

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

**Meeting of
April 13, 2016
7:30 p.m.**

Board of Appeals Members Present: Richard Baldin, John Rusnov, Tom Smeader, David Houlé, Kenneth Evans
Administration: Assistant Law Director Daniel J. Kolick
Building Department Representative: Mike Miller
Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) wall sign (West) and where four (4) additional Wall Signs are proposed on the South, North and East elevations at the O'Charley's Restaurant;
- b) Requesting a variance from Zoning Code Section 1272.09 (a) (3), which prohibits a changeable copy Sign in a Restaurant-Recreational Services Zoning District and where the applicant is proposing one (1) two-sided changeable copy Sign;
- c) Requesting a 3' Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 5' Sign Height and where an 8' Sign Height is proposed in order to approve a changeable copy Sign;
- d) Requesting a 10 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 40 SF Sign Face Area and where a 50 SF Sign Face Area is proposed in order to approve a changeable copy Sign; property located at 8913 Pearl Road, PPN 395-10-014, zoned Restaurant-Recreational Services (R-RS).

The Board sees no reason to even consider approval of the changeable copy sign because they have consistently denied those requests by other businesses in Strongsville. Items (b), (c), and (d) all relate to that request so the Board will only be considering the request for the additional wall signs as requested in item (a).

2) PETER YOUNG, OWNER

Requesting a 34' Rear Yard Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Rear Yard Setback and where a 16' Rear Yard Setback is proposed in order permit a Chicken Coop; property located at 18160 Boston Road, PPN 397-26-004, zoned R1-75.

The Board agreed that there will most likely be public comments regarding this variance request and has questions for the applicant to discuss during the meeting regarding its

requested placement in the yard. They also noted that the Building Department has already received calls regarding this project.

3) MARCUS AND KATHRYN DOBECK, OWNERS

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or alteration of an existing non-conforming Barn and where the applicant is proposing to enlarge an existing Barn; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75.

The Board debated as to what the ordinances require currently and the ways it is currently non-conforming. They have noted that they wish to ask about the door size, the hard surface drive, and whether a business will be run out of it.

PUBLIC HEARINGS

4) APRIL WELLS, OWNER

- a) Requesting a variance from Zoning Code Section 1252.15, which permits one Accessory Structure and where two Accessory Structures are proposed in order to construct a 48 SF Plexiglas Greenhouse;
- b) 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 48 SF Plexiglas Greenhouse; property located at 18131 Fawn Circle. PPN 397-02-050, zoned R1-75.

The Board saw no issue with this variance request.

Any other business to come before the Board

WITHDRAWN AT THE REQUEST OF APPLICANT

5) ROB AND HEATHER SKOMSKI, OWNERS

- a) Requesting a 2.46' Side Yard Setback (South) variance and a 2.50 Side Yard Setback (North) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (North and South) and where a 7.54' Side Yard Setback (South) and a 7.50' Side Yard Setback (North) is proposed in order to construct a New Single Family Dwelling;
- b) Requesting an 18 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where 1,018 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 14349 Bentley Lane, PPN 398-25-032, zoned R1-100.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

April 13, 2016

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I'd like to call this April 13, 2016 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you'd call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – Thank you, this evening we have an amended agenda, and may I have a motion to accept the amended agenda?

Mr. Baldin – I make a motion to accept the amended agenda.

Mr. Houlé – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. This evening we have minutes from our March 9th and March 23th meetings. If there are no other corrections I will submit them as presented. Anyone in our audience this evening that wishes to speak before this Board, I ask that you stand now and be sworn in by our Assistant Law Director, also including our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

Mr. Evans – Thank you. Our meetings are divided into two portions; first is new applications and then the public hearings. We will ask that each of those individuals come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. This evening we have an Item 5 which was removed from the agenda because the applicant requested it be withdrawn. That's why there is an amended agenda this evening. So now we will proceed with tonight's new applications.

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) wall sign (West) and where four (4) additional Wall Signs are proposed on the South, North and East elevations at the O'Charley's Restaurant;
- b) Requesting a variance from Zoning Code Section 1272.09 (a) (3), which prohibits a changeable copy Sign in a Restaurant-Recreational Services Zoning District and where the applicant is proposing one (1) two-sided changeable copy Sign;
- c) Requesting a 3' Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 5' Sign Height and where an 8' Sign Height is proposed in order to approve a changeable copy Sign;
- d) Requesting a 10 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 40 SF Sign Face Area and where a 50 SF Sign Face Area is proposed in order to approve a changeable copy Sign; property located at 8913 Pearl Road, PPN 395-10-014, zoned Restaurant-Recreational Services (R-RS).

Mr. Evans – First on our agenda is O'Charley's/Cicogna Electric & Sign Co., Representative. Please come up to the microphone and give us your name and address for the record.

Mr. Petro – My name is Brad Petro from Cicogna Electric & Sign Co. at 4330 North Bend Road, Ashtabula, Ohio 44004.

