

our administrative staff and the representative to change this process. So, in doing so we are proposing that applications that come to our department and submitted to Ms. Zamrzla are given immediately to our Assistant Building Commissioner, Brian Roenigk, who will take that step in letting the applicants know the things that are required by the Board at the meeting, for instance if something needs to be staked out, they will be advised to stake that out at the time that they apply to the Board. We are looking at twenty days prior to the Public Hearing. We kept it at twenty days because of the twenty days that City Council requires to review. So, twenty days prior to the meeting for applications. The next day the proposed agenda for that meeting will be submitted to Mr. Kolick for review and will be back to us a few days later. That will give Ms. Zamrzla time to prepare the Public Hearing notices that will be mailed out two weeks prior to the Public Hearing. A week prior we are proposing that the Board members will receive their packets, which will give you a week to get out to look at the proposed variance request and then it will go to Public Hearing. That is the proposal and I'd like some input. We are looking for better ways to be efficient.

Mr. Kolick – Mr. Chairman, maybe I can give a little history and give you both the upside and the downside on this. I had discussions with the prior Building Commissioner about doing one meeting, particularly at the onset of this pandemic, to keep the applicants down to coming to one meeting, number one and two, it would certainly cut down on agendas and work because you're not going to have these people at two meetings. Three, it is consistent with what other cities do. Most have just one hearing for their Board of Zoning Appeals. That doesn't mean it has to be that way but that is what it is. The downsides are, when you think about it, is one, you won't have an explanation other than what you see in the agenda and the application before you go out and view the property. So, you won't have an opportunity to talk to the applicant. Second, Mike says we sometimes tell the applicant to stake it out at the first meeting so by the time you go out there you can see it. We can take care of that with Brian telling people that at the start. Third, sometimes we tell them at the meeting they need a homeowner's association letter. Again that is something that we can tell them once they file their initial application. Probably this biggest downside as I see it on this is sometimes we tell the applicant at the first meeting that we aren't going to permit that, you have to limit your square footage and return to the customer to redesign something. You won't have the opportunity to do that. You still have time to do that if the person can't commit to a change and you can require them to come back to the next meeting. So, those are the pluses and the minuses. The key is that you set the rules and regulations to run the meetings so you have the authority to determine if you want to maintain it with two hearings or go to one hearing. You've heard from Mike and from an administrative standpoint it's easier with the one hearing. The applicant should like it better because they would only have to come to one meeting. This was set up from the time I've been here for some 48 years. It was always set up this way for the first reason I said, they wanted the Board members to see the site and have an opportunity to talk to the applicant to see what it was all about before they went to the site. That's why they set it up that way, and I can say that sometimes there were only one or two applicants. The amount of business that they had was a lot less than what you have now. So, that made it easier to do it back then. So, that is historically how it arose. Those are the pluses and the minuses.

Mr. Miller – If I could add one more thing to the Board. Brian has been working with the Board for some time. He and I both understand when there is a variance request that is really out of order. We are trying to make our residents knowledgeable of that. I know that Ms. Zamrzla always tells them when they apply to get the HOA letter because it's very important. Additionally, as a point of operation for myself and Brian we explain to the applicant to ask for what they want but to realize that might not be what you get and have an alternative plan to present to the Board as you are before them. I understand Mr. Kolick's point and that one is a concern. You're not going to have an opportunity to talk to them unless you catch them at home during your visit. I would say that Brian and myself, more Brian now, is really engaged in talking to these applicants. In fact, every applicant that comes in will go to him upon entry into the department and all questions for zoning appeals have been and will be directed to Brian.

Mr. Evans – I had a discussion with Dan as well. Most of the applications that we get are ones that there are conditions that are met that people have thought it through and they're not necessarily an owner's request and we have had to negotiate with people about things. It may mean that we would bring people back for a meeting. Homeowner's association approvals are notorious for being slow and they're going to continue being that way because with Board's it's not a top priority. Certainly those with management companies it's going to take a little while and it may mean that we have to wait on those. I think it does streamline the process a little bit, which is better for the residents. I don't think it's a big impact for us but, Mr. Miller, Mr. Kolick may have to charge the Board for weekend hours.

Mr. Miller – We will have it to him at 8:00 a.m. on Friday so he has a full day.

Mr. Evans – Does anybody else have any thoughts?

Mr. Baldin – So, we'll be down to one meeting a month?

Mr. Miller – Not necessarily. One meeting for an applicant.

Mr. Evans – We'll still meet twice a month.

Mr. Miller – You guys can't get out of that.

Mr. Kolick – It won't cut down the number of meetings but the length of the meeting because there won't be new applicants.

