

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

**October 22, 2008
7:30 p.m.**

Present - Board of Appeals Members: William Harr; Celia McGrath; 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:

NEW APPLICATIONS

- 1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative,**
 - a) **Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05 Table and 1252.16 (e) which requires a 5' Side Yard Setback and where a 0' Side Yard Setback is proposed in order to approve an Existing Deck;**
 - b) **Requesting a 2' Height variance from Zoning Code Section 1252.17 (c) which permits a 6' Height and where an 8' Height is proposed in order to construct an 8' Fence; property located at 14496 Ordner Drive PPN 396-18-010 Zoned R1-75.**

The Board did not discuss the above New Applicant.

- 2) **JOE AND THERESA KINTLER, OWNER**

Requesting a 5' Setback variance from Zoning Code Section 1252.16 (e) which prohibits a Deck to encroach ON a Public Storm Easement by less than 5' and where a 0' encroachment is proposed in order to construct a Deck; property located at 20434 Prairie Meadows Lane PPN 391-26-030 zoned R1-75.

The Board did not discuss the above New Applicant .

- 3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE**
 - a) **Requesting a 16' Height variance from Zoning Code Section 1252.22 (b) 3 which permits a maximum 19' Height for a second floor and where a 35' Height is proposed in order to construct a Single Family Dwelling;**

- b) **Requesting a 221 SF Floor Area variance from Zoning Code Section 1252.22 (c) which permits a 1,000 SF Floor Area and where a 1,221 SF Floor Area is proposed in order to construct an Attached Garage; property located at 18052 Benbow Drive PPN 399-22-009 zoned R-100.**

The Board did not discuss the above New Applicant.

(H) PUBLIC HEARING

4) SHEETZ, INC./Steve Funk, Representative

- a) **Requesting a 1,016 SF Floor Area variance from Zoning Code Section 1258.14(b) which permits a 1,500 SF Customer Service Floor Area and where a 2,516 SF Customer Service Floor Area is proposed in order to construct a Service Station-Store/Carwash;**
- b) **Requesting a variance from Zoning Code Section 1272.12 (k) which prohibits a Canopy Sign and where four (4) Canopy Signs are proposed at a new Service Station-Store/Carwash;**
- c) **Requesting a variance from Zoning Code Section 1272.12 (b) which permits one (1) Wall Sign on the East elevation and one (1) Wall Sign on the South elevation, and where two (2) Wall Signs each on the East and South elevations are proposed at a new Service Station-Store/Carwash;**
- d) **Requesting a 1.5 SF Sign Face Area variance from Zoning Code Section 1272.12 (f) which permits a 3 SF Sign Face Area and where a 4.5 SF Sign Face Area is proposed in order to install a Directional Ground Sign at a new Service Station-Store/Carwash;**
- e) **Requesting a 45 SF Sign Face Area variance from Zoning Code Section 1272.25 which permits a 50 SF Sign Face Area and where a 95 SF Sign Face Area is proposed in order to install a Ground Sign at a new Service Station-Store/Carwash; property located at Prospect Road and Royalton Road PPN 392-16-002 and 392-16-003 zoned Motorist Service.**

Mr. Evans distributed pictures that he took of the Medina Sheetz. The Board agreed that the applicant is requesting 50% more than what they're allowed. Mr. Kolick stated that a changeable sign is required with gas prices. The Board stated that the Sheetz lot is twice the size of the Speedway lot across the street. Mr. Kolick stated that sit down seating is permitted if they have the appropriate parking and that Planning Commission approved the lot consolidation. The Board stated that signs are not permitted on canopies and that they may deny the request in order to be consistent. That Board agreed that the coffee sign is okay aesthetically.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

October 22, 2008

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

Present: Mr. Evans
Mr. Harr
Mrs. McGrath
Mr. Baldin

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

Mr. Evans – Good evening, ladies and gentlemen. I'd like to call this October 22, 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 DR. GOIST

Mr. Harr – I make a motion to excuse Dr. Goist for just cause.

Mrs. McGrath – Second.

Mr. Evans – We have a motion and a second to excuse Dr. Goist. May we have a roll call please?

ROLL CALL: ALL AYES:

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. We do have an amended agenda. I would entertain a motion to approve the amended agenda.

Mrs. McGrath – So moved.

Mr. Harr – Second.

Mr. Evans – We have a motion and a second for the amended agenda. Kathy, would you call the roll?

ROLL CALL: ALL AYES

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Evans – Thank you. Our first portion this evening is to consider New Applications. Item number (1) on our agenda is Clint and Diane Nelson, Joe Lombardo, representative. If you'll come forward please to the microphone, we will ask you to give us your name and address and then, if you will, explain the request for the variance.

Mr. Lombardo – My name is Joseph A. Lombardo. I'm here to represent Mr. and Mrs. Nelson and their patio deck that they have had installed. Mr. Nelson had put in a deck on the side of his house. You have pictures in front of you of what they did. The one picture has the date on it of when he did it. He did not finish the deck. Some of the decking boards weren't attached. I met him this summer. He wanted to cover part of the remainder of his back yard with a patio deck at the same level, because he has a very large oak tree in his back yard. The grass won't grow and he does not like concrete or patio brick type of a situation. So, I submitted a set of plans to the City. They issued a permit to me. I did my footers and I got an okay on my footers and I went ahead and built the deck. He would like to build his deck that is already built - he wants to extend it all the way to the fence. The City Code is 5' off the existing property line. In the picture, you can see that he has a fence that he put in. He did get a permit for that fence. That fence is on the property line. He did have a survey done for that. His deck that he put in goes to his fence, which doesn't go with the City Code. The deck that I put in is 5' off the property line. So, he is asking the City if the City would allow him to build the new deck to the fence so it matches the old deck that he had put in. If the City decides not to allow him this variance then I'm assuming the City is going to require him to remove 5' of the deck that he put in, which I will go back and do. He asked me to do that. Next spring, he wants to build onto the new deck that he just put in towards the backyard. So, he is going to add to it again to cover this muddy area because he wants to use his backyard and it will go around the back of his garage, which, kind of, shows on this print that I drew up. So, that's where we're at and at the same time, the inspectors were out there and the reason that we're here is the deck is at a height where you can see into the windows of the neighbor's house, which is a two sided rental property. That's why we're asking for the variance for the height of the fence, to make the fence a little higher so that it blocks those windows. But you can still see into that if it was 5' away but we just put that on there just because we're here. So, that's about the situation. The deck is about two steps off the ground. It's pretty much just a platform in the backyard. That's all I can tell you.

Mr. Evans – Thank you, Mr. Lombardo. Just for the record, if you would, could you give us your address please?

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Lombardo – My address of the office in my home is 601 Linda Street, Rocky River, Ohio.

Mr. Evans – Okay, thank you. Members of the Board, questions?

Mrs. McGrath - Mr. Chairman? I wanted to ask what your opinion was as to the hardship on this. What do you consider the hardship that we are trying to work around in getting this variance?

Mr. Lombardo – The one hardship that I can see when I did this job is that the backyard is all mud. The little section of fence – the section of area that is between the deck and the fence – the 5' offset – he has a space now that you really can't do anything with. It's just a deck space.

Mrs. McGrath – But is the hardship originally perhaps also the fact that nothing grows back there?

Mr. Lombardo – Right, that is the hardship. He has this huge oak tree that, pretty much, covers his whole backyard. No grass will grow.

Mrs. McGrath – Okay and one of the solutions could have been that he put in pavers or bricks or concrete and he didn't chose those options.

Mr. Lombardo – That's correct. That's not what he wants.

Mrs. McGrath – And if he had chosen those options he wouldn't have to have a higher fence.

Mr. Lombardo – Exactly.

Mr. Allen - Mr. Chairman?

Mr. Evans – Mr. Allen?

Mr. Allen – For a concrete patio or pavers, they would have the same required setback as they would for the deck. They would have to be 5' off the property line

Mrs. McGrath – Thank you.

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Kolick - Mr. Chairman, for the applicant, Mr. Lombardo, are you proposing to also extend a new deck – did I hear you say – if this variance is granted, to the property line because that is not what our agenda currently reads.

Mr. Lombardo – I understand. I threw that in as long as I was talking. I built a 19' by 30 some feet wide deck attached to the deck that you see in this picture and it's all at the same level. Now, he wants to build on that another 20' back. The new deck that I built conforms to Code. It's 5' off the fence line, the deck that I put in. The deck that Mr. Nelson put in goes to the fence, okay, so we have a little discrepancy there and they were nice enough to go ahead and build this deck for him. He wants to add onto the deck come springtime another 20' and he'll go back to the back edge of the garage. It, sort of, shows it on here. I can show it to you. I'm assuming that what you're going to allow me to do is to stay within the 5' from the fence. That would be the logical thing to do but Mr. Nelson wants to go to the fence with the deck all the way back to the back of his garage. So, that is what I'm here asking for.

Mr. Harr – That is not what has been proposed.

Mr. Evans – Back to the garage.

Mr. Lombardo – Right. I'll probably be in front of you again come next spring.

Mr. Kolick – He said to the back of the garage. He wants to push this all the way over to the property line and run it all the way back.

Mr. Lombardo – Right, all the way back.

Mr. Evans – Okay, but Mr. Lombardo, the garage right now sits close to the property line so –

Mr. Lombardo – No, there is twenty –

Mr. Harr – No.

Mr. Evans – Oh, that's the garage there. I see. I got it.

Mr. Lombardo – There is 26' from the back of the garage to the property line right now. So, if you were to disallow the 5' it would be 21' of deck.

Mr. Kolick – Mr. Lombardo, so our record is clear, is he looking to extend his fence from the property line all the way from the front of his house to the back of the garage?

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Lombardo – Yes, sir.

Mr. Kolick – Then we need to rewrite the –

Mr. Evans – Not the fence but the deck.

Mr. Allen - Mr. Chairman?

Mr. Evans - Mr. Allen?

Mr. Allen – At this time, he hasn't made application for the portion next to the garage. He has only made application for the area that is the new deck and he was granted that in keeping it 5' off. I don't know if you can grant the variance without first having an application for the last part.

Mr. Lombardo – Could I come back when we go through this again for the second deck being built? That's what I would have to do. I don't have a problem with that. I'm not asking you for the whole thing. I want to clear this up to make it right for him and make it right for the City.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – To be clear, Mr. Lombardo, what you are proposing right now is the zero foot setback just to the edge of what you have constructed at this time?

