

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

**Meeting of
November 29, 2017
7:30 p.m.**

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

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Michael Miller

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) 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 noted that this is a large lot that backs up to the Turnpike, and the backyard slopes very steeply down towards the highway. They also mentioned that the nearest neighbor to the west on the side which they are proposing to build this shed is 50 some yards away. The Board noted it's to be 12' by 20' which is 240 SF. They stated the door height is 71", and the width is 64". Board members noted that it is to be even with the front of the house which places it in the side yard. They also confirmed that there was another accessory building that was already removed. The Board questioned whether it could be moved further back, but considered that doing so may cause drainage issues.

2) 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 noted that most of these variance requests are regarding existing conditions because it's along an older building area on Pearl Road. They extensively discussed the parking situation, and how much will be needed for their customers and their employees. The Board mentioned that it is a very difficult lot to deal with for many reasons. They considered the option of getting an easement for the employees behind the Federated building on that lot. They also discussed the front driveway, and that the egress onto Pearl doesn't have a delta that forces you to go right onto Pearl. The Board also stated that the applicant is going to do a traffic study to figure out what is needed so those details may change when it's finished. They discussed having the driveway go onto Peirce Drive instead of Pearl, but the neighbors on that road do not want the extra traffic that it would add. Board members noted that the Planning Commission is taking care of this issue right now with the applicant. They also noted that they are trying to get sign variances, but that there are not enough details in their possession to determine an actual variance. They also noted that the sign elevation is similar to Arby's, and there were no variances granted for Arby's when it was redone recently.

3) 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 this applicant owns and wants to sell a lot that runs from Hunting Meadows to Shurmer Road. The applicant wishes to separate the Shurmer Road site from the rest and sell it off. Originally there was no access road to the lot. The Board debated whether they might consider them not having sufficient access, but agreed they couldn't allow no access at all. The Board noted that after the split of the properties, if granted, the applicant will require variances to build a house for the newly defined lot. The Board noted that they wanted to leave the original barn structure on the lot, but then they would have an accessory building without a main dwelling. The Board noted that an old house is being reconstructed on that property, and in doing so they may be able to keep the barn temporarily for equipment use. The Board suggested that they discuss all possible future variances the applicant may face when the main structure is put onto the new lot.

PUBLIC HEARINGS

There are no public hearings

OTHER BUSINESS

4) GOODWILL INDUSTRIES/Nathan Wellman, Representative

- a) Requesting a variance from Zoning Code Sections 1258.03(C)(2) and 1240.08(c)(18)(C) which require that the accessory use as a sign be located on the same zoning lot as the main use and where the applicant is proposing signage on a lot separate from the main use; properties located at 16180 Pearl Road, PPN 393-31-010 and 16160 Pearl Road, PPN 393-31-009, zoned General Business (GB).

The Board indicated that the sign size will stay exactly the same, and they are going to use the same sign. They noted that they plan to add Goodwill to the existing sign along with Goodyear. Board members noted that this would set a new precedent to be able to put a sign offsite from the original parcel, and they do not like opening up a Pandora's Box on Pearl Road or anywhere else. The Board mentioned being happy that it stayed within the size of Goodyear's original sign, and that they appreciated the cooperation of Goodyear. They also noted that if Goodwill went out of the business the variance would stay with the property. That would mean that in the future Goodyear could put the new businesses located on that parcel onto the sign. The Board also noted that Goodyear could put something else there entirely instead of Goodwill's name at any time after the variance is granted, and it will remain just between the two businesses and their agreement about the new proposed shared signage.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
November 29, 2017**

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

Present: Mr. Evans
Mr. Rusnov
Mr. Smeader
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 November 29th, 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 AYES ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. This evening we also have minutes from our November 8th meeting. If there are no changes I will submit them as presented. We also have Findings of Facts and Conclusions of Law regarding the decision made on November 8th, 2017 for the applicant Martin Dorr. Is there anything that needs to be added or corrected on those? If not I'll entertain a motion to approve the Findings of Facts and Conclusions of Law.

Mr. Baldin – I'd like to make a motion to approve the Findings of Facts and Conclusions of Law regarding the decision made on November 8th, 2017 for the applicant Martin Dorr.

Mr. Smeader – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – Thank you, those have been approved. 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.

