

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

**Meeting of
December 17, 2008
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; William Harr; Richard Baldin, Kenneth Evans.

Administration: Assistant Law Director, Daniel Kolick

Building Department Representative: Joey Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

- 1) **MCDONALD'S/Steve Payne, Representative**
 - a) **Requesting a variance from Zoning Code Section 1258.06 which prohibits off-street parking as a main use and where the parcel is designated as a parking lot only in order to install a Parking Lot Addition;**
 - b) **Requesting a 75' Lot Width variance from Zoning Code Section 1258.08 which requires a 150' Lot Width and where a 75' Lot Width is proposed in order to install a Parking Lot Addition;**
 - c) **Requesting a 25' 6" Front Yard Parking Setback (South) variance from Zoning Code Section 1258.11 which requires a 30' Front Yard Parking Setback from the Cook Road right-of-way and where a 4' 6" Front Yard Parking Setback is proposed in order to install a Parking Lot Addition;**
 - d) **Requesting a 1' 8" Rear Yard Parking Setback (North) variance from Zoning Code Section 1258.11 which requires a 5' Rear Yard Parking Setback abutting a non-residential district and where a 3' 4" Rear Yard Parking Setback is proposed in order to install a Parking Lot Addition;**
 - e) **Requesting a 5' Side Yard Parking Setback (West) variance from Zoning Code Section 1258.11 which requires a 5' Side Yard Parking Setback abutting a non-residential district and where a 0' Side Yard Parking Setback is proposed in order to install a Parking Lot Addition; property located at 14615 Pearl Road PPN 396-18-048 zoned Restaurant-Recreational Service (R-RS).**

Mr. Baldin stated that he was pleased that the applicant would be installing a buffer between the new parking lot and the residential home. Mr. Kolick stated that City Council approved that plan and that Ward 2 had voted for the change.

2) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Scott Maloney with
k2m Architecture, Representative**

- a) **Requesting a 79' Front Yard Parking Setback variance from Zoning Code Section 1262.07 which requires a 100' Front Yard Parking Setback from the Sprague Road right-of-way and where a 21' Front Yard Parking Setback is proposed in order to install Additional Parking Spaces;**
- b) **Requesting a 41' Side Yard Parking Setback variance from Zoning Code Section 1262.07 which requires a 50' Side Yard Parking Setback from the Dow Circle right-of-way and where a 9' Side Yard Parking Setback is proposed in order to install Additional Parking Spaces;**
- c) **Requesting a 5' Side Yard Setback variance (West) from Zoning Code Section 1262.07 which requires a 10' Side Yard Setback (West) and where a 5' Side Yard Setback (West) is proposed; property located at 14955 Sprague Road PPN 395-12-001 Zoned Research and Development (RD).**

Mr. Harr suggested the Board ask the applicant to install the additional parking spaces along Sprague Road, as needed, last after the others were completed. Mr. Allen reminded the Board that the configuration may change since engineered drawings had not been submitted and after plan review, the applicant may need additional variances.. Mr. Kolick stated that the final plans will have to meet Planning Commission approval.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

December 17, 2008

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

Present: Dr. Goist
Mr. Harr
Mr. Baldin
Mr. Evans

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

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this December 17, 2008 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL AYES: ALL PRESENT
EXCEPT FOR MRS. MCGRATH

Mr. Harr – I would like to make a motion to excuse Mrs. McGrath for good cause.

Mr. Evans – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll?

ROLL CALL: ALL AYES:

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have before us, in our packets, minutes from October 22, 2008 and June 21, 2000. If there are no additions or corrections to those minutes, if I may have a motion to approve.

Mr. Evans– So moved.

Mr. Harr – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll please?

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – For all the people who are here in the audience, if you would like to speak before the Commission this evening, if you would now please stand and be sworn in by our Legal Counsel.

Mr. Kolick then stated the oath to those standing.

