

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

**October 24, 2007
7:30 p.m.**

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

The following was discussed:

1) DR. JEFFREY S. CASTEL, OWNER

Requesting a variance from the Chandler Commons Covenants, Deeds and Restrictions to permit a 12' x 16' x 12' Shed within a buffer zone; property located at 14597 Pebblestone Court PPN 399-26-087 Zoned R1-75.

The Board asked Mr. Kolick why we are considering a variance from Covenants, Deeds and Restrictions from the Chandler Commons Homeowner's Association since the BZA doesn't normally uphold the Covenants, Deeds and Restrictions from any homeowner's association. Mr. Kolick stated that it was a tree buffer zone approved by the City and therefore the BZA should uphold the Covenants, Deeds and Restriction of this particular tree buffer zone. Mr. Kolick stated that the homeowner is supposed to mow and maintain the buffer zone, not cut down trees and build on it.

(G) PUBLIC HEARINGS

2) KINDERCARE/Gary Yunker, Representative

- a) **Appealing the denial of a Conditional Use Permit pursuant to Codified Ordinance 1258.04 (a), 1258.03 (a)(3)(d) and 1242.07 in order to construct a Day Care Center and;**
- b) **Requesting a 35.50' Building Setback variance from Zoning Code Section 1258.11 (a) which requires a 150' Building Setback from the Howe Road Right-of-Way and where a 114.50' Building Setback is proposed in order to construct a Day Care Center and;**
- c) **Requesting a 30' Building Setback (North) variance from Zoning Code Section 1258.11 (a) which requires a 50' Building Setback (North) and where a 20' Building Setback (North) is proposed in order to construct a Day Care Center; property located at Howe Road and the SouthPark access road PPN 396-25-001 Zoned Shopping Center.**

Mr. Yunker submitted a letter requesting to table on the floor until next meeting after public hearing since Mr. Taylor is not present.

3) **WILLIAM E. ALFORD, OWNER**

Requesting a 10.55' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 39.45' Rear Yard Setback is proposed in order to construct a Sunroom; property located at 20864 Rudy Drive PPN 392-17-029 Zoned R1-75.

The Board discussed that they don't see any reason not to grant this variance.

4) **DALE KADEL, OWNER**

a) **Requesting a 12.33' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 37.67' Rear Yard Setback is proposed in order to approve an Existing Sunroom and;**

b) **Requesting a 12.33' Rear Yard Setback variance from Zoning Code Section 1252.16 (e) which requires a 36' Rear Yard Setback and where a 23.67' Rear Yard Setback is proposed in order to approve an Existing Deck; property located at 17008 Bear Creek Lane PPN 397-12-074 Zoned R1-75.**

Dr. Goist talked with the neighbors and they said they are upset that no permit was issued and that the shed it too tall even though the shed is in compliance. Mr. Harr said that it will be necessary for the Building Department to inspect the addition and the deck after permit is issued and that the deck could be removed with less hardship than removing the addition and that the applicant should have to bring the yard into compliance to keep the sunroom and the deck. The applicant already brought the height shed down by 15" or 16" from 12' and that the shed is within the same height as the shed that was demolished.

5) **JARDINE DEVELOPMENT, INC./Jason Jardine, Agent**

a) **Requesting a 15' Lot Width variance from Zoning Code Section 1258.08 which requires a 200' Lot Width and where a 185' Lot Width is proposed in order to construct a Multi Use Retail Building and;**

b) **Requesting an 8' Side Yard Setback variance from Zoning Code Section 1258.11 (b) (3) which requires a 20' Side Yard Setback for Parking from Ordner and where a 12' Side Yard Setback is**

proposed in order to construct a New Retail Building; property located at 18025 Royalton Road PPN 396-17-001 and 396-17-002 Zoned General Business.

The Board suggested that Mr. Jardine decrease the size of the building and move it over. Mr. Harr will be abstaining from speaking and voting on this variance due to a possible business conflict. Mrs. McGrath stated that the building can't be smaller and that she approves of the variance.

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative**

Requesting a 2'1" Height variance from Zoning Code Section 1272.12 (c)(a) C which allows a 5' Height and where a 7'1" Height is proposed in order to approve an existing Sign; property located at 11180 Pearl Road PPN 393-20-025 Zoned General Business.

Mr. Kolick stated that the sign code states that the overall sign height allowed is 5' from grade not a 1' mound or base and then 5' above that. The Board agreed that Today's Touch should make the words Massage Therapy and Dinner Spa smaller, that the sign should be brought down to grade, that the sign is too tall and that they approve of the sign set back so far on the lot since it doesn't create sight problems.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

October 24, 2007

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

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

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 October 24, 2007 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll, please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. EVANS

Mr. Baldin – I would like to make a motion to excuse Mr. Evans for just cause.

Mr. Harr – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist - I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have minutes before us tonight from May 16, 2001 and we have minutes from September 26, 2007. If there are no additions or corrections to those minutes, I'll entertain a motion for them to be accepted as written.

Mrs. McGrath – So moved.

Mr. Harr – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – At this point we would like to have anyone who is here for either the new applicants or the public hearing to stand and be sworn in by our Assistant Law Director and so if you'll stand now and raise your hand, he will swear you in.

Mr. Kolick then stated the oath to all standing.

Dr. Goist – Our first new applicant is Dr. Jeffrey S. Castel. Jeffrey, if you will come forward and there is a hand held microphone there on the podium. If you would speak directly into that mic, please, and give us your name and address first.

1) **DR. JEFFREY S. CASTEL, OWNER**

Requesting a variance from the Chandler Commons Covenants, Deeds and Restrictions to permit a 12' x 16' x 12' Shed within a buffer zone; property located at 14597 Pebblestone Court PPN 399-26-087 Zoned R1-75.

Mr. Castel – My name is Dr. Jeffrey S. Castel and I live at 14597 Pebblestone Court and that's in Chandler Commons and I just want to thank you guys for – you ladies and gentlemen – for having me here as a new applicant for a variance tonight. My request is we're building a shed in my back yard and it's a quality shed. It is something that I would like to go along with our neighborhood so it is vinyl siding, has vinyl doors. It's really a quality shed, ridge vents, that kind of stuff. Not to get into too many details but it's a really quality shed so I think that as far as sheds go it would be really nice looking in our yard. So, prior to my application, what I did was call the Strongsville Building Department and I spoke with them and asked them the proper procedure for getting a permit for a shed and let them know my intention and she said that it would be important also to contact our homeowner's association and discuss with them prior to actually submitting a shed just to make sure that it's okay with them. So, she sent me the application from the Building Department and at the same time, I called to the homeowner's association and spoke with one of the officers and really at the time – now, they don't know all the details probably of this 40' buffer zone, which I didn't either at the time but I asked them and they said, "Well, if you get the permit then, generally, it just cruises right through the homeowner's association and we don't have a problem with it." So, from that point I received the application from the Building Department, filled it out, filled out everything that they asked me to in duplicate and all the different parts and then I knew that from the application that there was a 5' buffer zone, if I'm not mistaken, from the side lot and from the rear, which is pretty much standard all throughout Strongsville unless there is some sort of extra easement or something like that. Our association requires something a little bit different. They require the 5' from the side but they require 10' from the back instead of just 5'. So, we made sure that that was right in that area right there and I submitted it and we, kind of, laid out the area in our back yard and there were, in the meantime, a bunch of stumps. In fact, I ran over a couple of these stumps that were sticking up and I'm not talking about one or two or three. I'm talking like maybe 15 or more back in that area where there are some trees and there are stumps and I've ran over