Mr. Baldin – There might be a problem at the initial meeting, which would be the only meeting but someone may need to come back because they are going to have to table it because of a discussion of not getting what they want and they have to go back to others, and so on.

Mr. Miller – You would hold the Public Hearing and table after the Public Hearing so the next meeting all you would have would be the discussion.

Mr. Evans – Same as we are doing with Bank of America tonight.

Mr. Baldin – Right. We already held the Public Hearing and tonight we can vote on it.

Mr. Kolick – Those are usually the exception. If you run into one of ten and I don't even think it's that high that someone has to come back. We have a time limit in the Code, ninety days from the date the application is accepted. As long as you're meeting twice a month, you will always be in that ninety day time period. We would be okay.

Mr. Baldin – So, you're trying to streamline. You're going to have to make the applicants understand they have to provide it right away.

Mr. Miller – Yes, and Brian's experience here on the Board has been valuable and he understands the method and when we see us allowing a 1,000 square foot garage somebody wants a 4,500 square foot garage we'll going to tell them you're probably not going to get that if you're on a normal city lot. With that going forward, and one of the other examples is a swimming pool. If someone applies for a pool permit in May and they're looking at a seven week process with the BZA until they get a permit, the swimming season is over. We're trying to at least cut some of the time off.

Mr. Baldin – That makes sense.

Mr. Evans – Anything else?

Mr. Rusnov – No.

Mr. Kolick – If the Board is generally in favor of this then Mike and I will write the new procedure out to adopt so this won't take place at the next meeting but hopefully the meeting after that so we can get you the new rules and regulations, which you will formally adopt as you have the authority to do and then that procedure would then be in place. I'm seeing nodding heads?

Mr. Baldin – Yes.

Mr. Rusnov – Yes.

Mr. Kolick – Okay, that's what we'll do.

Mr. Evans – The quality is going to depend on Brian getting the information up front and making sure that we do that.

Mr. Miller – I'm fully confident that Brian has done a great job for our department in that aspect. He has really engaged with the applicant's and has been out to the site prior to application for a variance so I have full confidence in that process. Thank you, gentlemen.

Mr. Evans – Thank you. On to number one, Brian.

1) **DEBRA POUCHER, OWNER**

Requesting a 5' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where an 11' Setback from the right-of-way is proposed in order to construct a 6' high wood privacy fence; property located at 14960 Boston Road, PPN 399-24-022, zoned R1-75.

Mr. Evans – Debra, if you'll come to the podium please. Good evening, the Assistant Law Director will swear you in, which is normally done at the beginning of the meeting to everyone but since we're interviewing each applicant separately he will do that now.

Mr. Kolick stated the oath to Ms. Poucher.

Mr. Evans – Ms. Poucher, we'll need your name and address for the record.

Ms. Poucher – Debra Poucher, 14960 Boston Road.

Mr. Evans – Thank you. You are here this evening because we had granted a variance that you did not take advantage of because your circumstances changed and the circumstances have changed again. Please give a little bit of background as to why you're back with the variance request.

Mr. Kolick – Mr. Chairman, we did not act on the prior variance request. She withdrew it at the Public Hearing because we had a recommendation from the CPTED Officer to not grant the variance as requested.

Ms. Poucher – My daughter came home from Flight Attending. She didn't like that too much. She is home and we'll hopefully get some use out of it this year. I think it a five foot pool where it's going to be. The police came out and gave their suggestion.

Mr. Evans – And Brian, do you have any information as to what the CPTED officer did recommend? I do not have anything in writing from him or any communication with him.

Mr. Houlé – It's in the minutes.

Mr. Kolick – It's in the minutes.

Mr. Rusnov – What do the minutes say?

Mr. Houlé – The minutes say eleven feet. I think the request on the agenda is wrong.

1) **DEBRA POUCHER, OWNER, Cont'd**

Ms. Poucher – Yes, it is eleven feet from the sidewalk.

Mr. Houlé – I think it should be a five foot variance with an eleven foot setback.

Mr. Roenigk – Sixteen feet is required and she's going to put it at eleven feet.

Mr. Evans – Okay.

Mr. Baldin – If I recall at the last meeting we turned this down and we had CPTED look at it. When I went here last week to take a look at it again I was unable to pull into the driveway to take a good view because there are too many cars in the drive. I was wondering if that 5' is going to be enough. I'm wondering what CPTED has to say about it.

Mr. Kolick – CPTED said that according to the minutes of April 24, 2019 it says they did come back to us with a report, which I'm sure you heard us talking about in caucus that they concluded that because of sidewalk traffic that their recommendation is eleven feet off the sidewalk. So, sixteen is required and they're saying to put it eleven feet off the sidewalk. That would be a five foot variance.

