

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

**Meeting of
December 13, 2017
7:30 p.m.**

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

The Board members discussed the following:

NEW APPLICATIONS

There are no New Applications.

PUBLIC HEARINGS

1) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative**

Appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires handrails on the deck stairs associated with #RDECK 16-2636 and where the applicant did not install handrails on the deck stairs at 22341 Pinnacle Point, PPN 392-13-056, zoned R1-75.

The Building Department informed the Board that Phillip Kolanowski, the Contractor from Klassic Custom Decks, called to say that they will be complying with their adjudication order which means that they will not be appearing at the meeting tonight. The Board noted that the applicant has decided to simply put on a Code compliant railing. The Secretary reminded them that they will need it in writing.

2) **SARA PATRICK, OWNER**

Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in a side yard and where a 240 SF Accessory Structure in a side yard is proposed; property located at 15705 Albion Road, PPN 398-13-001, zoned R1-75.

The Board mentioned that the structure will be fairly hidden where they want to place it. They also noted that the unusually slopping topography makes it eligible for this variance.

3) **RAISING CANE'S/Drew Gatliff, Representative**

- a) Requesting a 5' Lot Width variance from Zoning Code Section 1258.08, which requires a 150' minimum Lot Width and where a 145' Lot Width is proposed;
- b) Requesting a 10 Space Parking variance from Zoning Code Section 1270.05 (c) (5), which requires 40 Parking Spaces and where 30 Parking Spaces are proposed;

- c) Requesting a 19' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' minimum Front Parking Setback from the centerline of Pearl Road and where a 56' Front Parking Setback from the centerline of Pearl Road is proposed;
- d) Requesting a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' minimum Side Parking Setback and where a 10' Side Parking Setback if proposed;
- e) Requesting a 33' Side Building Yard Setback variance from Zoning Code Section 1258.11 (b) (2) Appendix IV, which requires a 100' Building Side Yard Setback from Pierce Drive and where a 67' Side Building Yard Setback is proposed in order to construct a Restaurant; property located at the corner of Pearl Road and Pierce Drive, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

The Board considered past EPA violations on that site, and how that would affect financing for any business going onto that parcel. The Board also noted that it didn't request a police report on possible driveway hazards, but acknowledged that it will be looked at during their approval process. The Building Department reported that Mr. Gatliff said they were bringing revised plans for only half the parking spaces, and noted that 65% of their business is drive-thru. Mr. Miller explained the Commissioner asked him to relay this info to the Board for their consideration. The Board also mentioned that the driveways are too narrow, so they will likely need to cut their building width by 8' to accommodate it because it causes a dangerous situation. The Board remembered Mr. Gatliff said he'd bring drawings of the new interior seating arrangement. They also mentioned that they received a letter from Ms. Polanski that will be read for the record during the meeting.

4) STEPHEN MACGILLIS, OWNER

- a) Requesting a 15' Lot Width (East) variance from Zoning Code Section 1252.05, which requires a minimum 75' Lot Width and where a 60' Lot Width is proposed;
- b) Requesting a 60' Lot Width (West) variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 15' Lot Width is proposed;
- c) Requesting a variance from Zoning Code Section 1252.03 to permit an Accessory Structure on a lot without a main building; property located at 16917 Shurmer Road and Hunting Meadows Drive, PPN's 397-06-012 and 397-06-002 zoned R1-75.

The Board noted that the applicant can get these items voted on separately or together. The Building Department informed the Board that they have permitted them a tent to store the pieces of the disassembled house while they put it together on site. The Secretary informed

the Board that they have received several calls from the neighbors so there may be some in the audience tonight. The Board examined the plans, and noted that they plan to move the driveway and put in a hard surface one at the new entrance to the property.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
December 13, 2017**

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this December 13th, 2017 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. SMEADER

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

Mr. Rusnov – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. This evening we also have minutes from our November 29th meeting. We found one minor correction, but if there are no further changes I will submit them as presented. There is a change to tonight's agenda. The first item will be taken off so if any of you were here for that one you are free to go if you wish. During tonight's meeting, we will ask that each of the individuals presenting 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. Anyone in our audience this evening that wishes to speak, whether it is to present to the Board tonight or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

NEW APPLICATIONS

There are no New Applications.

PUBLIC HEARINGS

1) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative**

Appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires handrails on the deck stairs associated with #RDECK 16-2636 and where the applicant did not install handrails on the deck stairs at 22341 Pinnacle Point, PPN 392-13-056, zoned R1-75.

Mr. Evans – Thank you, tonight we have no new applications, and we are skipping the first item since it was removed due to Code compliance.

2) **SARA PATRICK, OWNER**

Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in a side yard and where a 240 SF Accessory Structure in a side yard is proposed; property located at 15705 Albion Road, PPN 398-13-001, zoned R1-75.

Mr. Evans – So first for this evening then is Sara Patrick. Please come up to the microphone and give us your name and address for the record.

Ms. Patrick – Sara Patrick, 15705 Albion Road, Strongsville.

Mr. Evans – Thank you. You are requesting a variance to put a 240 SF accessory building in what is technically the side yard. We have all been out to look at it. Gentlemen, do you have any comments or questions?

Mr. Houlé – After further review when I went out to look at it while it had been staked out, I was pleased with the location and the fact that it's concealed by the trees so the view from the street will be minimal.

Mr. Rusnov – The topography is difficult so this fits well there.

Mr. Evans – Anything else?