1) **MCDONALD’S/Steve Payne, Representative**

- a) **Requesting a variance from Zoning Code Section 1258.06 which prohibits off-street parking as a main use and where the parcel is designated as a parking lot only in order to install a Parking Lot Addition;**
- b) **Requesting a 75’ Lot Width variance from Zoning Code Section 1258.08 which requires a 150’ Lot Width and where a 75’ Lot Width is proposed in order to install a Parking Lot Addition;**
- c) **Requesting a 25’ 6” Front Yard Parking Setback (South) variance from Zoning Code Section 1258.11 which requires a 30’ Front Yard Parking Setback from the Cook Road right-of-way and where a 4’ 6” Front Yard Parking Setback is proposed in order to install a Parking Lot Addition;**
- d) **Requesting a 1’ 8” Rear Yard Parking Setback (North) variance from Zoning Code Section 1258.11 which requires a 5’ Rear Yard Parking Setback abutting a non-residential district and where a 3’ 4” Rear Yard Parking Setback is proposed in order to install a Parking Lot Addition;**
- e) **Requesting a 5’ Side Yard Parking Setback (West) variance from Zoning Code Section 1258.11 which requires a 5’ Side Yard Parking Setback abutting a non-residential district and where a 0’ Side Yard Parking Setback is proposed in order to install a Parking Lot Addition; property located at 14615 Pearl Road PPN 396-18-048 zoned Restaurant-Recreational Service (R-RS).**

Dr. Goist – Thank you. Our first Public Hearing is McDonald’s and Steve Payne or Mr. Coyne, whoever is going to speak first, if you would give us your name and address please.

Mr. Coyne – Certainly. My name is Anthony Coyne. I’m with Mansour, Gavin, Gerlack & Manos and I’m also battling a cold. The address is 55 Public Square, Cleveland, Ohio 44113. I do come here wearing two hats to some degree. I represent Steve Payne of Tri-Arch and I also represent the McDonald’s Corporation. So, as it relates to this application, I have two hats to wear. I do have – call it a rendering just to help remind everybody, this is the site plan for McDonald’s. Did you get that in your packets, all of you?

1) **MCDONALD'S/Steve Payne, Representative, Cont'd**

Dr. Goist – Yes.

Mr. Coyne – Again, this is one of those unusual circumstances where the legal description of the property was such that we could not assemble the two properties because of the two corporations. So, we had, basically, done everything we could to address the issue of assemblage to accommodate the double drive-through, the additional parking, which is only eight parking spaces and then a substantial landscape buffer area adjacent to the residential. As you know, this was part of a rezoning that was approved last year or earlier this year, I should say. So, we are in a position to go ahead with the improvements and we have had to technically file for these variances because of there being a line between this additional parking and landscape buffer area and the property that is zoned by McDonald's Corporation. Your Assistant Law Director, Dan Kolick, sent me a letter on December 5, 2008, in which he requested McDonald's and Tri-Arch to enter into a cross easement agreement. We have drafted that; that has been fully approved by Tri-Arch Corporation. I am waiting to get final approval from McDonald's Corporation but I expect to get that. The form in which it has been drafted is consistent with what Mr. Kolick had requested in his letter of December 5, 2008. So, the variances are pretty much self-explanatory. I would be happy to answer any questions related to those variances.

Dr. Goist – I think that we have been through and we have that rendering, except we didn't get ours in color. So, I feel a little bad that we didn't get ours in color but if you would like to just go through each of your variances and state them for us so that we have them for the record.

Mr. Coyne – Absolutely. The first variance relates to the off-street parking as a main use and where the parcel is designated as essentially a parking lot for the McDonald's restaurant and that would be the first variance under 1258.06. The second variance is a seventy-five foot lot width variance from the Zoning Code. This lot was plotted at seventy-five feet wide. The Code under 1258.08 requires 150 feet. The third variance is the front yard parking setback south variance from the Zoning Code, which requires a thirty foot front yard parking setback from Cook Road and that right-of-way where it's 4.6 feet and that is really consistent with the existing parking line that's already there at the McDonald's restaurant. The fourth is a one foot eight inch rear yard parking setback, which is the north property line and that, again, is one in which the Parking Code requires a five foot rear yard variance. That would also be consistent with the rest of the McDonald's restaurant parking setback. The fifth is requesting a five foot side yard parking variance, which would be for the westerly side under the Zoning Code 1258.11, which requires a five yard parking setback abutting a non-residential district where a zero foot side yard parking setback is proposed and again, that is because the parking essentially abuts each other to accommodate the new parking and the double drive-through. So, those are the five variances that are technically required because of the inability to file a lot consolidation plan.

Dr. Goist – Thank you. Board members, do you have any questions?

1) **MCDONALD'S/Steve Payne, Representative, Cont'd**

Mr. Evans - Mr. Chairman, I think it would just be apropos to again, for the record, make note of the fact that most of these conditions are existing for the McDonald's as it is. It is because of the lot split that we recognize that these have to be proposed for the additional lot but these are conditions that pretty well exist now. City Council has been involved in looking at this and we have come to an agreement that we think is the best approach for it.

Dr. Goist – Any other comments from Board members?