Ms. Zamrzla – The agenda would be wrong, correct?

Mr. Evans – That's what I'm getting. Ms. Poucher, you're willing to do what the CPTED officer suggested, correct?

Ms. Poucher – Correct.

Mr. Evans – Okay, so any questions? I know you would rather have the numbers the other way and we appreciate you coming back because that was the recommendation.

Mr. Baldin – I don't see where CPTED said that.

Mr. Evans – It's in the middle of page 11 of 13, Rich. The April 24, 2019 minutes. Item number five, third paragraph down. It's my comments.

Mr. Kolick – Under Mr. Evans.

Mr. Baldin – Okay.

Mr. Evans – We said it in caucus and then again on the floor.

1) DEBRA POUCHER, OWNER, Cont'd

Mr. Baldin – All right. That was my question because I couldn't take another look because there were too many cars in the drive.

Mr. Kolick – For the applicant, do you understand why the CPTED officer said eleven feet? It's because of the view from the driveway of the sidewalk when backing out.

Mr. Evans – Brian, is anyone here for the Public Hearing?

Mr. Roenigk – No one is waiting outside.

Mr. Evans – So, for the record, this is a Public Hearing. Is there anyone who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none, I will entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting a 5' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 11' Setback from the right-of-way is proposed in order to construct a 6' high wood privacy fence; property located at 14960 Boston Road, PPN 399-24-022, zoned R1-75.

Mr. Houlé – Second.

Mr. Evans – Thank you, Mr. Rusnov for the motion and Mr. Houlé for the second. Again, I would want to state that this was based on the recommendation of the CPTED officer last year and we will go forward with a roll call please.

Mr. Houlé – I just want to say that we also had a homeowner's association approval for this one.

Mr. Evans – Thank you.

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – Ms. Poucher, the variance has been approved by us. There is a twenty day waiting period during which City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days and if City Council does not object you'll be able to move forward with the fence. We appreciate your accommodating.

Ms. Poucher – Thank you.

Ms. Zamrzla – Debra, I will be sending you a letter tomorrow summarizing what happened here tonight.

1) **DEBRA POUCHER, OWNER, Cont'd**

Ms. Poucher – Okay, and I might be hearing from you before that.

Mr. Evans – You'll hear from her tomorrow because she'll send you a letter stating the variance has been approved but we have to wait the twenty days for City Council to review. All right, good luck.

Mr. Kolick – I don't believe that we took a formal roll call at the start of the meeting but I think the minutes can reflect that all the members are here this evening.

Mr. Evans – Oh, you're right.

2) **LUNN ROAD STORAGE/Nick Catanzarite, Representative**

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement of a non-conforming use and where the applicant is proposing a 7,500 SF Addition for a new storage building; property located at 21931 Lunn Road, PPN 394-03-009, zoned General Industrial (GI).

Mr. Evans – Good evening, Mr. Catanzarite. Let's get your name and address for the record, please.

Mr. Catanzarite – Nick Catanzarite. 1301 East 9th Street. Suite 500, Cleveland, OH

Mr. Kolick – I need to swear Mr. Catanzarite in. Are your clients going to speak at all?

Mr. Catanzarite – There are prepared to speak if you need them to.

Mr. Kolick stated the oath to Mr. Catanzarite and Mr. Chill.

Mr. Evans – Mr. Catanzarite, we are talking about Lunn Road Storage. Tell us about the property and the proposal and why it's a good idea for the City.

Mr. Catanzarite – Okay, thank you. You all should have received a letter that we sent this morning outlining the reasons why we feel the variance should be granted.

Ms. Zamrzla – I did not go to work today, I'm sorry. The Board members have not seen your letter.

Mr. Catanzarite – I'll walk you through it. So, the proposed development includes an additional 7,500 square feet of mini storage space. If you're familiar with the property you know that there are already two phases of mini storage built there. There are approximately 93 climate controlled units and at the time they were developed those were permitted uses for the property. As you're aware in 2016 there was an amendment to the zoning code that changed the permitted use within

2) **LUNN ROAD STORAGE/Nick Catanzarite, Representative, Cont'd**

Mr. Catanzarite continues - the zoning district to no longer allow storage. Thus we are here tonight to talk about this. There are several reasons as to why the Board is able to grant a variance. We feel that this situation lends itself to all four of those criteria that you have to meet. First of all, all the zoning requirements are satisfied for this project with the exception of the use. This is an expansion of a legally nonconforming use. It's not a situation that he bought the property and understood what he was getting into and then came back and said he knew what the rules were but wanted to go against them anyway. In this situation the land was zoned for the use that he developed it for originally.