Mr. Baldin – The other thing I noticed is that they are going to put in a gravel drive. They are not required to put in a hard surface because they are not putting in a door large enough to require one.

2) **SARA PATRICK, OWNER, Cont'd**

Mr. Evans – Good observation. Ms. Patrick, you had come in and talked about what you were going to store in the building. You don't run a business, you aren't going to use it for business purposes. It's just to store furniture and lawn equipment and things of that sort.

Ms. Patrick – Correct.

Mr. Evans – Is there anything else you need to tell us about it?

Ms. Patrick – I don't think so unless someone had any other questions or concerns.

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

Mr. Rusnov – I make a motion to approve a request for a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in a side yard and where a 240 SF Accessory Structure in a side yard is proposed; property located at 15705 Albion Road, PPN 398-13-001, zoned R1-75.

Mr. Houlé – Second.

Mr. Evans – Thank you, gentlemen. May I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans - The variance has 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're all set.

Ms. Patrick – Awesome, thank you guys. Merry Christmas.

Mr. Evans – Thank you very much.

3) **RAISING CANE'S/Drew Gatliff, Representative**

- a) Requesting a 5' Lot Width variance from Zoning Code Section 1258.08, which requires a 150' minimum Lot Width and where a 145' Lot Width is proposed;
- b) Requesting a 10 Space Parking variance from Zoning Code Section 1270.05 (c) (5), which requires 40 Parking Spaces and where 30 Parking Spaces are proposed;

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

- c) Requesting a 19' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' minimum Front Parking Setback from the centerline of Pearl Road and where a 56' Front Parking Setback from the centerline of Pearl Road is proposed;
- d) Requesting a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' minimum Side Parking Setback and where a 10' Side Parking Setback if proposed;
- e) Requesting a 33' Side Building Yard Setback variance from Zoning Code Section 1258.11 (b) (2) Appendix IV, which requires a 100' Building Side Yard Setback from Pierce Drive and where a 67' Side Building Yard Setback is proposed in order to construct a Restaurant; property located at the corner of Pearl Road and Pierce Drive, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

Mr. Evans – Item number three on our agenda is Raising Cane's, and if I could have the representatives come to the microphone please and give us their name and address for the record.

Mr. Gatliff – Drew Gatliff, 1062 Ridge Street, Columbus, Ohio 43215.

Mr. Crocker – Jay Crocker, 2935 Waterfall Way, Westlake, Ohio.

Mr. Evans – Thank you Mr. Gatliff and Mr. Crocker. In caucus you heard us talking about a number of things. I'll ask you to go through your presentation. For anyone in the audience who may be interested in this particular property, there are a number of variances that have been requested by the applicant. Many of these variances have to do with the fact that this is an existing property on Pearl Road. The variances requested match the development on Pearl Road prior to the time when the Code was changed so I want to bring that observation to your attention. Mr. Gatliff if you're taking the lead maybe you could tell us about the things that are in play that have changed since our previous meeting.

Mr. Gatliff – Yes, and I have plans to pass out. It is also shown here on this. I apologize for not making it before caucus, which is when I had intended on delivering these. I drove in from Columbus and it's snowing outside. I apologize for that, but I'm going to give you these.

Mr. Evans – Yes, that's fine.

Mr. Baldin – Thank you.

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Evans – We're good at passing things out. Alright. So you heard us talking in caucus about some of the concerns that we have. You know some of the concerns that we talked about when we met last. Where are you, and what have you been able to do? What is the status on things?

Mr. Gatliff – When we met last, we were asking for a 10 spot variance from 40 spots to 30 spots. We were able to adjust some items and one of the items is the one way access onto our site from our properties to the north as opposed to two way. That gained us one space there. We also rotated our dumpster enclosure to be head on down that main access drive from Pearl Road. This allowed us to add two additional spaces. We also elongated the drive thru lane and added two spaces there. Those spaces would be for employees. We've been in contact with the neighboring properties including US Bank. The manager at US Bank said that they'd have to go through corporate in order to get anything, but she warned me against it. She didn't say not to try, but said not to count on it basically. She said because of the corporate structure and the liability that they may have for cases like these she thought it would be unlikely. I spoke to Mr. Mancini and Mr. Helms who are here tonight about cross access parking. One of the concerns I brought up last time was that they can't be handcuffed in an agreement that makes it so they can't meet their own zoning requirements given their limited lot size and their current vacancies. So today we're here with the added five spaces so instead of asking for a variance of 10, we're asking for a variances of 5 spaces. Additionally I know it was mentioned in caucus, but 60% of our business goes through the drive thru. There's a corporate standard that we need to meet which is one space per every 100 SF. So for a 3300 SF building we would need 33 spaces to appease corporate. They have over 350 locations nationwide and that is their standard that they meet.

Mr. Crocker – I would just add that of the 28 locations, as Drew indicated, our standard is to have 33 spots for 3300 SF. From a traffic or congestion standpoint, we expect this to be right in the middle in terms of volume, and this plan looks and feels like every single one and we haven't had a problem yet to date. I mean just in terms of the flow of the traffic in conjunction with the spots.

Mr. Evans – OK. You heard us in caucus asking whether or not the building footprint could be reduced in terms of taking down the number of seats that would be inside since 60% of the business is drive thru. What is the possibility of that? That would reduce the number of parking spaces needed by our Code which is higher than what your corporate number is.

