a structure there, I actually heard it from the Building Department, there was a garage there previous to me owning it, and it burned down. I think there was a house fire too. It's such a postage stamp lot too. I understand there's an empty lot. I'm going close to it because if I go behind the house it makes it a little non-functional as a garage. My wife has been a realtor for 12 years, and so I know that it's a distressed property just for the fact that trying to sell a house without a garage is a challenge. At this point, I really need to have a driveway. The garage was because I'm already here applying for stuff so I might as well throw everything and the kitchen sink in. We had a survey done today. The measurements are off. I would not be able to comply with 20' and 10' off the rear. I know that for sure. The fence that is currently on the property is on the commercial building's land. So it was already existing when we moved in, and I don't think anyone has a problem with it. It's going to come out though. The yard is a real challenge because it's just kind of open to everything. Our plan, and I have the application here, is to actually try and rezone it back to residential. Just to try and make it a business, the parking becomes an issue there. We'd literally have to come in and figure out if we're going to do a parking lot in front of the house so you see these businesses that turn a residential residence into a business, so you're either paving the entire front yard so people can pull in and out and you can comply with handicap requirements or you have a single width driveway there. It gets really tight. I joke with people and ask what your typical Cleveland 1940's house is like? Everything was right up to the lot lines, and you just kind of packed them in there. Then you have a residential zoned lot next to it. Plus there's water issues there. There's no storm sewer on Westwood there. There's nowhere for it to go, so the sump-pump dumps into the backyard into the grass because it was a wet basement when we bought it. We had to waterproof it and add a sewer line when we purchased it initially. So we're just trying to get it to maybe one day be able to sell it, but at this point it gets tough. It's hard to plow the stone too.

Mr. Evans – It is.

Mr. Velasquez – So to be honest with you, the garage and everything was to just get everything going because the zoning part is a 5 month process.

Mr. Evans – Right.

Mr. Velasquez – I have the labels for it, you know, I have everything to turn it in, but I just really want a concrete driveway put in. It's already a very dangerous driveway to pull out of because people are zooming out of there, and people take the back exit of Landmark to avoid the intersection. So that's the goal. When you started saying the measurements, I already knew I had an issue because we lost about 2' on the back when we measured it. So now I'm short on a 20' clearance, and I'm assuming that's wall to wall not eve to eve, right? So we started having issues with the 20' clearance, and I have commercial behind me, but I don't have it on the residential

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Velasquez continues - side. It's a huge pour, its 1900 SF just to pour this whole thing. You can't have a narrow driveway because you'll always be backing out of it. It's too tight to even try to turn around in that space.

Mr. Rusnov – The width of your lot is what? 55'?

Mr. Velasquez – Yes sir, and the house is 24' of that. Then you have 10' on the east side of the property, which I verified today. I have some pictures I could show that I took of the surveyor. I should have a drawing within 10 days. It's 10'. The previous owner at least followed that on that one side. I'm actually into the mowed lawn of the commercial lot. We didn't know where the line was. Today it's all staked off, and it got pinned today. It's a challenge. It's not the only challenged property I own in this City, I have another one that I'll be here in a few months for, but we're just trying to get these right whether we keep them long term or we sell them. It's a distress. It's an issue. It's a single-family home without a garage. It's unsellable. It's a rental long-term. No one is going to live there because they can't store their mower. I have a chainsaw in the basement. I hate taking gas into the house.

Mr. Evans – Right.

Mr. Velasquez – I'm an explosive technician by trade. So I know how bad accelerants are inside a home. It's just what has to happen or you leave your stuff outside.

Mr. Evans – Alright, so what you've indicated to us is that the residential lot is on the side of the lot where the garage would be built, and the opposite side is commercial?