Mr. Evans – Thank you, tonight we have all new applications, along with one other order of business. So we'll start with our first new application.

NEW APPLICATIONS

1) 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 – Item number one on our agenda 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 – OK. You are here requesting a variance regarding an accessory structure. Can you tell us a little bit about the property; where structure will be placed, why it's needed, and why the variances are necessary?

Ms. Patrick – It's almost three acres so we have a pretty good sized lot. It's also set back a little bit on the side where we want to have the shed. The yard slopes down. We didn't want to have to build anything in the back or too far back. On the drawing I gave you it shows where the old shed was, which we have already removed. It was behind the tree line, and basically on the Turnpike site. We don't want to have to have it all the way back there. It'll give us piece of mind to have it in view. We'd like it to be closer to the house. The spot we picked is roughly even with the front of the house, it's not in front of it at all. It's also set back behind some trees. So it's not highly visible from the road. I heard you discussing in caucus that there is an access road that the electric company uses. It's adjacent to that, but separated by a row of trees. Basically I think that from an aesthetic point of view, it goes along with our vision for our property. It's kind of hidden, but it's easily accessible and viewable to us. It won't be in view of everyone else though.

Mr. Evans – OK. This is a 12' by 20'. Are you planning to run any electricity or plumbing out to this?

Ms. Patrick – No.

Mr. Evans – So it's just going to be a stand-alone building.

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

Ms. Patrick – Correct.

Mr. Evans – Do you intend to run a business out of it?

Ms. Patrick – No, it's just for storage.

Mr. Evans – It's for family equipment?

Ms. Patrick – We have lawn furniture, a larger lawnmower, a grill, gardening stuff, and other lawn things that need to be stored half the year.

Mr. Evans – We don't have exact dimensions or anything given on here as to where the location of the shed will be. I'm presuming it'll be more than 20' from the house, is that correct?

Ms. Patrick – Correct, I believe it's roughly 75' from the house.

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

Mr. Houlé – Sara, the way Albion Road angles, and the position of your house, it'll actually be kind of recessed back from the front of the house because of the way it's positioned on the street. If you were to draw a straight line from Albion Road to your house because of the way the road turns, even though on this map it's even with the house it'll actually be kind of recessed back.

Ms. Patrick – Correct. We did also stake it out with little yellow flags. So you can get a better visual for it. Yes though, that's correct. It's an odd curve away on Albion so if you're looking at it from there it's definitely off to the side.

Mr. Houlé – If you had a parallel line going back to where your house was it would curl away from it. It'll still be on the side, but it'll be less visible I would say.

Ms. Patrick – Correct.

Mr. Smeader – I haven't been out there yet, is the topography so severe that it warrants this placement or can it not be built 20, 30, or 40 feet further back? Then a side yard variance wouldn't be required.

Ms. Patrick – We have a small room that juts in the back of our house, and in order to have it behind that furthestmost point is where it starts to slope. It's not severely right away, but it would definitely cost more and there would have to be some ground work prepared in order to put it there. If no point could be in front of the rear most part of our house, then it would definitely be slopping.

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

Mr. Smeader – We will all be out in the next two weeks to look at it, thank you.

Ms. Patrick – OK.

Mr. Evans – Thank you. Alright, is there anything else? So what will happen is that all of the members of the Board will be out to visit the property to take a look at it before our next meeting. 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 December 13th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Ms. Patrick – Alright. Thank you.

2) **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).

Mr. Evans – Item number two on our agenda is Raising Cane. Drew Gatliff is the representative. Please come up to the microphone and give us your name and address for the record.

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

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

Mr. Evans – OK. Thank you Mr. Gatliff. You heard us talking in caucus, and basically at this point we're looking at five different variances. I think we understand that this is a lot that already exists. There were buildings on it. We know that it's been remediated for EPA, and all of those good things. So I think what you could do is go to the heart of the matter which is the variance for the parking spaces, and the side yard setbacks. Those would be not preexisting conditions. Then take us through what it is that you guys want to do, and what you see as being the things we need to know.