Mr. Crocker – I think I could add to that. This is the smallest if not one of the smallest prototypes that we have so the larger ones are 3700 SF. So from our vantage point, and looking at the overall size of the lot and the way it was configured, I wouldn't feel comfortable taking down the building any further in size. It's one of the smaller ones that we have out there, and it fits better because of the rectangle shape of the lot, quite frankly. So that would be very difficult.

Mr. Evans – OK.

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Rusnov – Gentlemen, you got the zoning changed on this property, correct? That was granted?

Mr. Gatliff – Correct.

Mr. Rusnov – OK. If you reduce the size of this building to 3000 SF from 3300 SF, would only 300 SF be a consideration we could ask from you? You'd be surprised, that area is high traffic, and that drive thru is humming 24 hours a day. You might be surprised that this may exceed your corporate picture of this place. At 60%, you might actually be higher than that.

Mr. Gatliff – My concern with adjusting the building is that as franchisees we have prototypes that we're allowed to build. So unless it's an existing structure, changing the size of it is nearly impossible. I've only done it once.

Mr. Rusnov – There are site limitations that you are probably painfully aware of. That might make things more palatable to reduce the size by say 300 SF. That's half of a large garage is what I'm saying.

Mr. Gatliff – Yes, but the kitchen is the size it has to be so it means that this would be eliminating from seating area.

Mr. Rusnov – You also have a seasonal use on the outside seating.

Mr. Gatliff – Because I don't think I'll be eating my chicken sandwich outside tonight.

Mr. Evans – Agreed. Yes.

Mr. Rusnov – These are things I wish you'd consider and also we're going to make this contingent upon a study by our traffic people in the Police Department to see if this creates a hazard. Basically what we're telling you is that if you can make this situation diminished in any way it might be easier on everybody. The last thing we want is to have a hazard here. The 24' width on the driveway, we realize that's a minimum, but we've had 24' wide in the past and it was pretty tight. Especially with the configuration and the size of this lot.

Mr. Crocker – In caucus that was the first I heard that it was a concern from anyone.

Mr. Rusnov – We're concerned with the health and safety issues here.

Mr. Crocker – I understand, so if I may address that. We have some flexibility to widen those. Maybe not to 28' as that's 4 additional feet, but we could possibly widen those to 26' which is 2' wider than what the Code minimums are. We have some flexibility in that regard.

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Rusnov – Basically what I'm asking you is maybe you'd like to consider going back to the drawing board to see what you can after you've heard what we have to say? Because you're going to have to wait 20 days to get approval, and with the chances of the weather breaking long enough to break ground this time of year is pretty slim. So a couple of weeks one way or the other isn't going to make a difference. I'm just saying please listen to what we've got to say first, along with some of the people in the audience, and then make this situation a little safer. OK?

Mr. Crocker – Understood.

Mr. Evans – We appreciate the fact that you would consider the 24' moving to 26', and again the Code says 24'. You've met the Code, that's not a problem. Our experience has been that where we've had the 24', and it's a high traffic volume, it's very tight.

Mr. Rusnov – One last question, please. You have all your corporate statistics with you that 60% to 65% of your business is drive-thru. When are the peak hours of business? Is it during rush hour? Does it vary? Is it consistent all day long?

Mr. Crocker – It varies depending upon the market. I would imagine that here the peak is about 5:30 to 7:30 pm. I don't know how lunch would be. It would probably have a moderate peak at 11:30 to 1:30 pm.

Mr. Rusnov – OK.

Mr. Gatliff – But by and large that's the peak, and it would represent 50% of the business. Then the rest is throughout the course of the day and the evening.

Mr. Rusnov – OK. If you wish to reconsider, you could ask for that now. Or you could wait, and hear what everyone has to say that's in the audience. It's your call. Or plan C would be to proceed in the way that you're here tonight for a public hearing.

Mr. Crocker – I think from a reconsidering standpoint, getting a couple more feet to make sure we're safe and listening to you guys. You live here and this is your home, so absolutely I understand.

Mr. Rusnov – We don't want to create an issue, especially a safety issue. We don't want to make anything worse traffic-wise than it is right now. We realize that something will have to build eventually here. With the Zoning change it will be some sort of restaurant or restaurant service.

Mr. Gatliff – We could get another couple feet, can't we? Is that what you're asking for?

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Rusnov – What I'm asking is that you sit down with your corporate people or you two guys, and see if the building size can be reduced. If magically you get it down to 3000 SF from 3300 SF, then that would eliminate one whole variance.

Mr. Gatliff – There's another option to secure additional parking spots. Would that be OK? If I can find 5 more spots?

Mr. Rusnov – We'll consider just about everything.

Mr. Gatliff – OK. Got it.

Mr. Evans – Gentlemen?

Mr. Baldin – Is there any consideration on the ingress/egress on Pearl Road of possibly putting a delta in there so there's no left hand turn?

Mr. Gatliff – We received a traffic study that we had done. The executive summary is not the whole report, but that's what we have so far. They are recommending a right in/right out. That's what we anticipated would probably happen. We didn't want to show that, have you guys believe that it's a right in/right out, and then it comes back and we're allowed a full access. We would have been misleading you. That's not our intention. It will be very similar to the Taco Bell lot that is across the street with the concrete median that is directing traffic. There will be a stop sign and everything.

Mr. Rusnov – Also we're going to condition this on a Police study. So maybe you want to touch base with them. Would that be Drlik doing that one?

Mr. Kolick - The CIPTED officer as well as the Engineers will look at this. You won't need to make it a condition, they'll do it automatically if this gets approved through here. They'll have to have Planning Commission look through the whole traffic safety and flow issues. They'll look at the deltas, and all those things.