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Mr. Castel continues - them before with my lawn mower, actually twice within a short period of time, having to replace the blade on that. So, a next-door neighbor of mine helped me remove the stumps and that kind of stuff. Now, there were a couple of – there are some dead trees back there. The limbs all up top were dead and everything and so I removed a few of those as well and so in the meantime, the gentlemen right behind us – I mentioned, I think somebody pointed out that there is a shed behind our property and actually our property is, like somebody mentioned, in a cul-de-sac so it's, kind of, a pie shape and directly behind us, if you look out our back door, you would see a fence, which comes pretty close to the property line. Okay? Then it – our line also goes over to the next door – I should say, the neighbor behind us to the left back there. It also is, kind of, behind his property as well. So, our property, kind of, extends across two properties, a property and a half. The neighbor – not with the fence – but the guy right next to him, he actually has a shed back there but he has some really big trees back there and they have some dead branches that would have hung – really pretty big dead branches – that would have hung directly over top of where the shed would be. So, I went over to him and I asked him, I said, “Hey, I’m planning on building a shed back here. I’m in the process of a permit right now but you have some big branches that I’m, kind of, afraid of. They’re dead, I’m afraid of them coming down and would it be okay if I removed those?” and he said, “Hey, that’s no problem at all.” The reason I point these two things out to you is because just to show the point that the neighbor behind us, with the shed, really doesn’t seem to mind because he said, “Hey, if you build a shed that’s fine if you take those down.” The neighbor to the next – right next door to me where the shed is also going to be next to – he knew about the shed and everything and helped me bring up a couple of the stumps that were back there and so, again, my point is I don’t really feel that any of my neighbors are going to mind that area back there. As far as my own property, it’s the perfect spot because I can’t see it in any other spot in our yard at all. I can’t move out of that variance; I can’t bring it up to the house. I know that there is a distance of at least 20’ between any built property and your fixed structure, your home and that would definitely invade any of that space as well if I would move it anyplace else. As far as an eyesore, it is totally back in the corner area of our lot back there. So, anyway, I went ahead and I submitted the application and it was only then at that time that I got a phone call back from the Building Department saying that the shed was, at least at this point, not permitted because of this 40’ buffer zone and I said, “Forty foot buffer zone?” I didn’t even realize that there was this buffer zone back there. I knew about the City’s 5’ and 5’. I knew about our association’s 10’, 5’ but I did not realize about the 40’ buffer zone. Also, just like in any yard you have to be careful about the swales and that kind of stuff. About moving it into a position where you could interrupt those as well. So, I think that this would be a perfect spot for it. I don’t think anybody around our neighborhood, that area, would mind it being there but only time will tell because I know that you guys will check with our neighbors and see what they say about it and I think that’s great because I want to know as well. It think that’s about it. Any questions?

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Dr. Goist – Yes, I have several questions to start with. I was out and looked at your property and number one, I would like to know how many cars you own.

Mr. Castel – I own three cars.

Dr. Goist – You own three cars and you have a three-car garage so you're using all three because I noticed you had a three-car garage.

Mr. Castel – Sir, my third car is actually in my parents' garage right now. They live in Olmsted Falls. I've got to get that thing out of there. They haven't requested that I get it out of there but I'm taking up their space in their garage and so if I could get this shed, I could clear that out and then bring that over.

Dr. Goist – Excuse me, there is a reason for my question. I have a three-car garage. I have two cars. My third car garage is my shed.

Mr. Castel – Oh, okay.

Dr. Goist – That was my point in starting to say to you if things go bad and you have to store that third car, maybe not at your Mom and Dad's but maybe at some other off site place, you still have a third car garage that you could use for storage. My second question is how high is this shed? You gave us the dimensions but I don't know the height.

Mr. Castel – It will be no taller than 12' and the reason that I say that is because I think it is 11' but I don't want to tell you 11' and it be 11.6' or something like that.

Dr. Goist – Well, it can't be more that 12'.

Mr. Castel – I understand that but it will not be more that 12'.

Dr. Goist – Okay. The other shed that you referred to in the back, is it in the buffer zone or is it in the man's property?

Mr. Castel – It is in the man's property.

Dr. Goist – Not in the buffer zone?

Mr. Castel – Not to my knowledge. Now, I don't know, sir, if they have any buffer zone from the back of their lot, 40'. I don't know that and I don't have that topography in front of me so I don't know, to tell you the truth if there is a buffer zone that goes deeper into theirs. I'm assuming that their property has been there for a long time so when they wanted to develop

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Mr. Castel continues - our property they probably said, Okay, from the back of your line is going to be 40', but I don't know that for sure.

Dr. Goist – The fence that is behind you, is that your neighbor's fence?

Mr. Castel – Yes, sir.

Dr. Goist – Okay and is that lot line very close?

Mr. Castel – It's very close. It's pretty close, yes.

Dr. Goist – Okay, so in looking at it, it appeared to me that that shed of your neighbor's is beyond the lot line, which is where the 40' buffer is so I'm making the assumption that that shed is not in the buffer zone.

Mr. Castel – I would have to assume that too.

Dr. Goist – Then you answered another question. You did not know about the buffer zone until now but then we come up with the ignorance of the law is not part of the equation.

Mr. Castel – Oh, I understand that.

Dr. Goist – So, a buffer zone was done because Chandler Commons did not want that development built unless there was a buffer zone to keep it and to our knowledge, any buffer zone – the City mandated that buffer zone be put in there and our feeling is that they don't want anything put in the buffer zone. If we in fact – and you have very good reasons to put it there – if we grant you that variance and that buffer zone – I don't know how many houses it covers – I guarantee you that we will have the next door neighbor and the neighbor after that and the neighbor down the street and a neighbor someplace else in a buffer zone someplace else that they'll say, You allowed this to happen on Pebblestone and so therefore, we think we ought to have it. So, that's, kind of, another reason for us to look at whether we do or don't grant the variance because this is a different breed. I realize that that is your property but it is in the buffer zone. So, members of the Board, do you have questions?

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr.

Mr. Harr – Mr. Castel, are you aware of anybody else that has any structures within the buffer zone right now? In this particular buffer zone?

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Mr. Castel – I'm not sure about this particular buffer zone. I don't know first hand –

Mr. Harr – None of your immediate neighbor's sheds or anything like that that you're aware of?

Mr. Castel – No.

Mr. Harr – I see on the drawing that you have for the shed that there is double door proposed. How wide is that?

Mr. Castel – There is.

Mr. Harr - How wide is that?

Mr. Castel – That is 6' wide.

Mr. Harr – Okay, so not wide enough to fit a car or anything like that. Just a riding mower, what have you.

Mr. Castel – No, I'll be using it for lawn equipment and tools.

Mr. Harr – No intention to store any vehicles or anything like that in there?

Mr. Castel – Not at all. Lawn equipment. I have a riding mower that would be right there.

Mr. Harr – Okay. My next two questions might be suited for Mr. Allen. Again, just to make sure that we're all clear, when we talk about the buffer zone, that's really a privacy item. To our knowledge, there is no underground easements or problems within that area that we're aware of?

Mr. Allen – No, there are no swale easements or sanitary easements. This is just a 40' buffer. In this particular subdivision, the basins were tied to the individual connections in the front. There are not basins along the rear like in other subdivisions.

Mr. Harr – Taking a look at the plat survey here – not that it's an inalienable right to have a shed but really to have a shed on this property, if I'm looking at it properly with the distance that he would need to maintain from the house, he would have to have a variance of some sort because I don't think there is any place to put it where he would be far enough from the home without encroaching on the buffer zone, right? I don't have any other questions without seeing the property.

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Dr. Goist – I have another question for the applicant. You have nice swing set for your children. Is that in the buffer zone?

Mr. Castel – That would be in the buffer zone, yes. Thanks for asking that question. I didn't even consider that. Is that a violation at all?

Dr. Goist – The reason that I – I saw the swing set thinking that may be it wasn't in the buffer zone and when we had a topo that we could look at, because you could have put the shed where the swing set is and the swing set the other way but again, you actually have a swing set and a place house or something that –

Mr. Castel – Yes, one of those little portable play houses that little kids have a little door that you can slide.

Dr. Goist – As Mr. Harr said, no matter where you were to put this, even if you were to put it where the swing set is, you would still need a variance from the lot line.

Mr. Castel – Right. To my knowledge, that's right.

Dr. Goist – Any other questions?

Mr. Harr – I have one more question.

Dr. Goist – Yes, Mr. Harr.

Mr. Harr – I'm assuming with the size of the shed that you're planning some type of slab or foundation to put this on.

Mr. Castel – We are. We're not going to put it on straight ground. We're at least going to put it on a limestone bed there.

Mr. Harr – I have no other questions.

Mr. Baldin - Mr. Chairman? Dr. Jeffrey, I was out to your property already. I did take a look at it as well. You do have a very nice piece of property there.

Mr. Castel – Thank you.