Mr. Gatliff – OK. I want to apologize. I did not bring the floorplan, but I can tell you that the restaurant does have 72 seats which I know is the main concern. If you combine that with our exterior seating, which we'd plan on there being some. I think it shows four tables, so even if we have four tables there it would be a total of 88 seats if every seat is filled. Within the restaurant there are some corner booths, and because of how it's calculated those end up being 6 seats. Rarely though is every seat filled. I know we're requesting a parking variance for a reduction in parking, and that seems to be a concern for you. It is also a concern of ours. We have built restaurants where we've been under parked and it has hurt us from a financial standpoint. So we've suffered that, and we no longer go after those sites where we have 15 spaces. We know what happens, and have learned that lesson. What we will seek, and I know this was mentioned, for parking spaces on adjacent properties. Unfortunately the former auto parts store is currently being renovated so they're not inclined to grant an easement to us at this time due to not knowing yet how much traffic that business will bring in the future. Therefore they have no way of knowing how much parking they'll need for themselves. Additional to that, the Dominoes location has moved so that's an empty tenant that again, so we can't propose taking up their spaces. So we're a little landlocked as far as that. We are proposing that, but it's difficult at this time. As far as the setbacks are concerned, with the side setback we'll have 10' from the right of way, and then there's a sidewalk which is obviously in the right of way, and then also what is currently a gravel extension or shoulder to the road. So we do have some potential parking on the roadway nearby on Pierce Drive. Also there's the variance that we don't sit back 100' from Pierce Drive, and the reason for that is to not have parking on the opposite side of the building from a safety concern for our patrons. If we would flip-flop where the parking is currently to here, it would allow us to better meet the 100' setback.

Mr. Evans – Right.

Mr. Gatliff – But then all of our parking would be on this side where the drive through is so they'd have to cross the drive-thru every time which is a safety concern for people on our lot. It was mentioned in caucus about the rear and how we'd treat the rear property line. We will have the masonry wall which was discussed. It'll be a 6' tall masonry wall there. As well there's a 10' parking setback from there and we're actually providing 15 with a landscaped buffer as well. So

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

Mr. Gatliff continues - we'll have plantings which are not shown on this plan. It is shown on our landscaping plan which has been submitted to the Architectural Review Board. So we will have landscaping along the back there to soften that. Especially from a noise standpoint it'll help a great deal. As far as lighting, since we're keeping 15' from the property line, we will be lighting just the parking lot. There will be zero light bleed onto the adjacent property. Another concern I'd like to address is the curb cut along Pearl Road. That is going to be subject to engineering approval. We already have a traffic impact study that is underway. They had to avoid the holidays, but they are still conducting that. Currently we show it as a full curb cut, but that's extremely unlikely to happen. Likely it would end up being a right in/right out similar to how the Taco Bell is that is near us.

Mr. Evans – It has a delta in it.

Mr. Gatliff – Yes, correct. So it would have a curbed median in there so it would prevent you from making that left-hand turn. That also is, I don't know if it's exactly the same, but it's very similar distances from that traffic light at Pierce Drive. Because we are removing the existing curb cut onto Pierce Drive, which is more or less at the corner, that second entrance and exit off of the property is something that we feel is key. It is subject to approval from engineering and the traffic impact study.

Mr. Evans – So right now, all the traffic that would be at the tattoo parlor, the nail place, and whatever is going into Federated there, is going to have to exit onto your property and then either go out onto Pierce or go out onto Pearl Road there. That means you'll have a lot of traffic right at that point where you're talking about at the exit point at Pearl. Now you're putting a lot of traffic right into that flow point there. I would think, and I'm hoping that the police are going to take a good, hard, look at it. To me, that would be creating a lot of problems. I know that your business depends on people being able to get in and out and therefore you're going to want to make sure that works. As the Zoning Board of Appeals though, one of the things we work very hard not to do is to make situations worse.

Mr. Gatliff – Understandable.

Mr. Evans – Just because someone wants to do something doesn't mean it'll be the best thing for the City or the safety of people around it.

Mr. Kolick – How many employees would you have working there at any one time? That impacts obviously the number of parking spaces needed. You were talking about 88 seats if it was completely full, then how many employees would be working there besides those 88 people?

Mr. Gatliff – A typical shift for us is a maximum of 12 in the evening. That's if it's a peak time like dinner rush, and on the busiest days.