Mr. Kolick - Mr. Chairman, briefly, there are three conditions that I had mentioned at the last meeting that you'll need to add to any approval if it's forthcoming and that is that the use of the parking lot be joined to the existing restaurant, that there be cross easements as mentioned by Mr. Coyne that I need to receive the signed documents on and also the filing of the approved covenants and deed restrictions, which they previously forwarded to the City. Those three conditions would be apropos. Thank you.

Mr. Baldin – The other thing, Mr. Chairman, is the fact that – and the applicant did make a comment – you already have made arrangements to put a very substantial buffer area in. I think that that should be –

Mr. Coyne – Oh, absolutely. That has been substantially negotiated with the City officials. Absolutely, yes.

Mr. Baldin – Thank you.

Dr. Goist – Any other questions from our other Board members?

Mr. Harr – No, thank you.

Dr. Goist – Mr. Payne, would you like to speak. This is a Public Hearing. If there is anybody here that would like to speak for this variance at all, please speak so now. If there is anybody here who would like to speak against this variance, please speak now. Hearing none and seeing none, I would entertain a motion.

Mr. Harr - Mr. Chairman, I would make a motion that a request for a variance from Zoning Code Section 1258.06 which prohibits off-street parking as a main use and where the parcel is designated as a parking lot only in order to install a Parking Lot Addition, and a request that a 75' Lot Width variance from Zoning Code Section 1258.08 which requires a 150' Lot Width and where a 75' Lot Width is proposed in order to install a Parking Lot Addition, and a request for a 25' 6" Front Yard Parking Setback (South) variance from Zoning Code Section 1258.11 which requires a 30' Front Yard Parking Setback from the Cook Road right-of-way and where a 4' 6" Front Yard Parking Setback is proposed in order to install a Parking Lot Addition, and a request for 1' 8" Rear Yard Parking Setback (North) variance

1) **MCDONALD’S/Steve Payne, Representative, Cont’d**

Mr. Harr continues-from Zoning Code Section 1258.11 which requires a 5’ Rear Yard Parking Setback abutting a non-residential district and where a 3’ 4” Rear Yard Parking Setback is proposed in order to install a Parking Lot Addition and a request for a 5’ Side Yard Parking Setback (West) variance from Zoning Code Section 1258.11 which requires a 5’ Side Yard Parking Setback abutting a non-residential district and where a 0’ Side Yard Parking Setback is proposed in order to install a Parking Lot Addition; property located at 14615 Pearl Road PPN 396-18-048 zoned Restaurant-Recreational Service (R-RS) provided that the use of the parking lot is adjoined to the existing restaurant lot on Pearl Road and the cross easements between the two lots for parking ingress and egress, storm sewers and utilities as required by the Law Department are submitted and the filing of the approved covenants and restrictions, be approved.

Mr. Evans – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll?

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved. There is a twenty-day waiting period.

Mr. Kolick - Mr. Chairman, he needs to get back to Planning Commission. The other thing that I ask is be sure that you get with our lighting consultant to get any issues worked out there so by the time you get to Planning Commission you have everything in line and ready to go.

Mr. Coyne – Very good. Have a good holiday, everyone. Thank you very much.

Dr. Goist – Thank you.

RULING: VARAINCE APPROVED

2) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Scott Maloney with k2m Architecture, Representative**

- a) **Requesting a 79’ Front Yard Parking Setback variance from Zoning Code Section 1262.07 which requires a 100’ Front Yard Parking Setback from the Sprague Road right-of-way and where a 21’ Front Yard Parking Setback is proposed in order to install Additional Parking Spaces;**

- 2) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Scott Maloney with k2m Architecture, Representative, Cont'd**
- b) **Requesting a 41' Side Yard Parking Setback variance from Zoning Code Section 1262.07 which requires a 50' Side Yard Parking Setback from the Dow Circle right-of-way and where a 9' Side Yard Parking Setback is proposed in order to install Additional Parking Spaces;**
 - c) **Requesting a 5' Side Yard Setback variance (West) from Zoning Code Section 1262.07 which requires a 10' Side Yard Setback (West) and where a 5' Side Yard Setback (West) is proposed; property located at 14955 Sprague Road PPN 395-12-001 Zoned Research and Development (RD).**

Dr. Goist – Our next Public Hearing is Sprague Research Development Company, Scott Maloney. If you would come forward please.

