

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

**April 23, 2008
7:30 p.m.**

Present - Board of Appeals Members: Glen Goist; Rich Baldin; Bill Harr; Celia McGrath;
Ken Evans
Administration: Assistant Law Director, Dan Kolick
Building Department Representative, Joe Allen
Recording Secretary, Kathy Zamrzla

The following was discussed by the Board members:

1) THOMAS FIFFICK, OWNER

Requesting a 13' Building Setback variance from Zoning Code Section 1252.15(a) which requires a 20' Building Setback from the Main Building and where only a 7' Building Setback is proposed in order to install an Accessory Building; property located at 10178 Huntington Park Drive PPN 395-26-057 zoned R1-75.

2) ENTERPRISE RENT-A-CAR/Tony Cerny, Agent

- a) Requesting a 21,344.40 Square Foot Lot Area variance from Zoning Section 1258.08 which requires a 43,560 Square Foot Lot Area and where a 22,215.60 Square Foot Lot Area is proposed and;
- b) Requesting a 48.66' Lot Width variance from Zoning Code Section 1258.08 which requires a 200' Lot Width and where a 151.34' Lot Width is proposed and;
- c) Requesting a 24' Front Yard Setback variance from Zoning Code Section 1258.11(a) which requires a 125' Front Yard Setback from the centerline of Pearl Road and where a 101' Front Yard Setback from the centerline of Pearl Road is proposed and;
- d) Requesting a 30' Parking Setback variance from Zoning Code Section 1258.11(a) which requires a 30' Parking Setback from the Pearl Road Right-of-Way and where a 0' Parking Setback from the Pearl Road Right-of-Way is proposed and;
- e) Requesting an 11' Parking Setback variance from Zoning Code Section 1258.11(b)(2) which requires a 20' Parking Setback from the Adams Drive Right-of-Way and where a 9' Parking Setback from the Adams Drive Right-of-Way is proposed and;

2) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

- f) Requesting a 15 square foot Sign Face Area variance from Zoning Code Section 1272.10(c) which allows a 30 square foot Sign Face Area and where a 45 square foot Sign Face Area is proposed in order to install a Wall Sign on the South Elevation and to Convert an Existing Building to an Auto Rental Office; property located at 8674 Pearl Road PPN's 395-06-004, 395-06-005 and 395-06-006 zoned Motorist Service.

3) **HUSE COVIC, OWNER**

Requesting a 5' Building Setback variance from Zoning Code Section 1252.15 (a) which requires a 20' Building Setback from the Main Building and where a 15' Building Setback is proposed in order to construct an Accessory Building; property located at 10281 Rosalee Lane PPN 398-10-173 zoned R1-75.

The Board members spoke generally about the applications but since there were no Public Hearings decided not to go into detail until it heard the initial presentations.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

April 23, 2008

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

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

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

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this April 23, 2008 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll, please.

ROLL CALL: ALL PRESENT

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We do not have but I am going to recommend that we amend our agenda to put number 2) Enterprise at the end and do numbers 1) and 3) first. So, if I could have a motion to amend the agenda.

Mr. Baldin – I make a motion to amend the agenda to put Enterprise at the end of the meeting.

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Okay. We have an amended agenda. We also have minutes from April 9, 2008 and July 12, 2000. If there are no corrections or additions or changes, I will entertain a motion to approve the minutes.

Mrs. McGrath – So moved.

1) **THOMAS FIFFICK, OWNER, Cont'd**

Dr. Goist – I happened to see your property and the one question I did ask you is if you could move it to the other side of the yard – which would be out in the middle of the yard – are you at all willing to consider that since the Building Department has now required that all sheds be 20’ away from the home and you’re asking for yours to be 7’ for where you’re placing it now. Would you at all, to continue to have a shed, consider putting it in that other corner if you had to?

Mr. Fiffick – No, I would probably just forego even putting a shed in because that is right where my deck is at and it would be right in front of my deck. It would block my total view of my back yard. As it is, where I want to put it is where my dining is at, which I use twice a year at night, so I’m not concerned with the blockage there as opposed to right in front of my deck.

Dr. Goist – I understand that and I think, Mr. Baldin, you also saw his property, right?

Mr. Baldin – Yes, I did Dr. Goist and I have to concur with the applicant as far as the way his land is – the topo shows his land slopes off – and where he does have a very nice deck and to put it on the other side there, it would be a shame to block your view really. It could be done but it’s probably something that you would not want to do, period.

Mr. Fiffick – No, I would probably just forego – I tried to do this twenty years ago when I first moved in and I had applied for a variance so I just said, “Screw it” but now I really need the room so I’m back at it.

Mr. Baldin – You’re saying you need the room. What are you planning on putting into this shed?

Mr. Fiffick – Just bicycles and yard equipment, some lawn furniture. Just standard stuff that you put into a shed.

Mr. Baldin – Okay. You don’t work out of your house? Any kind of tools in there for a business? Are you selling anything with a lot of people coming around?

Mr. Fiffick – No, I do not. I also have pictures of my backyard and I have a signed statement from both of my neighbors to the left and right of me that I spoke to them and they’re okay with the placement of the shed where I want it to go.