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

Mr. Kolick – I know you said they're still in flux with the building going to the north and what is in there is there any possibility for getting an easement for maybe your employees as opposed to visitors or customers. If you have 12, but you only have 30 spaces here, that doesn't leave you a whole lot for your customers if each of your employees drives. I imagine most of them drive separately the way society goes anymore. Have you talked with them about maybe in the rear of the building? I think they'd have less problem in the rear if it was for employee parking.

Mr. Gatliff – That's where we'd approach to talk with them, and that's what we've talked about previously. We will reach back out to them, and see if they know who's going in or what the traffic will be like yet.

Mr. Evans – I don't know what the usage is, and maybe you guys do, during the day of the US Bank parking lot which is across the street.

Mr. Rusnov – Pretty heavy. There's a lot of parking there from people taking the bus.

Mr. Evans – Really?

Mr. Rusnov – Yes, I was shocked. One question. If the building is built this way, they have the existing driveway. Say you're at the Dominos site, and you come in there and buy whatever you're going to buy. That drive is one way. Now when you're exiting toward Pierce you're taking the curb cut out by Pierce and Pearl and moving it to the back of the property. Does that mean that those buildings that are there with their employees and whomever at the tattoo parlor, they would have to come along the side of your building and go out the back of the building to get out onto Pierce?

Mr. Gatliff – Yes. Correct. If they want to make a left-hand turn.

Mr. Rusnov – Unless they live on Pierce Drive or behind there they are all going to be making left-hand turns.

Mr. Gatliff – Right, but if you want to make a right hand turn onto Pearl Road...

Mr. Rusnov – There's a light.

Mr. Evans – Yes, but you'd be able to exit from the front because where we're showing the exit onto Pearl Road it'll be a right turn only.

Mr. Rusnov – OK. There's only one driveway to get in there by Dominos, and my understanding is that it's a one-way driveway.

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

Mr. Evans – It is.

Mr. Rusnov – So they're not going to be able to exit that one-way in front of Dominos. They'll have to go behind this structure to get out onto Pierce Drive.

Mr. Evans – But if you look at your drawings...

Mr. Gatliff – On this drawing, you can see that this exit is proposed to go out onto Pearl Road.

Mr. Evans – It's a new curb cut in front of Raising Cane.

Mr. Rusnov – So the light would be there.

Mr. Gatliff – Yes. You'd only be able to make a right hand turn onto Pearl Road.

Mr. Rusnov – From all the existing properties that are there and their businesses. So they could do two-ways. Go at the front of your building and make a right hand turn or plan B is drive through your parking lot, go around the rear of your building, and enter Pierce Drive at the rear of your property, and make either a right or left hand turn. Left would take you to Pearl and right would be into the development.

Mr. Gatliff – Yes.

Mr. Rusnov – OK.

Mr. Evans – Yes. John, it's really the same set-up as State Farm next to Arby's there, and Weight Watchers. Those two are in the same building. They are on the side of Arby's and the traffic going in is one way going right onto Pearl Road, and the traffic going left is out is around the back of the Arby's next door.

Mr. Rusnov – So it's the same traffic pattern that exists there.

Mr. Evans – Yes.

Mr. Rusnov – Which is some-what difficult.

Mr. Evans – Yes. It's probably not as bad as the one here though.

Mr. Rusnov – OK. Thanks.

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

Mr. Kolick – As long as we're on the traffic issue, your drive-through window traffic from Pearl will have to go all the way around that building and around again to get out at Pierce?

Mr. Evans – Yes.

Mr. Gatliff – In order to be able to make a left hand turn onto Pearl, yes. Having the access drive where it exists today would be turning left to get out onto Pearl Road.

Mr. Kolick – It's too close to the intersection, but I'm just looking at this. If you're coming in off of Pearl and heading south, you come in and have to go all the way around the building, do their pick-up, and then go all the way around the second time to get out onto Pierce.

Mr. Evans – So it better be good chicken.

Mr. Gatliff – Correct, and we'd have signage that says for Northbound Pearl Road go left around building.

Mr. Rusnov – So if we understood you right, you're talking 90 people if you include the employees, give or take, and you want 30 parking spaces instead of 40.

Mr. Gatliff – Correct.

Mr. Smeader – So you're going to need almost four people per vehicle in order to satisfy that. As I understand your sketch, the parking is on the north side of the property?

Mr. Evans – Yes.