Mr. Rusnov – In other words, Mr. Chill was a victim of the City because of the zoning change in 2016 made it a nonconforming use. This is a very special use property, which has limited usages. In other words, conversion of this type to another type of usage that would conform with the zoning would be almost impossible or not even close to being economically feasible. Correct?

Mr. Catanzarite – That is correct.

Mr. Rusnov – You bought a legally conforming use property and developed it as such and now you wish to expand but because of the zoning change it makes it much more difficult and the chance of converting it to another use to conform are virtually nonexistent.

Mr. Catanzarite – Right, the area of land to be developed here would not lend itself to a typical industrial development and it's a small footprint behind the existing Fire Fox business and next to the existing storage facility. There is really nothing else that you could do with it except to expand on what has already been done. Where it was going with that was to, thanking you for supporting me with the hardship argument, we do feel that this is a situation where there is a legitimate argument for a hardship that's been created not due to anything that the owner has caused or created. So, that's criteria number one. I think the other thing to keep in mind is that there is not going to be any sort of materially detrimental impact on a neighboring property owner or that area in general by this proposed use. There is already that use on the property. It is an industrial setting and there is intense uses next door on adjacent properties. We have satisfied the criteria that approving this variance is not going to create and detrimental condition for that neighborhood. I think that granting this variance would be consistent with the intent and the purpose of the Zoning Code. I don't think that anyone had an idea that the Code should be in place to partially develop the property and then change the Code to say you can't develop the rest of your property in the same manner. With that I'll rest and let you ask me any questions.

Mr. Rusnov – What you're saying is the use is non-adverse to the surrounding properties. The situation was created by our City Council by changing the zoning to make is a nonconforming use and there is no other chance possible to convert this to another use at all.

Mr. Catanzarite – The ability to expand on the storage is what we feel is the highest and best use.

2) **LUNN ROAD STORAGE/Nick Catanzarite, Representative, Cont'd**

Mr. Kolick – Mr. Chairman, if I could, there are two uses on there now, storage use and then there's the Fire Fox, the fire suppression system, which use is consistent with the uses now permitted. The only thing that you would be precluding, and you have the authority to do this, you have authority to grant the extension of the storage but precluding any expansion of the fire suppression, not that I think the whole property could be developed but I guess it is possible that the business could do that. Again, I'm not saying to go one way or another because you have the authority to do that but what I do need to say is that I know the Board tonight hasn't seen this memorandum that accompanied this and it needs to be on the record because it is going to be in there, is that the applicant is stating that you're governed by the Ohio Revised Code, but you're not. You're governed by our local ordinances. We are a home rule municipality and what they cite and again, I'm not telling you how to vote on it but you have authority under our Ordinances, not the Ohio Revised Code. What they are citing is a case having to do with Planning Commission, subdivision regulation, not zoning codes. So, *Wesolowski v. Broadview Hts.* Planning Commission does not preclude this board from utilizing our local ordinances and that case was for procedural time limits. So, contrary to the memo we received, you're not governed at all by the Ohio Revised Code. Again, under our local ordinances you have the authority to grant the variance. The whole spirit behind nonconforming use is to phase it out. It's unlikely that with the storage that is there that this is going to be phased out. That is natural. The only thing that you would be doing is precluding the expansion of the fire suppression system use but I can't disagree with the other things. It would be low impact and there isn't going to have an effect on other uses. It's surrounded by industrial use. Clark Reliance has vacant land. The city's building is across the street, which is more industrial use than anything else with the Service and Building Department's working out of it but I did want to say that you're not governed by the Ohio Revised Code. With that you can go forward. You do have the authority to grant the variance and you only have it because we don't grant use variances. This is not a use variance because the use is already there. It's an expansion of a non-conforming use, which you do have the authority to grant.

Mr. Rusnov – Mr. Kolick, this is only the expansion of the mini storage area, not the front building? That pretty much knocks them out of the box for any future expansion whatsoever.

Mr. Kolick – That's it. Right. I don't think much else could fit on this property with this. This is going behind the current building with the fire suppression use. It would preclude any other expansion of the fire suppression.

Mr. Evans – As long as your applicant is aware of that, Mr. Catanzarite.

Mr. Catanzarite – They are aware of that. What has led to this was the demand for more space for the business owner but neighboring property owners like Clark Reliance has commented that Lunn Road Storage is full when they have vacant land. There is a reason they're doing that because there is a demand for it and I think the neighboring property will be happy to see this go up.