Mr. Evans – Thank you, Mr. Petro. I see that you have signs with you this evening that I'm sure you're going to reference and that's fine. Our easel is a little distraught this evening, and we're short on height. I think it'll work for us though. We have the information that was presented to the Board, and some of us have already been out to take a look at it. I think all of us have been, in fact. Please go over the four variance requests that you're here for tonight; why you need them and the supporting information.

Mr. Petro – If I can, I'd like to pass out some pictures.

Mr. Evans – Yes, that's fine. Thank you.

Mr. Petro – So what I'd like to address first is the three request that specifically involve the changeable copy sign. This sign was designed. I apologize there was probably a bit of miscommunication with what my understanding was in terms of height and square footage. So

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Petro continues - going forward if this variance for the changeable copy portion of the sign would be granted or even simply heard at this point, we would like to make a condition that we would comply with height and square footage restrictions. My understanding is that a pylon sign is allowed to be 8' and 40 SF. The sign would be redesigned to be thinner than what is on the drawing that was submitted.

Mr. Evans – If I'm hearing you right, what you're saying is that you're requesting that the changeable copy sign be approved if the height and the square footage of the face is within code. Mr. Miller, our signs are not able to be 8' high though?

Mr. Miller – A pylon sign is.

Mr. Evans – A pylon sign is?

Mr. Kolick – He's sort of a mixed animal between a ground sign and a pylon sign. That's why you see the different numbers. We'll talk with them during the week to clear it up.

Mr. Petro – Based on what I've read off the code, it says a pylon sign shall not exceed 40 SF and 8' in height. That's the sign we'd work towards. The design as proposed is 8', but it's more than 40 SF. So we'd reduce the square footage. Then that would eliminate the request of Item (c) as well as Item (d). Addressing the request for the variance because the code prohibits a changeable copy sign, I'm going to talk about the semantics of what we'd like to do. Then we can discuss the benefits of why the restaurant would request one. Based on my knowledge of being in the sign industry for 16 years, a changeable copy sign is obviously a sign where copy and advertisements can be changed. This is recognized by O'Charley's as a critical advertising tool that they use at all of their other restaurants. The position where this property is located on Pearl Road, you will see in the handouts I've given you, there are multiple businesses that are in close proximity to this business that already have changeable copy signs. The Car Star as you can see in the first photo has an LED changeable sign. The Mobil station which is across the street has a changeable LED sign. The Sheets location right next door has a changeable copy sign. A little bit further down the road about three quarters of a mile there are a couple of churches. My understanding is that the City treats public entities differently.

Mr. Evans – Right, all those public facilities you referenced with changeable signs have them because they are permitted under the Code. We've not done variances for those signs because they weren't needed in order for them to have them.

Mr. Petro – Right.

Mr. Evans – Mr. Miller, I believe in our Code we address gas stations differently because they have to be able to change the price because we require them to post the prices for gas.

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Miller – That is correct.

Mr. Evans – The Car Star sign that has the time and temperature on it again I believe the Code references that specifically as a type of sign, not as a changeable copy, but there's a specific call-out to that. Is that correct?

Mr. Miller – That is correct.

Mr. Evans – So just so we're on the same playing field, changeable copy would mean that there is something changing other than gas station prices. Those are called-out in a motorist service category, and I'm sure you don't want to be listed in that category. If you are indicating that you want to put time and temperature on the sign, then that's different from what you've shown us.

Mr. Petro – No that's not what we want to put on the sign. As we do our code research and prepare drawings and proposals for clients and customers, based on what your code states, the changeable copy signs are prohibited. It does state that even for motor service districts that they are prohibited. I don't know if there is another designation within the code that then allows them somewhere else, but that's neither here nor there. That's part of the argument that we called out is that everyone around us has them.

Mr. Evans – But everyone doesn't. I just want to be clear that you're defining it that way, but the City doesn't.

Mr. Petro – Fair enough.

Mr. Kolick – If I may, State Law requires us to permit the changeable copy on gas stations because they are required by state law to post their pricing on it. So that's an area that State Law has preempted the City on it. That's why you'll see it on gas stations. It's only permitted on gas stations. We have other areas in motor service other than gas stations, and they're not permitted to have it either.

Mr. Petro – OK.

Mr. Evans – Again, as we talked about it caucus, I would also reference the fact that at least a dozen other businesses even some right across the street from you have come in with a variance request for a changeable copy sign in a general business and other categories as well. This Board has been consistent in denying approval of those variance requests.

Mr. Petro – Understood, OK.

(voice from the audience)

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Evans – Sure, I'll need you to give us your name and address for the record.