Mr. Rusnov – So in other words, it's a safety net?

Mr. Kolick – Those are safety issues that Planning Commission will look at.

Mr. Rusnov – So you might want to consult with them also.

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Evans – Right, OK. Is there anything else gentlemen? Do you guys have any further comments to make before we go to the public hearing? I'll also allow you to come back up here after the public hearing is done if there's anything that needs to be readdressed or answered. So during the public hearing we invite the audience to participate with the issues that are before us. On this particular issue for Raising Canes, is there anyone who would like to speak for the granting of the variance? Is there anyone who wishes to speak against the granting of the variance? We did receive one letter that I will summarize for the record. This was received to go against the granting of the variance from Pam Polanski, 19228 Peirce Drive. Her objections were centered on the fact that the traffic light at Pearl and Pierce is very hard to allow traffic through. She is saying there is a safety issue with a blind pedestrian that lives on the street. She questioned why we need more restaurants. She said a small, non-eating business would be much better there. The answer to that directly is that the owner of a property has the right to build what they want as long as it's within the Zoning Code. When they apply for variances sometimes the variances are for preexisting conditions, so sometimes like the parking variance it's something that is applied directly to that property and that is the reason why the Board of Zoning Appeals considers the request from applicants. So we did have that one letter that is against this. Is there anyone else to speak against the granting of the variance? In that case is there anything else that needs to be clarified from the Board? Because the variance for the parking spaces would be changed from what's published in the agenda down to 5.

Mr. Rusnov – But we wish to give them some time to reconsider some of the other issues. We probably shouldn't take the vote tonight. We did have to have the public hearing though.

Mr. Evans – That's up to the applicant whether or not they want to delay this to reconsider or if they felt they wanted to move forward with the request as is.

Mr. Rusnov – That would be moved to the 27th of this month.

Mr. Evans – So Mr. Gatliff, the opportunity that I discussed in caucus is that since you have a number of variances that are here, you can subdivide them and ask us to consider them separately or in two groups or whatever you'd like. On the other hand, as Mr. Rusnov is suggesting you could table this until the next meeting if you had in mind to change this to eliminate the variance request all together by further reducing the building size. Or whatever you'd like to do that would be an option for you as well. That will delay it to the next meeting recognizing that this is not exactly construction season right now in Northeast Ohio.

Mr. Rusnov – Basically we just really want you to think this through.

Mr. Gatliff – We understand that. What I would request of the Board is to move forward with the variances knowing that if we go back to the drawing board and we're reducing the size of the building there's a good likelihood to where we wouldn't need a variance. Plus the variance would

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Gatliff continues - be different. It wouldn't be a 5 space variance if we reduced the size of the building. So we may end up not even needing a variance for the parking, and so we'd like to move forward with this tonight.

Mr. Evans – Could all the issues be voted together except Item B, and then just table B?

Mr. Kolick – I think what he's requesting is that you act on B separately. So that then you could act on the others all at once in the event that they'd be affirmative and B would be negative, they could then consider their options with that and go back to the drawing board.

Mr. Miller – Is there a possibility if they reduce the size of the building that it would alter the variance requests needed?

Mr. Gatliff – Yes.

Mr. Miller – There's building setbacks, and parking lot setbacks so if they shrink the size of the building, those numbers could change.

Mr. Rusnov – Two weeks isn't going to make a major difference right now especially with the weather. Basically what I'm saying is to go back to the drawing board. You've got the public hearing now. You could postpone the vote, and if things change and these variances are eliminated then all the better. If you change the size of the building it has a snowball effect on all these variances listed here. You may not even need a parking variance.

Mr. Gatliff – I understand that we won't need the parking variance, the building setback variance we'd still need because that's from Pierce drive. That's 100' from the property line. So we'd have to shift our building all the way to the north of the property line to meet that. The setback variances we'd still need them whether they are 12' verses 15' or something like that.

Mr. Rusnov – Also be advised that we're down one member so you'd need three votes in your favor out of four.

Mr. Gatliff – I understand.

Mr. Kolick – In looking at this, the applicant is correct in this sense that Item A is going to have to be done no matter what they do with the building. Item C is going to be the same because the front yard setback isn't being varied. Item D is going to be the same because the side yard setback is going to be the same. The only one that could possibly change is B, but they'd have to move the building to the north. What I'm hearing from the applicant is that even if they take a piece out of the building, it won't be moving the building to the north. We wouldn't want them to do that because they'd be in the parking area, and narrowing that width. It makes sense to vote on A, C,

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Kolick continues - D, and E then vote on B separately. That will hopefully give them the guidance they're looking for.

Mr. Evans – Alright, very good. Does that answer all questions?

Mr. Baldin – The road in front of the building, I assume you're going to clean that up? You're not required to clean up that whole piece of parking area because that goes with the buildings north of you. Are you going so far as to having that paved or what will happen there with that?

Mr. Kolick – We can only have the applicant clean up their parcel. We've had some administrative meetings about what we may need to do with the parcel to the north. We're hoping this will spur them on to help clean up their area of the parking lot as well. It's part of the idea to move north to clean up that area of the City. They're only obligation will be on their own parcel. If you note, they did show as we requested at Planning Commission that they have that one-way traffic in the front. In other words the traffic can only go south because that's how it goes from the neighboring property owner.

Mr. Miller – To address Mr. Baldin's question, the Building Department does have a current Code Enforcement case that we are holding until the resolution for this construction for the properties to the north. We have not moved forward with it yet.