2) **LUNN ROAD STORAGE/Nick Catanzarite, Representative, Cont'd**

Mr. Kolick – Again, you don't have the memo but the memo states that Clark Reliance has expressed interest in getting that additional storage, which would be right next to its property, which would be a plus.

Mr. Rusnov – Storage units are in very high demand at this time.

Mr. Evans – Anything else, gentlemen?

Mr. Baldin – The storage is primarily used by the industrial businesses in the area. They are the ones looking for it. I don't see where a homeowner would be going into the industrial park looking for a storage unit. I assumed that the industrial industry was looking for it. There is no other place to build.

Mr. Catanzarite – That's right. This is a different product than what you see in the old bridal building and Cube Smart. Those are not competitors.

Mr. Baldin – Its consumer use versus industrial use.

Mr. Catanzarite - You are right, Richie. Those are primarily the end user and tenants for that type of facility.

Mr. Evans – This is a Public Hearing. Is there anyone outside, Mr. Roenigk?

Mr. Roenigk – There is no one outside, sir.

Mr. Evans – I will ask, is there anyone in the audience who wishes to speak in favor of the variance? Is there anyone who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and will then entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement of a non-conforming use and where the applicant is proposing a 7,500 SF Addition for a new storage building; property located at 21931 Lunn Road, PPN 394-03-009, zoned General Industrial (GI).

Mr. Houlé – Second.

Mr. Evans – Thank you Mr. Rusnov for the motion and Mr. Houlé for the second. Can we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION GRANTED

2) **LUNN ROAD STORAGE/Nick Catanzarite, Representative, Cont'd**

Mr. Evans – The variance has been granted. There is a twenty day waiting period during which City Council has an opportunity to review the decision. If they do not act on it you will be notified by the Building Department at the end of the twenty days.

Mr. Kolick – Mr. Chairman, this is in an Industrial Zoning District. They need to go in front of Planning Commission and the Architectural Review Board. You can go before the Architectural Review Board before the twenty days are up but you need to get on the Planning Commission agenda after the twenty days. It's just a matter of meeting Building and Engineering Codes.

Mr. Evans – We wish you and Mr. Chill continued success.

Mr. Chill – Thanks.

3) **PAULA AND FREDRICK SPOKANE, OWNERS/Steve Bella with Bella Cement, Representative**

- a) Requesting a 5' 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 a where the applicant is proposing a 224 SF Patio encroaching 5' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 2' Rear Yard Setback variance, which requires a 36' Rear Yard Setback and where a 34' Rear Yard Setback is proposed in order to install a 224 SF Patio; property located at 20487 White Bark Drive, PPN 393-29-002, zoned PDA-2.

Mr. Evans – Good evening, Mr. Bella. We will need to swear you in.

Mr. Kolick then stated the oath to Mr. Bella.

Mr. Evans – Mr. Bella, would you please state your name and address?

Mr. Bella – Steve Bella, 12588 South Churchill way, Strongsville.

Mr. Evans – Thank you. You are becoming a regular here.

Mr. Bella – Mr. Brian picks on me.

Mr. Evans – Okay. Why don't you give a run down on what you want to do here. We have all seen it and we have our notes about it.

3) **PAULA AND FREDRICK SPOKANE, OWNERS/Steve Bella with Bella Cement, Representative, Cont'd**

Mr. Bella – The owner wants to put in a 14' x 16' patio in going past the left side 5' and 2' out to the rear. The right side of the property is all grass. They have dogs. They don't have a very large back yard and they want to put a raised deck sunroom on the one side so the patio would basically go to that. They would be able to access both sides. It's the only side they can put it on seeing that their yard is so small. They are also building an addition.

Mr. Evans – When I looked at it I wondered if they could do less than the 5' extension. It would make it smaller but at this point I'm not convinced that making it smaller would necessarily meet the objective of the owner. Any other comments or observations?

Mr. Rusnov – You are 100 percent correct. It would be an objective for the owner to keep it as is.

Mr. Houlé – If you went back further it would go into the rear yard setback. You wouldn't be gaining anything. It would be give and take. I have no problem with it either.

Mr. Evans – Okay, other comments or questions?

Mr. Hayden – Is it butting right up against the fence?

Mr. Bella – Yes, it's going up to the fence and another foot and one half from the existing. They will be in their fence line.

Mr. Hayden – Okay.

Mr. Baldin – Past the fence line?

Mr. Bella – There is a white fence and they'll be going right to it.

Mr. Houlé – We have the HOA letter approval on that.

Mr. Evans – We do. Anything else? If not, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone who wishes to speak against the granting variance? Hearing none and seeing none, I will declare the Public Hearing closed and I will entertain a motion.