Mr. Baldin – You have the cul-de-sac. There is a lot of room between you and the house to the left that is facing your house. There is a very wide piece of green grass there. Someone did a lot of work and brought out a big mound of flowers and shrubs, etc. and so forth. You

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Mr. Baldin continues - did that or your neighbors did, whoever, but you do have a big back yard even though it is the buffer zone and off to your left corner of your house you have a big clump – you have a few trees and I assume that's where you removed some stumps and so forth because you have a pile of stone out there right now -

Mr. Castel – I do.

Mr. Baldin – which you're probably going to use for a base if this gets going.

Mr. Castel – That's not actually the stone that we're – we had a friend who had some extra stone and I didn't know if I would be able to use that or not.

Mr. Baldin – Oh, okay.

Mr. Castel – I don't think I'm going to end up using that stone because I'm going to use a better grade of stone for that particular purpose.

Mr. Baldin – In that area where I'm speaking of where there are some trees and where the stone is, is that where you were planning to put your shed?

Mr. Castel – No, sir.

Mr. Baldin – You were planning to put the shed over more towards this way?

Mr. Castel – Yes, over towards – if you're looking like from – let's say you walk out the back of our house and you're looking at our back yard. It would be as far over in that corner right over there right next to almost like right behind the shed that's already built there. It wouldn't be totally lined up with that one but it would be very close to that. There is just some dead trees right there not next to the stone though.

Mr. Baldin – Let me ask you this. There is also in the ground there where all that green grass is, you have like two little pieces of twigs coming up, painted white, –

Mr. Castel – Yes, that is part of it. Yes, sir.

Mr. Baldin – they are about 12' apart and that's where you were thinking about putting the shed.

Mr. Castel – There are actually four there.

Mr. Baldin – Well, I didn't see the other two.

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Mr. Castel – Right, I understand. Yes, there are four there.

Mr. Baldin – The way I was looking at it then, the shed that is in your neighbors yard on the other street, that's allowed in his yard and then here's your fence, here is this shed here and you're going to put your shed approximately right here.

Mr. Castel – Yes, close to the other shed.

Mr. Baldin – That's where you would like to put your shed.

Mr. Castel – I would love to. I think it's best.

Mr. Baldin – Then you still have that mound.

Mr. Castel – Yes.

Mr. Baldin - You still have a few trees there and so forth. Are you planning on taking those out?

Mr. Castel – No, I'm going to try to keep those trees there. The only thing is I would get rid of those stones there.

Mr. Baldin – You are going to leave those. It seems to me that you would probably try and bring that shed up some, they way I looked at these two stakes that were in the ground.

Mr. Castel – Yes, the only thing is I have to have like a couple of feet from any trees. So, that's kind of centered in amongst those, just in that little clearing in there. So, if I go too far back and I don't mind doing that if I need to if you say, Jeff, put it back further, I can do that. I was just trying to respect not only the 5' for the City but the 10' from the association but then if I didn't have to cut down a nice tree there then I wouldn't but if I do, if you say, No, Jeff, put it back there, then I would probably have to take down at least one more tree back there. So, that's the reason it's right in that location right there.

Mr. Baldin – I probably need to take a better look at your yard again because in my estimation what I saw there today and where I thought you were planning to put this, to me, it's an eyesore from the street. It's just going to sit right out there, right in the open in this big grassy knoll next to this beautiful mound of flowers and shrubs and trees, whoever put that in or pretty close to it.

Mr. Castel – Okay, that would be great if you can take another look. It's going to go back as far as I can into those trees. I wanted it as far back as possible.

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Mr. Baldin – Okay, then you really need to stake it out so we can see all four pins.

Mr. Castel – Yes, I didn't know that you were coming by. Today you saw it. I apologize.

Mr. Baldin – That's not a problem. If I have an opportunity, I try to get out ahead of time.

Mr. Castel – Okay. I appreciate that.

Mr. Baldin – I wondered about that because there are some stones there and I think, what the other gentleman said is, it's over further.

Ms. Castel – Oh, it's going to be way over by that shed.

Mr. Baldin – Yes, after I saw those stakes when I was leaving. I walked the other property because it's pretty back there and somebody has some fencing up in there and there is a stone path that goes into those so-called woods. It's a same the way it's laid out with the buffer because you do have – what do you have? Fifty-four feet from your house to the fence.

Mr. Castel – Fifty-four.

Mr. Baldin – That's a lot of room. I have no further questions.

Mrs. McGrath – I have no questions.

Dr. Goist – I do for our Assistant Law Director. Do you know, in this buffer zone, are they allowed to cut the trees down that were there?

Mr. Kolick - Mr. Chairman? Maybe historically I can put this into some context. When Stony Point originally came in, this was like a three or four year project, frankly, to get joined to Chandler Commons. There was a lot of resistance to accept it into Chandler Commons. Various agreements were made. One of those, which was necessary for Chandler Commons to accept it, is they required this 40' buffer zone with the restriction that there be no building in it and that any tree cutting be kept to a minimum. It doesn't say that you couldn't cut any but they were to be kept to a minimum and the whole purpose was to protect the existing homeowners and Chandler Commons from the new development coming in. So, in a specific answer to your question, could they cut it down? Yes, but they certainly weren't looking to have it deforested because it was supposed to be protecting those homes behind it. I can't say that Chandler Commons wouldn't have a problem with a dead tree coming down but I think they would have some real problems if some of the live larger trees would come down because then you're defeating the whole purpose of the buffer zone and they certainly never contemplated any building going in back there. That's why they left it. Normally as you

1) **DR. JEFFREY S. CASTEL, OWNER, Cont'd**

Mr. Kolick continues - know, we don't protect covenants and deeds but in order to get this deal done – I was sitting with the Planning Commission at the time – the City agreed to protect that buffer zone by putting into covenants and deeds and specifically stated that it had to be kept open as a buffer zone unless this Board would find a real hardship to have to grant something within that area.

Dr. Goist – Okay. I had one more question but it slipped my mind. I think we have covered the bases as far as what we wanted to ask you tonight. There will be a public hearing and the public hearing will be November the 14th. Normally, we say we're here every two weeks but we're here on the second and the fourth Wednesday. So, November the 14th is three weeks from tonight so your public hearing will be three weeks from tonight.

Mr. Castel – Again sir, that will be at the same time?

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

Dr. Goist – Okay, you're all set.

Mr. Castel – Okay ladies and gentlemen. Thank you.

Dr. Goist - We'll all take a look. Thank you. That's our only new application and our first public hearing is Kindercare and Gary Yunker. Would you come forward please?

(G) **PUBLIC HEARINGS**

2) **KINDERCARE/Gary Yunker, Representative**

- a) **Appealing the denial of a Conditional Use Permit pursuant to Codified Ordinance 1258.04 (a), 1258.03 (a)(3)(d) and 1242.07 in order to construct a Day Care Center and;**
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2) **KINDERCARE/Gary Yunker, Representative, Cont'd**

Mr. Yunker – My name is Gary Yunker. I'm Vice President of development for Timberstone Group in Holland, Ohio, 1630 Timberwolf Drive, Holland, Ohio 43528. I'm here tonight to answer any questions that any of the public might have regarding this project that we are proposing at Howe Road and the south mall drive and also any questions you might have in addition to what we went over at the last meeting on the 10th. I guess as a matter of clarification before we get started, I was wondering when the minutes of the last meeting are available. I noticed tonight they were approved for September 26, 2007.

Dr. Goist – It's because our secretary has had an overload. She is still doing minutes from past years.

Mr. Kolick - Mr. Chairman? For the applicant, after they're typed up and approved by the Board, then they'll be available to the public.

Mr. Yunker – When is that?

Mr. Kolick – Where are you on those minutes Kathy?

Ms. Zamrzla – Well, it's usually at the very next meeting but I'm still working on it. It should be on the 14th.

Mr. Kolick – Most likely the next meeting.

Mr. Yunker – On the 14th? This meeting and the one from the 10th will be available?

Ms. Zamrzla – Yes. Thank you.

Mr. Yunker – As you know, I submitted tonight a letter to ask for a deferral of the action on our case regarding the appeal of the denial of a special use permit for a construction of a day care center and the request of a 35' building setback variance and the request of a 30' building setback variance. That is due to the fact that Matt Taylor, the representative from Kindercare's travel schedule did not permit him to be here tonight and he is in the process of and has put together the information, I think, that you had requested regarding other Kindercare facilities that are located in similar locations to this one around the country. So, we have asked that any action regarding this request be tabled until the next meeting. I am here to answer any questions that you might have and we made one change to the site plan regarding the fencing that we talked about at the last meeting to continue the fencing down the full length of the detention pond from, I guess, the very west corner all the way to Howe Road and, obviously, tie it into the play areas that are behind the day care center. So, I have that with me if you have any question regarding that.