Mr. Velasquez – So I have commercial to the north, I have commercial to the east, and I have an empty lot to the west, which I don't even know if they could meet your setback requirements to build a home on it now anyway. It's 50' now. The house is pretty close to Westwood Road as it is. I just planted grass and it was probably 25' to the street. So we're just kind of dealing with an old situation here. Please let me put a driveway in before the winter. That's why I'm here. Our long-term plan is to rezone this. No one is going to build a commercial business on this lot. There's still land available in Strongsville to build commercial. I heard a contractor/landscaper, and the first thing they want is that 1500 SF building to park their equipment in. I almost bought the double at the end of the road on Prospect right before Berea, and the first thing that guy did was build buildings. He's not even using the house. It's just a parking place. So no one is going to use it for that. Most contractors aren't operating out of houses anymore. Why carry the overhead if you don't need to? It's just a very difficult business to make an 80 year old house into a business. It's just not cost effective. My plan is to at least get the pour done. Whether you let me do a garage or not, to just get the pour done, because I have to come here to do anything that is permanent. This is my only option. It's the right thing whether it stays commercial and the City denies me the ability to rezone it, it's still the right thing to do to have storage outside of the house.

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Velasquez continues - It's also the right thing to do to have a poured driveway. If I could I would pour a way to turn around, but there's no way because of those streets. I own a house on Prospect Road too, and it's the same thing, they turn around on the grass because it's so dangerous to back out on those roads. Especially with the new development going in west of us. It's dangerous. I get it, some things don't get approved, and I understand that. If anything, if I could just get a driveway poured to the rear of the building that is existing, and then we deal with this garage situation later. If you guys are okay with it, we'll do the whole pour all in one shot and get it so it's right. The garage probably won't go up until the spring anyway just based on our timelines now. Unless the guys get slow, but it doesn't seem like anyone is slow right now.

Mr. Kolick – Brian, he can pour a driveway back there, right? He doesn't need a variance to do that.

Mr. Roenigk – No, he does not.

Mr. Kolick – So you can get a Building permit to pour a driveway back there. That has nothing to do with the garage or the variances here. You don't need a variance for that.

Mr. Velasquez – Right, obviously there is cost-savings to have the guy pour all the way to the garage. So I was under the impression that I could not get a permit at all because I have a non-conforming structure.

Mr. Kolick – On second thought, it's still zoned as a local business. So he would still need a variance even for the driveway then.

Mr. Velasquez – I started this process a few times, and just gave up. I never made it this far because I figured I'd just buy another 8 yards of stone and keep it rolling. The water issue, I've added a bunch of fill to get it to move away from us. It ends up in that creek that's behind the bank.

Mr. Kolick – If you put the driveway in, and you put a garage on it, isn't that going to exacerbate your water issues? Because then you'll have more impervious ground.

Mr. Velasquez – I can't change the slope, and it heads north. There's a swale that someone put in. So up until a few weeks ago, that swale went right to the eastside of the house. I just added fill on that side of the house so now it's running along the two lots and it runs to the north back there. There's a marsh or a waterway of some sort back there. Then everything on the west side of the house just naturally goes into my neighbor's lot, and then it goes from there. It's always going to be an issue because there's nowhere for it to go. It's not cost effective for Strongsville to add a storm drain, I just know that is never going to happen.

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Kolick – Has Engineering looked at this at all Brian?

Mr. Roenigk – No.

Mr. Kolick – You know, I'm just thinking that with all the issues you have, particularly water issues, maybe we ought to table it, and let them look at it. Because now you're talking about a hard surface drive which is more impervious surface, you're going to have a garage, and that's more impervious surface back there. I don't want to create a greater water problem back there. The lot, and this is just eyeballing from the zoning map, to the west it looks like it has more than sufficient frontage. It looks like it's about a 100' wide on that lot. So it's not like this one which is 55'. So conceivably that could be developed for residential purposes, but I want to see what's happening with this water.

Mr. Velasquez – To the west it has a lot that is 55' by 143', then there's a residence. It also has no garage on it. So that lot to the west, it's showing that it's 100', but it's actually two lots. It's one lot, and then it's a house on another lot with no garage on it.

Mr. Kolick – Is this the same person that owns both those lots?

Mr. Velasquez – That's probably what it is.