Mr. Lombardo – That's correct.

Mr. Harr – Okay.

Mr. Lombardo – Because it conforms to what he has built that wasn't done with a permit.

Mr. Allen - Mr. Chairman?

Mr. Evans - Mr. Allen?

Mr. Allen – I think what they are going to do is you'll need to grant a variance so that he can keep the existing 5' that he has fixed and constructed originally and then he wants an additional 5' on the new application that he made.

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Lombardo – Right.

Mr. Evans – That would be for the area, the 19', as we see it on the drawing here.

Mr. Allen – That is correct.

Mrs. McGrath – Plus the 27.8.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – Mr. Lombardo, the extended fence section, the 8' fence, is proposed only to the point where the original deck ended? Is it just enough to obscure the house, roughly?

Mr. Lombardo – He would like the whole thing to be that high but it makes sense just to cover those two windows.

Mr. Harr – I'm just trying to clarify what he is asking for.

Mr. Lombardo – I'm, kind of, advising him on what to do. That's what I would do. That makes the most sense if you would allow something like that. It's just the fact that if he is on his deck and the people next door are in their house, you don't want to be gazing in the window.

Mr. Baldin – Clint and Diane are not here?

Mr. Lombardo – No. Clint is always out of town and Diane declined.

Mr. Evans – Mr. Harr, what you're suggesting is that the 27.8" would be where the 8' would be approved?

Mr. Harr – Yes.

Mr. Evans – Questions from anyone else?

Mr. Harr – I have no other questions.

Mr. Baldin - Mr. Chairman?

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Evans - Mr. Baldin?

Mr. Baldin - Mr. Allen, did they get a permit originally for their deck?

Mr. Allen – No, sir, they didn't. They did for the other two decks but the deck that is on the garage and the replacement and enlarging of the deck but this particular deck, what had happened was they had an addition and when they got the permit for the addition, it appears that at that time they added a deck. They did have a permit for the addition. They did not have a permit for the deck.

Mr. Baldin – That's what I brought up a few weeks ago when I said there was a new addition put on this house and we found out that that was true and then that's when that deck was put on. So, the deck where we see the fence and the railing, that was there for some time and then he added the lower deck right up to the fence line. Correct?

Mr. Allen – Yes.

Mr. Baldin – And then the pictures that we are looking at where the holes where dug and covered over were –

Mr. Lombardo – That's what I did. That's the new deck that I built.

Mr. Baldin – Right. Okay and now, they want to extend it further back but they want the 8' just to cover that first portion of 8' high fence. You have been working there for some time and since they aren't here I can't ask them the question, that garage also has an apartment above it. To your knowledge, is there anybody living in it?

Mr. Lombardo – I don't know.

Mr. Baldin – I know people have lived in it in the past.

Mr. Lombardo – All I know about that is what Diane told me. Her mom was living there and she has passed away since. That's all I know about it.

Mr. Kolick - Mr. Chairman?

Mr. Evans - Mr. Kolick?

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Kolick – Since we need to set this for a Public Hearing, it would be good to have at least one of the applicants here at the Public Hearing so that they can address these questions, including the area above the garage because this is only zoned for Single Family use. It may have been that that garage was utilized before the Zoning Code was in but if it's discontinued, we need to know that as well.

Mr. Lombardo – That is something that Mr. Nelson would know.

Mr. Kolick – Fine, I understand but that's why I'm suggesting that at the next meeting that you have Mr. Nelson or someone here to answer these questions.

Mr. Lombardo – I can talk to him about that. I don't want to speak out of turn. That's something that I shouldn't talk about.

Mr. Kolick – The other thing we need to know, has anyone addressed the next-door neighbor because they are only about 5' off the line. You are right up to those windows.

Mr. Lombardo – There is a 5' offset from their building to the fence line and then the City made me put 5' on the other side for the new deck that I built.

Mr. Kolick – I understand that but you're asking for a variance that goes right to the property line and it's not like they are 10' or 15' away. They are only 5' off the line. Are those bedrooms for that house?

Mr. Lombardo – Yes, I think so.

Mr. Kolick – You would be right up to those bedroom windows or 5' from them.

Mr. Lombardo – I understand what you're thinking.

Mr. Kolick – Right. It would be important to have one of the applicants here, if not both, at the next meeting.

Mr. Lombardo – Okay. If we take 5' off the deck that Mr. Nelson built, you're still going to be able to see through the window. You're only 5' away from the fence area so you're still at that height.

Mr. Baldin – But that's not really a hardship. That's something that they created on their own.

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Lombardo – Exactly. I'm not going to lie.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – I understand that but certainly, we would recommend that they have that conversation with that neighbor. We might assume that they want the privacy of that fence but there are some folks that wouldn't want to look at a wall all day long either. There is a good solid half a year that that deck won't be used.

Mr. Lombardo – During the wintertime.

Mr. Harr – Exactly. I don't think we should presume that they prefer having an 8' wall right there.

Mr. Lombardo – The house right next door is a rental property. I have some rental properties and people will be moving in and out so it will be different people.

Mr. Evans – Mr. Lombardo, to Mr. Harr's point, I think that you should be aware and you should make the applicant aware that we will notify people for the Public Hearing that are within 500'. So, in particular, that house will be notified and I would think that whoever the owner of the property is should be aware of it as well because they would be likely to have an opinion about that as well as the current renter. You may want to express that to the Nelson's so they are aware of that. Any questions from Board members?

Mr. Kolick - Mr. Chairman, just one thing that we need to get cleared up because we are going to be sending out notices. If you want to also request that additional 5' on a new deck you added, if that is what you want to do to the property line, then we need to add that into the public notice going out and we will do so.

Mr. Lombardo – All righty.

Mr. Kolick – Okay.

Mr. Evans – Okay, then if there are no other questions, the November 12th date would be the Public Hearing and we would invite you back along with one of the representatives at that time.

1) **CLINT AND DIANE NELSON, OWNER/Joe Lombardo, Representative.,
Cont'd**

Mr. Lombardo – I will try to have Mr. Nelson here. I would like to apologize for last week that happened. We had all the rigmarole around here and sorry if I didn't show up. I apologize.

Mr. Evans – Not a problem. Prior to your arrival, there were a lot of people here and we understand the confusion. Not a problem.

Mr. Lombardo – Thank you.

RULING: SET FOR PUBLIC HEARING ON NOVEMBER 12, 2008

2) **JOE AND THERESA KINTLER, OWNER**

Requesting a 5' Setback variance from Zoning Code Section 1252.16 (e) which prohibits a Deck to encroach on a Public Storm Easement by less than 5' and where a 0' encroachment is proposed in order to construct a Deck; property located at 20434 Prairie Meadows Lane PPN 391-26-030 zoned R1-75.

Mr. Evans – Item (2) on our agenda is Joe and Theresa Kintler. If you would come forward and give us your name and address please and explain to us your request for the variance.

Mr. Kintler – Thank you. My name is Joseph Kintler, 20434 Prairie Meadows Place, Strongsville, Ohio, 44149. First of all, thank you, ladies and gentlemen for hearing our request for a variance this evening. We're here today because we want to build a deck on our property at our home. Your should have three drawings there. One is the topographical survey. The other is the plans for our proposed deck and also, I enlarged part of the topographical survey to, kind of, line up with the size of the plan so you can get a better idea of just how much far we are over the easement. Our unnecessary hardship or difficulty, if you will, is simply the location of our home on the property. It's the only place we could put the home on the lot and there is that swale easement and the perimeter of that easement is right up against the rear and northwest corner of our house. So, our sliding glass doors to our kitchen are also on that side of the house and would make an ideal place for us to put a deck/patio. We are having Soeder Landscaping give us this plan. It's being done by a professional and we felt that was really the best place to put it and we considered the easement when we made plans for the deck. So, we feel that this is not based on any conditions that we have created. It's simply where the house is put on the lot in accordance with the easement. I know from a personal standpoint, you're looking at subplot 16 Prairie Meadows and to us, that is our home. It's our American Dream and we just want to put a deck on the back of our property. The addition of the planned deck/patio will not be

2) **JOE AND THERESA KINTLER, OWNER, Cont'd**

Mr. Kintler continues - detrimental to the public welfare and it will not affect the swale/easement in any way and when you guys come out and take a look at it, I think you will notice that between the two storm drains, there will still be plenty of room for any maintenance to get back in there. Also, I think that the construction of this deck will not affect that swale/easement whatsoever.

Mr. Evans – Mr. Kintler, are you the original owner of the home?

Mr. Kintler – Yes, we built the home October 13, 2003.

Mr. Evans – Okay. Mr. Allen, I think before we do questions from Board members, it might be appropriate for you to describe for the applicant the conditions under which, if this Board were so inclined as to grant a variance, that the impact of building into the easement might have on the homeowner and the conditions they need to agree to in order for that to happen.

Mr. Allen – Yes, Mr. Chairman. What would have to happen is if this Board feels fit to let them go into this easement area, the Law Department would have to prepare a document that you would have to agree to and if there was ever any work done in this area that you would be willing to let the City go in and do the work and the deck would be removed and replaced at your expense. I did take the City Engineer out there today and he did not see that the deck would cause any adverse drainage issues.

Mr. Kintler – Thank you for clarifying that but that is understood and we are still confident and we still want to do it.

Mr. Evans – Thank you, Mr. Allen. Board members, any questions?

Mr. Baldin - Mr. Chairman, what is the exact size of the deck going to be?

Mr. Kintler – Forgive me. I made copies for you and my builder has copies but I neglected to make one for myself.

Mr. Baldin – Roughly.

Mr. Kintler – As far as square footage, the copy that I gave you - and forgive me please – is to scale. I believe 1” equals 8’.

Mr. Harr – Eight by eleven or eight by twelve, maybe.

Ms. Zamrzla – Do you want a drawing?

2) **JOE AND THERESA KINTLER, OWNER, Cont'd**

Mr. Kintler – May I? Thank you.

Mr. Baldin – It's not very large.

Mr. Kintler – Correct.

Mr. Baldin – Okay. No further questions.

Mr. Evans – Any other Board members?