Mr. Baldin – Good to hear it. Clean it up.

Mr. Evans – The public hearing is closed. That's taken care of. We'll address B separately from the other variances. I will then entertain a motion for Items A, C, D, and E.

Mr. Rusnov – I make a motion to approve a request for a 5' Lot Width variance from Zoning Code Section 1258.08, which requires a 150' minimum Lot Width and where a 145' Lot Width is proposed; also to approve a request for a 19' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' minimum Front Parking Setback from the centerline of Pearl Road and where a 56' Front Parking Setback from the centerline of Pearl Road is proposed; also to approve a request for a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' minimum Side Parking Setback and where a 10' Side Parking Setback if proposed; also to approve a request for a 33' Side Building Yard Setback variance from Zoning Code Section 1258.11 (b) (2) Appendix IV, which requires a 100' Building Side Yard Setback from Pierce Drive and where a 67' Side Building Yard Setback is proposed in order to construct a Restaurant; property located at the corner of Pearl Road and Pierce Drive, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

Mr. Houlé – Second.

3) RAISING CANE'S/Drew Gatliff, Representative, Cont'd

Mr. Kolick continues - traffic study, not just the summary, over to our City Engineer because it is an issue that Planning Commission has. They want you to do it in the safest way you can. Then they can talk to you about some of the problems we've had in the delta in front of Taco Bell. They may want you to put up poles or something additionally because every once in a while the Police go in there and there's a car caught up on the delta. So talk with Engineering. They could help cut your time down by indicating some of our past history.

Mr. Crocker – Thank you.

Mr. Evans – Bottom line is that we appreciate your working with us and getting those things taken care of. We wish you guy's good luck in your operation. We hope you're a successful business and a great addition to Strongsville.

Mr. Gatliff – Thanks, we'll make you proud.

4) STEPHEN MACGILLIS, OWNER

- a) Requesting a 15' Lot Width (East) variance from Zoning Code Section 1252.05, which requires a minimum 75' Lot Width and where a 60' Lot Width is proposed;
- b) Requesting a 60' Lot Width (West) variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 15' Lot Width is proposed;
- c) Requesting a variance from Zoning Code Section 1252.03 to permit an Accessory Structure on a lot without a main building; property located at 16917 Shurmer Road and Hunting Meadows Drive, PPN's 397-06-012 and 397-06-002 zoned R1-75.

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

Mr. MacGillis – My name is Steven MacGillis, 16917 Shurmer Road, Strongsville, Ohio 44136.

Mr. Evans – Thank you Steven. Take us through what it is you're doing, and I'm sure that will help the people in the audience as well so that they understand what your request is. What is in the agendas is pretty brief and doesn't do the project justice.

Mr. MacGillis – Yes. What I'm planning to do is that right now my parents have a current, build-able lot which I will use to create a driveway for my property. Then I'll split off the section with the barn as well as reconstructing an old house from 1860 onto the back piece of property. I'd like to put it together like it was, but get it up to current Codes, and make it structurally sound of course. I'd like to preserve some history. It was one of the first houses built in the city that it was in, and

4) **STEPHEN MACGILLIS, OWNER, Cont'd**

Mr. MacGillis continues - I'd like to keep it like that. I guess that's about it. The variances are just for my driveway, and then the one for the barn until the house is built, then that one goes away when the house is up.

Mr. Evans – OK. To quickly summarize, you're taking a piece of property and subdividing it into four. Two of those will have access out to Shurmer, and two that will have an access onto Hunting Meadows.

Mr. MacGillis – In essence, yes.

Mr. Evans – The reason we put the jog in the one lot is because the City Planner wanted to have dedicated access to Hunting Meadows. So it has created a bump in one piece of property, and because of that bump that lot that goes onto Hunting Meadows no longer has the frontage necessary so we're granting two variances on the frontage because they would both be less than what's required from the City. The barn that you have on the property now is going to stay. You're going to be building a new house which is an old house that has been taken down and is being stored in a tent on the property until it's reconstructed. That property will have the access out to Shurmer Road then.

Mr. MacGillis – That piece of property will have the access to Hunting Meadows.

Mr. Evans – I said that backwards, sorry.

Mr. MacGillis – That's OK.

Mr. Evans – OK. That summarizes that the barn you won't be using for commercial purposes. You're using it for storage of personal property and things of that nature. That's what you described at the last meeting.

Mr. Rusnov – Basically what you're doing is taking a Century home, dismantling it, and reassembling it to resemble what it once looked like. You're restoring, and you've created a flag lot to gain access to Hunting Meadows, correct?

Mr. MacGillis – Correct.

Mr. Kolick – I believe at the last meeting you said you were in the construction business of some type?

Mr. MacGillis – Yes.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Kolick – The one concern the City always has is that the barn is in fact for personal materials and it isn't storage of construction equipment or pieces for anything for your business. That's the only concern we get because we'll start to get complaints around the City about that.

Mr. MacGillis – Right. Absolutely.

Mr. Kolick – I know you said it is for personal use, and we'll take it at face value, but we need to know that is what's going to happen.

Mr. MacGillis – Right now I do a lot of commercial work. One of the clients I have owns seven office buildings. Five of which are in Middleburg Hts. If I have business work to do I have conference rooms available to me? I have no intention on bringing anyone to the property or anything like that.