Mr. Houlé – I would like to make a motion to approve (a) 5' 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 a where the applicant is proposing a 224 SF Patio encroaching 5' beyond the main dwelling into the Side Yard Setback and (b) a motion to request a 2' Rear Yard Setback variance, which requires a 36' Rear Yard Setback and where a 34' Rear Yard Setback is proposed

3) **PAULA AND FREDRICK SPOKANE, OWNERS/Steve Bella with Bella Cement, Representative, Cont'd**

Mr. Houlé continues - in order to install a 224 SF Patio; property located at 20487 White Bark Drive, PPN 393-29-002, zoned PDA-2.

Mr. Hayden - Second.

Mr. Evans – Thank you for the motion Mr. Houlé and Mr. Hayden for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – The variance has been granted. You have a twenty day waiting period for City Council to review our decision. After the twenty days you will be notified by the Building Department and you can move forward.

Mr. Bella – Thank you.

Mr. Evans – Thank you very much.

4) **GEORGE AND DARIA KLUCCHARIK, OWNERS**

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and a where the applicant is proposing a 324 SF Deck encroaching 7' beyond the main dwelling into the Side Yard Setback; property located at 22061 Olde Creek Trail, PPN 392-15-028, zoned RT-C.

Mr. Evans – Mr. Klucharik, if you will give us your name and address for the record please?

Mr. Klucharik – George Klucharik, 22061 Olde Creek Trail, Strongsville,

Mr. Evans – Okay, I'm going to ask Mr. Kolick to swear you in and since this is a Public Hearing as well, does anyone else in the audience wish to speak tonight, I would ask that we get you sworn in now, if you would please rise and be sworn in.

Mr. Kolick stated the oath to those standing.

Mr. Evans – Okay, you others can have a seat and we'll start with Mr. Klucharik. Tell us about your request and why you need to do it.

4) GEORGE AND DARIA KLUCHARIK, OWNERS, Cont'd

Mr. Klucharik – Okay, we've been here a year and one half and the home that we bought has a 12' x 12' cement pad for a patio. We would like something soft and a little bigger so we are proposing trex wood right on top of the ground, increasing the size to allow for table and chairs. The issue that comes in is that in Siedel's Landing we have cluster homes and the yards are very small. We already have seven mature trees there that limit us as to what we can move around with where we want to put this platform. In order to not tear out any trees we needed to extend the deck or the platform 4' past the house. There is a Catch22 because our lot is a little pie shaped so it is 4' off the house and it stays 4' off the house because the lot line comes over on an angle and intrudes into the side yard. That's the bad part. The good part is that we are right next to the deeded common area and we don't have homes there or a neighbor on that side. That's what we're asking for.

Mr. Evans – So, Mr. Klucharik, if we're looking at the drawing at the back of the house the setback from the side yard is 11'?

Mr. Klucharik – Four feet off the house and eleven foot off the property line.

Mr. Evans – And it's 8' at the back edge?

Mr. Klucharik – Yes.

Mr. Evans – Okay, so when you had presented the information you indicated originally the 11' foot. That is what the homeowner's association reacted to and then finding out that it's pie shaped and that it's narrows at the back and it's more of a variance at the back. That's the reason that we encountered a problem.

Mr. Klucharik – Yes, what happened was I didn't even realize that it's on an angle like that. I went back to turn in my fee for this meeting and Brian informed me that the lot was on an angle. I didn't realize it. Since then I've been informed by my association that they will abide by whatever you decide.

Mr. Evans – They are here tonight so we'll hear what they have to say.

Mr. Baldin – Their original letter did not approve this, correct?

Mr. Evans – We'll double check all that with the association. I thought that their initial approval was based on them understanding that it was an 11' setback and it's not, because it closes to 8' at the back there. So, we'll check with them about that but our understanding was that they had approved that initially understanding that it would be 11' all the way along the edge and it goes back and lessens because of it being a pie shaped lot. Okay, that all being said, when you said that you are a relatively new resident, when you purchased the home the concrete pad was already there?

4) **GEORGE AND DARIA KLUCCHARIK, OWNERS, Cont'd**

Mr. Klucharik – Yes.

Mr. Evans – Okay, that was put in by Parkview I'm guessing. And I'm guessing, knowing Parkview as I do and others in this room, they probably didn't tell you anything about the 12' x 12' and expanding the patio back there.

Mr. Klucharik – We are actually the third owner on the home. I did know about the variance and that's why I was turning in for the variance. We did get approval from the HOA to begin with because I didn't know our lot was pie shaped. Once I found that out that is when there was some discrepancy and they found out that it was pie shaped and there was a discrepancy over that.