Mr. Kolick - They may have even consolidated them at one time. The zoning map just shows one lot. Why don't we do this though because it probably makes the most sense, let's table this and let Engineering look at the situation. They can look at the lot to the west, and get back again with our City Planner. I know he has looked at it because he's expressed some opinions to me about it. So we do the right thing because I don't want to run all the way through this just to have Engineering say that there is nowhere to send the water, and we have no storm drain to send it to. Then say that you're causing a problem with the lot behind you or the lot beside you. My suggestion, Mr. Velasquez, with your permission, we'll table this, send it to our Engineering Department and let them get with you. They'll take a look at where that lot is next door. We'll see what would happen with the water.

Mr. Velasquez – Water is already going there because it's the low point. It's about a foot lower than my lot.

Mr. Kolick – I understand, but you'll be adding more water to it. You'd have gutters on your garage, and you're going to have downspouts that have to go somewhere.

Mr. Velasquez – They're going to have to go to the north.

Mr. Kolick – I understand, but we need Engineering to tell us though because when you're done with this you're not allowed to have more water running off your lot than you do right now. I

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Kolick continues - don't know how that is going to happen if you put more structure on it. So there's some Engineering issues that have to be looked at is what I'm saying.

Mr. Velasquez – It's just a swamp back there behind us and behind the commercial building, and that empty lot because there was never any water plan put into place. I get all the water from Westwood Drive to the north of centerline. It goes into my yard. Then it flows through the driveway and north. So you're asking for an Engineer, but you've already known that there's no water plan on that road.

Mr. Evans – That may be that there's no water plan, but wherever the water is going now, when you put a driveway in, now the water won't be absorbed at all into the ground so it's going to hit that and run somewhere.

Mr. Velasquez – Right.

Mr. Evans – So what we can't do is permit a driveway to go in if it's going to increase a problem in the back. If the back, to the north, is already going somewhere a marsh or whatever, and that's an acceptable place, then Engineering will say that it's not going to increase a problem. If it would because the marsh really isn't a marsh, it's just a backyard or something, then we'll have to figure out where we go from there. So the right thing to do is have Engineering take a look at it. We understand that Westwood doesn't have the sewers and there's nothing behind, but we need them to look at it to see where the water is going. Then they need to figure out if it's going to create a problem, increase a problem or not be a problem. So then we can go from there.

Mr. Velasquez – So am I still on my normal timeline? I come back on the 25th?

Mr. Evans – What we'd like to do is table it for now, and that will give Engineering a chance to look at it. Then we can determine whether or not we go forward with this. As Mr. Kolick or Mr. Roenigk suggested, there would be a variance to put a driveway in because of the non-conforming which would have to be added to this variance request. So we need to get it right before we can post it for public hearing.

Mr. Velasquez – So two additional meetings after that.

Mr. Evans – Yes.

Mr. Velasquez – I'm trying to pour before it snows.

Mr. Evans – You're trying to pour before December, we understand that.

Mr. Velasquez – Yes, and I have a wait time. I also have a wait-time after the second meeting.

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Evans – Yes, there's 20 days after.

Mr. Velasquez – There's 20 days on top of that.

Mr. Evans – Yes.

Mr. Velasquez – So we're starting the process over is basically what is happening?

Mr. Evans – What we will do is delay you until September 25th, and we'll try and get a determination by that point. Then you'd be able to then get it posted for the first meeting in October. Then you have the 20 day waiting period after that. So you're not going to start the process over, but the public hearing would most likely be on October 7th. Then if that is approved based on what we know then about the drainage and everything, then you have a 20 day waiting period after that. So it would be toward the end of October before you'd be able to pour if we were to grant the variance.

Mr. Velasquez – For all of it. We're still going for adding a building. I just want to make sure we're all on the same page. We're still trying to add a driveway and a building based on what we've requested.

Mr. Evans – Right, so we need Engineering to look at it. They need to make a determination whether or not it can be done.

Mr. Velasquez – Based on water.

Mr. Evans – Right, then on September 25th we would put the letter out to advertise the public hearing for the October 7th meeting. Then we would decide on October 7th. Then if it's approved, you'd have the 20 day waiting period. That's for the entire project, if Engineering says we can do that.

Mr. Velasquez – As long as we have them as different points in this, if the Council shoots down the building, they could still approve item (a) which could be the driveway?