Mr. Kolick – Just so you're clear, it's not usually that we're getting complaints that you're bringing people in to meet in a home office or something. It's usually that the equipment you're using is being stored there, or your employee's park there, or there's sawing out in the barn, your bending pipe or welding items that you need to use on your construction site. That's when we get the complaints. I just want to make it clear that if you're making a representation to us that type of thing is not going to occur. There's two other items with that. If the doorway on the barn is large enough to put a vehicle in it, under our Code, it would have to have a hard surface drive up to that barn door. You'll have to have a hard surface coming in to the house anyway, but it would also have to go to the barn. The third is that you should check with our building department to make sure that the barn structure is safe as well. That's something they can look at.

Mr. MacGillis – Sure.

Mr. Evans – OK. Thank you.

Mr. Baldin – I'm glad you brought that up, and if I'm correct when looking at this property there's a gravel driveway right now on the side of the house that goes back there. There's three garage doors back there now, correct?

Mr. MacGillis – Yes sir.

Mr. Baldin – Those are full sized garage doors, I've seen vehicles back there.

Mr. MacGillis – Yes.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Baldin – So if you are or you're not using it to conduct some business I don't know at this particular time, but from what I understand that gravel driveway is going to go away, but the barn is going to be there and it still has those three, large, garage doors.

Mr. MacGillis – Since I don't plan to put a driveway to it, so if reducing the size of the garage doors is an issue then I have no problem with that. We can fill them in or otherwise to make it compliant. Basically anything that is back there is for this house. I've been more or less planning to build this house ever since I moved in four years ago. I built the business strictly to build this house.

Mr. Baldin – Is this a piece of property that's been in your family a while, and you're just redoing it?

Mr. MacGillis – I used to live in the property next door, but then the gentlemen who owned the property moved to Florida. As soon as he moved, basically, he told my parents, they told me, and I bought it up. I grew up on the property, and I have four year old son that I'd like to have him grow up in the same area.

Mr. Baldin – Thank you.

Mr. Evans – Is there anything else gentlemen? No. OK. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Please come up to the microphone and give us your name and address for the record.

Ms. Prandy – My name is Kelly Prandy, 16960 North Meadows. Good evening. I was born right here in Strongsville, and raised in Strongsville. We bought our home in 2010 with the full understanding that the lot directly behind us just met the 75' minimum lot requirement to build one home. I find it surprising that it's even being considered to build two homes back there. Last week I was visited by Mr. MacGillis, and I invited him into my home. He showed me the proposal, and I asked him if the variances were likely to be approved, and he told me yes. I'm here today to object to those proposed plans. After receiving the letter from the City, and further researching the proposal, it became clear that these variances in my opinion are not small variances. They have a big impact on me and my neighbors. In order to further my research, I contacted a real estate expert named Jerry Johnson from Caldwell Bank. He's a long-time real-estate agent, in Strongsville, and in addition a former land developer for Forest City Enterprises for 21 years. He unequivocally stated to me that this would diminish the property values of those properties contiguous to the proposed narrow properties, and that we'd take a hit. I'm disappointed thinking that this City would allow someone else to profit at the expense of others, but to allow a 15' entrance? It just sounds egregious to the integrity of the entire neighborhood, and to the Zoning Codes and requirements that are already in place. To clarify, this means that the property would

4) **STEPHEN MACGILLIS, OWNER, Cont'd**

Ms. Prandy continues - be shy the minimum requirements by 60'. So now we have to consider that neither of these properties meet the correct Zoning requirements at that point. One is short by 60', and the other is short by 15'. That touches on point (a) and (b). In addition, I'd like to touch base regarding the accessory structure or the third part of this variance. With a similar thought process, having an accessory structure with no main dwelling, what value does that do to the homes around it. In conclusion, I'd like to reinforce our position in this matter, and a lot of neighbors are behind me. Three City variances proposed that will only benefit one person. In turn, it'll have a negative impact on many. Two streets full of people in fact. I can't see any value in allowing any of these variances to be granted. In my opinion they are a clear violation of the already existing Zoning Codes so that's where I stand on this. I just want to say thanks for your time.

Mr. Rusnov – Wait, don't go away. You're saying there's going to be two houses built?

Ms. Prandy – That's the intention, I think.

Mr. Rusnov – We're only addressing one house.

Ms. Prandy – There's two properties.

Mr. Rusnov – That's all we're aware of. Also what has happened is that your real estate expert is making a blanket statement that everyone in this area is going to be adversely affected by this property. He's not here. He's not presenting any proof. That's just a blanket statement. Ask me what I do for a living.

Ms. Prandy – I understand, and I can speak on that point?

Mr. Rusnov – Sure.

Ms. Prandy – I know where you're coming on that.

Mr. Rusnov – He has to be able to prove what he says.

Ms. Prandy – I do, but I think by having four properties where there were two in an already congested, established neighborhood. It's an old neighborhood, and the home proposed is historical to him, and that's nice, but placing that there in two lots which neither one meet the requirements makes no sense. The way the property is because it's long and thin, it butts up to many homes. So feel like many people are impacted. I understand your point on that, and what was the first question? I forgot.

Mr. Rusnov – One house is being built.

Ms. Prandy – OK, so right now we're just talking about the one home.

4) **STEPHEN MACGILLIS, OWNER, Cont'd**

Mr. Rusnov – We can't go on that somewhere down the road they are going to build a house, maybe.

Ms. Prandy – Right.

Mr. Rusnov – What we have in front of us is one house.

Ms. Prandy – That's fair, but allowing this to be proposed parcel no. 397-06-084, and that would be where the accessory structure is.

Mr. Rusnov – That's where the house is going to be built.