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – For Mr. Kintler's benefit too and as part of our discussion, that document would likely be filed a public record with your property. So, it is something that when you – just to be aware – when you sell this property, anyone acquiring it would also be made aware of that condition that they would have to remove the deck if they were so asked to do so.

Mr. Kintler – Understood. Thank you.

Mr. Evans – I think too, I would make the observation as Mr. Allen explained, it is a swale area. There is not anything under that easement that would require being dug up or anything so, at this point, that should be part of the record. Any other questions from the Board?

Mr. Kolick – Mr. Kintler, you also need to take my card. You need your contractor - your contractor knows me. He is a client of mine, as a matter fact, so he needs to get me some information in order to make up the affidavit that they are taking about here. That can be executed before and basically the affidavit will go into your title and just state, as you heard here today, that if the City needs to get into that easement to do anything, you understand that you have to remove the deck at your cost to do it. Fortunately, our engineers are saying that that may be unlikely, given the circumstances, but we need to protect against that. So, have him get in contact with me before the next week, certainly before the next meeting.

Mr. Kintler – Okay.

Mr. Evans – Mr. Kintler, as we explained to the other applicant, we will be notifying those individuals who live within 500' of your property so it would be to your advantage to talk to your neighbors just to let them know because the announcement that comes out is not very descriptive about the request for the variance and everyone may be wondering about that. So,

2) **JOE AND THERESA KINTLER, OWNER, Cont'd**

Mr. Evans continues - by your letting them know ahead of time, that would be to your advantage and November 12th –

Mr. Kolick – He needs to stake out their property.

Mr. Evans – Yes, thank you, Mr. Kolick. Mr. Kintler, please stake out the deck on your property where it is proposed so that when we come and visit it, we will be able to see the approximation of where the deck is proposed.

Mr. Kintler – Excuse me, so the next step of the process is to come back November 12.

Mr. Evans – November 12 we will have you back for a Public Hearing at which time your neighbors will have been notified about that and we would then act at that meeting.

Mr. Kintler – Great, thank you.

RULING: SET FOR PUBLIC HEARING ON NOVEMBER 12, 2008

3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE**

- a) **Requesting a 16' Height variance from Zoning Code Section 1252.22 (b) 3 which permits a maximum 19' Height for a second floor and where a 35' Height is proposed in order to construct a Single Family Dwelling;**
- b) **Requesting a 221 SF Floor Area variance from Zoning Code Section 1252.22 (c) which permits a 1,000 SF Floor Area and where a 1,221 SF Floor Area is proposed in order to construct an Attached Garage; property located at 18052 Benbow Drive PPN 399-22-009 zoned R-100.**

Mr. Evans – Okay. Item number (3) is Jim Ptacek, owner and Joe Gazzo representative. If you would come forward please and we will need your name and address for the record and if you will explain your request for the variance please.

Mr. Gazzo – Thank you very much. Joe Gazzo and I reside at 19762 Kensington Court here in Strongsville and what I'm requesting is a couple of variances. As you all know, I am representing Mr. Ptacek here. He is the owner of the property on Benbow. The first variance that I'm requesting is a 16' height variance. I think that you have in front of you the drawing, which pertains to the basketball court. That's where the variance there applies. I know that we're allowed 19' and again I'm requesting an additional 16' to handle the height of that particular basketball court. Now, if you look at the blueprint – I know that I'm, kind of, hop scotching around here a little bit – on page A4-2 you'll see the layout or the grid if you will,

3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE, Cont'd**

Mr. Gazzo continues - of that foundation and that is actually 35' in height from the basement floor to the bottom of the ceiling joist there. Now, if you take a typical home, if it's a thirteen course basement, typically speaking from the bottom of the basement floor up to the bottom of the ceiling joists, that is typically 28'. So, really there is a 7' discrepancy in terms of height. I don't know if I explained that clearly enough but if it was a normal home being built on that lot, a typical colonial, that height would be 28' and in this case it's 35'. So, really there is a 7' discrepancy there although it is, in actuality, a 16' variance that I'm applying for. If you also notice, that side of the building faces north and it also faces west, if you will, with the part that abuts the turnpike, so to speak, and the way this is situated on the lot, which is 6 and ½ acres – first of all this home is almost 10,000 square feet excluding the basketball court so the lot definitely warrants and can definitely suit that type of house. If you'll look at the neighborhood, if you will, there is one house to the north of that basketball court that can actually see that. There are two windows in that gentlemen's house. Anybody on the other side of him are on the south side and will not see that and people across the street will have a difficult time seeing that height because number one, those houses are across the street and number two, there's a mound and a barrier there with some plantings and some pine trees. So, really, the only individual that will be seeing that at all is the fellow north of him and there is a buffer of trees there that also, kind of, blocks that. So, that is one of the requests that I'm asking for with respect to the variance. Now, if anybody has any questions, I know that there is a second variance there and that pertains to the square footage of the garage. I know 1,000 square feet is all that is allotted and this particular garage is 1,221 square feet, so the difference of 221 square foot and the purpose for that is two-fold. It's a deeper garage than most garages. It's close to 26'. I think it's 25' 8" and the reason why it's also a little bit larger is because the architect in designing this home wanted to push it closer to the edge of the basketball court to hide the court from the front or from the streets perspective, if you will. So, if that was a shorter garage as far as width goes, you would see more of the basketball court from the street. So, that is the purpose of making that garage a little wider and as a result, it expanded 221 square feet.

Mr. Evans – Okay, thank you Mr. Gazzo. Questions from the Board?

Mr. Baldin – Mr. Chairman?

Mr. Evans - Mr. Baldin?

Mr. Baldin – I went out there and looked at that property. There is an old brick home on the property now. I assume that is going to be torn down?

Mr. Gazzo – Yes, sir. There were thoughts about perhaps moving it but the cost to do that because of the wires, because of all the utilities involved, we will probably tear it down.

3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE, Cont'd**

Mr. Baldin – To the north of the property, there is a vacant lot. Is that all part of this parcel?

Mr. Gazzo – Yes, to the north –

Mr. Baldin – And then north of that is the house that you're speaking of.

Mr. Gazzo – That is correct, yes.

Mr. Baldin – Okay. So, as part of that parcel there, the parcel where the house sits now and it's a very deep lot. You have a big ravine back in there.

Mr. Gazzo – That is correct.

Mr. Baldin – I'm trying to figure out just where this basketball court is going to fit. Is that going to be sitting over where this vacant lot is?

Mr. Gazzo – Pretty much so, yes.

Mr. Baldin – Because everything drops off back there.

Mr. Gazzo – And that is where that would be, in that low area.

Mr. Baldin – And this is where you are proposing that height because of that low area in there.

Mr. Gazzo – That is correct, yes.

Mr. Baldin – What is the reasoning for this huge basketball court? Is there a ball player moving in here?

Mr. Gazzo – No, some people have asked me that. His son is very active in sports. I'm not saying he is the next prodigy or the next LeBron James but he is very active, and this gentleman who owns a few businesses as well is very active in terms of coaching and whatnot and this is just something that he aspires to build.

Mr. Baldin – God bless him. It's so ironic because this is the second basketball court that has come in front of this Board in a month. Not a full sized court like this.

3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE, Cont'd**

Mr. Gazzo – I think the thing is that this gentleman here, he happened to come across this property which is unique in Strongsville because there aren't many seven or eight acre parcels left in town and I know in areas like Westlake it's not common place but you see it more often where you see larger homes scattered amongst areas similar to this, and he came across this property, and he looked to build in other areas in Strongsville, and as some of you know I am very active in the area, and I know the areas very well, and this couldn't fit on anything. He tried to buy two lots or three lots and it just wouldn't work. So this, like I said, with the size of this home on this particular size of property, I think it's a perfect fit. It's something that he has always wanted to build and it's an ideal situation.

Mr. Baldin – There are some very large homes across that street.

Mr. Gazzo – Well, the nice thing about that, believe it or not, is – and I know of some personal friends that live over in that subdivision – their houses are – some of them are in the \$500,000 price range and as you can tell, this is going to be a million plus home and I know one thing with the value of real estate going down, this isn't going to hurt anyone's value. It's only going to enhance it. Of course, I'm biased. I'm a builder.

Mr. Baldin – You're a builder. It's going to dwarf the house to the north of him.

Mr. Gazzo – Of course, but if I was that fellow, it wouldn't upset me but that's me.

Mr. Baldin – I have no further questions.

Mrs. McGrath - Mr. Chairman?

Mrs. McGrath – I just wanted to ask you, you had mentioned that he had several businesses but he also enjoys coaching basketball. Do you know if he has any plans of running a business out of this gym?

Mr. Gazzo – Well, he doesn't coach basketball and he doesn't have any plans of doing any business out of this gym at all. No, not at all.

Mr. Harr – No camps.

Mr. Gazzo – None whatsoever. No.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE, Cont'd**

Mr. Harr – You had mentioned that there is a tree line between this proposed gymnasium and this existing dwelling. Are there any other buffer plans at all for that north property line?

Mr. Gazzo – He expressed emphatically the last time that we were at the lot that he is going to add some more trees in that area there. I also know that he is talking about a horseshoe driveway. This is going to be a beautiful property when he is done and I know that he is not going to spare anything with respect to landscaping. That I know.

Mr. Allen - Mr. Chairman?

Mr. Evans - Mr. Allen?

Mr. Allen – Keep in mind too, according to this site plan, the variance that he is requesting is a 16' variance but that is mainly on the back of the one corner. The front of the building is not going to have to have that much variance but the variance is requested for the worse case condition. It would be much less in the front.

Mr. Harr – The large face presented is really to Interstate 71.

Mr. Allen – That is correct, yes.

Mr. Evans – Actually, that is a point that I wanted to correct and it is Interstate 71 that it backs up to. Any other questions from Board members? Mr. Gazzo, I guess on my behalf I would ask was there any thought to digging the basketball court into the ground to lessen the height variance because obviously, when you're talking about a thirteen course basement, you could go 7' into the ground, and that would lessen the variance for the height, and I have not seen the topography yet. We didn't have a topo so I only guessed at where this was and I thought that there was some runoff there but what about digging in for the basketball court.