2) **KINDERCARE/Gary Yunker, Representative, Cont'd**

Dr. Goist – Our secretary just informed me that she did not get a copy of that drawing. So, if you would get a copy to her so that she can send it out to us in our packets for the next time.

Ms. Zamrzla – Actually, Mr. Chairman, I would need eight copies.

Mr. Yunker – I will have Neff and Associates get that to you.

Mr. Kolick - Mr. Chairman? Also, for the applicant, if you can get to Matt Taylor or whoever it is before the meeting rather than bringing those things into the meeting, that will give us an opportunity to look at them as well, other sites in major malls or whatever. That would be important because we could check with some of the other City's to see what if any other problems they have had there as well.

Mr. Yunker – Sure. He'll have sites, he'll have a couple of layouts of similar locations that would be applicable to this one and he also plans to bring an operator. Someone that runs one of these facilities to answer any questions that you might have regarding operations at a location such as this.

Mr. Harr - Mr. Chairman? I would echo that, Mr. Kolick's comment as well. I would like to take a look at some of that data and some of the information that they will be providing ahead of the meeting so that we can be prepared.

Ms. Zamrzla - Mr. Chairman? I would need them by the Friday before the meeting.

Mr. Yunker – Sure.

Dr. Goist – That's when we get our packets. Okay? I think you knew from the last meeting that one of our biggest concerns is that huge retention pond, which we need to, absolutely, have assurances that kids are not going to be able to get into that. Not only that, we're at the Crossroads, as we like to say, of the nation. We have I71 and we have the turnpike and if somebody happens to pick a child up, they're on their way and gone. This is not the same as maybe some other mall that's setting in – I'm going to use an example – Parma or some other place. We're right at the crossroad of two major interstates and the thing that we worry about is, is this a good use for this land to put children in possible in harms way. There are two many kids. You can't leave your children out – I can't leave my grandchildren in my front yard anymore and play without me being there for supervision just because of the things that we're hearing day after day after day because kids are being picked up and daycares are certainly a place and a target for people. So, I think you understood our concern and that's why the information that he was going to bring us, we would really like to see so we know how many there are and where they're at. As our Assistant Law Director said, we would really like to review that.

2) **KINDERCARE/Gary Yunker, Representative, Cont'd**

Mr. Yunker – Sure and we know that and we're well aware of it. They have done a complete study of this market looking at other day care centers such as the one going in down the street and also the existing one across from the mall, north of North Royalton Road. That's right up on the backside of a shopping center, within 50' of the shopping center. So, they're quite aware of that.

Dr. Goist – Board members, any other questions?

Mr. Baldin – I have no questions.

Mr. Harr – I have no new questions. I would like to see the data. That's all.

Mr. Yunker – We'll provide that.

Mr. Baldin – The same. I would just concur to have the data early enough so that we all have the opportunity to look at it.

Mr. Yunker – Sure will.

Dr. Goist – This is your public hearing so at this point I'm going to ask if there is anyone in the audience who is here to speak for this variance. If they would like to come forward. If there is anybody who would like to speak against this variance, if they would like to come forward. Hearing none and seeing none, we need to consider you request for tabling this and do we need a motion on that?

Mr. Kolick – No, Mr. Chairman. At the applicant's request, we can just continue the public hearing until the next meeting.

Dr. Goist – Okay, you're public hearing will be continued until November the 14th.

Mr. Yunker – Thank you.

Dr. Goist – Our next public hearing is William Alford. If you would come forward please. If you would give us your name and address first please.

3) **WILLIAM E. ALFORD, OWNER**

Requesting a 10.55' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 39.45' Rear Yard Setback is proposed in order to construct a Sunroom; property located at 20864 Rudy Drive PPN 392-17-029 Zoned R1-75.

Mr. Alford – William Alford, 20864 Rudy Drive.

Dr. Goist – Again, if you will summarize for us your request.

Mr. Alford – We're looking to have an 11.6' variance to build a sunroom to allow me to put it there. I staked it out and it looks nice and without the variance, I would not be able to add the addition and improve my property.

Dr. Goist – I would concur with your statement. It did look nice. It's not obtrusive. Again, Board members, do you have questions?

Mr. Harr – I just have two quick things Mr. Chairman. I agree, I think you have plenty of room back there as far as I can tell but I just want to clarify, the back of your lot line sir is roughly where that utility post is?

Mr. Alford – The little green –

Mr. Harr – Right.

Mr. Alford – Yes, it's actually on the other side of that but it's within a foot of that, I guess.

Mr. Harr – Okay. You had mentioned an 11.6' variance and our measurements indicate about 10.6'.

Mr. Alford – Okay, 10.6'.

Mr. Harr – Okay. I just wanted to make sure we didn't have a misunderstanding here. I have no other questions.

Mrs. McGrath - Mr. Chairman? I don't have any other questions.

Dr. Goist - Mr. Baldin?

Mr. Baldin – No, Mr. Chairman. I have been out to the property. I think he has plenty of room there to put this sunroom in. It's got to be a three-season or two season room?

4) **DALE KADEL, OWNER**

- a) **Requesting a 12.33' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 37.67' Rear Yard Setback is proposed in order to approve an Existing Sunroom and;**
- b) **Requesting a 12.33' Rear Yard Setback variance from Zoning Code Section 1252.16 (e) which requires a 36' Rear Yard Setback and where a 23.67' Rear Yard Setback is proposed in order to approve an Existing Deck; property located at 17008 Bear Creek Lane PPN 397-12-074 Zoned R1-75.**

Mr. Kadel – Dale Kadel, 17008 Bear Creek Lane in Strongsville. What we're asking for here is a variance on an existing slab I had installed, with a roof and walls to make it a four-season room and an additional deck attached to the back of that, a variance of, I believe, 12' on both.

Dr. Goist – One variance is for the addition that you put on and the other one is for the deck and as we understood it, the last time and as we understand it now, you asked for permission for a concrete pad and posts and a roof.

Mr. Kadel – Correct.

Dr. Goist – Then you went ahead and built a four-season addition to your house. Is that correct?

Mr. Kadel – Correct.

Dr. Goist – You did this without a permit.

Mr. Kadel – Correct.

Dr. Goist – So, you did not have a permit to do that and then you went ahead and built a deck, which you did not ask for a permit and you built the deck also.

Mr. Kadel – Correct.

Dr. Goist – So, you're now asking for permission from us to give you the variances you needed back when you built it with no permits.

Mr. Kadel – You're right, yes. I do ask for forgiveness for all the hardships that this has caused everybody. There seems to be a big problem with the shed that I put up. I did get a permit for that.

4) DALE KADEL, OWNER, Cont'd

Dr. Goist – The shed is not what we're considering tonight because that is not in this variance. What we're looking at is the two variances that you have asked for. We do know that you put a shed up. We do know that it is something that – because we have talked with the neighbors, we know that it's something that is pretty unsightly from their standpoint but that is not our consideration. Our consideration is what we're going to do with these two variances tonight and you have not had inspections of either one of these, either the addition that you put on –

Mr. Kadel – The original addition there was an inspection made on the slab.

Dr. Goist – On the slab but not when you did the house addition and then you put the deck on and you did not have a permit and you had no inspection on that.

Mr. Kadel – Correct.

Dr. Goist – So, those are the two items that we have to consider this evening and all of us have been there to look at your property and the comments have been made and in talking with your neighbors, the one thing that seems to be a theme that runs through the whole project is that you have done project after project but never completed a project, even down to finishing and painting the back of the house. I know that you had some other issues, health wise, etc. and yet you have never finished anything and your yard, kind of, looks like you have never finished anything. There is a lot of things laying around. There are a lot of things laying in the yard. So, we want you to be aware that in doing this consideration we really have to take into consideration that you have done things that you weren't supposed to do and you're continuing to do things as – you do have a permit for that shed. We're not considering that tonight but you have neighbors that you have to live with and so I'm going to turn it over to the Board members and they can tell you their thoughts also. Board members?

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes.

Mr. Harr – Just to clarify, Mr. Kadel, in the event that we are to grant the variances here, specifically item (a), you're aware that you would have to open up that sunroom to the inspection process?