Mr. Houlé – No, that's where the parents are going to live.

Mr. Rusnov – OK.

Ms. Prandy – That's where the accessory barn structure is.

Mr. Rusnov – Where your left hand is placed, that's what we're concerned with.

Ms. Prandy – OK.

Mr. Rusnov – They had to cut a piece out so they would have frontage on Hunting Meadows. It becomes a flag-shaped lot. It's irregularly shaped. That's the only way they're going to get access short of coming from Shurmer Road.

Ms. Prandy – Well I guess to that point I'd say that with 75', the Code requirements would say for one property, and now we're asking to have two. Many homes are around there, and we feel that it would have an impact on us.

Mr. Rusnov – We'll consider it.

Mr. Houlé – Kelly is your property right to the south of there? It abuts it?

Ms. Prandy – Yes it is.

Mr. Houlé – So there's really only two properties that it will abut. It's the schoolyard, and then yours, plus the one on Shurmer.

Ms. Prandy – I think that there's probably three homes.

Mr. Houlé – I know, but that's the other property that is already in compliance at this point.

4) **STEPHEN MACGILLIS, OWNER, Cont'd**

Ms. Prandy – Alright, OK.

Mr. Evans – Anything else?

Mr. Kolick – Before you go on, just so that the current individual in front of the microphone knows, this City is also concerned about an accessory building on a lot without a main building. I know you weren't here at the last meeting since it wasn't set as a public hearing. We've talked about the limit on the time period that the accessory barn can stay there. If they don't build the house on there, such if there is no main building with that accessory building, then that accessory building will have to come down even if there is a variance granted for it? We talked about doing that for a year, but what wouldn't make sense is to tear it down, build the house, and then put it right back up again. There would be a limit though so the accessory building already sitting there won't sit there forever without a main building. Just so you understand that.

Ms. Prandy – OK. Thank you.

Mr. Evans – The accessory building that is there would be allowed if there was a house there, so without the house it makes it out of compliance, which is why the request for the variance to have it there until the home is constructed on the property. As Mr. MacGillis already indicated, the process of taking down the century house is already underway. Part of that house will be stored on the property until foundation and the rest of the house is put in in order to construct it. At that point, technically, the one variance would go away. It's just for in the meantime.

Ms. Prandy – OK. Thanks for your explanation.

Mr. Evans – Is there anyone else who wishes to speak against the granting of the variances? Please come up to the microphone and give us your name and address for the record.

Mr. Coray – My name is Thomas Coray, 16956 South Meadow Circle. I live directly across from where this proposed building or whatever is supposed to go on. I'm concerned with how this will affect my property value. I have a direct line of sight to where this is taking place. My concern is with the timeline. I think it's great that he's going to rebuild a house. That's fabulous, but I don't know how long it's going to take. I'm concerned with him starting a project and not finishing it, or a project that will be started and 5 or 10 years down the road it's still a lot, with a hole dug, with a century-old house sitting under a tarp. Then I go to sell my house, and they walk out the front door, look across the street, and see that.

Mr. Kolick – I'll address that issue. We have conditioned with Mr. MacGillis that if these variances are granted that he'll be given a specific timeline of approximately one year to start that construction, and then in accordance with our Codified Ordinances, any project that stays dormant for 6 months without construction or inspections, then that would cause that project to be null and

4) **STEPHEN MACGILLIS, OWNER, Cont'd**

Mr. Kolick continues - void. So once he starts construction, he has to go through a timeline to complete that construction. He couldn't dig that foundation and just let it sit for years, but the variances granted to him would expire. If considerable construction is not done within one year of the granting of the variance, if it were granted, the variance becomes null and void, it goes away, and he'd be back appearing before this Board again, and these members would then make a decision to that. So there is a restrictive timeline for construction within our Codified Ordinances.

Mr. Coray – I'm also concerned of the safety aspect of where this driveway is going, and how we're trying to shoehorn in all this stuff in a lot that is sized for one, not two homes. There's an active walkway that goes to the old Allen School. The fields are still utilized in early April through fall for sporting practices. People walk down there, and to have a driveway right there I think is unsafe. Also where the driveway is going is right on the cusp of the curb that he's going to come out into. If we allow the variance then he has the option of putting a second house in which means there will be two driveways right at the top of our street as it changes from Hunting Meadows into South Meadows. I'm concerned with the congestion, the trash, the leaves, the snow, all the stuff that could come from these two driveways that could potentially be shoved into this corner. The side of the street where he's on is where the fire hydrants are. There's no parking on that side of the street. That means all the parking is on my side of the street. We have small children on this street that just moved in. There's six kids all under the age of 7 years old. They play in their yards and on the sidewalks. Now we're going to have cars all around that will block the vision of the people coming around the corner, and you'll have to go out into the other side of the traffic. So I'm concerned with safety and the driveways. Also you guys came up with this 75' SF frontage for a reason. You didn't just pull it out of thin air. When I was putting a stamped patio in my backyard, I wanted to extend into my backyard. I wasn't permitted to do that because it would have been too close to the property line. It would have affected the quality of life of my neighbors. So granting this variance, going from 75 SF you want to give them a 60' variance on the one because you can only squeeze 15' in. That affects the quality of life of my family and my neighbors. You guys have a 75' rule for a reason. You need to enforce that. Again, they have homes on Shurmer, if they don't want to look at the accessory buildings that they have they are done because their homes stay on Shurmer. Unfortunately I don't have that luxury. My house sits right at the corner. So when I look out I'm going to look out to accessory buildings and a lot being built for some home that is supposed to be done in some timeline. I'm concerned with this and you allowing this variance. I'm worried about how it'll affect me directly and also my neighbors. Thank you for your time, and I trust you guys will make the right decision.