Mr. Baldin – Excuse me, I think everything is predicated on whatever Engineering is going to say. That's the number one most important thing right now. If that's okay, you can come back. All you want to do is improve your property. It's very simple.

Mr. Velasquez – Right.

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Baldin – If this all works out, it's very simple, so the only thing you need to do right now is contact a Contractor, and say that by the end of October or early November I may need you to pour me some concrete.

Mr. Velasquez – I already have the guy lined up. I just need to make sure that I'm understanding. So when we return, it's all the same, except we're adding the driveway only as an item. In case everything else gets shot down.

Mr. Kolick – I guess what we're going to do is we're going to have Engineering look at it. They may say if you can move this over here 5', then we've got enough area to put in a swale or whatever. I'm just speculating, but some of these things could change. That's why we don't want to advertise them because some of these things may change after Engineering looks at them. We can't sit here and say it's going to be the exact same thing you have in here except we're adding a driveway. That may not be the case. They may say something needs to be moved. I don't know. We're not the Engineers and so we can't speculate. I can't tell you it's going to be the exact same thing. We know what you want though. We know you want a driveway, and we know you want a garage, and we know you want to get it on the property. Now we have to see the best way to hopefully be able to accomplish that for you.

Mr. Velasquez – Should I hold on the zoning application change?

Mr. Kolick – Are you looking to change it to residential? I would hold off on changing it to residential until you find out if you can get a garage on the lot. You don't want to change it to residential and then find out you can't get a garage. Then you're really stuck.

Mr. Velasquez – I think we're changing it to residential anyway. You can't insure it, you can't sell it because it can't be a VA or FHA loan that buys this house, so that's over 80% of your buyers knocked off the list. It's a 3 bedroom with one bath. Who's buying this house? So I need to at least apply for it.

Mr. Evans – You can do that.

Mr. Velasquez – Then I fall into different rules for putting in a driveway, and obviously I still fall into having to deal with Engineering approving the water issue.

Mr. Kolick – You're going to have to deal with that no matter what.

Mr. Velasquez – Right, so I just want to know because I have these mailing lists and this letter that has to be in within 14 days. I want to turn this in, but I wanted to get the driveway in before the winter.

4) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Kolick – The only thing I can tell you is that if you go for rezoning, it'll be before City Council. This is for this Board. I don't know if Council will be more favorable after you've been through this process and got it corrected, or if they'll be more favorable now before you do it. We can't answer that for you. It's really up to you what you want to do with it from a timing standpoint.

Mr. Velasquez – Right, I know this is going to be an issue. It's a bunch of variances to get it right.

Mr. Kolick – Okay.

Mr. Evans – Okay?

Mr. Velasquez – Thank you for your time.

Mr. Evans – So we'll table it for tonight, we're going to ask Engineering to get together with you to take a look at it to find out what can and cannot be done with it, and how drainage might work. Then we'll get back here so on September 25th, which it would not be a public hearing or anything, but we would be able to move it toward posting it for the October 7th meeting.

Mr. Velasquez – So this meeting again, and then the 7th, and then the 20 days.

Mr. Evans – The 7th is the only meeting you'd have to come back to.

Mr. Velasquez – Okay.

Mr. Evans – Then 20 days after that, if it would be approved, then you could go ahead with it.

Mr. Velasquez – So do I need to follow up with Engineering or will they follow-up with me?

Mr. Kolick – Follow up with Brian, he can be your contact person. He'll give it to Engineering.

Mr. Roenigk – When are you getting the new topo? When will that be available?

Mr. Velasquez – He said 10 days, but it's staked and marked. So you can go out there right now and see the stakes.

Mr. Kolick – It would be helpful to have the topo.

Mr. Velasquez – I can get you an updated drawing with the exact measurements off of those stakes because it did shrink the lot. That's why I knew when I saw the drawing that was turned in that we were no longer compliant with 20' and 10' no matter what we were doing.

4) ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd

Mr. Roenigk – Okay, we'll be in touch.

Mr. Velasquez – Okay, thank you.

Mr. Kolick – That new drawing would be helpful because, again, we don't want to go through here, act on these numbers and then they're not working because your line is a lot closer than that.