Mr. Carney - Mr. Chairman, members of the Board, I'm John Carney. I'm the General Partner or Managing General Partner of Sprague Research Development Company, so I'm here representing the owner. We are requesting variances for additional parking due primarily to the ITT tenant that we have. Two weeks ago you asked me a couple of questions, which I have answers for now. They actually currently occupy half of the building. 50.27 percent is what they pay as common areas. They require eight parking spaces per thousand square feet at night and six during the day where I think your ordinance requires four. When you add that together with their 31,500 square feet and then soon we're going to get regular tenants for the rest, we're short. So, that's the reason that we're asking for the additional spaces. One of the things – we don't plan to put them in all at once or initially. During the caucus, you had talked about putting in the spaces, should you approve it, along Sprague Road last and that is perfectly agreeable with us. We would probably do the Dow Circle in the back first and only do Sprague Road if in fact they were needed. So, I think you've seen the site plan. In the back it's flat so we can put that in with not too bad of a problem. We're trying. We believe, frankly, that at some point, they probably will want more of the building. So, that would just compound our problem.

Dr. Goist – Okay. Board members, do you have questions?

Mr. Baldin - Mr. Chairman, I think we have pretty much discussed this thoroughly other than what Mr. Harr brought up in caucus and I would have to concur with that and Mr. Carney just said that they would not put in the parking along Sprague Road unless necessary. That's all I have to say on the matter.

Dr. Goist – Any other comments from Board members?

2) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Scott Maloney with
k2m Architecture, Representative, Cont'd**

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I'm just pleased to see somebody potentially expanding and bringing some new business into the community. I agree that the only objectionable aspect of the additional spaces is the stuff along Sprague Road. If you can hold that off to the end, I think that would be good for everybody. We appreciate that.

Mr. Carney – We will, thank you.

Dr. Goist – Any other comments from your committee at all?

Mr. Carney – No, I think we have answered all of your questions.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin?

Mr. Baldin – One thing Mr. Carney did say was that they would only put the spots in if they were actually needed. So, as time goes on, if there is no need, you would not put those spots in?

Mr. Carney – It's not our intent to put them in if we don't need them. Now, we talked last time, I'll have to make sure that we come in and request extensions and I'll have to ask your counsel how we do that and how many times we can do that. We don't want to put everybody through this again just to go over all the same things but what we're trying to do is foresee a problem and be ready to solve it if it happens.

Mr. Baldin – Thank you.

Dr. Goist – Since there is no one here in the audience, I'm still going to ask for the public record, if there is anybody to speak for the variance?

Mr. Evans – Mr. Coyne is here. I object to that comment.

Dr. Goist – Oh, I'm sorry, Mr. Coyne. I couldn't see you. Would you like to speak for or against to variance?

Mr. Coyne – No.

Dr. Goist – If not, I'll entertain a motion.

2) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Scott Maloney
with k2m Architecture, Representative, Cont'd**

Mr. Evans - Mr. Chairman, I would like to move that we approve a request for a 79' Front Yard Parking Setback variance from Zoning Code Section 1262.07 which requires a 100' Front Yard Parking Setback from the Sprague Road right-of-way and where a 21' Front Yard Parking Setback is proposed in order to install Additional Parking Spaces, and approve a 41' Side Yard Parking Setback variance from Zoning Code Section 1262.07 which requires a 50' Side Yard Parking Setback from the Dow Circle right-of-way and where a 9' Side Yard Parking Setback is proposed in order to install Additional Parking Spaces, approving a request for a 5' Side Yard Setback variance (West) from Zoning Code Section 1262.07 which requires a 10' Side Yard Setback (West) and where a 5' Side Yard Setback (West) is proposed; property located at 14955 Sprague Road PPN 395-12-001 Zoned Research and Development (RD).

Mr. Harr – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll please?

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variances have been approved. You have a twenty-day waiting period. Does he have to go back to any other –

Mr. Kolick – He has not been before Planning Commission. At the point that you are ready with drawings, you can come to Planning Commission. This variance will be good for a year from the date it's approved. If it would need to be renewed, you would have to come back and file an application to extend it.

Mr. Carney – Is there a limit to the number of times that we can extend it?

Mr. Kolick – It may depend on what happens out at the site, whether the ordinance's change. It's just that whenever they extend it, it can only be for a year. It might not be automatic. That's what you need to look at.

Mr. Carney – Thank you very much and Happy Holidays. We won't keep you any longer.

RULING: VARIANCE APPROVED

Mr. Kolick – Merry Christmas and Happy New Year to everyone.

Mr. Baldin – Happy Holidays.

If there is no other business to come before this Board, meeting is adjourned.

Minutes
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Meeting adjourned at 8:17 p.m.

<u>Signature on File</u>	<u>Signature on File</u>	<u>January 14, 2009</u>
Glenn Goist, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date