Mr. Evans – Alright. Is there anyone else who would like to speak against the granting of the variance? Were you sworn in? OK. Please give us your name and address for the record.

Mr. Raker – Brad Raker, 16940 North Meadows Lane.

Mr. Evans – Thank you.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Raker – I'll just make this quick because I didn't plan on speaking tonight. My wife and I just bought our first home in Strongsville in March of this year. We did so based on the sole purpose of our backyard facing into just a bunch of empty backyards and fields. We felt comfortable with the privacy there. So as my neighbor Kelly mentioned, she spoke with a relator that says that this could hit our property value, and you washed away the blanket statement. I'm speaking from firsthand that it's the reason my wife and I just bought a home in Strongsville because of that privacy in our backyard. We also just installed a pool in our backyard which a home where he's proposing to put it will have a direct line of sight into our backyard which also washes away our privacy. So if this comes to fruition, and the home is built there, it takes away one of the major selling points for this home. My wife has thoroughly expressed to me that we're going to have to sell our home already. So I wanted to reach out and let you know about that.

Mr. Evans – Mr. Raker, the property is zoned as R1-75 which is residential. That zoning has not changed. The fact that the property was not developed doesn't mean that they can't develop it. So when you bought your property, you should have investigated whether or not that property was buildable.

Mr. Raker – We bought it for sale by owner, and he told us that it would not meet Zoning Codes for them to build on that. Our relator also backed that up.

Mr. Evans – Therein lies one of the problems that Mr. Rusnov alluded to is that relators make a lot of different statements, like you don't have to worry because it'll never be built on, but its buildable property. In this case, because the applicant has requested to subdivide the property and put a house for his parents and one of his own, the City Planner is the one that suggested the variances because the access should be permanent not a temporary one with easements. Again, the property can be built. It may not be built with both houses, but you're assured that there will probably be building back there. Unfortunately land in Strongsville is where everyone wants to be. That having a house on it will probably happen whether it's to do the subdivision to put two houses in there or one. It's likely that it'll be built on though. Whether the seller or the relator told you that it couldn't or wouldn't be built on, it's just not the case. What the applicant has asked for is to be able to construct it in a certain way, but he could do things that he wanted to without a variance, he just wouldn't be able to do as much. I need to make sure you know that regardless of this particular project, there can be building done back there. The variances just allow him to do the project the way that he wants.

Mr. Raker – Yes.

Mr. Evans – OK. Is there anything anyone would like to add to that? No. OK. Is there anyone else who wishes to speak against the granting of the variance? Please come forward. If there's anyone else who would like to speak that has not been sworn in please stand.

4) **STEPHEN MACGILLIS, OWNER, Cont'd**

Mr. Kolick then stated the Oath to those standing.

Mr. Evans – Your name and address for the record please?

Mr. Layman – Mike Layman, 16948 North Meadows Lane. I actually was just wondering if there were drawings that I could see as far as where the house is supposed to go.

Mr. Rusnov – Here you go.

Mr. Layman – Thanks.

Mr. Evans – In the meantime while Mr. Layman is looking at the drawing, is there anyone else who would like to speak against the granting of the variance? Then I'll put us on pause for a moment while Mr. Layman reviews the drawing. We'll let the record show that the applicant is describing the situation to Mr. Layman on the side here.

Mr. Rusnov – Either or both of you, take a look at the second lot, there's 75' of frontage on it.

Mr. Evans – Alright how about if we do a five minute recess here and if Mr. MacGillis wants to take that drawing back into the caucus room, set it on the table, and explain to everyone at the same time what he is proposing. That would be an easier way of doing this.

The Board took a five minute recess.

Mr. Evans – Alright, the record will show that we resumed the meeting at 9:18. Is there anyone else who wishes to speak against the granting of the variance? Mr. MacGillis if you'd like to make any final statements on this you can go ahead, or answer some concerns that were presented.

Mr. MacGillis – Basically, I've heard what everyone is looking to say. I'd like to work with all my neighbors, and like I said, I want to live here the rest of my life. I don't want to go anywhere and I'm assuming my neighbors don't either. So I want to work with them as much as I can to make sure they're as happy as possible and able to help me with this as much as they can. I guess that's all I wanted to say.

Mr. Evans – OK. Thank you. Is there anything else from the Board? OK. Then I declare the public hearing closed and will entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 15' Lot Width (East) variance from Zoning Code Section 1252.05, which requires a minimum 75' Lot Width and where a 60' Lot Width is proposed; also to approve a request for a 60' Lot Width (West) variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 15' Lot Width is proposed; also to approve a request for a variance from Zoning Code Section 1252.03 to permit an Accessory

4) **STEPHEN MACGILLIS, OWNER, Cont'd**

Mr. Rusnov continues - Structure on a lot without a main building; property located at 16917 Shurmer Road and Hunting Meadows Drive, PPN's 397-06-012 and 397-06-002 zoned R1-75 with the condition that the accessory structure remain for only one year without a main structure on the property.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variance has been granted pending a 20 day waiting period during which time Council may review our decision. You have a restriction to get the house done in a year then. You will get a notice from the Building Department when that time has passed. OK? You need to return to Planning Commission. Is there anything else before the Board? Hearing none and seeing none, we will stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>December 27, 2017</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date