Dr. Goist – Mr. Fiffick, you have a homeowner’s association and you will need to have for us, at your Public Hearing, or does he need to send it to your first.

Ms. Zamrzla – That would be helpful to receive those letters before the next meeting.

1) **THOMAS FIFFICK, OWNER, Cont'd**

Dr. Goist – You need to get a signed letter from you homeowner’s association stating that they are in favor of you putting it where you want to.

Mr. Fiffick – I applied to the homeowner’s association first and they told me I couldn’t put it where I wanted to because of the 20’ rule and I asked them if I got a variance if they would be alright with it and they said they don’t know because they have never come across that before. So, they were going to meet next month and discuss it. So, I’m at a Catch-22. Either you grant me the variance and I go back to them or they won’t let me do it unless I get the variance.

Dr. Goist – Mr. Kolick, am I correct in saying you cannot grant the variance without the signed letter?

Mr. Kolick - Mr. Chairman, we normally want to see what the position of the homeowner’s association is before we act on it and if that’s what they’re telling you then we would like to at least see a letter from them saying, Look, if the City grants the variance, we don’t have a problem as a homeowner’s association having you put the shed where you proposed it. That letter would be fine. They don’t have to give us an absolute yes or no but at least we know where the homeowner’s association is at on the issue, which I think is important.

Mr. Fiffick – I would need that letter by the next time I come here?

Mr. Kolick – You should have it to us before the meeting so that it can go out in the packet to the individual members, but certainly no later than the day of the Public Hearing.

Mr. Fiffick – Alright. Where would I drop the letter off?

Mr. Kolick – Bring it up to Kathy at City Hall.

Dr. Goist – Also, I think I told you the other day that you would have to consider if we grant the variance, one of the things we will insist is that we meet the City code with fire rated drywall on the inside of the building.

Mr. Fiffick – I’m aware of that.

Dr. Goist – Alright. Board members, any other questions?

Mr. Evans - Mr. Chairman, I would like to ask Mr. Allen if in deference to your question about placement, Mr. Allen, am I not correct that a covered deck would constitute part of the residence and that a shed would have to be placed 20’ away from a covered deck?

1) **THOMAS FIFFICK, OWNER, Cont'd**

Mr. Allen – It depends on whether the covered deck would be interpreted as a structure or porch.

Mr. Evans – If it is connected to the house and the roof line is attached and everything, would that not constitute or do we need to have you give us an opinion because if as a covered deck it is considered to be part of the residence because of the way that it is designed and built then at that point it would be impossible to put the shed on the other side of the property to be 20' away from where the covered deck is and still be away from the property line.

Mr. Allen – If the covered deck is interpreted to be part of the structure then it would have to meet the 20' away also.

Mr. Evans – Thank you.

Mr. Kolick - Mr. Chairman? It may have to be 20' away, which means they may still need a variance but I would think from the Fire Department's standpoint, they would rather see a variance granted to the deck than granted to the house. The whole purpose of the variance is to keep the fire in the shed from jumping to the house. That's the distance. I think they would be less afraid of jumping to the deck than they would to the house itself but either way they would probably need a variance.

Dr. Goist – To answer to your question about when you need the letter, Kathy would need the letter the Thursday before the next hearing, which is May the 14th. So, she would need it the Thursday before so that she can put it in the packet that she sends us. Somehow, you need to get together with your homeowner's people and you need to have some wording that were we to grant you a variance, they would be okay. I realize you thought that you were in a Catch-22 but if they word their letter correctly, it should be okay.

Mr. Fiffick – They have never encountered this scenario so I'll have to call them and see if they will give me a letter.

Dr. Goist – As you know, all the people within 500' of your home will get a letter telling them what you're doing and so at the next Public Hearing they could be here too.

Mr. Fiffick – I understand.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen.

1) **THOMAS FIFFICK, OWNER, Cont'd**

Mr. Allen – A matter of interpretation, the way the ordinance reads is it says it has to be more than 20' from the main building. So, we would need an interpretation if the porch or the covered deck would be considered the main building.

Dr. Goist – Thank you. Mr. Kolick, I think that kind of answers the question.

Mr. Kolick – Yes, what we would do is look at it, if he is going to move it, to determine whether we need to get in to that. You have decks that have side walls and screens and roofs and all that. I don't know what this one has. Is there just a roof over the top?

Mr. Fiffick – It's really irrelevant. If I have to put it there, I'm not even going to put a shed up.

Mr. Kolick – Okay, well we don't need to worry about the question at this time.

Mr. Fiffick – It's a moot point.

Mr. Kolick – Okay.

Mr. Baldin – I have no further questions.

Dr. Goist – Any other questions.

Mrs. McGrath – No questions.

Dr. Goist – Okay, your Public Hearing will be May the 14th so we will see you back then.

RULING: SCHEDULED FOR PUBLIC HEARING ON MAY 14, 2008

2) **HUSE COVIC, OWNER**

Requesting a 5' Building Setback variance from Zoning Code Section 1252.15 (a) which requires a 20' Building Setback from the Main Building and where a 15' Building Setback is proposed in order to construct an Accessory Building; property located at 10281 Rosalee Lane PPN 398-10-173 zoned R1-75.