Mr. Kadel – Correct.

4) DALE KADEL, OWNER, Cont'd

Mr. Harr – Potentially take down drywall, open up walls and do whatever you need to do so that they can inspect any electrical fixtures and anything else within that structure that you built.

Mr. Kadel – I fully understand that.

Mr. Harr – I too have a few concerns that the general state of the property is a concern. There is a lot of loose building materials and items laying around and there are a number of items that appear to be semi-finished or unfinished. If we were to – as we consider this variance – tell me what the plan is to finish the projects that are there. Is this work that you're doing yourself? Is there a contractor involved? What is the plan to bring the property to a completed state?

Mr. Kadel – I'm going to get this done as soon as possible and I can apologize for the clutter on the side of the property and in the back. There is approximately 300 boards, 4" by 4", 2" by 4" and 1" by 6" that are all being used for a fence that I have applied for a permit for – the 4' fence – going alongside the property and I have a cement mixer sitting there to mix the concrete for that. I had, approximately, a two-week wait or a ten-day wait for the fence or that would have been done by now and the rest of the stuff in the back yard is all stuff to go into the shed when it's completed, which should be, I'm hoping, within approximately two weeks. I had a stop work order on that originally so I had to come to a screeching halt and I couldn't do any more work on it.

Dr. Goist – Let me just stop you again. We are not talking about your shed tonight. That is not in your variance. We know it's a concern but we are not – that is not part of the variances that we are considering at this point.

Mr. Harr – I'm sorry, Mr. Chairman, I think what you're saying is in addressing my question about some of the clutter in the back yard, some of those extra materials, stones what have you, you intend to store in the shed? Is that what you're saying?

Mr. Kadel – Not the stones. The stones are being used for a retaining wall and the rest of the stuff that is under the tarp is all equipment to go into the shed.

Mr. Harr – Okay. You recognize that it puts us in an interesting position when the work is done and you spent the money –

Mr. Kadel – Yes, it do.

4) DALE KADEL, OWNER, Cont'd

Mr. Harr – and you put the improvement there and our denial of this request basically means tearing out of that structure that you put there. It's a sizable request. Twelve feet is not a normal variance that I would certainly be taking a look at favorably unless the back yard of the structure – to put a 12' deck variance on for myself, I'm looking for a lot of open space. I'm looking for a lot of room there. That's a pretty tight back yard. If you had come to me for a variance on that item up front, I would have been hard pressed to grant a 12' variance much less after the fact without the permit. So, it is a difficult request for us to evaluate but I don't think I have any other specific questions. Mr. Kolick, in the event as we look at the variance request, we have the ability to break these separately do we not if we choose to?

Mr. Kolick – Yes, you do.

Mr. Harr – Thank you, Mr. Chairman.

Dr. Goist – I have another question of the applicant. You, kind of, just mentioned a retaining wall. What is the reference to a retaining wall?

Mr. Kadel – It's just sandstone bricks that have been on the property since I moved in thirty-one years ago. They have just been moved from one spot to another.

Dr. Goist – Do you realize that you would have to have a permit for that retaining wall?

Mr. Kadel – It's only about 4" tall. It's not actually a retaining wall. It's just a border for a flowerbed.

Mr. Allen – It would have to be decided by what he submits to the City whether it would be a landscape feature or a retaining wall. Four inches would be hard pressed to be called a retaining wall.

Dr. Goist – So, what you called a retaining wall you're now saying is a 4" –

Mr. Kadel – It's a three layers or four layers of sandstone pieces that are about 6" by 6".

Dr. Goist – How high all together would this be?

Mr. Kadel – Approximately 4".

Dr. Goist – Okay.

Mr. Kadel – It's just to hold back the mulch in the flowerbeds.

4) **DALE KADEL, OWNER, Cont'd**

Dr. Goist – We don't want to get in to another one of these, I'm going to put up a retaining wall, and the next thing we know is we have a 2.6' retaining wall that you have put up without a permit again. You mentioned a fence that you have a permit for but the fence isn't put up. It just, kind of, goes along with the same program that you've had. You do all these projects and then you do ask for a permit and that project's not done. The other projects are not finished. So, it makes it very difficult for us as a Board to sit here and say, Are we going to approve these variances, because you have done exactly what you wanted to do before without permission and now you're saying, I'm sorry, but we have to consider what's going to go in next. Are you going to put in a retaining wall next year or are you going to build another shed? We have to have a certain amount of knowledge of what's going to happen. Do you have any reply to that?

Mr. Kadel – None other than the fact that I will get these projects done, hopefully, before the snow flies.

Dr. Goist – That's not very long.

Mr. Kadel – I know.

Mr. Kolick - Mr. Chairman? In light of these other items, if he is going to do anything on that property, I suggest he goes up to the Building Department and talks to them first. I don't want to find a problem. Even if he builds a small landscape mound that is causing a back up of water on a neighbor's property, he needs to get up to City Hall to show them whatever he is doing. If they conclude that he doesn't need a permit then so be it but this gentleman needs to get up to City Hall before he does this work and take care of it. Okay?

Mr. Kadel – Is this on the landscaping?

Mr. Kolick – Whatever you're doing on that property, because what you may consider minor, we may not consider minor. It's obvious that you felt taking an existing slab and putting in walls was minor. That's not something that the City considers minor. If you're going to be putting up a retaining wall and you're calling it a landscape feature, there are concerns that we have as a City. One of those is even a small wall can block drainage if it's put into a swale or one of those areas like the shed went into. So, we're very concerned with that Mr. Kadel. I suggest before you do anything, you go up to the City, explain to them what you're going to do, show them on paper what you're going to do. If you don't need a permit then so be it. Then all you did is take a half hour of time going up to City Hall and find out but if you do, you'll know it before you put up the matter and not afterwards. Okay?

Mr. Baldin - Mr. Chairman?

4) **DALE KADEL, OWNER, Cont'd**

Dr. Goist – Yes, Mr. Baldin.

Mr. Baldin – I have been out to the property just as we all have. I concur with what Mr. Harr says and what our counsel has said and we rehashed this over and over again. This gentleman definitely did break the law. He has four permits, basically, pending with the City. It goes back to 2001 I believe when you got the first permit to put a concrete slab in. As far as the shed goes, we know that that's taboo for us here right now but I understand you did knock it down a foot and a half from what it was originally.

Mr. Kadel – Yes, I did.

Mr. Baldin – You are allowed 12' high.

Mr. Kadel – I'm down to 10' 10", I believe. Mr. Allen was out, I believe, and we measured that.

Mr. Baldin – I would just like to get this for the record. So, apparently, you have done something there but since 2001 it's a long time.

Mr. Kadel – Yes, it is.

Mr. Baldin - If we approve this, this evening, I think we have to put a definite time frame on and, hopefully, the weather permits something to get done there and I think if it doesn't get done, I think this gentleman has to be fined. It would not be the first time that we have had things torn down in this city that have come in front of this Board. He has to concur with whatever the Building Department – whatever he plans to do there and he has to sit here today and tell us that he will do what we ask him and do it right because it is in disarray. There is no doubt about it.

Mr. Kadel – I can definitely have this cleaned up within the time allotments of the permits with the majority of the work being done and the only thing I might run into a problem with is painting with the weather. I have the paint buckets sitting there ready to go.

Mr. Harr - Mr. Chairman? I have one other question. Mr. Kadel, the deck itself, the variance that you're looking for is roughly a 12' variance. How deep is the deck off of the new structure?

Mr. Kadel – Fourteen feet by twenty-six feet.

Mr. Harr – Twenty-six is along the back of the house?

4) **DALE KADEL, OWNER, Cont'd**

Mr. Kadel – Correct.

Mr. Harr – Fourteen feet out.

Mr. Kadel – Yes.

Mr. Harr – So, in the event that we were to not grant the deck aspect of this, the whole deck would come off. It's not like you have 17' or 18' there and you would end up with a 6' deck. You would lose the whole thing.

Mr. Kadel – Correct.

Mr. Baldin – Two other things Mr. Chairman. There is a little vinyl type shed that you have there that you're storing some things in there now?

Mr. Kadel – Correct.

Mr. Baldin – Okay. You realize that would have to go?

Mr. Kadel – Yes, I do.