Mr. Gazzo – We have addressed that somewhat Ken, and the situation is this. We looked at the cleanout there because they have the sanitary sewers there and they are only so deep. So, if we do lower that at all, it may require sewer ejectors or sewer grinders and I don't think we want to do that in this particular case. I could be wrong but I think the City kind of frowns on that number one and number two, that lower level is over 4,100 square feet and that's just too much to handle there. So, by lowering that, we may gain a couple of feet there but it's going to cause a lot of headaches down the road but we addressed that. There may be a little play where we can sink it a little bit more and quite frankly, that would be to our best interest because we would be getting more dirt out of there and we need fill. I have already approached Costco. They've got mountains of dirt over there and they said they don't know whether or not they would be able to give us some dirt. So, that's, kind of, where we're at.

Mr. Evans - Mr. Allen, would that response track correctly?

3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE, Cont'd**

Mr. Allen – Yes, that's correct. We frown upon grinder pumps on a sanitary. We prefer that the sanitary make it by gravity.

Mr. Evans – Okay, thank you. I also noted on here something about a pool dressing room. Is there also a pool that is planned?

Mr. Gazzo – There will be in the backyard, Ken, but that is down the road.

Mr. Kolick - Mr. Chairman? Mr. Gazzo, the existing home and the existing driveway are going to be ripped out?

Mr. Gazzo – Yes, sir.

Mr. Kolick – Okay, thank you.

Mr. Evans – All right. Any questions from Board members? This would be the same situation. I'm not sure whether we want to ask that the entire property be staked out but I guess perhaps the thing to do, since the variance is for the basketball court, in hoping that we have a little bit of dry weather, because some of us have experienced being stuck out in mud, but if you could stake the four corners of the basketball area, I think that that would be at least appropriate for us to get some kind of gauge on where this is going to sit out on the property there, and I don't think that you need to necessarily have that surveyed or anything to do that. We'll settle for an approximation of within 10' or whatever and get a guesstimate that way. Mrs. McGrath, you're indicating that you want the garage as well?

Mrs. McGrath – I didn't know if we should ask for the garage since that is part of the variance.

Mr. Evans – I think we know where it's going to sit in relation to the basketball court. I'm just thinking the basketball court is probably the most obvious way to do it the easiest.

Mr. Gazzo – Okay.

Mr. Evans – Is that acceptable to the Board members?

Mr. Gazzo – Okay. So, just the four corners then, Ken?

Mr. Evans – The four corners of the basketball court and then, at this point, November 12 would be the Public Hearing.

3) **JIM PTACEK, OWNER/JOE GAZZO, REPRESENTATIVE, Cont'd**

Mr. Gazzo – Okay, and then Ken, out of ignorance if I do that within the next few days, what is the next step then?

Mr. Evans – The next step is that we will visit the property some time between now and November 12 and then at that point, you would come back on November 12 for the Public Hearing. We will notify the people within 500' of the property.

Mr. Baldin – Mr. Gazzo, what is your timeframe? When would this gentleman like to get this under way?

Mr. Gazzo – His dream is to be in by next September and all I can tell you is this is a big house. We dug the Docere Medical Building on Pearl and that was 9,400 square feet and that took some time. That was a little more involved than this but this is a big project. Speaking on his behalf, the sooner that we can get this rolling the better. I know the elements are coming in but the sooner the better.

Mr. Baldin – You would try and dig through the winter and so forth?

Mr. Gazzo – Well, we have done it before but it all depends. We take the necessary steps.

Mr. Baldin – I have no more questions.

Mr. Evans – Okay. Thank you, Mr. Gazzo.

Mr. Gazzo – Thank you for all your help. Have a nice evening.

RULING: SET FOR PUBLIC HEARING ON NOVEMBER 12, 2008

PUBLIC HEARING

4) **SHEETZ, INC./Steve Funk, Representative**

- a) **Requesting a 1,016 SF Floor Area variance from Zoning Code Section 1258.14(b) which permits a 1,500 SF Customer Service Floor Area and where a 2,516 SF Customer Service Floor Area is proposed in order to construct a Service Station-Store/Carwash;**
- b) **Requesting a variance from Zoning Code Section 1272.12 (k) which prohibits a Canopy Sign and where four (4) Canopy Signs are proposed at a new Service Station-Store/Carwash;**

- 4) **SHEETZ, INC./Steve Funk, Representative, Cont'd**
- c) **Requesting a variance from Zoning Code Section 1272.12 (b) which permits one (1) Wall Sign on the East elevation and one (1) Wall Sign on the South elevation, and where two (2) Wall Signs each on the East and South elevations are proposed at a new Service Station-Store/Carwash;**
 - d) **Requesting a 1.5 SF Sign Face Area variance from Zoning Code Section 1272.12 (f) which permits a 3 SF Sign Face Area and where a 4.5 SF Sign Face Area is proposed in order to install a Directional Ground Sign at a new Service Station-Store/Carwash;**
 - e) **Requesting a 45 SF Sign Face Area variance from Zoning Code Section 1272.25 which permits a 50 SF Sign Face Area and where a 95 SF Sign Face Area is proposed in order to install a Ground Sign at a new Service Station-Store/Carwash; property located at Prospect Road and Royalton Road PPN 392-16-002 and 392-16-003 zoned Motorist Service.**

Mr. Evans – All right, that completes our New Applications. That would move us onto the Public Hearing. We have Sheetz, Inc., Steve Funk, representative. Mr. Funk, if you'll come forward to the microphone please, we would ask for your name and address.

Mr. Funk – Sure, Steven Funk, I'm at 222 South Main Street, Akron, Ohio here on behalf of Sheetz. Also, with me is Kiera Kava who is a civil engineer at GPD Group in Akron who is an engineer on this project. With her is David Mastrostefano, who is an in-house engineer at Sheetz, also involved in this project. Then directly behind me is H. C. Fownes, who is a site representative who is involved in selecting this site and also is knowledgeable about the project. So, we're all here to answer your questions. If you give us a second, we have a couple of boards that we can set up.

Mr. Evans – Go ahead and do that. At this point, I think that you heard, perhaps, some of our discussions in caucus there and I think you're aware, perhaps, of some of the things that we talked about. I'm going to ask you to, sort of, give us the lay out once you have the boards and everything put together here of what the total project is, where the variances are. I know that we had a letter that was submitted, the letter from your attorney.

Mr. Funk - That was me and I think that would be what I would like to do too. It would be to give you an overview of the project, kind of how it is designed and why and then I'll go through each of the variances. Would you like me to address one at a time and answer your questions after each one or go through all five and then answer questions? I can do it either way.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Evans – I think if you, sort of, go through the overall and then, sort of, put it in perspective that would be the best way. We are aware of what the individual things are and I think that what we want to do is get an idea of how it all fits together. I am assuming at this point that Sheetz has an option on this property or does Sheetz already own it?

Mr. Funk – Currently it's owned by Catanzarite Investment Company, which owns the vast majority of the site. The lots have been consolidated. This is the developed portion of the site and it actually extends another two and one half acres on the site. That area over there has some rougher topography so that will not be developed. The area that is going to be developed is roughly 2.7 acres so it is actually a fairly large site and the Catanzarite Company owns all of that except this little corner, which is owned by Edward Rancho which previously had been a camera store but for the most part, that site had been undeveloped and vacant for quite a while. It's a little bit of an eyesore at the moment. One of the things that we think we're going to help to do is really to improve that intersection and hopefully benefit the entire community but there are a couple of interesting things that I want to point out about the site, which I think are relevant to the variances because I think they will help to explain why variances are necessary and why there are exceptional circumstances in this case. One is that it is fairly large and there are only a few streets in Strongsville that actually require 125' setbacks. These are two of the streets, Prospect and Royalton, which is why the site needs to be as large as it is. We actually have 125' building setbacks to both of these canopies. There is also a 30' setback for parking so the building is really set back far off of the intersection. The building is actually about 223' in this direction and about 218' from Prospect and the reason why this is relevant is because in many respects, this is, kind of, a multi use site in which you have four structures. You have the car wash, which is tucked back over here. You have the convenience store, which is tucked back in the back of the lot and then the two fuel canopies and in many respects, Sheetz really sees itself as a convenient store that also sells gasoline as opposed to primarily gasoline only. Part of that too is I think there were some references and some questions about the Sheetz Brothers coffee. That is a high end coffee that Sheetz is aggressively marketing to really compete with the Starbucks of the world and that people would actually stop there for the coffee and not buy gasoline and that is certainly a feature that they are featuring and the key thing on that that I want to emphasize is that the store in Medina that I think one of you went out to visit, this is actually going to look substantially different from that because the design has really gone more upscale trying to draw those customers that want to come, come into the store, buy the fresh food, buy the coffee, that kind of thing. So, if you look at the design of the store itself, it's actually a very attractive – I know that this is beyond your purview but I'm just, kind of, giving you an overview. You can see that it has a lot of brick and it doesn't have nearly the number of windows that you would normally see at a gasoline station. I know there are comments about that. I know most gasoline stations that you would see it's all windows with signs and stuff inside of it. Here, where we have much more brick and we have a stone base so it looks a lot nicer and as a result of that, there was a reference to the Sheetz Brothers

4) **SHEETZ, INC./Steve Funk, Representative, Cont'd**

Mr. Mr. Funk continues - coffee sign. A lot of that is that we want to show people that it's a featured product and the reason why people stop but the other reason why it's there is because it helped to break up the façade, which is all brick. So, it's, kind of, a nice complement instead of having a window there that others have, you have that small sign there. Other interesting features here are that there are really two main public entrances and that's because it is a corner lot and it's a fairly large lot, it's designed so people will drive in to one of these two entrances and if you're coming in this direction, hopefully you will park over on this side and come in this main entrance. If you come in off of this entrance, hopefully you will park over here and come in this entrance. It's designed to encourage customers to come in from two different directions and that way you eliminate some of the congestion and it helps for customer convenience but it's not like there is one main entrance and a side entrance. They are both the main public entrances.

Mr. Evans – Mr. Funk, let me stop you for one second. Number one, there is a person in the audience. Are you here for information about Sheetz?

Unidentified person in the audience – Me, sir? No.

Mr. Evans – Okay, I just wanted to double check. You do not connect these canopies to the building as many of the Sheetz do?