Dr. Goist – Our next order of business is Huse Covic, if I said that correctly. If you'll come forward and give us you name and address please.

Mr. Covic – Good evening, ladies and gentlemen. My name is Huse Covic. My address is 10281 Rosalee Lane. I built a house six months ago. I moved from Euclid to Strongsville and

2) **HUSE COVIC, OWNER, Cont'd**

Mr. Covic continues - I'm planning to get a shed at the back of my house. I just found out when I tried to get a permit that I have a swale at the back of my house. So, by City code, the shed should be 20' from my house but isn't. I have to move the shed 5' closer. In other words, 15' from the house. My variance would be 5'. So, I am here to ask you if it is possible to do this.

Dr. Goist – Board members, I have seen his home. Do you have questions for him? I know exactly what he is talking about. Did you get to see his house today, Mr. Baldin?

Mr. Baldin – Yes, Mr. Chairman, yes I did. I did look at the gentlemen's home there. He has a very nice lot and a very nice house and what you have staked out there right now, you have it staked out towards the back in your swale.

Mr. Covic – Sir, I have to move them out of the swale, closer to the house. Instead of 20', I'll be 15' from the house.

Mr. Baldin – Yes, where you have them right now except you need to move them closer. I can understand that because of your swale. There must be an awful lot of flooding back there and there probably will be until everything is totally built and of course, you're getting a lot of erosion from the property behind you because it's set much higher.

Mr. Covic – Yes, sir.

Mr. Baldin – So, I can see where what you're asking for makes some sense. That's all the comments that I have.

Dr. Goist – Any other questions, Board members? You have it already staked out. So, each of the members will come and look at your proposed shed and if there are no other questions, your Public Hearing will be –

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans?

Mr. Evans – I'm sorry, I was just waiting until you were done. I want to ask the applicant, in cases where variances have been granted in the past, we have required that the shed on the interior be finished with a fire rated drywall, which would have to be done on the complete interior of the shed. Are you aware of what I'm describing, a fire rated drywall?

Mr. Covic – If that is your requirement, that won't be a problem.

2) **HUSE COVIC, OWNER, Cont'd**

Mr. Evans – Okay. Thank you.

Mr. Baldin – Mr. Chairman, where he has the stakes at right now, he is about 15' or 20' away from the house, where you have your stakes right now.

Mr. Covic – Where my stakes are now, I'm 20' from the house.

Mr. Baldin – Right, and you want to move them closer so if I were you, you need to move those stakes closer, where you want to go, say 5' or 7' away from the house?

Mr. Covic – Five feet only.

Mr. Baldin – Why 5' only, why not 6' or 7'?

Mr. Covic – I want to have more yard space.

Mr. Harr – It's 15' from the house. You're looking for a 5' variance. It's 15' from the house.

Mr. Evans – It's a 5' variance, so he is 15' away.

Dr. Goist – He is going to be 15' from the house, Mr. Baldin.

Mr. Allen - Mr. Chairman, he is moving it 5' to get it out of the easement.

Dr. Goist – Correct.

Mr. Harr – Yes, just to get it out of the swale.

Mr. Baldin – Okay. I misinterpreted it.

Dr. Goist – Mr. Evans is correct. We will ask you to line it with fire rated drywall. Okay?

Mr. Covic – That won't be a problem, sir.

Dr. Goist – Okay. Your Public Hearing will be May the 14th and all of your neighbors within 500' will also be informed so they may be here too.

Mr. Covic – Thank you, all of you.

Dr. Goist – Thank you.

RULING: SCHEDULED FOR PUBLIC HEARING MAY 14, 2008

- 3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent**
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Dr. Goist – Our last New Application is Enterprise Rent-A-Car. If you gentlemen would like to come forward and introduce yourselves and give us your names and addresses, then we'll have them for the record.

Mr. Cerny – My name is Tony Cerny, Architectural Design Studios, 620 East Smith Road, Medina.

Mr. Zuccola – Jon Zuccola, Enterprise Rent-A-Car, 24690 Sperry Drive, Westlake, Ohio.

Mr. Milburn - Rob Milburn, Boyer Signs, 21611 Tungsten Road, Euclid.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Dr. Goist – Okay. I think what we're going to do is this is in two pieces, the signs and the other variances, so I think we'll talk about the variances first and then the signage last. Who would like to lead with the reasons for your variances and what you're asking for?

Mr. Cerny – Essentially, we are asking for five variances that are based on existing conditions for the building, Rocky's Rapid Oil Change. If I remember correctly, the first variance was because the parcel is an inadequate size for the proposed use. There is supposed to be one acre and the existing parcel, which is actually three parcels, is a hair over a ½ acre. As part of the project, we will be consolidating those three separate lots into a single lot. The next one has to do with lot width. The current frontage is ¾ of the required 200'. The next one has to do with the building setback. The building is supposed to be 125' off the centerline of Pearl Road and we happen to be 101' off the centerline. The next two are both parking lot setbacks. The Pearl Road setback is supposed to be 30' and there is actually a little bit less than a foot on that particular setback. There is some green space there because the sidewalk doesn't happen to be on the right-of-way but the parking is pretty much right on the right-of-way. On Adams Road, there is approximately a 9' setback and 20' is required. I had a pretty long list of reasons trying to delve into why everything should be allowed but I don't think I really want to reiterate that. I hope that you have had a chance to read that letter but essentially we have all existing conditions. We're doing nothing at the site that would make any of those conditions worse. I think the owner is investing a tremendous amount of money to take a building that is in rather terrible condition and really bringing it back up to a very nice condition for the area. We are doing a lot of repairs. A lot of maintenance that needs to be there. I don't think the site could – even if we were to try to make some of the changes such as tear the building down and start over, the site itself isn't big enough to accommodate a lot of the setback requirements for parking and building and so forth. So, unless you have some specific questions, that's all I have.