Mr. Baldin – Just to go along with what Mr. Allen said there, what is the footage that that gives you, if the deck is allowed to stay, to the back line? What is left? Twenty-three feet? Is that what I'm looking at?

Mrs. McGrath – Thirty-six feet.

Mr. Baldin – Thirty-six feet.

Mr. Allen - Mr. Chairman? From the back of the existing deck to the back rear property line is 23' 8".

Mr. Baldin – Okay, 23' or 24'. All right. That's all I have to say at this particular time.

Mrs. McGrath - Mr. Chairman? I'm interested in hearing from the audience if there is anything.

Dr Goist – Okay. This is a public hearing and I'm going to ask anybody who is here to speak in favor of these variances to come forward. If there is anyone here to speak against these variances if you would come forward. Would you give us your name and address please.

4) **DALE KADEL, OWNER, Cont'd**

Mrs. Lane – Thank you. Kathleen Lane, 16802 Badger Den Lane. I live on the northwest corner of Dale's property, the backside of his property . When the community was designed in our area, there were no homeowner's associations required by the City therefore we do not have any protection except what the City has to offer us. The City also – we all bought flat land. It was perfectly flat back there. I walked it many times before there were any houses back there and when my immediate next door neighbor to my south, when suddenly one day you came home, they had mounded the dirt and built the house 2' higher than mine and Dale's is approximately 2' higher than Mr. Herzog. So, we definitely have a swale issue back there. We have always had a swale issue back there. We had to pay to get drainage. We put drainage in because we had an inspection done because all the water from that end of the street all came right back once all the building was in and all the swales were filled to put a crack in our basement wall and we were told that it was because of the impact of the water from the street because we don't have sewers. I mean, none of the water was going to the sewer, which was four houses down. So, we also have a problem because we have setbacks on our street that the builders build to, which the City had determined or the builders and every house is 10' further back than the next one. So, we're 55' further back than the first house on the street. I know it sounds stupid but had we known, I would have bought the first lot on the street. It really didn't make that much difference but that leaves us all with very short back yards. Myself, my neighbor to my right – his is even shorter than mine because his house is about 5' back from mine. It was not something that we chose because we didn't understand but you live with it. As I understand from what everybody keeps saying is that we are not discussing the shed but the shed is what brought everything to the forefront. I went to the City for help in July so they would talk to Mr. Kadel about the shed before he put it in because originally we thought it was going on the line and I tried to say, No, it has to be at least 5' back from the line, but I have to admit, I really thought the shed was going to be a normal sized shed. I looked at sheds in our neighborhood and they are all totally, totally the typical – I apologize to say typical – I'm going to say 10' tall. Some are 7', 8' tall but there may be a giant one somewhere. I just haven't seen it. I drove around our immediate neighborhood and didn't see one. So, I went again to the City in late September when the shed was completed over the weekend. Not totally completed but the sides, base and roof put on because many people in our neighborhood were very upset about this huge monster going up. I went to the City many years ago and asked about putting an addition on and was told that my back yard was a little too short. So, when Dale's went up, I assumed that he had enough space to put his up. That addition when it went up, it originally started with smaller windows and eventually those smaller windows were removed and he put in sliding doors. So, it was always a room versus a sunroom. Maybe that's incorrect. My original information I think said it was a sunroom. So, there are lots of things that have happened. We don't complain about Texas Hold'Em parties. We don't complain – there were complaints and Dale used to run a business out of his garage. His location for his business was some place else but the cars were all repaired there. Nothing was ever done. Now, we all have a problem and I've hoped and understood that the Zoning Board from my previous experience has

4) DALE KADEL, OWNER, Cont'd

Mrs. Lane continues - mediated a lot of problems with neighbors. Dale is a very nice person. I have no reason to dislike him. I don't think he understands how what has happened recently impacted everybody behind us including property values for his immediate back neighbor. It's not something that can be hidden by a tree and there is a problem on infringement of privacy. I almost took a picture yesterday or on Sunday when there was a party in the back yard with people standing on his deck because we could see them from the waist up. So, that's quite a bit higher than your neighbors when you put a deck in. Here are pictures that I would like to submit and I would say if you would please look at those pictures. We have been told that the shed is only 10.6' high. I would look at the fence. It's 6' tall so I would look into whether that is only 5', 4' over – they are all different pictures. Some of them are from mine. Some are from Mr. Herzog's. So, I would appreciate if the Zoning Board would work to mediate this problem with the neighbors and Mr. Kadel and unless you're not allowed to do that any more. I hear what you say that the 12' shed – to be honest with you after this is over, I am going to go to City Council to see if the square footage of a back yard can be what – and the neighbor's back yard – can be what determines the height of a shed. That shed is humongous in our back yards. It's just huge and I don't think that the law was ever made to not understand that. They do it based on the square footage of the whole lot but it's definitely a problem when we all have these tiny back yards. I think Dr. Goist said the back yards were very compact and they are compact. They are tough to put things in. That's probably why I was originally told I couldn't put an addition on my house. A big addition. I did not go before the Zoning process. I just came up and asked what about putting a 15' room on. So, my question to the Zoning Board is can you work with all of us and see if we can do something to lower what is apparently a legal sized shed. Either that or I certainly would say that we have objections to other things like the addition to the house and to the deck.

Dr. Goist – I understand exactly what you have said Mrs. Lane and I appreciate your thought. The shed is the thing that precipitated your now coming and asking for permission.

Mrs. Lane – I know it is and it's because I went up to the City and said how can you be building something that big. I called the people on the Zoning Board to see if I was correct or incorrect about the height that you're allowed. I looked at the City's zoning ordinances on the web site. I tried to find out square footage of the lots based on – it has something in the place that I looked that said if you have such and such amount of square footage, you're allowed a certain height and if you have another amount of square footage, that you're allowed a different height. However, I could not find the date of those ordinances to see if they were current or not to be honest. I was looking in books and then I was looking on the website so there was some confusion. So, again I did call the city twice and talked to the person that's in the Building Department and asked them how this can go up if it's 12' tall and what you can do about it. I came up and talked to the head of the building inspections and we asked and asked and asked and, obviously, you already said to somebody tonight like buyer beware or

4) **DALE KADEL, OWNER, Cont'd**

Mrs. Lane continues - ignorance of the law is your own problem or your own fault. As many years as I have been here, I had no idea if something was legally allowed that you could object to it when a permit was given. I thought the Zoning Board was where people worked some of things out because how many times have we worked out a problem between neighbors before. Many, many, many years.

Dr. Goist – Is there someone else who would like to speak? Will you give us your name and address first please?

Mr. Herzog - My name is Bill Herzog. I live at 16810 Badger Den. I live directly behind Dale and we're beating a dead horse here I guess. My concern also is with the shed and if we're not here about the shed then there is no sense in me saying anything.

Dr. Goist – The variances are actually for the other two projects and not the shed at this point. Mr. Allen, he has a permit at this point for that shed?

Mr. Allen – Yes, Mr. Chairman. He made application and he has been issued a permit for the shed. The application is within all the residential district codes. He meets all the setback requirements. He meets the height regulations. There would be no need for him to ask for a variance.

Dr. Goist – That, kind of, answers your question Bill. I'm going to ask the applicant to come back up for a minute if you would please. I just wanted to ask a question for the applicant. Would you tell us, are you willing to take this shed down a little bit further. Are you willing to take this shed way down? Did you build up the land and then put the concrete slab and this is much higher than it would be on the other side? It's much higher than where the previous shed was.

Mr. Kadel – I had the existing shed on the opposite side of the property, which was approximately 4' from Mr. Herzog's fence. This shed when completed will be 10' so it gives full clearance. It's actually 10' 6" from the property line.

Dr. Goist – Just to stop you for a moment, I don't think the distance from the property line and the distance from the sideline is the issue. The issue is the height and what you just heard Mrs. Lane say, can we mediate with you. Are you willing to bring this shed down. I realize you have a permit. I realize you're allowed to build it. It's the first thing you have a permit for and you have two other variances that you have never asked for permits for, which makes it easy in my mind to say then maybe you shouldn't have them. So, in this case, I'm saying is there any chance that you would get rid of this shed.

Mr. Kadel – I need it for storage, sir.

4) DALE KADEL, OWNER, Cont'd

Dr. Goist – I ask you again, is there any possibility to make your neighbors happy if you would take this shed down? If you have to put it back in the other corner and put it down where it was would you be willing to do that?