Mr. Funk – No, for example, the Medina store connects the canopies to the building. That's a design feature that Sheetz is no longer using. A lot of that therefore has to do with the way the main entrances are now. There is a canopy for customer convenience at the entrance so that when people walk in it helps minimize the amount of elements that people are bringing into the store. So, the sign that is over the main entrances is on the edge of the canopy. The canopy is much smaller than what you would have seen in Medina and the second thing is the canopy if you look at it is a red canopy. It's not the red and yellow and this really gets into the canopy variance, which I can get into in a second. I'll talk about that a little bit more when we talk about the actual variance. There is no extension of the canopy to the parking areas. What we're really trying to do is to get customers not to just come in to get gasoline and then walk from the canopy to the store but come in, park here and go into the store. There are lots of customers that would do that. One other design feature that I want to emphasize was that we have purposely, in working with the City engineers, we have put the entrances as far away from the intersection as possible. There are three lanes I believe on Prospect and I think there are three lanes on Royalton and two on this side. So, these are fairly well developed, in fact, I think the City did a taking to expand these roads before. So, one of the design features here is that we want to make sure that motorists that are coming down here are able to identify the store early enough to make the decision without having to change lanes to turn into this entrance and the same thing over here so that people are able to identify the store and turn in ahead of time so you aren't having to change lanes and get over. I'll explain how that relates to the variances but that is a key feature on the design. Also, the topography, as you know, I think there are railroad tracks over here. It actually dips down but then it goes up substantially so this side of the store really isn't as visible coming from the

4) **SHEETZ, INC./Steve Funk, Representative, Cont'd**

Mr. Funk continues - west as it is coming from the east. So, let me go through each of the variances and I can tell you the design featured into that. The first one really relates to the customer service area within the building and it's 1258.14 (b) which talks about a 1,500 square foot customer service area and in talking with Bob Hill and the planners and the history of that section, that section really was ridden many years ago and in some respects based upon the way gas stations were designed back then which was gas and then a little small, kind of like get in to get your cigarettes or maybe get a drink or something like that. Since then modern convenient stores have really increased in size in large part based upon the nature of the way we're operating. I think the overall square footage that we're asking for is not inconsistent with that general trend in the industry and I believe that the City's experience has been that variances have been granted to other stores in the city like the BP and the Marathon and I believe the Speedway is in excess of that 1,500 square foot. This is actually only 2,516 and that is the area within the store that is customer service. Now, there is no indoor seating so this is not a restaurant and I know the question came up about the tables are that on the outside. Going through the code with Mr. Hill and the planners there is a provision in 1258.05 (e) 3 which talks about if it's an eating and drinking establishment like a restaurant with the indoor seating. If you've got the indoor seating then you need to get a conditional use for the outdoor seating. Their interpretation was that this is not a restaurant with indoor seating therefore that conditional use provision didn't apply and therefore when this came before Planning Commission a week and one half ago they did say we needed a variance for the customer service area but not for the seats on the outside which are really just there for customer convenience. It's not designed to be a restaurant or a seating area.

Mr. Evans – See the problem – I'll interrupt you for one second – is that we have had other businesses here in Strongsville and most of them are in the food generation types of businesses but where they have asked for outdoor seating for waiting or whatever and as we have explored how they might be used they have become areas where people get food inside and come outside and sit down and eat because it would be easier to eat at a table outside than it would be to go to your car and if there is a table with chairs around it regardless of how you structure it, that's sort of what happens. So, that is what we have looked at in the frame of reference that we're looking at it, which may be entirely different from Planning Commission but then we have been known to be introspective in terms of the way we look at things because when we set precedence all kinds of people get mad at us about that. So that is the reason that we look at it.

Mr. Funk – We aren't a restaurant. It's not like a subway. There is not food prepared – it's not like a waiting in line. It's not like a waiting in line for – it's not a fast food restaurant, I guess is the way of saying it.

Mr. Evans – Your deli area and those areas where you prepare the foods and things like that really is though. It's really marketed that way, I believe.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Mastrostefano - Everything is prepared foods. We don't cook raw foods. It's all heat up foods, subs and salads. So, it is touch screen, order food, go pay then you pick up your order.

Mr. Evans – I will agree that it's not like a Subway where you're baking the bread and things like that but you're still customizing an order for an individual of food prep and that's really

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Mr. Funk – I just went through this issue with Planning Commission and they determined that it's not required so that's why I didn't ask for it because they are the ones who went through our plan and denied it on that basis.

Mr. Evans – I guess what I probably ought to do is to bring Mr. Kolick in now because I'm not as smart as Mr. Hill however, I have been known to question Mr. Hill on occasion.

Mr. Kolick – Maybe for the applicant, how many outside – so you have no tables on the inside at all correct?

Mr. Funk – Correct.

Mr. Kolick – How many outside tables are you proposing?

Mr. Funk – It looks like it is –

Mr. Mastrostefano – Let me just introduce myself for the record. David Mastrostefano, Sheetz Inc. I'm the in-house Engineering and Permit Manager. Address 817 Brookfield Drive, Seven Fields, PA. These are permanent tables. They aren't something that we take down in the winter. They are actually permanent structures. They are there year round for the convenience of the customers. There are five table, three and two, four seats per table except for one table is handicapped accessible so there are only three seats.

Mr. Baldin – Why do you feel that you need those tables?

Mr. Mastrostefano – For the convenience of our customers, on a nice sunny day. Like the gentleman said, people come in, it's ninety degrees outside, they don't want to sit in the car, they have kids, they just want to enjoy the sunshine, enjoy the weather, have a sandwich, have a drink.

Mr. Baldin – So, everything that you people are saying, even the lawyer here, you people are more of a store than you are a gas station.

Mr. Evans – Most definitely.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Mastrostefano – We are a convenience store.

Mr. Baldin – People can go in there and buy groceries, milk, pop, bread, water, whatever they can plus food and so forth in order to consume. You've got to have 60,000 gallons of petro in the ground but at the same token, you are more of a store than you are a gas station.

Mr. Mastrostefano – We are a convenience store. We cater to the convenience of customers and the way we lay out our stores and the way we function and operate the operation, the ease of movability, the lane widths, all built on servicing the customers in a very convenient way by providing products, food items, drinks, cigarettes, in a convenient manner. That is our philosophy.

Mr. Evans – Right and I think that you would agree as the observation was made earlier that this is now the way that gas stations and particularly larger gas stations go because the profit on gasoline is not there so it's on the other products and when you can combine the two and drive the profit from the store whether it's food or other items that are carried out, that's the way that most stores operate. Sheetz again from observation, I have never seen one that was in bad shape or anything like that, so the properties are well taken care of. They are always very busy. I think everyone on the Board in caucus was stating that when you go by one there is always a lot of traffic there. They obviously carry on a lot of business and as Mr. Baldin suggested, there are a lot of items and it's one of the things that you are known for.

Mr. Mastrostefano - I think everyone would agree that in today's economics, you can't survive just on gas.

Mr. Evans – So, I think perhaps Mr. Kolick you wanted to make a point but I was going to say that what we need to do is move back talking about where the variances play into this.

Mr. Kolick - Mr. Chairman, they are going to need a variance. If there is going to be any on premise consumption like he is talking about as the instance that you talked about where it's ninety degrees and people are going to be eating on premise, you're going to need a variance for that. We can limit it to twenty seats in an outside eating area but you need a variance from the 1258.14 (b) which clearly says that you can't have any consumption on the premises. Fortunately, under our Code, it's not a use variance which we can't grant, because that type of use is permitted within a zoning district. It's just that in this particular use in conjunction with the automobile service facility or gas station they can't. So, we are going to have to add another variance for under 1258.14 (b) to permit outside eating not to exceed twenty seats and list that as twenty seats.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Evans – That does not change what we're doing here this evening nor does it change the flow. So, I think what we talked about in caucus for us to err on the side of caution and what Mr. Kolick is suggesting, it's easier to take care of it now and consider that as a part of this. It fits into the variances that we are already looking at here. That way you don't have to come back. It's a part of the process and addressed at the same time.

Mr. Mastrostefano – Certainly had we known based on earlier conversations we would have addressed it.

Mr. Evans – Understood. Mr. Hill will say something about me when he reads all this.

Mr. Baldin – The thing that we look at too as I said earlier in our caucus is that we're beginning to be known as patio city and to me, I would consider that to be an outside patio.

Mr. Evans – It's not only the question of tables but you do show the umbrellas and those kinds of things, which gives a permanency to it and you indicated year round and there are a lot of times when that could be used and I know that you had bollards that were already in the picture and those are things that are required and you have already done those. Given the fact that you have complied with that, I think it just makes it the best situation for us to address that here this evening.

Mr. Funk – Well, I guess since we are here tonight – one of the things – we appreciated that the City has worked very well with us in terms of expediting it's review and we appreciate your hearing us tonight. I guess I don't have any objection to us having a variance granted but on the other hand, I want to reserve my rights because I do think that as a lawyer that is my job, I guess. Sitting in on Planning Commission, that was the interpretation that was given to us and I have to say that if you look at in it conjunction with the restaurant use, which is a conditional use that I think it is a reasonable interpretation but on the other hand we, kind of, agreed that since we're here tonight, let's wrap those all up. It is part of 1258.14 (b), which is the variance we are seeking from. I did want to emphasize on the customer service area though that the 1,500 square foot limitation the 2,500 square foot is in an all enclosed area.

Mr. Evans – Yes.