Dr. Goist – I'm going to direct this question –

Mr. Kolick - Mr. Chairman? If I could jump in here for a minute, Mr. Cerny, one of the setbacks on Pearl Road, I know the Planning Commission had recommended that you pull the parking back so that you leave a little area in there to put a wall to guard or hide the parking from Pearl Road. If you did that, you wouldn't need as great a setback variance from Pearl Road. Have you looked at that on your plans and done anything with that because I know that that was one of the suggestions from Planning Commission.

Mr. Cerny – We have not revised that plan at this point. We can pull some of that back because there is the intention of repairing the curbing along the Pearl Road side, which is in rather poor condition. So, it can be pulled back a little bit to accommodate some of that. We're not really looking favorably to the concept of putting a wall there. I, kind of, question the value of putting up a wall. I know that that was recommended by Mr. Hill to put that

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Cerny continues - there. There is some concern with the sign blocking sight views down Pearl Road, from Adams. Putting that wall in, I think, would be even more of a problem. We talked about bringing that parking back a little bit and we already have some green space there and, maybe, softening that edge with some landscaping as opposed to a hardscaped wall in that area.

Mr. Kolick – Well, just so you understand, I think Mr. Hill was only talking about a 2 ½' wall. He wasn't talking about a 4' or 6' wall there. I don't think it would be anything that would be blocking your signage. I know that that was a strong recommendation of his. I realize that you haven't been to ARB yet but I know that's the recommendation ARB will get from the Planning Department and they are usually pretty astute unless there is some real reason not to do so or you could even lower down that wall as it gets close to the sign, if you're afraid it's going to hide the sign. I know that he thought it was important realizing that spot and the cars they had there before were an eyesore. They're trying to avoid that. Not that your cars will be the same thing that we had there for the repair garage but if you could hide those cars from Pearl Road, it's important.

Mr. Cerny – How is a 2' or 30" wall going to disguise the cars? I think we can do much more to soften the appearance of those cars if we have a nice landscape across there than we will by a short wall.

Mr. Kolick – Okay. You need to work – we won't resolve it here and I don't pretend to. I only mention it because it only reflects on one of the variances in here, namely the variance from Pearl Road and it's the only reason I bring it up. I think it's something that you ought to look at and maybe talk to Mr. Hill about it and come to some resolution before you get back here because if you pull that back, whether you put landscaping in there or you put a wall in there, you won't need to have as great a variance if you pull it back. So, you ought to look at that with Mr. Hill. The other thing I would mention is I know there were comments in the caucus room and rightfully so about the concrete curbing and the parking lot. Understand, they need to get back to Planning Commission and they need to get to ARB. They will require them to bring that parking lot, as they're aware, to bring the concrete curbing and all up to code standards. That is a must and will have to be and I'm sure the applicant is aware of that. Those will be the requirements through Planning Commission. Same thing with the buffering of the property to the rear that they'll need to take care of in compliance with the code and they will talk to ARB about what needs to go back there and the same thing with the lighting. Mr. Chairman, our lighting consultant and our Engineering Department have to sign off and indicate that there is no light trespass on the residential property to the rear at least in compliance with the code. So, although those are all proper items, they will be dealt with in Planning Commission and ARB and I'm sure the applicant is aware of that. I know they have been working with our lighting consultant and I know you

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Kolick continues - have said before that there was an additional plan but we haven't yet gotten a letter back from the lighting consultant that the additional plan was okay.

Mr. Cerny – I sent a copy of that letter to the Building Department after the last meeting.

Mr. Kolick – Okay. Well, it didn't get to this Board. So, we'll be on the lookout to get that. In fact, it would probably be helpful if you get this to Kathy Zamrzla here so that we'll have it. I'm not doubting that it's there, but we'll see what it is too.

Mr. Cerny – I sent a copy last time to Keith because he mentioned it last time. So, I faxed it to him immediately after we talked and I'll get you a copy as well.

Mr. Kolick – Okay. Just two other items in relation to these two, I haven't seen yet and maybe you do have it in but you do realize you need that lot consolidation plan that needs to come in, and our CPTED officer asks that you do a mock-up of that signage just so he makes sure that there is no blocking the view of Adams Road or Pearl Road.

Mr. Cerny – Right, once again, we'll do the consolidation. We haven't worried about the consolidation because depending on - they don't want to go through those additional costs until they have confidence that we're going to be able to get through this in an amenable manner. Also, if you take a look at that existing sign that is out there for Rocky's, the sign that we're proposing sets further back from the road. So, if Rocky's doesn't represent a problem with sight lines, our proposed sign won't represent a problem either.