Mr. Rusnov – So the shape of the lot is what necessitates the need for the variance.

Mr. Evans – Yes, it increases the variance and that is in our purview to look at as a Board. Other questions?

Mr. Baldin – After looking at the property and as he stated it's common ground next door, I don't see any problem whatsoever.

Mr. Houlé – We had a similar request for a side yard easement right down the street from you and I went and looked at that one again and it's beautiful. It protrudes out more than this requested amount here. I have no problem with it.

Mr. Evans – So this is a Public Hearing. Is there anyone in the audience who wishes to speak in favor of the variance? Is there anyone in the audience who wishes to speak against the variance? Mr. Klucharik, if you will step aside into the front row then we will need this gentlemen's name and address for the record.

Mr. Patz – My name is James Patz. I live at 22234 North Trail, Strongsville, Ohio. I am the treasurer of the association.

Mr. Evans – Lucky you. So, when the initial application was made the HOA looked at it and had no feeling one way or the other about it, so what brought it back to the attention of the Board then?

Mr. Patz – The variance notice that the City sent. And then I did have a chance to speak with the President and the Secretary on Monday of this week and our conclusion was that we would rely upon you guys.

Mr. Evans – Okay, as Mr. Houlé alluded to the Farms back there, a lot of the lots are built on cul-de-sac's. We oftentimes see pie shaped lots and the lots aren't as big as people think it is when they move in or are looking at the lot. The house is built later on and they find out that the back

4) GEORGE AND DARIA KLUCCHARIK, OWNERS, Cont'd

Mr. Evans continues - yard is small. We have granted a couple of them that weren't perhaps quite as visible. Our precedent is that we looked at each individual one. This one does sit next to the common area. This is probably not in our estimation egregious because it's not as bad as others that we have granted in the past. So, I think that our purpose in looking at the Code in making determinations about variances is that we have four criteria and one of them is the constraint of the property itself be it an elevation or the shape or whatever else and this one is clearly a pie shaped lot. So, it does meet the definition of what we would normally consider for reasons for granting variances. So, at this point the HOA is an interested party but you aren't objecting to it. You are relying on this Board to make a determination.

Mr. Petz – Correct.

Mr. Evan – Questions from Board members?

Mr. Rusnov – No questions.

Mr. Evans – Thank you, Mr. Petz, for being here. Does anyone else wish to speak regarding the request for the variance? Hearing none and seeing none I will therefore declare the Public Hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, I would like to make a motion to approve a request for a 7' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and a where the applicant is proposing a 324 SF Deck encroaching 7' beyond the main dwelling into the Side Yard Setback; property located at 22061 Olde Creek Trail, PPN 392-15-028, zoned RT-C.

Mr. Ruvnov – Second.

Mr. Evans – Thank you Mr. Houlé and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – Okay, your variance has been granted. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the conclusion of the twenty days if City Council does not take action and then you will be able to move forward with the project. Mr. Petz, we thank you for representing the HOA and being accommodating in this. We think it is the right decision and appreciate your participation.

Mr. Klucharik – Thank you.

4) **GEORGE AND DARIA KLUCCHARIK, OWNERS, Cont'd**

Mr. Petz – Thank you.

5) **BANK OF AMERICA/Jim Briola with North Coast Sign and Lighting Services, Inc., Representative**

Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where two (2) Wall Signs (North and West) are proposed; property located at 16013 Pearl Road, PPN 397-02-082, zoned General Business (GB).

Mr. Evans – Mr. Briola, good evening and welcome. We are going to ask first that you give us your name and address in the mic there, for the record.

Mr. Briola – I'm Jim Briola with Northcoast Sign and Lighting at 310 North Broadway, Medina.

Mr. Evans – Thank you and now I'm going to ask Mr. Kolick to swear you in.

Mr. Kolick stated the oath to Mr. Briola.

Mr. Evans – All right. Mr. Briola, we did the Public Hearing the last time you were here and you needed to go back and speak to your client. You've done that and you heard our admonition about the two signs. We appreciate that. I'm going to ask Mr. Roenigk about the allowable square footage on the signs and he's going to tell us what is allowed and what the proposed signage is.

Mr. Roenigk – Thank you. The allowable square footage is 83.7 square feet and the total that they're asking for is 104.5 square feet, which is 20.8 square feet larger.