Mr. Velasquez – That's why we rushed it because I wanted to know where the lines were before I showed up today.

Mr. Kolick – Okay, alright.

Mr. Velasquez – Thank you.

Mr. Evans – Okay.

5) CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one Wall Sign and where two additional 29.12 SF Wall Signs (North and South) are proposed;
- b) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Menu Board and where one 47 SF Drive-Thru Menu Board Ground Sign is proposed;
- c) Requesting a variance from Zoning Code Section 1272.12, which does not permit a Drive-Thru Canopy and where one Drive-Thru Canopy is proposed;
- d) Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a changeable copy Sign in a Restaurant-Recreational Service Zoning District and where the applicant is proposing one two-sided changeable copy Monument Sign; property located at 8464 Pearl Road, PPN 395-05-019, zoned Restaurant-Recreational Service (R-RS).

Mr. Evans – Third on the agenda this evening is Culvers Restaurant on Pearl Road. May we please have your representative come up to the microphone and give us your name and address for the record? I'm guessing that would be you, and you may even be Mr. Wessel.

Mr. Wessel – I'm Mark Wessel, I'm CEO and founder of Springfield Sign. We're located at 4825 East Carney in Springfield, Missouri.

5) **CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont'd**

Mr. Evans – All the way from Springfield, Missouri. Well, welcome to Ohio.

Mr. Wessel – I appreciate it, it's a beautiful state.

Mr. Evans – Alright, so you should have heard us in caucus talking very negatively about some of the request for the variances. So I'm sure you have prepared a wonderful introduction for us about Culver's and the signage that you're proposing. So since you came all the way from Springfield, I will let you do your explanation and tell what it is that you're looking for.

Mr. Wessel – Well, you know, I've represented CFS, which is Culver's Franchising Systems, for over 10 years. When we started this adventure with the new prototype, which is the current building, of course questions were asked about what we can do to make sure we conform everywhere throughout the US as we continue world domination? As a sign guy for 30+ years, and an Engineer prior to that, that's a very difficult question to answer. I've done this for 30 years and we amend a lot of codes, and get a lot of special permits for a lot of different companies. With respect to Culvers, and the wall signs, one thing we tried to do is go a little more toward an architectural warmth with the building. It's a very small sign band. So in this example, I think we're allowed about 80.33 SF based on the 53' 10" frontage. That sign as proposed is only 45 SF. By most Codes in most cities that is a very modest, small sign. So that was one of the things we did by design was to have small signs around the building as opposed to some big, commercial splash. That's where I felt most cities would say that they're putting the brakes on it. Here the way the property is oriented, I believe one on the east, which is Pearl Road is allowed. We're under the 80 SF, which is unusual for us in that I don't believe we have any locations with less than two signs. We typically are three in proposal, and if the back side makes sense we'll suggest four. Very seldom do we come into a meeting such as this for a variance on wall signs. It's probably less than 1% that we see that. We're up to about 700 locations at this point. So what's very unusual to me is not having an entry identification. We've never had that situation as far as I know. It may be based on the caucus conversations, a better proposal to request two. I've done the math here, and if there was a 45 SF or I think it's technically a 46. 467 SF and a 49 SF sign over the entry where it's 75.79 SF if my math prevails, which would reduce the number of variance requests here that we have. That I think would be very helpful if that's helpful on the City's end. That's the wall signs. Item (b) is the menu boards. I apologize, normally I know the Codes front to back, I've done three of these this week, and I just came out of Apex, NC, and we did achieve our goals down there actually. If menu boards aren't allowed, it sounded like there wasn't any objection to it. Our copy size, which I usually point out, is 38.4 SF verses the box itself which is about 46 SF which I think is why it's called an MBT 46. The drive-thru canopy, I didn't really hear any conversations about it. It's a convenience item. It just comes up over the top of the car and tries to keep the rain out of your car as you open the window to order.

Mr. Evans – We actually get a lot of snow here too.