Mr. Smeader – So do we know what is going into the old Mancini's space?

Mr. Gatliff – I don't know.

Mr. Smeader – It'll be retail but we don't know what. So what would stop the patrons from going to your other parking spots when they can't find parking in front of Mancini's? You're the closest parking to them. That further reduces your available parking.

Mr. Gatliff – I agree with that, they'd have to have a parking easement with us.

Mr. Smeader – But the patrons don't know that. They'll want to come in and go into that store so they say oh there's a parking space, so I'm going to park right there. But they aren't going into Raising Cane, they're going into whatever goes into the Federated space.

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

Mr. Rusnov – There's no way you're going to know they're doing it either.

Mr. Smeader – Your manager isn't going to run out and say hey you can't park here.

Mr. Gatliff – I agree with that.

Mr. Smeader – You're already down to 18 spaces.

Mr. Gatliff – I guess this is the same thing preventing us from having all our employees and patrons park behind those existing locations currently. We won't have them do that unless we have an easement in place with those property owners otherwise they can tow them. Not to say we will, but if it becomes an issue where our patrons can't park in our lot, it would force our hand to make sure we can serve our patrons properly. Just like if we filled all their parking spaces they would likely have our patrons towed.

Mr. Smeader – It's a practical issue. You see these strip malls where you've got a restaurant, then next to it there's a barber shop. There's two or three spaces right in front of the barber shop, which are reserved for the barber shop patrons. The guy and his family are coming for dinner, and it's the last space open, and they take that last space in front of the barber shop to go to the restaurant, the barber isn't going to run out there and say you can't park here. I think it's a real serious consideration.

Mr. Gatliff – We will do everything we can to be able to get a cross-access parking agreement with both the buildings to the north as well as US Bank. Speaking of US Bank, maybe we can get an agreement with them that they could park there in the evening. Then at the dinner rush, we'd have parking while they're closed.

Mr. Smeader – OK. Thank you.

Mr. Rusnov – OK.

Mr. Evans – OK. Is there anything else? Alright the same thing applies that all of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. Mr. Kolick, I don't know if we should make the suggestion to Mr. Gatliff that he reach out to the Council person from that Ward as well? There are sure to be questions from residents when they get the communication.

Mr. Kolick – I think they did that when they did the rezoning. There were a number of people from Pierce who had some objection at the time. I don't think at this point we need to address the Council person, but you do need to get us that interior floorplan that at least shows the general number of seats, tables, etc. Also we need to know what you're planning in the outside eating area

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

Mr. Kolick continues - as well, and please do that and get your traffic study done. It'll help with these issues. Do you currently have an easement in place for at least cross-traffic to that property?

Mr. Gatliff – Yes it is in place.

Mr. Kolick – Please get a copy of that to the City as well.

Mr. Gatliff – OK. We can do that.

Mr. Kolick – If you could pursue these other issues, it'll work to your benefit as well as the City's so please do it as soon as possible.

Mr. Gatliff – We agree.

Mr. Evans – OK. So the public hearing is on December 13th. We will invite you back at that time. Getting that interior floorplan to our Secretary would be helpful so she can get it to us, and hopefully the traffic study will be done by that time. That would be helpful in understanding what's going to happen with this. Ultimately by granting the easement for the parking, we're already compromising the situation if the traffic study comes back and indicates other things, then we may need to be aware of that before granting any variances. Also please discuss all this with US Bank and the Mancini owner so we know what possibilities might exist for parking employees there. OK?

Mr. Gatliff – OK. Thank you.

Mr. Evans – It is not necessary that you stay for the rest of the meeting tonight. Thank you.

3) **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 – Number three on our agenda is Stephen MacGillis. If you will come forward to the microphone we will need your name and address for the record.

3) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. MacGillis – My name is Stephen MacGillis. My address is 16917 Shurmer Road.

Mr. Evans – Mr. MacGillis, you heard us talking in caucus and the change that we made on item (b) you were nodding your head to in caucus so you realize that was incorrect too. So tell us what's going on and what your anticipation is for timing of what you're planning for these parcels.