Mr. Jackson – Duane Jackson, with Covelli Enterprises Franchisee, 3900 E. Market St, Warren, Ohio 44484. I'd like to ramble on for a minute if you'll permit me to. We're the third largest franchiser/restaurateur in the country. I say that not to try and strong arm anybody, or be disrespectful. I say it because we know what we're doing. With these reader boards, on average, there is a 6-6.5% increase in sales. We have a lot of different franchisees to back that up. We're a private company so obviously we don't want to make a lot of that public record, but I'd be happy to go through our techniques and our data and show how we come up with that figure. If it would make any difference at all I could do that. You take a location doing 2.4 or 2.7, 2.8 million dollars a year, 6% is a lot of money. It adds up, we're talking \$140,000, \$170,000, \$180,000. My math is probably pretty close. In our case, that money is reinvested into the café. That may mean extra kitchen help, extra service help, at times when otherwise we wouldn't normally provide that. Or I assume other franchisees, I'm probably not just speaking for myself. That translates into the exterior finishes on our building, with our site in general, and landscaping. When this is done this is going to be, I guarantee you, one of the best looking landscaping sites in the City. When you walk into the building, we put that money into those extra finishes. There's reasoning behind what we're asking. I just wanted to get up here and beg to you a little bit. We knew coming in what we could do and couldn't do. If nothing else, maybe our argument and the next three or four people down the road will make you consider adjusting the code in that way.

Mr. Kolick – We try as a City to be very business friendly. We try to do what we can to help business. Understand though that our sign code has gone through a number of comprehensive revisions. Our CPTED Officer from the Police Department that looks at these things made recommendations that these are traffic hazards for us. When people are trying to read what's going across the signs as they are going down the road, that's part of the reason why Council has said no to these uses. Part of it is aesthetics but part of it goes well beyond into safety matters, and that was a decision of the legislative body that they made after studying all these matters. We had a number of individuals such as yourself indicating that it would produce more revenue for them, and we can sympathize with that, but we have to weigh the increase in revenue verses the safety hazards with the City. We're talking Pearl Road with four to six lanes at times and people coming down there in the morning and the evening, and we have terrible traffic coming down it. We understand that, and we try to do what we can with it. We don't want to do anything that's going to increase traffic hazards that we already have on Pearl Road. Please understand that this isn't aimed at you. It's aimed right across the board. The gas station immediately across the street wanted a reader panel. We said with your gas prices it's OK because you're not seeing something going across it, but we turned them down otherwise for the same reason.

Mr. Jackson – I understand that completely. At the same time, on average, do some quick math in your own head, there a large number of businesses beyond restaurants that would utilize this if they could. Even if the average increase was 2.5% or 3%, that revenue not only helps us, but it

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Jackson continues - helps the City as well. I passed a truck driver pulling 3 trailers on the way here on the turnpike and he's reading a newspaper while he's driving. You stop at any given intersection and there's 8 out of 10 people, and I don't care what intersection it is, they are texting or on their phones. I understand what you're saying.

Mr. Evans – Mr. Jackson, I'll take it one step further. The applicant across the street did have a movable sign up for two days, and that was a temporary one during a time when they had opened their coffee drive-thru. Most of us on the Board happen to come that way at one point during the day and we saw it. We also know that there were a couple of accidents that took place in that area because people were looking at other things and were distracted. As Mr. Kolick said, we're business friendly. I personally love the restaurant O'Charley's. My daughter goes to Ohio State, and we've seen O'Charley's down there. I couldn't wait for it to open here. I was in communication with the owner of O'Charley's because it is a franchise, but the owner was happy because I said let us know if there is anything we can do to bring it into the City. We'd love to have it, and he was very happy to hear that. You've noticed the Brew Kettle up there, you've noticed that Buffalo Wild Wings, all those restaurants are very busy. Even McDonalds has been very busy up there. They've been way ahead of what their projections were. We look forward to O'Charley's, we think it'll be a distinctive advantage for the City. The problem is that everyone looks at things differently and our task here is to try to evaluate each request, and try and make a differential about whether it's an acceptable one or not. At this point, the changeable copy signs, because of the history of it has constraints against it. It'll be a distraction that we're trying to avoid. Our job is to figure out what we can do to make it a good situation for you because we do want it to be successful.

Mr. Jackson – There's a lot of variations on the readable copy as well. As you know, some make you think you're in Vegas. There's some where the copy is just a picture and a handful of words and it's changed twice a day. There's a pretty big variety.

Mr. Evans – Mr. Miller will tell you that one of the things that we ask the Building Department to do is that now that the flag banners that are tall and wave and also short ones. We have hundreds of signs up and down Pearl Road all of the time that people put up. What winds up happening is that they order it online, it comes in, and they stick it out in front of their business. It's there for a couple of days until we tell them they can't do that and they have to take it down. We want them to be successful but we can't have signs of every shape, size, and type. It's just isn't the way that we can have a city that looks good enough that people want to come here. We appreciate your comments.

Mr. Jackson – Very good.

Mr. Evans – OK, so Mr. Petro, you may continue. Thank you, Mr. Jackson.

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Petro – The second item which for the record also we'd like these to be independent of one another.

Mr. Evans – OK. So we'll hang on while you're passing out the photos. You can hand them to Mike and he'll pass them down. We'll get you back to the microphone that much quicker.