5) **CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont'd**

Mr. Wessel – I'm very proud of that design actually. It flies in Miami with the hurricanes, and it flies all the way up to Canada for snow. It's the only one in the U.S. that is doing that. Then the fourth one is the changeable copy, which my understanding is that it is probably a vehement no.

Mr. Evans – That's our hearing test in there because for some reason even when we tell sign companies that, usually they will ask something like whether we would care if they changed something else about their changeable sign that they're proposing, and we have to tell them that the answer is no. If we allow it once, even if it's only changed once a day, once a week, or whatever, the problem is that it's a changeable copy. You've seen how many businesses there are up and down Pearl Road, everyone would love a changeable copy sign to advertise the flavor of the day or whatever. We just can't do it.

Mr. Wessel – I'm glad you're familiar with the flavor of the day because that is the reasoning. That's what they do. I would suggest to you guys that you look at them. The standards change. I hate to be as old as I am, but after 30+ years of doing this you learn something, and we have changed a lot of Codes where zero changeable signs are allowed. They tend to have a reputation of flashy and all these things that can go on. I did see a few of them out here working the public so to speak. What's beautiful about these things which is similar to a car because in the hands of a good driver is a relatively safe thing, and in the hands of someone who wants to drive recklessly, we know what the outcomes there are going to be. This device is the same thing. It's all about the operation and what's permitted under the operation. The conveniences are that it's all LED technology which is how everything is going. There's hardly any fluorescents or neon anymore. So the LEDs pretty much dominate the world here. The beauty is that it can be programmable. So I see that there are brightness Codes and that kind of stuff so you can dim that thing down to whatever 40' candles or whatever the Codes here are. So that's one great thing. Of course, this world, this age, this day, which I'm still learning about, is that we're a graphic oriented society. The other things we've seen is from the standpoint of learning disabilities, educational denial, language barriers, cultural diversity, and that kind of thing. A picture is worth a thousand words. So a lot of times we have used that as part of our argument to alter and change Codes. I'm very adamant about speaking English in this country, and I think we should all be able to have a great education, but unfortunately it doesn't always happen. There's a lot of learning disabilities and things like that so a lot of times we've found an advantage there. So I would ask that you guys eventually consider that. When that device is dialed down as essentially a static image, it's really not any different than any other sign. Again, I don't intimately know your Codes, but I would assume that if it were a plastic face, I don't know if I would need a permit to slide a new plastic face in tomorrow or not here. In the City of Branson we do. We have to apply for a permit for a face-change.

Mr. Evans – Right.

5) **CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont'd**

Mr. Wessel – So when you bridge into that kind of thinking and concept, I think a lot of negativity with an EMC goes away. Usually I'm being told how we're not Las Vegas and we just don't need all of that, and there's also safety precedents with these devices that a lot of times I'm being told that they can be distracting. Anything can be distracting. There's no argument there. However, you look at the DOTs, and I actually saw one coming in because we have a flashing road construction sign just literally right on the edge of the road. When you look into those studies, they have not found any negativity with these types of signs. Again if you dial them down to static so there is no change, then it's no different than any other sign. So we're hoping that we can find some good comfortable ground here with respect to the request. The variance that I can shift on based on the standards and what I'm asked to do is the first one, item (a). I believe it would be very reasonable, in my opinion, to pull the request down from three to two signs which further reduces any variance request at least on the size.

Mr. Evans – You would still need a variance for a second sign. One sign is permitted.

Mr. Wessel – That's my understanding.

Mr. Evans – At this point, one of the things we talked about on the way out from caucus was that you could put one on the north and one on the south side so as you're going up and down Pearl Road you would see the building and see the signs, one over the drive-thru and one over the entrance. Whether or not you need to have one on the front of the building would be determined by whether or not the monument sign would take the place of a sign on the Pearl Road elevation.

Mr. Wessel – I guess I don't understand that, so the Codes allow for one on either side?

Mr. Evans – The Code allows for one sign. So a second sign, if we were to allow one, you could put it on the north side or the south side. You would not have one then facing Pearl, but you'd have one facing....

Mr. Wessel – You're saying as the Code allows, the one sign can be put anywhere we want to put it.

Mr. Evans – Right.