Mr. Kolick – Understand, I am not necessarily saying that Rocky's doesn't present a problem now. I'm not saying it does but we have many things in the city and when they come in we need to get them corrected, so if there was a problem there before, there won't be now. Again, I'm not suggesting your signage will be a problem, I'm just telling you everything that you need to do to make sure you take those proper steps so that you can go through smoothly in what you need to have done.

Mr. Cerny – Are you saying you want that mock-up there before we get final approval?

Mr. Kolick – I would suggest you get with our CPTED officer as quickly as you can because I keep hearing from various people you're in a hurry and you want to get his done. I don't want that to hold up something at some point or find out you need another variance because you need to move the sign and you're back here again. I just think in the order of things, it's nice to get it all done at one time.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Cerny – That's fine but there are limitations of what we can do on the property because we don't have access or control of the property right now. So, there are some limitations that we can do before we get our final approval and start to move forward.

Mr. Kolick – Well, I would hope that if the property owner wants to give you a twenty year lease and wants to lease out the property that he is going to cooperate with you and looking at signage on it or he's not a very smart landlord.

Mr. Cerny – I understand but there is a tenant operating out of there now.

Mr. Kolick – Do what you can. I'm just bringing it to your attention so that you know they're there so you know you need to get back to Planning Commission and take care of the parking lot and the broken concrete curb or whatever is there and those items will all be addressed because they're going to be required by the Planning Commission. Thank you.

Dr. Goist – Board members, do you have other questions other than what Mr. Kolick has just outlined?

Mr. Evans - Mr. Chairman? I guess I would ask Mr. Kolick in typical situations where we grant variances and we require the homeowner to bring property up to code such as installing a concrete driveway, why would we not be able to condition replacement of the parking lot as part of the granting of the variances here, to bring it up to code.

Mr. Kolick - Mr. Chairman, the response to that is because the residential doesn't go back before the Planning Commission. The Planning Commission and the Engineering Department have to view all site plans for commercial work. When you typically get something for residential, that doesn't go before the Planning Commission. So, when you're conditioning your approval of variances on items, it's because the Planning Commission isn't sitting behind you to be sure that all the codes are met. That's the difference in it.

Mr. Evans – Thank you, Mr. Kolick.

Mr. Kolick – Again, I have no problem with this Board, and it would probably be appropriate to correspond with the Planning Commission and say, Look, we're considering these variances but we want to make sure these items are addressed. There is certainly nothing improper with that because they are the Board that has to consider it and it should be brought to their attention.

Mr. Evans – Thank you.

Mr. Harr - Mr. Chairman?

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Dr. Goist – Yes, Mr. Harr.

Mr. Harr – I would add that in reference to the site size, as I understand where the property is located and I have not been there myself but just having driven by it over the years, the property to the immediate north to you is the animal hospital?

Mr. Evans – Saint Francis.

Mr. Harr – Saint Francis, right and there is a residential, zoned commercial but a residential use property immediately to the west on Adams?

Mr. Cerny – Yes.

Mr. Harr – Have you explored the ability at all to expand the site or is that simply limited by those two properties?

Mr. Cerny – No, we haven't looked into expanding by attaching to either one of the adjoining properties.

Mr. Harr – Well, or purchasing either of those properties or a piece thereof that might bring the size of the site more in line with what the requirements are.

Mr. Cerny – No, I don't believe Enterprise has done that.

Mr. Harr – Okay. Now, the construction or the remodel of the building itself, you're using the exact same footprint of the building?

Mr. Cerny – Yes.

Mr. Harr – Okay so basically, it's going to be refurbished and the façade cleaned up and what have you?

Mr. Cerny – Yes, it's basically the same structure. We're just going to put a new veneer on the outside of it.

Mr. Harr – There were no significant economic or variance lessening reasons to consider a demo and a rebuild?

Mr. Cerny – I think that would be far more costly.

Mr. Harr – And there were no significant benefits gained as far as lessening the variances?

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Cerny – No.

Mr. Harr – The square footage that the facility needs is what you have?

Mr. Cerny – Yes, this is adequate and I would go on to say that the monies that are going into the restoration of this particular facility far exceed what we have done on most other projects. This is going to be a very expensive upgrade for an Enterprise outlet.

Mr. Harr – Are there any – considering the use of the property in the past, are there any environmental concerns or anything like that that would come into play?

Mr. Cerny – We haven't explored that. The property still remains under the ownership of the person that is there and they would still bear those liabilities, as far as I understand.

Mr. Evans - Mr. Harr, it will be interesting to see because I think that any lender who is going to lend the money for those improvements is going to have to do an environmental, at least a phase one not a phase two, because it was used as a gas station at one time and I suspect that's going to reveal some additional cost to the owner of the property.

Mr. Harr – I thought at one point – I don't know if there are underground oil traps in the bays there or –

Mr. Cerny – I don't remember if there is an interceptor there currently or not. We will be putting an interceptor in for the wash bay.

Mr. Kolick - Mr. Chairman? Two other quick items. I know that you're showing on your plans a washing area. That's obviously just for your own vehicles, is it not?

Mr. Cerny – Correct.