Mr. Petro – This request is for the first variance which restricts the quantity of wall signs allowed to one. The request we've asked for is for four additional wall signs. One of the signs is, as you can see in the drawings that were submitted, is a 4 SF Curb Side To Go wall sign. There is a separate entrance on that side of the building for what you'd call takeout food. That's strictly to identify and help with customers coming in and out of there. The other three wall signs that we're requesting are for the three elevations which would be the two sides and the rear elevation. The Code does allow a substantial square footage allowance. Based on the frontage of the building we are allowed 141 SF of signage. What we are asking for is to divide this up so that we can utilize this on the side and rear elevations. The total square footage that we've proposed is 139 SF. The photos that I've passed out and that are shown on the board here are basically the views of the building as it sits today from what I would consider the entry points to the property. The building sits uniquely on this property because it's not square on the property and it doesn't really face any particular road at a perpendicular angle. The point of access to this property, there's no driveway or entrance to this property off of either road. You're all familiar with how this sits. The first photo is the entrance road that would be behind Sheetz. This is the access road that cuts through. You can see what's visible from that access point. The proposed sign would be on the front parapet up high so it's visible for traffic. The second photo is the rear of the building. This would be facing Lowes. As you can see coming up that drive, and I waited until I was almost up to the intersection until I couldn't see anything on the other elevation. We've also proposed a sign for the rear elevation. Finally the entrance point that would be off of Pearl Road, there's a wall sign that is proposed for that side elevation as well. There's no entrance off of Pearl Road, the monument sign that is proposed is at the other end of the property. I'd call that the Sheetz side. In terms of traffic flow and safety issues, the sooner someone can see and identify that building on Pearl Road the easier the traffic patterns will be getting people in and out of this facility. Same thing with the side elevation. Are there any questions?

Mr. Evans – The first question I need to ask is what we talked about in caucus regarding the parking area. Parking and driving into the parking area is going to be unusual because of the way it comes in off the side road which is not a main road. What type of identification is proposed for those entry ways?

Mr. Petro – There's no directional signage proposed.

Mr. Evans – There are none?

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Petro – No.

Mr. Evans – OK. On some of the drawings we had there were a lot of indicators around those parking entrances that I thought might be signage.

Mr. Petro – I looked at that after you said something. A lot of them are identifying lights. There's no directional signs at any of the three entry points.

Mr. Evans – Before I give the other Board members the opportunity to ask questions, I just want to also again on the floor state that a number of the places like McDonalds across the street had asked us for multiple signs on the building. We curtailed the number. They wanted one particularly facing the south because the traffic was going north. They are able to see the front of the building before they would be turning into McDonalds. Here if you look at your bottom picture there, for anyone that is coming up from the north and heading south on Pearl, and making a left turn in, they would be seeing the face of the building before they would even see the side that faces Gordon Food Service. You also have a monument sign that is out front as well. From an observation stand point, you need to understand that we are not usual disposed to put signs on all four sides of the building. I think in terms of the carry out sign, I don't think that's going to be a problem for the Board. We look at those as being helpful for the people getting to where they need to go. We expect that businesses like Friday's and O'Charley's will have carry-out now. Putting a sign up to get customers to that point is certainly a good way of doing it. Putting signage on the four sides of the building, even if you're smaller than the other buildings, that may not be something that we will be inclined to do. Are there questions from other Board members?

Mr. Jackson – Can I say something?

Mr. Evans – Mr. Jackson you're back at the microphone. Certainly.

Mr. Jackson – The overall picture from our perspective is that we have multiple franchises, all but O'Charley's are well known nationwide for the most part. Identification is very important. Columbus is about as far north as the O'Charley's extend and Columbus is not saturated with them. They're a new concept up here. Putting the trademark out there is critically important to the development, and I just ask that you keep that in mind.

Mr. Evans – OK. Thank you Mr. Jackson.

Mr. Baldin – Mr. Petro, it's strictly carry out, there's no drive-thru. It's just a carry-out pick-up, so if I order it, I'd go there and park on the side somewhere, and you come out the door and bring me my order?

Mr. Petro – You may have to go in the door to get it. There's going to be a door designated to it.

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Baldin – Some of the restaurants here in town, you don't have to get out of your car. They bring your order to you.

Mr. Petro – I don't think that's happening here. I think the sign says curb side pick-up.

Mr. Evans – Yes, we'll need your name and address.

Mr. Brown – Dan Brown, 10108 Forestview Drive, Strongsville, Ohio 44136. We'll take it out to your car, that's how it's designed.

Mr. Baldin – OK. There will be some signage out there somewhere for pick-up.

Mr. Evans – You'll have reserved parking, I'm sure, that people will see.

Mr. Brown – Yes, there will be five visible spots.

Mr. Baldin – It wasn't really clear that's why I'm asking that question. OK, so that's on the Lowes side where the pick-up will be?

Mr. Brown – Correct.

Mr. Baldin – The other thing is, 141 SF that you're allowed, you're saying that you're breaking that all down into the three signs? Did I misunderstand something?

Mr. Petro – We've already got approval for the front sign. The 141 SF would be the combination of the front sign as well as the four additional signs that we're requesting. So the three O'Charley's and the Curb Side Pick-up sign will total 139 SF. It's less than we're allowed and within the code.

Mr. Baldin – Alright. Thank you.