Mr. Wessel – I understand that. Again, we've done 700 of these, and we get an idea of what Culver's means in the world. So when we come up against a difference like this, we would like to logically discuss it and argue it. The front of the building to me, needs a sign. I don't know quite frankly which Culver's would prefer if only one sign was allowed, but again, I've never been denied having two signs minimum in all these request.

5) **CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont'd**

Mr. Evans – You could ask us for the three signs, and you could say that we'll sacrifice the monument sign in favor of doing three signs. That's another option you have. Monument signs, because traffic blocks it and other things, may or may not be a value. If the image on the front of the building is one that you want, and because traffic north and south needs to see the sign on the building, those are other options you could do. We're happy to negotiate. I can tell you that putting three signs on the building, plus doing a monument sign, probably will not fly.

Mr. Wessel – If we do reduce the request for one additional sign, is that a possibility?

Mr. Evans – It's possible. What we talked about in caucus is that what we've done in the past, guys you can feel free to add colorful commentary on this, but what we've normally done is that when someone says they want three signs, we've said that then it has to be those three within the square footage for what you're allowed for the one. People will say that they'd rather have multiples even if they're smaller. We'll do the multiples, but we'll do them smaller, but our corporate standard is that they have 6' by 8'. Well, you're not going to get that, so if you want to make them smaller, you can do that. Again, you can request whatever you want on behalf of Culver's and we'll be happy to take a look at it, but what we've done is said that if you want multiple signs, then they'll have to fit within that SF. We've pretty well held to that because we recognize that when we set a precedent and step outside of it that becomes a problem for us.

Mr. Wessel – We totally understand that. It's very difficult, and I really appreciate what you guys do. To interface between the City, the growth, all the fine citizens that are everywhere else too, plus the commercial side, trying to keep everyone happy would be extremely difficult most days. I guess for clarity, if we reduce the request on item (a) to two signs, and stay under the 80 SF allowed I assume that's helpful. It can't be hurtful for this. At this point, is this something that just moves forward to Council or do you deny it and it stops here? It sounds like I need to amend it.

Mr. Evans – If we would deny it, it would stop here. If we grant a variance, Council has the opportunity to review everything that we do. Lately they've taken a shine to reviewing things, but generally speaking they don't review everything. So it's only particular ones.

Mr. Wessel – I understand that process. I don't know today, what I've not heard is a vote on these, so I'm used to a vote. I know immediately...

Mr. Evans – What would happen is that this is a two-step process. At this meeting you're presenting the information, then we would advertise a public hearing for the next meeting, and it would be at that meeting where we would take a vote.

Mr. Wessel – Okay, so it's another meeting back here.

5) **CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont'd**

Mr. Evans – Yes.

Mr. Wessel – Then based on that vote it goes off to Council.

Mr. Kolick – It may or may not.

Mr. Evans – It is approved or disapproved at our next meeting. If we would approve it, then it doesn't move to Council automatically, but there is the opportunity for Council, if they read what we've done, and they can't believe what we've approved, then they'd have the opportunity to take it under review.

Mr. Wessel – So it's a consent.

Mr. Kolick – They can decide to review it. They don't review every decision this Board makes. They don't get it automatically.

Mr. Wessel – Okay.

Mr. Evans – It would have to be something that stands out in their mind that would be terribly egregious.

Mr. Wessel – Then do I have time to amend this?

Mr. Evans – Yes.

Mr. Wessel – Okay. Then we'll do that.

Mr. Evans – Two things will happen, one is we would post this for public hearing as you've indicated it here. Which means that everyone within 500' of Culver's which is residential and commercial would be notified that you've applied for a variance. Should you choose to modify it, we would ask you to get that, and drawings to the Building Department so that prior to that September 25th meeting, we would all get the information. It would not be advertised for public hearing that way, but we'd have the public hearing anyway. Then we would know so that on that day if people wanted to ask questions about it, and we'd simply say that it's been modified to this new request you submitted. We'd have the drawings because we're the most important people on doing the vote, and that would prepare us for what you might modify to.

Mr. Wessel – Perfect.