Mr. Evans – Okay, so when we talked about how things have been done in the past we talked about the two signs and I'm not sure if you understood then what we had said was that when a separate sign is requested that the signage that we have approved in the past has fallen into the maximum square footage that is allowable for one sign. So, what it does is it takes one big sign and carves it into two. So, we would have anticipated that you would have come back asking for two signs that would have had a total combined square footage somewhere in the neighborhood of the 83.7 square feet. So, being at 104.5 square feet that's a little bit bigger than what we anticipated. Okay, so where we actually have one sign that is 1' 9 and 1/8" by 13' and 1/4". I don't know what that totals up to.

Mr. Evans – That's is why Mr. Roenigk had done the calculation for us so that we know that the two combined into 104.5 square feet. So, we're roughly about 20 square foot over what we thought we wanted the signs to total because what we had said was the two combined had to be within the allowable square footage.

5) **BANK OF AMERICA/Jim Briola with North Coast Sign and Lighting Services, Inc., Representative, Cont'd**

Mr. Briola – Okay.

Mr. Evans – The obvious question is can one of those two signs or both be decreased in size to get you down to a combined around 83, 84 or 85 square feet?

Mr. Briola – Yes.

Mr. Evans – Okay, so the question is going to be do you feel that Bank of America is willing to go that route in order to get their two signs?

Mr. Briola – I would say, yes.

Mr. Evans – Again, that is the precedent that we have sort of set and the reason is it gives us a defined way of saying that when someone wants multiple signs and in order to do that to help the business be successful we want it to fall into the square footage allowed and split into two. So, if you feel that we can get those two signs accomplished at 85 square feet then we may be willing to go that route.

Mr. Briola – Okay.

Mr. Roenigk – Excuse me, if I may, I think your measurements are going by the actual size of the sign. Can I take a second to read to him what the Zoning Code says? It says the area of the sign shall be measured as the minimum area which can be closed by a square, rectangle or triangle or a combination there of. So we don't actually take the actual size of the letters, it's a box or square around the whole letters.

Mr. Briola – So, it's because the logo is so much higher.

Mr. Roenigk – Right, and we box that out for our zoning Code and that's how we come up with the square footage so that might be why you think you're within that and I can give you a copy of that.

Mr. Briola – Okay.

Mr. Roenigk – Okay. Can I ask you to grant the variance pending receipt of some drawings that show 85 square feet total?

Mr. Evans – What we would do is we would approve the variance for 85' square feet maximum and then you can redesign the signs and submit the plans to the Building Department. That was if Bank of America feels that they want the one sign to stay the way it is and make the other one

5) **BANK OF AMERICA/Jim Briola with North Coast Sign and Lighting Services, Inc., Representative, Cont'd**

Mr. Evans continues - significantly smaller than what their option is. They could still have the two signs, but keep them within a total of 85 square feet.

Mr. Briola – Okay.

Mr. Kolick – They can reduce the letters, or the logo but we could act on it just for the north and west signage to not exceed a total of 85 square feet. That's what the motion should read.

Mr. Evans – Do you understand what Brian is saying? And we have run into this with many logos like Arby's had the big hat.

Mr. Briola – But there is a lot of negative space here that is considered signage.

Mr. Evans – Yes, that is correct.

Mr. Briola – Okay, I'll ask them how they want to reduce it, maybe just the logos.

Mr. Evans – However they want to do that and you'll submit new plans to the Building Department. So, any other questions that we have?

Mr. Kolick – Are you okay with us limiting it to the 85 square feet total because we'll act on whatever you submit.

Mr. Briola – I'm sure they would say that's fine.

Mr. Kolick – We will limit it to read not to exceed 85 square feet in the total size.

Mr. Briola – Okay. So, I won't have to come back here?

Mr. Evans – No, we're going to vote on that now. All right, we have already had the Public Hearing so I will entertain a motion.

Mr. Baldin – I would like to make a motion to request a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where two (2) Wall Signs (North and West) are proposed; property located at 16013 Pearl Road, PPN 397-02-082, zoned General Business (GB) subject to the two signs total are not to exceed 85 square feet be approved.

Mr. Rusnov – Second.

Mr. Evans – Thank you, Mr. Baldin for the motion and Mr. Rusnov for the second.

5) **BANK OF AMERICA/Jim Briola with North Coast Sign and Lighting Services, Inc.,
Representative, Cont'd**

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – The variance has been granted. City Council has twenty days to review our decision. You will be notified by the Building Department at the conclusion of the twenty days. Please get the revised plans up to the Building Department.

Mr. Kolick – If you get with the Building Department they will tell you what you need to submit. Have you been to ARB on this yet? You will not need to go to Planning Commission.

Mr. Briola – Thank you.

Mr. Evans – Is there any other business to come before the Board? If not, we are adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathy Zamrzla, Sec'y

June 10, 2020

Approval date