Mr. Evans - 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. The public hearing is on April 27th. If you make any changes from what you've requesting now, the notice for the public hearing goes out tomorrow so it would be in time for that. If there are any changes you need to make to any of the drawings, proposals, or anything you need to get that into the Building Department so we'll get that information before the public hearing. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

1) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Petro – Thank you.

Mr. Kolick – If you're going to use a pylon sign that is going to comply with our square footage, then we won't be listing these on the notices going out. The more variances requests there are that the public sees, the more problems you may have. If you're sure you're going to change that, then we won't list those two. Just bring us in a mockup of the new signage plus square footage and we'll leave those two off. I have another question which is sort of related to this commission but related to other items as well before the City. What are you looking at for a proposed opening date if things go smoothly? There's still an issue with that, and I'm sorry to bring it up at this Board's meeting, but it shows you want a liquor permit and we want to work it out to make sure you get it in time for your opening. So can you tell us when your opening is going to be?

Mr. Jackson – The turnover is 5/9, and then we hope to open 3 weeks later. Actually 3 weeks and a day on a Tuesday. I'm not sure what date that is.

Mr. Kolick – If you would keep in contact with the Building Department and get the health safety items worked out, then we can do what we need to do so you can keep going forward on your liquor permit for the establishment. Please keep in contact with them so they can let my office know. Thank you. We're trying to help you where we can.

Mr. Jackson – Thank you, I appreciate that.

Mr. Baldin – What's the seating capacity of this restaurant going to be? Do you have any idea at this time?

Mr. Jackson – 208 or 210.

Mr. Baldin – So roughly 200. Thank you. Mr. Kolick I thank you because I asked that question about the pylon to make sure we all understood it correctly.

Mr. Evans – Thank you very much.

2) **PETER YOUNG, OWNER**

Requesting a 34' Rear Yard Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Rear Yard Setback and where a 16' Rear Yard Setback is proposed in order permit a Chicken Coop; property located at 18160 Boston Road, PPN 397-26-004, zoned R1-75.

Mr. Evans – Item number two on our agenda is Peter Young. Please come up to the microphone and give us your name and address for the record.

2) **PETER YOUNG, OWNER, Cont'd**

Mr. Young – Peter Young, 18160 Boston Road, Strongsville, Ohio 44136.

Mr. Evans – OK. Mr. Young you've come before us asking for a setback variance on the rear yard. This is to build a chicken coup which is already under construction. Why don't you tell us about why it is important to put a chicken coup in there?

Mr. Young – There are two things. In reviewing your documentation here on my request for 34' rear yard setback. I'm not sure how you came up with that because I have a 109' wide property in the back. The property is a rectangle. 109' at Boston Road, and 108' back from the center of Boston Road. I have a 12' x 16' proposed building. I'm 50' off my property line which is required on the east side facing Kensington with woods in between that and their backyard. Plus the 16' which leaves me a 7' variance. Not a 34'. I don't know where the 34' came from.

Mr. Kolick – Mr. Young our drawings were showing that you were 16' off of your rear yard, not the Kensington side, your rear yard. So in other words facing north.

Mr. Young – How many feet off my rear yard?

Mr. Kolick – You were proposing 16' off your rear line?

Mr. Young – No my yard goes back from the center line of Boston Road, it goes back 799.6'. Call it 800'. At the building, it's currently 250' off my rear property line. I have 250' of woods still in the back yard from that building.

Mr. Kolick – We're looking at the distance between your proposed chicken coop and your rear yard. Not your house.

Mr. Young – Of my rear property line? I'm 250' off my rear property line.

Mr. Kolick – I'm glad we're here to talk about this so we can see where we get to.

Mr. Young – Me too, I don't know where these numbers came from.

Mr. Kolick – Mike maybe you can shed some light on this?

Mr. Miller – I'm looking at that right now because the Commissioner actually wrote this variance. If you'll give me a minute.

Mr. Evans – On the drawing there is a 300' number that is up above, but then right above the chicken coop we have the 12' x 16' and I think that 16 was perhaps interpreted as being 16' off of the lot line.

2) **PETER YOUNG, OWNER, Cont'd**

Mr. Young – 12' x 16' is the proposed size of the building.

Mr. Evans – Right.

Mr. Young – Again, from the center like of Boston Road to the end of my property is 800' deep. I'm 500' from the center of Boston Road to the beginning of that building which is only 12' wide. That leaves me over 250' from the back of the building to the end of my property line. It's strategically placed there based on the fact that the topographical area has good drainage. There's a swale there. It's an enclosed area. No one can see it once we have the 7 or 8 months of the season with the leaves and vegetation. I cleared the area out. It used to be a grape orchard years ago. It's all full of grape vines that are 2" in diameter that are killing all the trees. So I ripped them all out of the trees so they could live. I cleared it all up, to me it look aesthetically pleasing. It's going to provide a coop for my chickens and a little storage area for the straw and bedding and things like that.

Mr. Kolick – My recommendation is that you come in tomorrow if you can to the Building Department.