Mr. MacGillis – Sure. I'm looking to split off the front parcel because it's just the house there. Where I plan to split it is even with the neighbor's property line. So the front piece would be a normal sized parcel, and it would meet all the current Codes. That leaves a large, approximately a two acre parcel in the back that basically has no access to a street, but it's a fairly large parcel, and I'd like to add a driveway back to Hunting Meadows because we're right at the curb. My parents actually own the property next door, that's how we're able to get the split to go onto their property. The objective is that I purchased the house that was built in 1860, and it's a relatively historic house out in Auburn Township, and I'd like to tear it down and move it to the current property, reconstruct it, and live in it. Like I said, I grew up right next door, and I'd love to live in Strongsville again. I moved out for four years and couldn't wait to come back. So that's my objective. I want to stay here. I want to raise my son where I was raised.

Mr. Evans – So the house exists now in Auburn. What kind of time-frame do you see in terms of taking it down and reconstructing it in Strongsville?

Mr. MacGillis – To be honest, it's already on its way down so we're about a third of the way completed in the dismantling. I do own a construction company, and I have an electrician license so I would be doing a lot of the work myself. Realistically, I'm looking at on paper about 24 months. I'm sure if I could get more help, and get more contracted out that I could get it done quicker. I just don't want to say it's going to be six months. Only half of the house is on the ground, and it's going up somewhere. I like my property, and as soon as the gentlemen was ready to sell it I snatched it right up.

Mr. Evans – Alright, are there questions from Board Members?

Mr. Kolick – The barn structure that's there, what will its use be?

Mr. MacGillis – Basically storage, I know you're not allowed to run a business out of it. I don't plan on it. The only driveway access to it right now is a gravel drive that goes to Shurmer, and as soon as we well that property off it'll just be overgrown grass again. That's how it was when I got it. I use it for lawn equipment and that kind of thing. I don't plan on putting in a driveway to it, or storing any vehicles in it. It's just an accessory structure that's nice and big because it's already there.

Mr. Rusnov – You're using it for the aesthetics to go along with the property from Auburn.

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

Mr. MacGillis – Correct.

Mr. Smeader – Approximately how far would it be located from the new construction?

Mr. MacGillis – I'd say about 75' or so. The location I want to build the house will be in line with the rest of the houses on Hunting Meadows Drive. It may or may not be side yard or back yard. It depends on how we'd have to flip the house. It doesn't really matter to me. Whatever the neighbors or you guys would prefer.

Mr. Rusnov – We'll go out and take a look at it.

Mr. Houlé – Mr. MacGillis, why are there two entrances onto Hunting Meadows Drive?

Mr. MacGillis – The reason we need it in two is because my house will need a driveway, and then when my parents build their house they'll also need another driveway. They won't have theirs 75' wide as well.

Mr. Houlé – Is there going to be four different lots then basically?

Mr. MacGillis – Correct, there's three lots now. So yes, there will be four. Then the two front ones will be on Shurmer, and the two rear ones will be on Hunting Meadows.

Mr. Kolick – As a matter of time, I think probably the best thing for the Commission to do is to maybe consider a year for that accessory structure, and as long as the individual is acting in good faith working on it, then we could always extend that time period. If you give him a year, Mike, once he gets the permit doesn't he have another six months?

Mr. Miller – Six months, yes.

Mr. Kolick – So in effect you'd have 18 months if we granted it for a year. Plus, the City will work with you. We just need to see that things are going in and the accessory building isn't just sitting there. I'm sure they'd consider another few months if you needed it to do it. You could always come back to the Board and request that.

Mr. MacGillis – OK.

Mr. Kolick – I think that's probably the best way to handle the time limit on the accessory use.

Mr. Evans – Thank you, Mr. Kolick.

Mr. Kolick – Thank you.

3) STEPHEN MACGILLIS, OWNER, Cont'd

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 December 13th. 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. MacGillis – Thank you.

PUBLIC HEARINGS

There are no public hearings this evening.

OTHER BUSINESS

4) GOODWILL INDUSTRIES/Nathan Wellman, Representative

Requesting a variance from Zoning Code Sections 1258.03(C)(2) and 1240.08(c)(18)(C) which require that the accessory use as a sign be located on the same zoning lot as the main use and where the applicant is proposing signage on a lot separate from the main use; properties located at 16180 Pearl Road, PPN 393-31-010 and 16160 Pearl Road, PPN 393-31-009, zoned General Business (GB).