Mr. Kolick – Okay. The other item I would have is if you have any real intentions of looking at that parcel to the rear to acquire it, you should let us know quickly because you're correct, there is one other parcel to the rear that is zoned now GB. You are zoned Motorist Service. So, that would take another step and a rezoning to do that. If you aren't going to do that, which is fine, then the City is now currently looking at rezoning that to Residential. So, that's another reason why we talk about this shielding to the rear. I know that you brought up the fact that it's zoned Commercial. It's not going to be zoned Commercial long because it doesn't make sense to have yours zoned Motorist Service, this one residential piece zoned General Business and everything else zoned Residential. So, it's going one way or another. It's either going to be Motorist Service and joined to your parcel if you have some interest in doing that and if you don't then the City is going to look into rezoning it over to Residential

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Kolick continues - to bring it into compliance with it's use, which means obviously you need to be very cognizant about shielding that from anything like lights from the cars or noise or whatever there may be wherever you have Commercial abutting Residential. So, be aware. It won't be zoned GB long. Okay?

Mr. Cerny – Okay.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans.

Mr. Evans - A couple of observations I would like to make, Mr. Cerny. I think it was a great letter that you prepared for us and I appreciate that. I also want to direct to Jon from Enterprise that we appreciate the fact that Enterprise is doing more than just locating a rental facility and our intent is never to create problems but to make sure that we mitigate them as we go forward and any time that we have variances we certainly want to take a look at the business opportunity and make sure that we are addressing things appropriately for the residents of the community as well as those businesses that have seen fit to relocate and bring business to the city. I think with regard to the variances to Mr. Harr's and Mr. Kolick's point about purchasing the property behind, I wouldn't see that that's going to change much about the variances that are before us. The acreage might change but I'm not sure that even including the lot behind would really get us to the one acre. Certainly, the width of the property is not going to change. I think that what we as a Board recognize is that that's landlocked in between Adams and Saint Francis and the General Business designation behind. So, I think that we recognize that the usage of this is a continuum situation and certainly, the improvements that are proposed are something that we have to take a look at. The setbacks, I think, in terms of parking on both areas, again, these are existing situations. We appreciate that and I think that Mr. Hills comment about the wall, at least from my perspective, I would rather see a landscaping screen but I know Mr. Hill and I have disagreed for about forty years that I have known him and with all due respect to what he looks at, I oftentimes see things differently but I think that as you look at whether it's a landscape buffer of whether it's a short fence buffer, I would agree with Mr. Kolick that you want to get with Mr. Hill and talk about the options that may or may not have an effect on the variance for the parking on Pearl Road there. I think that in terms of looking again at the overall use, certainly putting Enterprise in there is a good option. The twenty year lease that you talked about means that you're going to be there for awhile and we appreciate that. You also mentioned in caucus, and I would present for the minutes, the fact that the Strongsville Dodge location, which is a satellite now, will remain but the Middleburg office will not remain and while we hate to take more business away from Middleburg Heights, we understand that the movement here is one to facilitate with the headquarters moving into Strongsville. I think, Mr. Chairman, that's my comments about the variances here.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Dr. Goist – Okay. Any other comments? Any questions?

Mr. Baldin - Mr. Chairman?

Dr. Goist – Mr. Baldin?

Mr. Baldin – I concur with a lot of what was said here by our Assistant Law Director and also by some of the Board members the fact that some of the things that we had brought up and particularly with Mr. Kolick saying that we should probably direct some type of a letter to Planning Commission to cover some of the things such as the sidewalks and the curbs, the paving, etc. and so forth. How many cars do you plan to park on this lot? Do you have any idea?

Mr. Zuccola – In general, this site operates a little bit differently than the business that is there now. Obviously, Rocky's likes to hold a car there because that means he has business. We prefer that they are out on the road. I'll give you a worst case scenario. About in the area of twenty is what we're standing at right now and that is on a very rare occasion. Our business is done on occupancy, kind of like a hotel, and we try to be around 92%. It doesn't always happen but right now, that store is running about 80 cars. We anticipate some growth with the new location and the visibility that will come with that. That will put us around 100 cars or 110 cars and obviously if I can only occupy 80% of those then I'm going to have 20 to 22 cars sitting on the lot.

Mr. Baldin – Where are the majority of your cars being stored or located at? In this area, you people must rent thousands of cars but where are they?

Mr. Zuccola – There are on the road.

Mr. Baldin – They are primarily on the road?

Mr. Zuccola – That is what we're shooting for. We do have throughout Northern Ohio – we cover the territory from –

Mr. Baldin – If you go around by the airports in big cities, you see hundreds of cars in the lots.

Mr. Zuccola – Sure.

Mr. Baldin – They must be coming and going all the time, I understand that.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Zuccola – You make a very good point. The lots that you drive past in the airport that you generally see stacked full of cars belong to our competition. We operate a completely different business model where a car sitting here waiting for a customer two days from now isn't the way we operate. We get that car on the road and then we deal with what could happen two days from now when it happens. In Northern Ohio, I've got about four or five larger lots that are tucked away in various different places –

Mr. Baldin – That are storing cars for you.

Mr. Zuccola – Right, that we hold cars in.

Mr. Baldin – But not here in Strongsville?