Mr. Miller – There is a mistake on the variance request. It should only be a 7' side yard variance instead of a 34' rear yard variance.

Mr. Young – Mr. Miller is correct. Also I have gotten written permission from the Freeman Farm. You're familiar with them, they are west of me. He gave me permission to encroach them with that variance upon your approval, of course. He has no problem with it because there's 32 acres of land back there that he's tried to sell several time. It's kind of wetland. I'm sure you're aware of it back there. The chance of anyone building back there are pretty minimal.

Mr. Kolick – Mr. Young, how far are you from the side lot line to the east wall of your chicken coop?

Mr. Young – 55' or roughly 52'.

Mr. Miller – Right, it's actually on the west wall of the chicken coop. It's 43' that we're looking at. The west property line.

Mr. Kolick – Obviously this is not drawn to scale.

Mr. Young – The site plan is not drawn to scale. That's for sure. It's a 7' variance on the west side which is encroaching on the Freeman Farm which is all woods. On the east side that faces Kensington, I'm 50' off my property line, there's a 10' easement to the back of their yards. Again it's totally hidden to them.

2) **PETER YOUNG, OWNER, Cont'd**

Mr. Evans – Mr. Young, you said your property is a 109' wide? So if I use the 50' plus the 43' that's 93', and then the 16' would equal 109'. That's where you're coming up with that.

Mr. Young – Correct.

Mr. Evans – OK. In caucus we talked about the fact that one of the things that we've become aware of over the course of time is that we did another variance on that property for the garage some time back. That was given with the understanding that it wasn't going to be inhabited, and then it became sort of an apartment.

Mr. Young – I will object to that. It is totally untrue. I will take you through what happened. Roughly eight years ago I came in here with the drawing of the building. I still have the minutes of the meeting. I was asked what I was going to be using the building for. I said that the property didn't have a garage. I was going to build a garage with a loft on top of it. You asked me what I was going to use it for and I said that I have minimal square footage in my house. It's 1200 SF and that has not changed. I was going to use it for entertaining for my kids. For sleepovers and parties. It's all in the minutes if you want to look it up. You asked me if I was going to run water, and I said that I was going to run a trunk line through the footer because I might propose to have running water in place. You asked if I was going to run electric, and I said yes. I made all of those things clear. Upon doing that building, and this is the history I've had, and I'm not upset as much as I'm just bothered by it. Upon doing that building, I did the due diligence of putting it up myself from start to finish. I was condemned by certain Building officials because I didn't hire professionals, but I didn't need to because I was aware of what I was doing. Did I need guidance as far as what the code was like hurricane ties and things like that? Yes. I'm not saying that they weren't valuable. The basic thing is that from start to finish I had to jump hoops with different Building officials that came on my property. It was to the point where I had certain officials that made me jump through hoops and go through their tests. I did it; I jumped those hoops and hurdles. I came one day to close off my own building with friends of mine that were helping me on a weekend of Thanksgiving. The plumbing was all done, and the plumbing inspector comes out there and he says to me that I can't have a shower back there, and that I couldn't have a kitchen back there. You can't have a sink back here. That was after approving every step for months and green tagging everything I did, the day I wanted to cover the walls up he tries to red tag my building. The Building Commissioner comes out and tells me that I could have sued the City. I looked at Tony and I said that I'm not interested in suing the City or causing a problem. I just wanted a garage. That's all I wanted. I think the garage turned out to be an aesthetically pleasing building, as well will be my chicken coop. I don't think I did anything wrong by telling you what I did because it's in the minutes of what I proposed to do. I'm using that as a family area because I can't afford to put an addition on my house. I needed a garage though so it worked out well for more than one reason. I don't think anyone can point a finger at me and tell me that I did anything wrong. I followed the rules and regulations and I jumped through hurdles and I put up a nice building. I'm using it the exact way I told you I would be. I'm not having an automotive shop or

2) **PETER YOUNG, OWNER, Cont'd**

Mr. Young continues - creating a disturbance. I don't leave a mess. I'm OCD, I pick up after myself. I don't understand the objection and why that even comes into point today. What I'm trying to do is build a chicken coop.

Mr. Evans – I think we're trying to make sure that we ask all the appropriate questions. I think that you may feel that you presented everything and some of us on the Board feel that there was a misrepresentation of information. There was no discussion about having a kitchen and bathroom. To provide water access is a little different than building an apartment. Again those are semantics and all we want is to make sure we're asking all the appropriate questions and making sure we cover everything so nothing like that happens in the future.

Mr. Young – I'm not proposing to turn it into a motel out in the woods or a red barn. I'm just proposing a small chicken coop.

Mr. Evans – OK.

Mr. Baldin – I was on that Board as you well know at that time. You can understand where we're coming from. You wanted to build a garage. We had no problem with the garage. Then you said you wanted a little bit of a loft.

Mr. Young – I didn't say a little bit of a loft. I have the Minutes right here.