Mr. Evans – Alright, next on our agenda is Goodwill Industries with Nathan Wellman representing them.

Mr. Wellman – Nathan Wellman, 16180 Pearl Road, Strongsville.

Mr. Evans – OK.

Mr. Wellman – So this is our second time coming here, so obviously you know why we're here. We're struggling with visibility on Pearl Road. We hear from a lot of people that they don't see the store or know where it is even with the large sign you can see up on the tower. It's hard for people to look 90 degrees sideways while they're doing 45 mph down the road. We've worked with Goodyear and came up with an agreement where we will take the existing copy, same size, and split it 60/40 so they'd still have their logo, and ours would go below theirs. It'll be as simple as swapping out the panel that exists with a new panel. No construction needed and it'll be done. Realizing there is precedent that you would be setting here, and I get the hesitation with that. I do feel like it's a unique situation that is not opening Pandora's Box all of the way. It would only be

4) GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd

Mr. Wellman continues - in a scenario where there is someone with rights to a sign along Pearl Road that would be willing to let someone else be on their allowable copy.

Mr. Evans – Therein is part of the dilemma in terms of how big the opening is of this Pandora's Box. Are there questions or comments from the Board?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Evans – We've already done the public hearing on this. You've indicated that because the driveway is hidden you feel that the signage on Pearl Road is necessary to identify where people are to enter. It is an unusual situation, but unfortunately because Strongsville is a place where a lot of people want to be, unusual situations aren't that uncommon. For us, Mr. Kolick has defined it as being an adjacent lot, which at least gives us a little bit of leverage, but we know that there are other situations that would fit this same pattern. By requiring that it's on an existing sign, we're not increasing it or anything else. Those would be limitations that may or may not help us to be able to even consider it. Having said that, if there are no further comments then I'll entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a variance from Zoning Code Sections 1258.03(C)(2) and 1240.08(c)(18)(C) which require that the accessory use as a sign be located on the same zoning lot as the main use and where the applicant is proposing signage on a lot separate from the main use; properties located at 16180 Pearl Road, PPN 393-31-010 and 16160 Pearl Road, PPN 393-31-009, zoned General Business (GB).

Mr. Smeader – Second.

Mr. Evans – Thank you Mr. Rusnov and Mr. Smeader. May I have a roll call please?

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

Mr. Evans – With three votes against this the variance has been denied. We appreciate the fact that you worked with Goodyear and tried to reach a solution that we sort of pointed towards as a possibility for us to consider. At this point the precedents are something that we take into consideration, and it's very difficult sometimes to figure what to do. I regret that the decision by the Board was to not grant the variance. We appreciate you trying to work with us on that. We

4) **GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd**

Mr. Evans continues - sincerely hope that Goodwill is successful, and hopefully over time it'll become better known in the community. We think it's a good location. Goodwill is certainly a good operation that provides not only work for people but also a resource for the community. We appreciate that, it's not indicative of us not appreciating the situation. We're just looking at the bigger picture.

Mr. Wellman – I understand. Thank you for your time.

Mr. Evans – OK. Thank you. Is there anything else to come before the Board?

Mr. Miller – The Building Department would like to give the report concerning the case with Mr. McVey at 10354 Eastland Road. Mr. McVey has brought the issues into compliance for the ones that were denied by the Board. I inspected that property on Monday, and the Department has issued a Certificate of Occupancy for that dwelling.

Mr. Evans – Outstanding. We appreciate the Building Department working with Mr. McVey and reporting back to us. Thank you for taking care of all that. Mr. Kolick I'll need to ask for Findings of Facts and Conclusions of Law again two meetings in a row.

Mr. Kolick – We will do so. The only thing I'd like to add regarding Mr. McVey is that we did find safety violations there with that cabinet and all so we appreciate the Board listening to the reports of the Building Department. The good thing is that we got the only thing we wanted which was to have the situation resolved and a safe situation for the property owner. She is very happy that there is a safe situation now for her. The applicant realized this is what needed to be done, and so we got all the problems cleared up.

Mr. Evans – It's a win-win.

Mr. Kolick – Right.

Mr. Evans – Excellent, and again thanks for the cooperation of the Building Department on that. If there's nothing else, then we'll stand adjourned.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathryn A. Zamrzla, Sec'y

12/13/17
Approval Date