Mr. Funk – Okay. If there are any other questions about that, I can entertain them but otherwise I'll move on to the next one. The next one, item (b), relates to the fuel canopies and there are actually a couple of reasons for that and I know that there are some questions about what other stations have done in the area. The thing that I want to emphasize about Sheetz is that BP has a little sun symbol, Shell has the little shell, Speedway has the "S". Everybody has, sort of, a brand id that they have out there. For Sheetz, it really is this logo right here,

4) **SHEETZ, INC./Steve Funk, Representative, Cont'd**

Mr. Funk continues - which is a Sheetz with wheat on the side and that is a logo and a mark and a brand identification that they have worked on significantly and in Ohio, we're actually relatively new to this area and that is a brand idea that I think people have come to know. So, it's not just a red awning but it's the logo that really provides the brand identification similar to the other locations. Even the Marathon, I think which was referenced, there is a Marathon gasoline station that is directly north of our site that has Marathon right along the canopy. That is right on Prospect Road a little bit further up but in any event, this identification is - if you look at it from the canopy, it's kept relatively small but it's large enough so it's visible from the road but the purpose of it is to give it a brand id for the motorist that is driving in because in this situation because of the large nature of the lot, motorists coming from this direction really aren't going to see the store because the store is tucked back far from the intersection. So, the first thing that they are going to see - there is a ground sign down here and there is a building up here. The first thing they are really going to see when they make the decision to stop or not is the canopy and what we're conscious of - and this is why this canopy is done with a, kind of, bump out right here is because we want to make sure it's visible from this direction. So, you see the Sheetz, you make the decision to stop before you get to here and you can see that they also have a store back there. Now you know that most Sheets are going to have stores but when you first identify it, it's the canopy. So, have that brand id on the canopy is critical and it creates an exceptional circumstance because of the large nature of the lot and because of the fact that we do have the access point very far removed from the intersection. Now, if you look at the Speedway across the intersection, the access point is actually very close to the intersection and consulting with engineers, we're moving it really far away. That puts us at a difficult -

Mr. Evans - That is not necessarily untypical with what Sheetz layout is at a typical location. Your properties are significantly larger than the Speedway that you are proposed to be across the street from. If Speedway were to redo that today and have a bigger lot, they would probably go the same route as you and put those intersector at the farthest location because we would push them that way and certainly, from the design and engineering standpoint it would maximize utilization of the lot.

Mr. Funk - Which is why in all the larger lots that we have in other cities we do insist upon having that Sheetz brand id on the canopy, not necessarily for advertising, it's for identification so that when motorist come in, they can say, Okay, that's a Sheetz, I am going to get off. We do have lots of competitors that have red awnings so we need to differentiate ourselves from that. So, what we're asking for is one that is here, one that is here, one that is here and one that is here. So, if you look at the canopy as a whole it really just allows it not to be a red awning but to be a Sheetz store so that it can be identified immediately by the motorist who is coming who isn't going to necessarily - these signs along the building are really there for those that once they drive in, they can identify where the entrance is. That's

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Funk continues - the purpose of that and one of the things that we have been conscious of is the building itself doesn't have a huge number of signs. There is really a small sign above each of the entrances and that's why the canopy sign is so critical and the exceptional circumstance, I think, that allows you to not set precedent is that this is an overly large lot that does have access points as far away – this is actually about 270' from the intersection and you have two major roads with three lanes so you want to make sure that people can identify it so they are not making those last minute lane changes. They can identify it from a fairly far way off.

Mr. Evans – Board members, you may wish to ask questions. I am going to pose one now and if you want to do that as we're moving through this, please feel free to identify a question. In terms of that, I guess my question would be did you consider putting in two ground signs as opposed to doing the canopies. I have to be honest with you. Only a UFO coming from another galaxy would miss the fact that it's a Sheetz station because of the canopy's at the pumps. They are so well defined that when you are a quarter of a mile away you know that you are headed to a Sheetz because the lighting, the red, all of that works in your favor because it is characteristic of Sheetz. My concern would be that, as you correctly said, your entrance ways are a ways from the intersection and everything. I would think that you would want a ground sign at each of the entrances that has the pricing, which would lead people because Sheetz has always been a price leader in your market to look at that and to draw that in and the size of the lot would be much better for two ground signs.

Mr. Mastrostefano – We looked to consider that but we opted to go with the ground sign at the intersection and we do – there are competitors that have red awnings there. We were just in the City of Kent a few nights ago and going down Water Street there was a gas station that had a red awning. Another big competitor of ours is Retters and they have red awnings. So, to say you see a red awning and say that is a Sheetz, that is not necessarily true.

Mr. Funk- Part of it is entering into this Northeast Ohio market we are developing, you guys are becoming more familiar with it but not everybody is necessarily familiar with the Sheetz logo and so that is why – it's like the BP – the sun for the BP or the Shell thing. It's our logo; it's our brand identification.

Mr. Evans – You are talking on those canopies in each of two locations on each canopy. So, you're looking at four total.

Mr. Mastrostefano - That is correct. We are systematically going through – if you have been to some of our older stores, like Medina is a white fluted block. I think everyone would agree – I don't want to be presumptuous but I think everyone would agree that this is a much more upscale model. We are going through all our older stores and updating them with our brand logo instead of the old ones with the yellow and the red underneath and so forth.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Fownes - We did that in Streetsboro. Wherever we are replacing canopy structures, we're going to this. We're spending quite a bit of money to establish our brand logo. I'm sorry, my name is H. C. Fownes. I'm a site selector for Sheetz.

Mr. Evans – Mr. Funk did introduce each of you earlier but it's just good to be able to identify the voice so that when she is listening to it later, she can tell.

Mr. Funk - It's actually one here, one in the middle here, one here and one there.

Mr. Evans – Why not on the west side of the Royalton one because –

Mr. Mastrostefano - Because as far back as this sits and the fact that you're on the south side traveling traffic from the south side, we felt that you could see this. We didn't want to ask for any more than we felt would be able to identify from distances. So, that's why we opted not to put one here.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – I echo our chairman's comments because the first thing that occurred to me is why – I don't think that as you suggested that I'm thinking about removing or moving the other ground sign. I would think in addition that ground signs at those entrances would seem to make more sense to me. But that aside, if the canopy is a signature item for you, it just strikes me – I think four of the signs on the canopy's feels like a little bit of overkill to me. You have the bowed architecture so that they can be picked up directionally as they come down the roads and for me, if I'm traveling west on 82 and I come up to the intersection, I'm looking at the ground sign, I can see both canopy signs on the bowed section, plus the one side, I can see four Sheetz signs as I come into the intersection. It seems a little strong to me.

Mrs. McGrath - Mr. Chairman, if I can just add on to what Mr. Harr was saying, the speed limit is 35 on both streets and they've slowed down from going 45 or 55 going east on 82 and they are not necessarily going to see your ground sign on the corner and they are not going to see any sign approaching that intersection until they get darn close to the egress and the entrance and egress there.

Mr. Funk - I think they will see the canopy.

Mrs. McGrath – On the south side they will see the canopy for sure but if you were talking about your Sheetz sign, they aren't going to see anything coming this way until they are almost past that.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Funk - I think that is why this is designed this way.

Mrs. McGrath – I understand that but –

Mr. Funk - You actually can see it from that direction.

Mrs. McGrath – I think a ground sign on that west end is going to be much more valuable to you because they will see it sooner if they don't happen to know that is a Sheetz.

Mr. Baldin – That will have the pricing on it too, correct?

Mr. Funk - The ground sign that is currently planned here will have the pricing on it.

Mr. Harr - Mr. Chairman, for my – I'm sure that you guys that your marketing and you know what you believe works best for you here, I absolutely understand why you feel a canopy sign is necessary when you don't have a ground sign because there is no chance that you are going to see that corner sign even though it is oversized here as you approach but it's my feeling that if you have the canopy sign on the bowed section on each section, that it is sufficient and as I say, I'm not familiar with some of your competitors and the people that you compete with with red canopy's. I absolutely know who a red canopy is. When I drive up on it there is no question.

Mr. Funk - That is something, I think, that has happened because as we have introduced the store into the market, they have all had the Sheetz logo on it. So, that is the identification. So, when you see the red canopy, you are starting to think that you are identifying it with the other stores you have and that is important to keep that going because it's part of the brand identification.

Mr. Harr – I don't dispute at all that the one ground sign at the corner is sufficient. I think you either need ground signs at the driveways or you need some type of canopy signs on the bowed sections. I just think that hitting the side sections too is a little bit overkill and makes it feel a little commercial to me.

Mr. Funk - I think that this Board would have the discretion to grant the variance in part to allow for –

Mr. Evans – I'll be honest with you, when I went to the Medina location, I did so to prove that that one didn't have the logos because I pass that three times a week and I would have sworn that there was no logo on the canopy and it was only because I took the pictures I saw that there was a logo on the canopy. I was absolutely flabbergasted.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Funk - The logo has actually changed from the Medina store.

Mr. Evans – But there is a logo. I would have said there wasn't because I never really paid attention to it and I think the Medina location is probably a good example that - there is a ground sign and it's a big one. You're looking at a 13' by 6' ground sign here which is huge but again, the style of the property or the lot, it's not necessarily big in terms of where it is but I think what you're doing is you're enlarging that one to facilitate the fact that they are going to be 250' away from that when they are turning into a driveway.

Mr. Mastrostefano - When we get to the ground sign, I think I can shed some light to that.

Mr. Funk - Why don't we jump to the ground sign since that seems to be the next area of interest.

Mr. Fownes – The only other thing is typically we would have Sheetz on three sides of that canopy and probably going back and looking at it, it may have made more sense to put it on the north end of the canopy and on the west end of the canopy rather than on the south end.

Mr. Baldin – Excuse me, the other thing is that you're going to sit back 125' from the centerline of the road, correct?

Mr. Evans – The canopies are.

Mr. Mastrostefano - One canopy is just shy of that. I don't think the canopy is governed by the 125' – the building is governed by that. The building sits back two something.

Mr. Baldin – The canopy from the road is going to be sitting back 125'. That will be sitting back quite a ways. If you're coming up the highway, coming down these roads I think they're tall enough. They are pretty high off the ground. I forget how tall they are but they are way up there.

Mr. Mastrostefano - Yes, because clearance underneath for trucks and things like that. We can address that.

Mr. Baldin – You are way up there but you are sitting way back and I think all this conversation that we're talking about – you have a big pedestal sign out front where your prices are going to be and what are we all looking at today? We're all looking at pricing. How much is gas? If your gas is too high, we are all going to shoot right on by. Right?

Mr. Mastrostefano - It's coming down.

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Mr. Baldin – So, you have it in one spot only. If you're coming from the north and you're coming from the west going east, you're not going to see that sign for a long time till you get almost on top of it and you may not even see your canopy because it sits back 125'.

Mr. Funk - That goes back to the brand identification. I think one of the things that Sheetz is developing is when people think of Sheetz, they think that the gas is less expensive, that there is a nice convenience store. That why customer's come there. It's not the complete impulse of seeing the price and stopping. It's also the anticipation that the price is going to be at least competitive and –

Mr. Harr – I never look at the price. I never do.

Mr. Funk - I typically go to the Shell gas station that is near my store. No offense.

Mr. Mastrostefano - Okay, last one he'll be attending.