Mr. Baldin – Whatever it was, you can see where we're coming from. Looking at that with complete plumbing. Water and electricity we don't have a problem with that, but all the sudden you have a shower in there, you have bathrooms, etc. It looks like more than just a garage, it looks like an apartment more than a garage. Maybe it's just semantics and so forth, but you must understand where we're coming from here. As far as whatever the inspectors do, I have nothing to do with that, so I don't know what went on there. I think at the time we may have asked you if we were a contractor and if you were running a business out of it or not. I don't remember what the answer was, but what you're asking here, we're getting it straightened out because we have the wrong numbers, etc. You also have two other little pieces, I mean to little ugly sheds, if I may be blunt on the property right now.

Mr. Young – That's disrespectful. Those shed were made out of pallets because if you look on the internet today a lot of things are done with pallets. Beautiful things.

Mr. Baldin – Didn't I say I might be using the wrong words? Don't get excited, alright? They don't look very aesthetically beautiful to me. They didn't. They looked old. You're requesting another building on this land and you already have two others.

Mr. Young – I'm going to take the other two down.

2) **PETER YOUNG, OWNER, Cont'd**

Mr. Baldin – I don't know that.

Mr. Young – The other two are not buildings the other two are pallets that housed a coop for the chickens. They are not buildings. The other one is a little 4' x 4' shed that I bought from a guy on the side of a street that he used to house his kids waiting for the bus.

Mr. Baldin – That's fine, I didn't look at it that close, Sir. OK. So what you're telling me right now is that those are coming down?

Mr. Young – These are not pertaining to what I'm trying to do.

Mr. Baldin – You're telling me right now that they are coming down?

Mr. Young – They're coming down. As soon as I have...that's why I'm building the chicken coop.

Mr. Baldin – We don't know that. It's not in our minutes or anything. Now we're finding this out.

Mr. Young – OK. Fair enough.

Mr. Evans – Is there anything else?

Mr. Baldin – No further questions.

Mr. Evans - 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. The public hearing is on April 27th. We will correct it so it shows the correct language. Do we say in here whether it's east or west? I think it might be appropriate to indicate which side that variance is for. That would be helpful.

Mr. Young – It's a 7' variance on the west side toward the Freeman Farm.

Mr. Evans – Mr. Rusnov?

Mr. Rusnov – Go into the City, clarify, and clear up the mistake. Then also...

Mr. Young – Weren't you out at my property?

2) **PETER YOUNG, OWNER, Cont'd**

Mr. Rusnov – Yes. So was he.

Mr. Young – I wasn't there when he was there, but I did shake your hand.

Mr. Rusnov – No no, I didn't even because there was a dog and it was coming at me.

Mr. Young – You were the dog man. Oh yes, you're the tall guy. OK alright, you guys kind of look alike.

Mr. Rusnov – Actually he's shorter than I am.

Mr. Young – He looks taller than you. Kathy, I don't want to put you on the spot, but didn't you and I talk about that it was only a 7' variance? That's why I didn't know where this came from.

Mr. Miller – That came from me.

Mr. Rusnov – The point that I'm trying to make really quick, is that you should get this right with the City. Then also clarify so they can put it in the minutes that the two coops are coming down.

Mr. Young – Those aren't permanent buildings. They were just pallets.

Mr. Rusnov – So basically what you have is the garage with the loft area and the proposed chicken coop at the rear of the property. All other structures will be removed.

Mr. Young – Absolutely.

Mr. Rusnov – Then we're done.

Mr. Evans – OK then you are all set, and we'll see you back here on April 27th. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Young – Thank you.

3) **MARCUS AND KATHRYN DOBECK, OWNERS**

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or alteration of an existing non-conforming Barn and where the applicant is proposing to enlarge an existing Barn; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75.

3) MARCUS AND KATHRYN DOBECK, OWNERS, Cont'd

Mr. Evans – Item number three on our agenda this evening is Marcus and Katheryn Dobeck. Please come up to the microphone and give us your name and address for the record.

Mr. Dobeck – Marcus Dobeck, 12997 Webster Road, Strongsville, Ohio.

Mr. Evans – You are looking for an extension onto the non-conforming barn. We talked a little bit in caucus. Take us through what it is you're doing, and why you're doing it. What has prompted you to look at adding onto the barn?

Mr. Dobeck – The back section of the barn is pretty old, and not in great shape. I think it was set up for horses originally. We just bought the property about a year and a half ago. We were going to tear down the back side of it, and put together just a 24' x 32' barn kit from a lumber place.

Mr. Evans – OK. One of things we talked about in caucus is that originally when we saw the plans we had anticipated those plans, there's the sample. We talked in caucus about the fact that a garage door that would be as large as what the sample showed at 10' would require a driveway back there. So I understand that you're actually doing a smaller door?

Mr. Dobeck – Right, and I made a note of that on the application for the permit, and maybe not on the variance application. The plans I had were from a sample, so there's little light fixtures and things like that. They won't necessarily going to be in there. The door was not going to be in there. Just a regular slide garage door on a pole. The side I have is under 6' x 7'. I need to keep it.

Mr. Evans – The reason you need the additional space is for storage? What are you intending on putting in there?