Mr. Zuccola – No, not on this site that we are speaking of here tonight, no.

Mr. Baldin – Not on this particular site. Any other site in Strongsville that you're going to be storing 200 to 300 cars?

Mr. Zuccola – The regional headquarters that is proposed for Mohawk Drive will hold vehicles.

Mr. Baldin – Okay, thank you.

Mr. Evans - Mr. Chairman, I think just as an observation having rented from the Middleburg office several times in the past several months, they usually have about ten vehicles on site and that's about it.

Mr. Baldin – Very good. That's all I have.

Dr. Goist – Thank you. Any other questions? If not, we'll go on to f) their last request and that is the signage. Would you like to address the signage for us please?

Mr. Milburn – What we're requesting for the south elevation is a 3' by 15' wall sign, which comes to 45 square feet. With the frontage of the building, it allows 72.9 square feet and then you take the 40% of that for your side wall and that only leaves us with 29.16 square feet so what we're asking for is a 15 square foot variance so we can fit the south elevation wall sign in.

Dr. Goist – That's the only variance that you're asking for?

Mr. Milburn – Yes, everything else is code.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

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

Mr. Evans - Mr. Allen, if I'm correct in the way that we determine the size of the sign, the "Enterprise Car Rental" part of the logo is a part of that signage but as well, we have to look at the entire fascia of the sign because they have what we'll call the swoops that are a part of their logo in terms of the presentation so that then includes the full fascia, I believe. If they were to eliminate the swoops as a part of the logo and the "Enterprise" wording, itself then would become the actual area of the signage, that would be considered differently. Am I not correct?

Mr. Allen – Yes, sir.

Mr. Evans – So, at this point, they could, in fact, reduce the swoops, which I realize are a new corporate image but have just the Enterprise logo, still have the fascia, which could all be black, could all be green or could be a combination of black and green but without that logo material it would be reduced and therefore, the necessity of the variance would go away.

Mr. Kolick - Mr. Chairman, maybe if I could, Mr. Allen, don't we measure the square footage by the entire area by the parameters of the box whether there is writing on there or not, so isn't that what the variance is for, the 15'. So, whether the swoops were on there or not, they would still need the 15' variance if it's within the box of the sign.

Mr. Allen – Yes, the way it reads, "The area of a sign shall be measured as the minimum area which can be enclosed by a square, rectangle or triangle, or any combination thereof, the sides of which make contact with the extreme points or edges of the sign or signs, excluding the supporting structure if such structure does not form a part of the advertising portion of the sign. Street address numbers appearing on a sign face are excluded in the calculation of permitted sign face area." So, there are a couple of things that are excluded from the calculations – the supports, if it's a street number, it's excluded from the calculations but otherwise it's the whole rectangle or triangle, like you said.

Mr. Kolick – Right but Mr. Evans, it's the whole box so just taking out those stripes won't do it. Now, if you took out those stripes and shortened the box of the sign itself, it would make a difference. I'm not saying you can't do that. I don't know how that would fit on this canopy or what it would look like but just taking out those stripes isn't going to change the variance because you're still going to have a colored sign. Whatever your backdrop is, black, green or whatever it is, you're still going to need the same variance.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Evans – Well, Mr. Kolick though, if that's a canopy and it is like an awning or something like that then I would recognize that but if it is an architectural part of the building as a canopy then Mr. Allen would not, whatever portion is actually signage of that canopy, be a part of it or is a canopy automatically a part of the sign? The way I'm looking at the architectural drawings, in particular, that they show the box that this is being built on, the box is not a sign. The box is an architectural element and the sign is affixed to that.

Mr. Baldin – How about the width of that? How wide is that going to come out?

Mr. Kolick – Maybe that question is better posed to the applicant. Is there a way to shorten the box down on that side so it doesn't go across the whole canopy, I think is the question that is here before you. Can you shorten that box down by taking out the stripes and still fit within the parameters of the code then?

Mr. Zuccola – I'm kind of tied to a corporate logo here and the size of my sign adheres to a strict 1:5 ratio. So, to match the sign on the front of the building being 3' tall I would have to reduce the height of this sign and then that corner would look odd, I guess is the best way for me to put it. Did that make enough sense?

Mr. Kolick – I think one of the reasons, as we said, even if you had one of those drawings like the one you had on Cleveland, the one sign has the stripes on and the other side doesn't. Couldn't you do the same type of thing here, is the question.

Mr. Zuccola – Yes, it's possible to eliminate the swipes, as was pointed out before, but that sign still adheres to the 3' by 15' ratio.

Mr. Kolick – So, you're saying that even if you eliminated the stripes you would have the same box there, no matter what but if you have the same box there no matter what, then the variance size would be the same, no matter what.

Mr. Baldin – Why?