Mr. Kadel – I would be willing but it would be 4' from the existing addition.

Dr. Goist – As for the regulation distance, take it away from the fence and bring it off the side yard line. Put it back in that same spot. If you have to level that out, if you have to do drainage or whatever, are you willing to change that? That is my question to you.

Mr. Kadel – I would be willing to but it's both a physical and a financial burden. It cost approximately \$1,000.00 to lower the thing. I've gone down to the maximum amount of height that I can to clear the door and the window, which I think are pleasing to look at from the street.

Dr. Goist – From your standpoint I understand but I'm asking you this. It's a financial burden for you to move this and to put it back where it was and be in compliance but it may be a much more financial burden if we disallow these variance and you have to take the deck off and you have to get rid of that addition. That could be a much greater financial burden than what we're talking about so I'm asking you in a mediating way if you are willing to consider going to a shed back in the same corner, putting it down and making your neighbors happy.

Mr. Allen - Mr. Chairman?

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen.

Mr. Allen – Looking at his site plan, it is possible that if he put the shed back on the other side and met the necessary setbacks, I'm not sure that he would have 20' between the existing dwelling and the shed, which is required by code. So, if he decided to move it back to the other location, he would have to come before this board for another variance.

Dr. Goist – Could he make the shed smaller and turn it sideways?

Mr. Allen – I would have to lay it out to see.

Dr. Goist – Would you be willing to do that?

4) **DALE KADEL, OWNER, Cont'd**

Mr. Kadel – It would be just about impossible because this thing is dropped down approximately 3' from my stairway, the sidewalk along the side of my house. It's sitting down into a little culvert or valley. I did not raise – I dug out approximately 6" of dirt. I removed two dead trees or three or four dead trees that were in place of the existing shed and I dug this all out. I put the gravel down and I got 5" of concrete planted there so it's just about a physical impossibility to move it. I had plans originally to put the thing horizontally but I just didn't look good on the property and like I said, I'm within a foot that I brought it down. Actually, it was 18".

Dr. Goist – Okay.

Mr. Harr - Mr. Chairman?

Dr. Goist – Go ahead, Mr. Harr.

Mr. Harr - Mr. Chairman?

Mr. Harr – Let me just – in deference to the folks who object to the shed, because I too looked at the pictures and Mr. Kadel, I must admit, it looks high to me too. However, the shed meets code and it is not – your variance request certainly are not tied to that shed in any fashion nor do I believe that it's necessarily in our purview to negotiate with the shed. For me. I don't believe so. I'm looking at your requests independent of that item and I can appreciate everybody's concern about it but I think that whatever remedies that may exist to protest that item fall outside of us unless there is an actual need for a variance. That's my position on it.

Dr. Goist – Thank you, Mr. Harr.

Mrs. Lane – I want to say for Mr. Kadel as well, I was not talking about moving his shed over at all because that would be a very expensive proposition. We're basically talking about the ability to make it something that we can all live with and Mr. Herzog can eventually sell his house for the value it was before the shed was put up. This is – again, there are other issues that we're asking for variances for but this Board has many, many, many times negotiated this with applicants and people that are neighbors so that everyone can still live peacefully in harmony and I understand what Mr. Harr is saying specifically but I'm also saying this is not how you have not done business before. This is something that this Board has done many, many times.

4) **DALE KADEL, OWNER, Cont'd**

Mr. Harr - Mr. Chairman? If I may, I wholeheartedly encourage continued discourse between the neighbors and Mr. Kadel and Mr. Kadel, it's my sincere hope that you can reach an amicable solution with regard to the shed because it's obviously disturbing to your back neighbors and I encourage that to happen. I just don't know that from our perspective that the two are tied together.

Mr. Kadel – Thank you. I took it upon myself to lower the shed to hopefully please everybody involved and apparently that was not enough but believe me, if I could have taken it down any amount more, I would have but I don't have enough room for an opening for the door. It's down to 6' right now, which I can fit though with no problem but –

Mr. Harr – As I said, I encourage you to explore whatever possibilities may exist to make this a palatable situation. That's from my part.

Dr. Goist – Is there anybody in the audience that wants to speak against this variance? Mr. Kadel, would you give the mic to the speaker?

Mr. Lane – I am Bill Lane. I live at 16802 Badger Den Lane. I'm Kathy's husband. I have a few things to say only that the whole situation here – and I've known Dale for quite a few years in fact he worked with me. So, I'm not here to make him an enemy but the fact is all these variances that he went ahead and did and they weren't supposed to be done without approval from the City. I don't know how the City got this passed anyways. Beyond me but the problem here is it's devaluating my property. I have to get up every morning and look at a huge shed in the back yard, which used to be fairly decent. He had a lot of trees back there at one time and it covered a lot of that stuff. He tore down the trees and well, now I see everything and besides that, he has had so much clutter in his back yard over the last three or four years or forever, he has had a ladder leaning on the side of his house for over a year before he finally moved it when he built this shed and maybe I'm not supposed to mention the shed anymore but that's how I feel about it and it's a hard thing. I'm not here to tear someone down but I think it's inappropriate what has happened to his property. There is so much clutter there, I don't know how you could possibly walk through the back yard. I hope that the City can do something about it other than – we don't have a homeowner's association per say so I guess a lot of people look at Hunting Meadows as Hunting Ghetto because nothing seems to – unless you have a homeowner's association, nothing happens and I'm a little bit – that's all I'm going to say. I'm against this variance until some adjustments can be made to beautify the property so I don't have to look at this. That's all I'm going to say.

Dr. Goist – Anybody else who would like to speak against.

4) DALE KADEL, OWNER, Cont'd

Mrs. Lane – I'm sorry. I would just like to make one correction. This is Kathy Lane. There was no permit for the shed. The shed was complete before the City came over and cited Mr. Kadel to stop progress. So, the shed was not permitted. There was no permit for the shed originally either.

Mr. Allen - Mr. Chairman? Upon notification that he was building a shed or had the shed built, there was a stop work ordered on it and we told him that he had to come up and get a permit. He did come up and get a permit. A permit was issued. Everything on the permit indicates that it's within code and it will be inspected to see that it is compliance with the code when he is finished with it.

Dr. Goist – Let's take a minute and have a caucus.

Mr. Baldin – Is there anybody else in the audience that would like to speak?

Mr. Harr – If everybody is done speaking then I would like to caucus for two minutes?

Dr. Goist – Is there anybody else who wants to speak against the variance? If you'll give us a moment, we're going to caucus amongst ourselves.

Dr. Goist – Mr. Kadel, if you'll come to the mic again please.

Mr. Baldin – Mr. Kadel, I've been on this Board for about fifteen years and as I've said earlier we have had things torn down because they did not comply and that's not what we're here for. We have worked out many, many situations with neighbors between themselves and we have been like a mediator and that's one thing that we were discussing here that we would like to see that you can do something about your shed. We know it's a legal shed but to please the neighbors and keep the property values up, etc. etc., etc., is there any way you can take that shed down another couple of feet, put up a flat sloping roof? I think that's an option that you ought to really look hard at.

Mr. Kadel – Flat sloping roof?

Mr. Baldin – Well, you have to be able to drain it, right? You don't want water sitting on it.

Dr. Goist – I think what Mr. Baldin is saying to you is if you consider bringing this down and giving it a flat roof and making it pleasing rather than the way it is now, then we are saying that would be it. We would make it a condition granting the variances that you have asked for.

4) **DALE KADEL, OWNER, Cont'd**

Mr. Baldin – But that's something that you have to suggest. I'm sorry.

Dr. Goist – You have to say that you would do that and then we can act on the variances accordingly.

Mr. Kadel – Can I get my thoughts together?

Mr. Baldin – Sure, go ahead. Take a minute or two. Is there anyone you would like to speak with?

Dr. Goist – Our Assistant Law Director has just said to me, if you would like to table this until the next meeting and come back with what you can do or will do, we will table it until the next meeting and if you decide to change the shed, you do have to go back to the Building Department and you do have to alter your plans and get a new permit. So, we're saying that we're trying to mediate this and work with you and the neighbors and we want the shed brought down and if you were to bring the shed down, then we will consider your variances and we would make it a condition to the variances also. I realize that's another three weeks. I realize it puts you further into the building season or you can say tonight, I will take that shed down and make a flat roof and we're saying at least another two feet down. I think, Mr. Baldin, do you agree with that?