Mr. Funk - I don't necessarily look at the price either. Part of it is convenience but I think for this situation it's seeing it and identifying it as a Sheetz and that's not just the red canopy. It's really that id that we're working to develop. Let me turn to the ground sign and say that the ground sign is really not oversized and let me explain why. If you look at the actual sign area, which is this area here which has the price, Sheetz and Espresso Bar. The espresso bar is on there in large part because that is a feature that we are working to market but those three areas – that total area is 50 square feet, which complies with the requirement. In fact, I had a discussion with the Building Commissioner about this and it would be our contention that that complies with the zoning in terms of that being 50 square feet. What he indicated is it would be better to get the variance because of this area – he counted in this area here and this area down here. This area down here is just a panel. That could actually be taken out if necessary. We have kept it in in large part because we think it makes the overall sign look better but that –

Mr. Evans – Do you mean the Espresso Bar or the –

Mr. Funk - No, the plain red panel on the bottom. We don't really consider that to be sign area and these two metal – these two areas here, this is actually just a support structure. These support structures for the sign are on the sides. That's just a metal wrap around for it and I could have David explain that a little better.

Mr. Mastrostefano - This is a trim. It's ACM wrap. Those are two 6' by 6' square steel tubular beams anchored into the ground. So, it's a support structure. That's basically a covering, a finish cap.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Baldin – Is that what is supporting the sign? Is the sign going to be ground level? It's not sitting on a pedestal?

Mr. Mastrostefano - This is correct. It's supported by the two columns at the end. We have landscaping around the sign. If this price sign and Espresso Bar were sitting on the ground, landscaping around the sign would hide it. So, that is why we have this lower panel that is 18" because the ground cover is going to be 12" to 18" high. Again, we can remove that ground panel if you so desire.

Mr. Baldin – It's only a 6' overall height anyway.

Mr. Mastrostefano - That is correct.

Mr. Funk – This area right here is a minor variance because the only reason that we're asking for a variance is because it's counting in these other areas.

Mr. Evans – Actually, I think it's probably more than that because the variance is 45 square foot as opposed to 50 square foot, which is roughly 100 percent. Now again, the way that Strongsville considers it's signs is not necessarily only where the letters are, which is a personal disagreement that some of us have with the way we calculate but none the less, that is a consistent thing that Strongsville does is that they look at the entire sign and we have been down that road a number of times. Here again, I'm not as concerned about that because of the size of the property, the type of location – we have been supportive of businesses and we certainly want good businesses that do decent signage and we understand that the signage on the building is well under what you might be able to do. As we look at the variance, we tend to look at the overall package as opposed to individual signs. Within the context, City Council has overwritten us and City Council has been very critical of us and all those things that go along with it because we tend to legislate rather than just apply things but all of those things considered, we try to look at the reason that we're in existence as a BZA and try to interpret what the Codified Ordinances are and then extrapolate that to a particular situation. So, all that goes along with it.

Mr. Funk – I understand that and we appreciate that. It's just these three things is what adds up to 50 square feet. So, that's why that variance is required. Moving along, the other – let's see. We jumped ahead to (b). The other two variances are actually fairly minor. Let's go to the directional sign. The car wash actually enters right here. So, right here at the top of the lot is a small directional sign that just says "Car Wash" with an arrow. This is it right here. So, it doesn't have "Sheetz" on it or anything like that and it's critical that it be – I think the requirement is that it be 3 square feet and this is 4.5 square feet. So, it's actually a half-foot taller and if anything, exceptional circumstances exist because this is at the back of the lot. We've got – when people are coming in here they need to know where does the car wash

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Funk continues - begin and we want to make sure that it's clearly identified. Here is where you enter the car wash so there is not a lot of confusion within the lot. I think that is a fairly minor variance and then the last one is on the building. I alluded to it before. Because we are a corner lot, we are permitted to have the two signs above the entrances and that is obviously critical but because of the nature of our design, we have these two smaller "Sheetz Brothers Coffee" signs that we have added and as I said before, that is really due to the fact that the design as it currently exists does have more red brick and we're trying to break up the façade while also at the same time featuring the Sheetz Brothers coffee, which is a fairly high end coffee that they're trying to market as a reason to come, independent of gasoline. So, we think that that, in that context, is a minor variance that really doesn't put us in any situation that is any different than a lot of the other stores.

Mr. Baldin – Lets go back to the "Car Wash" sign. When you want to get a car wash at your gas station, do you have to go into the store to contact –

Mr. Funk – No, you can buy it right at the pump.

Mr. Baldin – What if you want just a car wash? Do you still have to go to the pump to do that?

Mr. Funk – No, you can buy it at the car wash.

Mr. Mastrostefano - No, you can actually enter the car wash and there is a teller that will take cash or a credit card and select your wash.

Mrs. McGrath - Mr. Chairman?

Mr. Evans - Mrs. McGrath?

Mrs. McGrath – Two things, have you all considered making part of this a drive-through so that you can get your coffee without getting out of your car?

Mr. Funk – We have about two or three stores in the company with drive-through's and it was something that we experimented with and as a company found it's operation is not like a McDonald's or a Wendy's where they are geared around that type of operation. That's not our core operation.

Mrs. McGrath – Because you have sandwiches too. I just thought if people could drive through and get their coffee and sandwiches and be on their way –

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Fownes - Actually, in Twinsburg you can do that. You can actually get a candy bar and have them bring it to you if you would like to but operationally, it's a bit of a nightmare.

Mrs. McGrath – Secondly, on your picture of the whole shebang, you have parking right at that bottom right corner. What are your concerns about security and safety when people park there and walk to your building?

Mr. Fownes- That is employee parking.

Mrs. McGrath – Okay. Does that say that?

Mr. Fownes- No, it doesn't say that but –

Mrs. McGrath – That was my next question, if that was where your employees were going to park.

Mr. Mastrostefano - Yes, depending on how the store operates, it's a 24 hour operation. We have shift changes. Late at night, we have less employees. Peak hours we have more employees. We will designate our employees to park the furthest point from the store, which would be these spaces here.

Mrs. McGrath – All right. Thank you.

Mr. Funk – So, I guess to wrap it up, I think that we have really done an effort here to – in light of the large site and the multiple uses – come up with an overall number of signs that are well suited for this use and purpose. If you look at it from the exceptional circumstances of the access drives and the routes that a variance is appropriate and would not be necessarily setting any bad precedent.

Mr. Baldin – I'm going to ask one more question here. Your big logo sign here, "Sheetz Fresh Food Made To Order", would you go back over the food situation again. You said you serve sandwiches but you don't cook anything there? You don't put things together?

Mr. Mastrostefano - We don't have raw – everything is precooked. We heat it up and assemble it. Even ours eggs are already hard-boiled and come in prepackaged. Our hamburgers are already cooked. We just reheat them, warm them up. We don't cook anything like a raw piece of meat. Everything is precooked.

Mr. Baldin – So, being a convenience type store, are you going to be selling bread, milk, butter and eggs?

4) **SHEETZ, INC./Steve Funk, Representative, Cont'd**

Mr. Mastrostefano - Very limited basis.

Mr. Funk – It's not like a grocery store.

Mr. Harr – They have good breakfast sandwiches.

Mr. Baldin – Well, I'm big on early breakfast when you're going somewhere and driving. I don't like to waste time.

Mr. Funk – It's, kind of, what you would expect from a convenience store.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr - I'm not in any way speaking for the balance of our Board members, 90 percent of this – I understand the big ground sign. It's an enormous lot. You don't have any other big ground signs there. Aesthetically, I appreciate the coffee sign on the side of the building. I think it does a good job of breaking it up a little bit, so it doesn't look so institutional there and obviously, the directional sign is a pretty minor thing. I believe you need a canopy sign if you are not going to have a ground signs but my personal opinion is that two does the job. Four feels Las Vegas-ish but a little overkill to me because I think at any given point around that intersection you might be looking at six or seven "Sheetz" signs if your eyesight is particularly keen and you can get all the way back to the building but that's really, for me personally, the only thing that I have an issue with. The two extra canopy signs, I think, are overkill.

Mr. Baldin - Mr. Chairman, I might echo that, however, the sign here for the "Diesel" sign, where is that at?

Mr. Mastrostefano - The diesel sign – we have not – we just put the pump at one of the entrances. Operational wise, we have not decided which one it is but that is a sign that is on the pole. There are two columns per pump that act as supports for the canopy and it is strictly to identify the price. That is this sign right here.

Mr. Baldin – So, it would be on one of the support columns for the canopy?

Mr. Mastrostefano - Yes.

Mr. Funk – It's not every canopy.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Evans – Mr. Allen, we do not have the dimensions for the two “Sheetz” signs that are on the building above the entryway doors. I believe, at least from what we have seen, that those two are under the amount of square footage that they would be able to have based on the frontage of the building and the two sides. Without necessarily being 100 percent accurate, would that not appear to be the case?

Mr. Kolick – We can ask the applicant, what are the size of those signs?

Mr. Funk – It is in the materials that we submitted.

Mr. Mastrostefano - Twenty-one point six five square feet.

Mr. Evans – Okay.

Mr. Funk – You answered it correctly.