Mr. Dobeck – It's basically not much bigger than the one that is there right now. As far as it's going to be used for, I do some woodworking and machine working. It's not for a business. It's just a hobby.

Mr. Evans – When you say that you do woodworking, and again we get into semantics sometimes with people, is this woodworking you do for yourself? For others?

Mr. Dobeck – Yes, just for me. I have no idea what I'm doing so, I'm just trying it.

Mr. Evans – So hobby work and that's all?

Mr. Dobeck – It's all hobby, yes.

Mr. Evans – OK. Are there any questions from the Board?

3) **MARCUS AND KATHRYN DOBECK, OWNERS, Cont'd**

Mr. Rusnov – No questions.

Mr. Baldin – No questions.

Mr. Evans - All of the members of the Board will be out to visit the property to take a look at it. Has this been staked out?

Mr. Rusnov – No, but the existing building is clearly visible.

Mr. Evans – It's the same footprint?

Mr. Rusnov – Yes.

Mr. Evans – OK. Alright.

Mr. Houlé – I'm confused on the square footage. It says 24' x 32'.

Mr. Dobeck – Yes, actually I had a question about that too because I'm not tearing down the front section that's 10' x 15'. It looks like it's a different material than the rest of the barn. I think the rest of it was an add-on at some point. So I was just going to keep that there.

Mr. Evans – So the 10' x 15' is staying and the other is going away and being replaced.

Mr. Dobeck – Right, yes.

Mr. Evans – OK. I'm glad you clarified.

Mr. Miller – The existing square footage is about 528 SF, the proposed square footage is 918 SF. So there's an increase of about 323 SF. That's what we've calculated from your drawings. Is that correct?

Mr. Dobeck – It's almost the same width, but it extends further.

Mr. Evans – OK so then do we have to worry about the allowable square footage?

Mr. Miller – His lot size is 39,600 SF. According to our current codes he's allowed a 323 SF accessory structure. He's altering an existing non-conforming building though so that's where the size difference would be. He's enlarging.

Mr. Evans – So then we'd also need a variance for the total square footage then right?

3) MARCUS AND KATHRYN DOBECK, OWNERS, Cont'd

Mr. Kolick – We don't need it for total square footage because he's already over, but what we do need to know is the exact square footage that he's adding to it. Then we'll put in that he's adding whatever.

Mr. Dobeck – Its 393 SF.

Mr. Kolick – 393 SF to an existing non-conforming structure is how it needs to read. OK?

Mr. Evans – OK. Very complicated details we have to deal with here. Otherwise we're operating in the dark. Is there anything else? Thank you Mr. Miller. So again, 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. The public hearing is on April 27th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Dobeck – I talked with them already.

Mr. Evans – Alright. Thank you.

PUBLIC HEARINGS

4) APRIL WELLS, OWNER

- a) Requesting a variance from Zoning Code Section 1252.15, which permits one Accessory Structure and where two Accessory Structures are proposed in order to construct a 48 SF Plexiglas Greenhouse;
- b) 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 48 SF Plexiglas Greenhouse; property located at 18131 Fawn Circle. PPN 397-02-050, zoned R1-75.

Mr. Evans – Item number four on our agenda is our public hearings portion. This is for April Wells. Please come up to the microphone and give us your name and address for the record.

Mr. Wells – Lawrence Wells, 18131 Fawn Circle, Strongsville, Ohio 44136.

Mr. Evans – Thank you Mr. Wells. This is a request to add a Plexiglas greenhouse. We have all been out to take a look at it. I think in caucus we all concluded that with the beautiful trees on the lot there's not too many places you could put the greenhouse and still have sunshine on it. I believe

4) **APRIL WELLS, OWNER**

Mr. Evans continues - at the last meeting you talked about the deer being regular visitors in the yard, and that's one of the reasons why the greenhouse is necessary. All my tulips already got eaten this year, so I can understand that very well. Are there any questions from the Board?

Mr. Baldin – No questions.

Mr. Rusnov – No.

Mr. Evans – This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Come forward you were sworn in.

Mr. Baldin – She came in late.

Mr. Evans – Before you speak we'll have you sworn in by our Assistant Law Director.

Mr. Kolick then stated the oath to those standing.

Mr. Siefker – Jude Siefker 18143 Fawn Circle, Strongsville. I'm the next door neighbor and I have no issue with the greenhouse.

Mr. Evans – Thank you very much, we appreciate you coming. Is there anyone else here who would like to speak for the granting of this variance? Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov - I make a motion to approve a request for a variance from Zoning Code Section 1252.15, which permits one Accessory Structure and where two Accessory Structures are proposed in order to construct a 48 SF Plexiglas Greenhouse; and to approve a request for 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 48 SF Plexiglas Greenhouse; property located at 18131 Fawn Circle. PPN 397-02-050, zoned R1-75.

Mr. Smeader – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. You are all set, thank you very much we appreciate you coming.

4) **APRIL WELLS, OWNER**

Mr. Wells – Thank you.

Mr. Evans – Is there anything else to come before the Board this evening? Then this meeting stands adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>April 27, 2016</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec’y	Approval Date