Mr. Cerny – If I could point something out also, once again we are working with an existing building and while Jon brought in some pictures of the project up in Cleveland that was a little bit different, the mounting of the sign in Cleveland was a little bit different as well because we had a façade that was up the whole height and the sign was down below the top of the façade. Because of the way that this building is currently constructed, we have a higher portion where the oil change bays are and we have a lower portion that is where the office currently is and we're working with that existing structure. So, what we have done is we're using the sign enclosure to create a new fascia, so to speak, for that lower portion. So, if we were to reduce the length of that sign fascia, now we are no longer able to make a continuous

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Cerny continues - clean appearance of a new fascia on there. So, while we can shorten the length of it on the Cleveland one that you were looking at, to shorten it on the Adams Road side changes how we can try to finish out. We have to try to build something else. The way this is detailed, even though we're talking about a sign on Adams Drive and a sign on Pearl Road, we are letting that box structure wrap back to the building on the back side on both sides so that it is really, kind of, a four-sided element that forms the fascia of the building itself. It just so happens that the sign element becomes the fascia of the building. I think what Mr. Evans was trying to say, if I was to go ahead and construct that out of another material I can build it like a canopy on a gas station where I take an aluminum panel and wrap the whole thing and then I come back and plop a sign onto the aluminum fascia, now all of a sudden you're just going to measure the area of the sign that is plopped onto that aluminum fascia. So, we're, kind of like, some place in between the two in what we're trying to accomplish. So, we're physically not going to be putting up any more signage, per say, even though it's a big sign box, the amount of signage that we're putting on there is really just that small "Enterprise" sign and we happened to be trying to accomplish that using a sign box for the fascia as opposed to another material for the fascia.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I am looking at the schematic of the box itself and there is – I see there is lighting in there and is the lighting purely to shine below or does it come through the canvas? Is it a lit sign?

Mr. Milburn – Yes.

Mr. Harr – It is a lit sign through the canvas and also the lighting shines down below for walkway lighting or what have you, is the idea?

Mr. Milburn – Yes.

Mr. Harr – Okay.

Mr. Baldin – How far out is the sign sticking away from the wall?

Mr. Milburn – Twelve inches.

Mr. Cerny – Currently there is an overhang on the building now that sticks out about 4' from where the face of the glass is. It varies a little bit but it's about 4'. So, from that fascia there this sign box will go onto that so we're talking out maybe 5' out all the way around.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Kolick – Again, Mr. Chairman, with that I don't think it makes any difference whether we remove the stripes or not. It's going to need the same variance no matter what.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes?

Mr. Allen – The only thing that you can eliminate is the street address number area and if there are any structures holding it. The rest has to be the whole box.

Mr. Baldin – If they could show those pictures that you had that you showed us in the caucus room again. Basically, we're talking about the same thing. It's just turned around, left hand, right hand over here. It just seems to me that it's just so much. What's the distance on this? Fifteen feet?

Mr. Evans – No, 22' on the front and 15' on the side.

Mr. Baldin – Twenty-two and fifteen. You're trying to cover the whole office structure, basically, right?

Mr. Cerny – Unfortunately, it represents the entrance.

Mr. Evans - Mr. Chairman? One other question to Mr. Allen, based on the size of the building, am I not correct that the 66 square foot that is proposed for the front of the building, that that 66 square foot is actually less than what the front of the building would allow and it's because we're proposing a sign on the second side that the 45 square foot is the second side. So, the first is actually under the 66 square foot of what would be allowed.

Mr. Allen – Yes, that is correct.

Mr. Evans – I just wanted to make that an observation in terms of our deliberation that the signage on the front of the building is smaller than what would be allowed and the reason for the variance is that we're looking at the second side of the building, which is in fact an arterial street that will have an entrance on it.

Mr. Allen - Mr. Evans, the front could be 75 square feet.

Mr. Evans – Thank you, Mr. Allen.

Dr. Goist – Any other questions, Board members?

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Mr. Baldin – Yes, hold on there. What about the north side of the building? Being a corner lot? You're not going to put any signs there at all?

Mr. Milburn – No.

Mr. Baldin – What are you going to rely on for the people seeing coming from the north?

Mr. Milburn – The ground sign.

Mr. Baldin – From the north going south?

Mr. Milburn – The ground sign is perpendicular to Pearl Road.

Mr. Baldin – But it's going to be over on the Adams Drive side, right?

Mr. Milburn – Yes.

Mr. Harr – The sign on the front of the building is a long sign. It's going to protrude from the front of the building.

Mr. Baldin – Yes, it's big. I understand that.

Mr. Evans – They'll look for the swoop.

Mr. Baldin – They will look for the swoop, yes.

Mr. Milburn – I like the way you think.

Mr. Baldin – You have a corner lot, don't you? It's come up a number of times in this city with corner lots and what you can put up with signage. There are buildings in this town that have signs on all three or four signs.

Mr. Milburn – We're going to forgo the north side.

Mr. Baldin – Okay.

Mr. Milburn – Thank you.

Mr. Baldin – I have no further questions.

3) **ENTERPRISE RENT-A-CAR/Tony Cerny, Agent, Cont'd**

Dr. Goist – If there are no other questions, your Public Hearing will be May the 14th. Thank you for your good presentation and explanations. We appreciate it. Kathy, you will write that letter to Planning Commission?

Mr. Kolick – Address the parking lot, the curbing, lighting and the landscaping to the residential area.

RULING: SCHEDULED FOR PUBLIC HEARING MAY 14, 2008

Meeting adjourned at 8:50 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn A. Zamrzla, Sec'y

May 14, 2008
Approval Date