Mr. Evans – I believe – you may know – that is under what you would be permitted to have and I think at this point, I would go back to what Mr. Harr said. If you take a look at the lot layout, you have a sign on each of the two primary faces of the building, which faces the south and faces the east and at that point, those signs even though they may be smaller, will still be visible from approach and, at this point, to put a sign up on the front of each of those two canopy’s, again facing the south the facing the east, probably would be a duplication of what we already have on the building and at that point, to put it on the west of the one end of the canopy and on the north end of the other canopy would be signs that would be identifiable as traffic is approaching. To, again, frame it up for us, the fact that you have less square footage on the fascia signage on the building means that you could make those bigger and they might be a little bit more visible from the roadway thereby eliminating the need for the one on the face of the overhead canopy but still utilizing, having it on the two ends that face traffic approaching. Any traffic if it is going northbound on Prospect or traffic that is going westbound on Royalton, even though it’s approaching from other directions, they are going to see the building and they would see the signage and again, whether there are other red canopies out there, I think that you have done a good job of identifying through the way the you construct your properties, that it’s a Sheetz. Certainly as people become accustomed to it, they will repeat going to it because they have learned the value and everything else. So, what I’m alluding to is that what Mr. Harr was saying in terms of whether or not two or four is the appropriate number, is asked Mr. Kolick because I’m unsure as to why we allow the Shell shell, why we allow the BP sun and why we allow the Speedway “S”, which I know we do have. The Marathon that is down the road at Landmark, I have to admit, I didn’t think there was a Marathon on that. That one is going to bear some investigating and I know Mr. Allen and the Building Department will take a look at that for us because we do not as a general rule and not even as an exception allow the name on the canopies. We just have

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Evans continues - never done that. So, that may have been that it was rebuilt and we didn't catch it. I'm not sure exactly but, again, your situation is a little bit different than anything that we currently have in Strongsville; the size, the dimension of the property, the way that everything is laid out, a lot of the things that you have said this evening certainly have validity. I would challenge the last paragraph, Mr. Funk, of your correspondence and I just want to point out for the record that where you say "for this reason the proposed sign variance would be consistent with the spirit and intent of the Zoning Code and will advance public interest by insuring the proper identification of the car wash, convenience store and fuel canopy's in a manner that would be visible from Prospect and Royalton". That is probably a little bit of a stretch to say that it's following along with our Code, because our Code is pretty consistent with the way it has been applied. What it doesn't do is address properties of the type that you are building here. So, whether it follows along with that, I just want to say for the record because all of these are information that are here and I wouldn't want BP and Marathon to come back to us and say, In the spirit of the code, we should have bigger signs like Sheetz. It's not really in the spirit of that. It is in dimensionally looking at the property and the overall project that you proposed and I just want to, again, be clear because often times if Fred gets it, Ethel wants it. We have to deal with that all the time. I want to be sure how we're addressing it here this evening.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – I actually, in taking a look, if I'm reading the dimensions properly, the signage that you proposed to put on the arc of the canopy is a 17'. Am I reading that right?

Mr. Mastrostefano – That is that outer perimeter. That sign is stenciled on the fabric. They are actually dimensioning beyond. It's actually 17' to the outer edge and 3' high.

Mr. Harr – Okay. If you could just pull that one out on the site plan again. Just to be clear I guess where I was going, it's my belief that if you did not have the end cap signage, I think in both instances if you put the stenciling on the end cap of the canopy's, just my recollection of the site, coming from the west on 82 the topography is severe right there and I think that even though it might be 150 in the air, it might be obscured and I think coming from the other direction you have a structure.

Mr. Mastrostefano- Yes, there is a warehouse building.

Mr. Harr – My point was that if you put one canopy sign each on that curved arc area, you capture 98 percent of all the people with the other signage on the site. That's just my opinion and it doesn't look like we're plastering signs on every side of everything.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Mastrostefano - I understand.

Mr. Evans – I think that it is good for us to know that there is no graphic that represents Sheetz, such as the BP sun or the Shell shell.

Mr. Baldin - Mr. Chairman, one other thing. On your so-called outside eating patio area or whatever you want to call it – I think we are going to add something – you show these aluminum lighted balusters. I assume they are concrete or steel balusters.

Mr. Mastrostefano – Are you talking about the ones at the parking spaces?

Mr. Baldin – Right.

Mr. Mastrostefano - Yes.

Mr. Baldin – With aluminum lights in them.

Mr. Mastrostefano - No, sir.

Mr. Baldin – Well, they have lights in them okay.

Mr. Fownes - Different items.

Mr. Mastrostefano - Let's see if I can define this for you. Each parking stall has two 4' by 4' steel bullets. They are 2'6" above grade, 2'6" below grade anchored in concrete.

Mr. Baldin – Okay, but looking at your drawing here, they are like 8' apart, the balusters.

Mr. Evans – That might need to be adjusted.

Mr. Mastrostefano - What you're talking about is up on the sidewalk.

Mr. Baldin – You have aluminum fencing in between.

Mr. Mastrostefano - Yes, decorative fencing and then these are just accent bollard lights, yes. Those are not at each parking space.

Mr. Baldin – Oh okay. So, where are the steel balusters going?

Mr. Fownes - May I approach you just for clarification?

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Baldin – Sure.

Mr. Fownes - This would be part of the fencing and those would be the lights.

Mr. Baldin – It's shows here that there are lights inside here.

Mr. Fownes - Yes, that is correct.

Mr. Baldin – Where are the steel balusters?

Mr. Fownes - In front of each parking stall.

Mr. Baldin – Okay they are going to be in here.

Mr. Evans – It would have to meet whatever our current Code is.

Mr. Baldin – A lot of that has slipped by the City.

Mr. Funk – Actually, that was raised at Planning Commission.

Mr. Baldin – We raised so much hell about that around here.

Mr. Funk – We did clarify that.

Mrs. McGrath - Mr. Chairman?

Mr. Evans - Mrs. McGrath?

Mrs. McGrath – Do the umbrellas where people will be sitting have the Sheetz logo on them?

Mr. Fownes - No, ma'am.

Mr. Baldin – They are probably donated by Wonder Bread or somebody.

Mr. Evans – All right.

Mr. Kolick - Mr. Chairman, what I'm hearing from the Board is you're looking at item (b) being reduced to canopy signs and we either need the permission from the applicant to do that or we have act on what you give us, which is either four or nothing. So, with your permission –

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Mr. Mastrostefano - We would be amenable to a modification as you deem appropriate.

Mr. Kolick – Okay, then we’ll make that item (b), which would be two canopy signs and we have to add an item (f) –

Mrs. McGrath – Can we add it to (a)?

Mr. Evans – No.

Mr. Kolick – Let’s use it as a separate item. I’m just making it up since we have (a), (b), (c), (d) and (e) here already and I’ll give you (f) when you get to that point.

Mr. Evans – Okay.

Mr. Kolick – It has to incorporate some other language in it so if the Board doesn’t mind, I’ll give you what I think it needs to say.

Mr. Kolick – It will say two canopy signs and we’re looking at the two signs on the front and the curved area.

Mr. Evans – The arched area.

Mr. Baldin – Right.

Mr. Evans – All right. I don’t believe, at this point, there is anything else that would have to be mitigated. Is there anything else that any Board member needs to address in terms of what we have in here other than those two?

Mr. Allen - Mr. Chairman?

Mr. Evans - Mr. Allen?

Mr. Allen – When you change the application you can reference side b and side e to the drawing so that if you wanted to just not use side f and side c. So, if you reference side b and side e in the application for a variance then we’ll know which one is which.

Mr. Evans – All right. Anything else that Board members have?

Mr. Baldin – I think we covered it all.

4) SHEETZ, INC./Steve Funk, Representative, Cont'd

Mr. Evans – Let me recess here very quickly for the Public Hearing. This is a Public Hearing this evening and I would invite anybody who is in our audience who wishes to speak for the application for the variance. Please come forward at this time. Is there anybody in the audience who wishes to speak against the variance? Please come forward. Hearing and seeing no one, I would then make sure one more time if there are questions that any Board member has. I think we have gone through things here. We will rely on Mr. Kolick with (f) but I would then entertain a motion.

Mr. Harr - Mr. Chairman, I would make a motion that a request for a 1,016 SF Floor Area variance from Zoning Code Section 1258.14(b) which permits a 1,500 SF Customer Service Floor Area and where a 2,516 SF Customer Service Floor Area is proposed in order to construct a Service Station-Store/Carwash and a request for a variance from Zoning Code Section 1272.12 (k) which prohibits a Canopy Sign and where two (2) Canopy Signs are proposed for sides b and e at a new Service Station-Store/Carwash and a request for a variance from Zoning Code Section 1272.12 (b) which permits one (1) Wall Sign on the East elevation and one (1) Wall Sign on the South elevation, and where two (2) Wall Signs each on the East and South elevations are proposed at a new Service Station-Store/Carwash and a request for a 1.5 SF Sign Face Area variance from Zoning Code Section 1272.12 (f) which permits a 3 SF Sign Face Area and where a 4.5 SF Sign Face Area is proposed in order to install a Directional Ground Sign at a new Service Station-Store/Carwash and a request for a 45 SF Sign Face Area variance from Zoning Code Section 1272.25 which permits a 50 SF Sign Face Area and where a 95 SF Sign Face Area is proposed in order to install a Ground Sign at a new Service Station-Store/Carwash, and Mr. Kolick?

Mr. Kolick – f) would be requesting a variance from Codified Ordinance Section 1258.14 (b) in order to permit a seating area for on premises consumption for outside eating only with no more than 20 seats provided that applicant complies with the requirements of Codified Ordinance Section 1242.07 (b) 8 -

Mr. Harr - - property located at Prospect Road and Royalton Road PPN 392-16-002 and 392-16-003 zoned Motorist Service approved.

Mrs. McGrath – Second.

Mr. Evans – We have a motion and a second. Kathy, would you please do a roll call?

ROLL CALL: ALL AYES: MOTION CARRIED

4) **SHEETZ, INC./Steve Funk, Representative, Cont'd**

Mr. Evans – Gentlemen, we have approved those variances as we have modified them. You now go through the rest of the process. There may a review by City Council and the rest of the approvals for the project. We welcome you to Strongsville and we wish you well. Thank you for working with us.

Mr. Funk – Thank you.

RULING: VARIANCE GRANTED

Mr. Evans – Is there any thing else on the agenda here this evening? One thing that we do need to do, we have a scheduled meeting which would put us on the eve of Thanksgiving and on Christmas Eve and what we talked about in caucus this evening was adjusting our schedules so the next meeting would be November 12 as scheduled, we go to the first Wednesday, which would be December 3 and the third Wednesday, which would be December 17, keeping the number of meetings in November and December at three but that would adjust them and spread them out in order that we could handle whatever business that might come before this Board. Does that sound agreeable to everybody?

Mrs. McGrath – Can Kathy email me, please?

Mr. Evans – Yes, I will have Kathy do that because she will have to do that for a number of other things. Pending the room is available and the schedules would work we will then use November 12, December 3 and December 17 as forthcoming meetings for the remainder of 2008. Is there anything else?

Mrs. Zamrzla - Mr. Chairman, that is provided that this City Council chamber is available.

Mr. Evans – Yes, that is what I said. All right, if there is nothing else, then we are adjourned.

Meeting adjourned at 9:48 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn A. Zamrzla, Sec'y

Dec. 17, 2008
Approval Date