5) **CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont'd**

Mr. Evans – In terms of the changeable copy. You may request that, but I will tell you that the number one reason we don't do that is because of traffic. We know that where we have changeable copy signs in front of churches and things like that, our Police Department tells us that we have more accidents in those areas because people read those signs. They're bright, they flash, and people are distracted. Then they plow into the back end of somebody. The other thing is simply that if we allow Culver's to do it, and say you can only change it one time a week to a new message, others who want and get it then may not be as diligent. They would say that aren't going to change it more than once a week, and then we'll drive by there will be flashing pictures on it.

Mr. Wessel – We understand that, and Culver's would not do that.

Mr. Evans – Same way we have flags that fly up and down Pearl Road and our Building Inspectors go out and collect them on a daily basis and they're back up the next day.

Mr. Wessel – We do that quite regularly in Springfield.

Mr. Evans – So the changeable copy I'm going to tell you is going to be highly unlikely. We've been pretty steadfast on that. Everyone wants one. We need to stay away from that.

Mr. Wessel – Is there a modification that can happen? Or can you just say that no, none of it's going to happen?

Mr. Evans – No, it can all be separated out and broken down.

Mr. Wessel – Because the menu board is obviously...

Mr. Evans – It can be separated out.

Mr. Wessel – Okay.

Mr. Evans – Again, our suggestion is that the reason that we've spent the time we have talking with you about this tonight is because like we said in caucus, we want Culver's to be successful. We welcome you to the community. Jennifer's had a location there that people know, and they still drive by and look, and they're all wondering what's coming in next. They know now its Culver's, and they've heard about Culver's. It isn't going to take a whole lot to build that clientele. Especially because at that end of Pearl, we don't have as many restaurants. We've got McDonald's and Brew Kettle across the street. It's a place that people are going to support. I have no doubt.

Mr. Wessel – We sure hope so. Okay, thank you.

5) **CULVER'S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont'd**

Mr. Evans – So does that answer all your questions?

Mr. Wessel – I believe I know what to do come tomorrow morning to direct the staff. We'll make a modification, and then we may take a day to go back to the client.

Mr. Evans – I would expect that.

Mr. Wessel – They're kind of important in the deals.

Mr. Evans – I'd be disappointed if you didn't, but again, that's where we've been and we appreciate you coming from Springfield. Our objective is that we have businesses here that are successful. No ifs, ands, or buts about that. We want to do whatever we can to make that happen, but you have to understand that there are a lot of other businesses that would see bigger, brighter, and everything else, and we have constraints that we have to work within.

Mr. Wessel – I totally understand. Thank you guys, I appreciate it very much.

Mr. Evans – Alright, thank you very much. We'll see you back here on September 25th or whoever gets stuck coming to Cleveland.

Mr. Baldin – I have a quick question. Looking at this print Brian, is the distance similar to the distance from the road where Jennifer's was or is this going to be closer to the road?

Mr. Roenigk – I do not know that.

Mr. Baldin – I think it's going to be closer to the road, but I'm not sure.

Mr. Roenigk – They haven't submitted drawings as far as I'm aware of.

Mr. Baldin – Because Jennifer's sat way back.

Mr. Evans – Yes.

Mr. Kolick – All I can tell you is that they meet the front yard setback requirement from the right-of-way.

Mr. Baldin – Period.

5) **CULVER’S RESTAURANT/Lora Martinson with Springfield Sign, Representative,
Cont’d**

Mr. Kolick – The building does or you would have gotten something. Planning Commission has already approved the building. So they complied with all the setbacks and everything else or they would not have been able to approve it.

Mr. Baldin – I just wanted to bring that up to make sure.

Ms. Zamrzla – There’s a permit approved for the building, yes, and they’re supposed to be pouring footers on Monday. So those plans are open for public review if you’d like to see them.

Mr. Evans – Good question.

PUBLIC HEARINGS

There are no Public Hearings

Mr. Evans – Is there anything else to come before the Board this evening? Then we will stand adjourned.

Signature on File	Signature on File	September 25, 2019
Mr. Evans, Chairman	Kathy Zamrzla, Recording Sec’y	Approval Date