Mr. Baldin – Right now we have been told by the Building Department that it went from 12' 2" or 3" to 10' 5".

Mr. Kadel – Correct.

Mr. Baldin – Another couple of feet would be something that we could possibly live with. The neighbors, I think, could live with that. It is huge. We do realize that you are going to move it away also, by moving it further into your yard and by lowering it. It's not going to be an eyesore. There are no shrubs or trees blocking it as they all say. Another question I have for you and I don't remember, coming out of your addition to your deck, is it a step down or a step up?

Mr. Kadel – It's about 1" – it's basically flat. There is a ½" –

Mr. Baldin – Just a little lip there?

Mr. Kadel – Just the threshold of the door.

Mr. Baldin - I assume that the deck is in concrete to support the posts.

4) DALE KADEL, OWNER, Cont'd

Mr. Kadel – Yes, 12” wide, 40” deep and I had to go down to Wadsworth to pick that up because they didn’t sell it around here, for the posts.

Mr. Baldin – Another thing I think I heard here that people were saying, your neighbors were saying that when you have people standing on your deck they are looking into their yards because you are so high.

Mr. Kadel – That is correct because my house –

Mr. Baldin – Originally the topo, from what I’m hearing and understanding, is that when the contractors built, the land got unbalanced. I had the same thing next to my house. I don’t know why his house is higher than mine either. Okay? I bitched to the City at the time but it was approved. Okay? Then with the swale between our houses, I have a puddle of water all the time because of that, letting him approve – so if yours is that much higher now and people are standing on the deck, they’re sitting in their backs yards and seeing people from the waist up. They’re looking right in the houses. We have given permits in this City for 8’ fences because of situations such as that - it’s very rare – so people could not be looking into somebody else’s yard. It would not be the first time. So, I want you to take all of this into consideration, whether you want to make that decision now or do you want to table it.

Mr. Kadel – If I was to take this down and reach a compromise with you on the height – I can’t do too much on the style of the roof. The mansard style is the most popular style that both Lowe’s and Home Depot sells. It seems to be the most impressive looking. If I was to change, I already have the shingles and the felt paper. All the materials are sitting there ready to go. I bought the cobra roof vent for it already and -

Dr. Goist - I think the question for us is not whether you have the materials, not whether this is popular, not whether this is the most popular looking. We’re asking you if you are willing to drop the height of that 2’. What style you have and what permit you get from City, if you do that, we’ll make it a condition to the variances. That’s the question. Not whether you have all the material there, not whether you’re ready to go. We want to know either tonight that you say yes I will do it or table it until the next time and you know that puts you out into the building season that much longer and so we’re really asking you to make a decision and it’s an easy decision. Yes, I want some time. No, I will or I will go ahead and drop that shed 2’.

Mr. Kadel – Would that include from what the original height was of 12’ down to 10’?

Dr. Goist – No, from what it is now. Ten foot, ten inches. We want 2’ off of that.

Mr. Baldin – It’s a 6’ door that’s going into your shed and I see your door is facing east.

4) **DALE KADEL, OWNER, Cont'd**

Mr. Kadel – It's facing south.

Mr. Baldin – Okay. Looking at this shed, if I was in their back yard, the door is on the opposite side. Right?

Mr. Kadel – Correct.

Mr. Baldin – Okay. It's a 6' door, roughly.

Mr. Kadel – Yes.

Mr. Baldin – So, it gives you a couple of feet above. I know a mansard roof is a popular roof and it would look right for the neighborhood but a compromise would be to change the style. It might cost you a few bucks but – I don't want to say it –it would be a less expensive than the alternative. That's all I have to say, Mr. Chairman.

Dr. Goist – Thank you, Mr. Baldin.

Mr. Kadel – The only suggestion I can say is the maximum I could get lowering it from the way it is right now would be to put the door on the front facing my house, put the window over on the side, lowering it and I could drop it down one foot and have enough room for the trusses. Other than that, it would be virtually impossible. A foot is taking it down to 10' or a little bit less than 10' from what it was originally.

Dr. Goist – I think you're not hearing what we're saying to you. We want 2' off of that 10' 10" and we're asking you if you will do that. However you do it, we will make it a condition and we will vote on your variances. If you say you want three more weeks to consider it, that's all we're asking at this point. The shed was not part of the variances. We are now making it contingent to the variances because it has been the problem that initiated the whole situation and as I said to you earlier, if we deny your variances that there is a possibility that your deck comes down and there's a possibility that the addition, which you had a permit for the concrete pad and the four posts and the roof, that may be able to stay because you had a permit for that originally but other than that you may have to take out that four-season room and you may have to take off the deck. So, this is down to decision time. If you think you can drop it, if it's got to be flat, if you have to go to Lowe's, Home Depot, you have to get a private architect, you have to do whatever it takes, we're asking if you'll drop that 2'.

Mrs. McGrath - Mr. Chairman?

Mr. Baldin – Yes, Mrs. McGrath.

4) DALE KADEL, OWNER, Cont'd

Mrs. McGrath – As a member of the Board of Zoning Appeals, I don't intend to vote contingent upon what he does on the shed. I just want you to know that. I'm going to look at these independent of the shed. The shed is an issue that has to be or that should have been addressed earlier but I cannot in good conscience make my vote contingent upon what he does with the shed. Thank you.

Mr. Baldin – Okay. Now you've heard Mrs. McGrath say that it doesn't matter what you say about the shed. She still wants to vote on the – if you want to table it and come back to us –

Mr. Kadel – No, I would like to get this over as soon as possible. If it all possible, what I need to work with is a time frame for doing this with the shed because this will be almost impossible – I want to get the tarp off the roof as soon as possible because it is a definite eyesore. I would have to concentrate fully on that in the next week or so, dropping it.

Dr. Goist - Mr. Kolick, do you have any suggestions as to a time frame?

Mr. Kolick – Mr. Chairman, I don't think we want a roof to go on there that's 10' or 12' high knowing that it's coming down to 7'.

Mr. Kadel – No, it would be lowered prior to.

Mr. Kolick – How long would it take you to do the new roof on it?

Mr. Kadel – Two weeks.

Mr. Kolick – I think we could live with two weeks, Mr. Chairman.

Dr. Goist – Okay, if it was two weeks, you realize you have to get another building permit. Correct, Mr. Allen?

Mr. Kolick – You just have to amend the existing building permit. Just bring in a new plan showing where the roof is going to be. They'll put it under the existing building permit. You're not going to have to pay for a new one.

Dr. Goist – Okay, members of the Board?

Mrs. McGrath - Mr. Chairman, then I understand that that means we will see new plans, when we get the information that we normally get before the next meeting and we can consider that separately.

4) DALE KADEL, OWNER, Cont'd

Mr. Allen - Mr. Chairman? The Board of Zoning Appeals, I don't think, see's the plans. They'll just be submitted to the Building Department. As long as they comply with the code, it will be issued.

Mrs. McGrath – All right.

Mr. Kadel – I will have those up to the office at 9:00 tomorrow morning.

Mr. Baldin - Mr. Chairman? Mr. Kadel, do you want to tell us, if you think in your mind, you know exactly what you're going to do. In your words, you're going to have to tell us what you're going to do if we're going to take a vote on this, this evening.

Mr. Kadel – This is on the shed?

Mr. Baldin – Yes.

Mr. Kadel – I'm going to lower it 2' more, like you're asking.

Mr. Baldin – You tell me whatever you want to do. I don't care. It's your call.

Mr. Kadel – In order to lower the 2' I'm going to have to move the door around to the east side of the shed, which would be facing the street and take the window that is existing facing the street and put it facing into my yard.

Dr. Goist – Okay, so be it then. That's what you would have to do and what we're asking you is to submit new plans and Board members, are you prepared to vote on the variances tonight or do you want to wait and table this – shall we have the applicant table it?

Mrs. McGrath - Mr. Chairman? I can vote tonight.

Mr. Kolick - Mr. Chairman? All I suggest though is we put in the motion with this that the shed will be no higher than blank feet, whatever it is that we're doing, so everybody is clear what it's going to be, if that's what you're going to do.

Dr. Goist – I think we have, kind of, said 8' 10". We want it down two more feet.

Mr. Kolick – Can you live with that Mr. Kadel because we need your approval before we do this. So, if we're going to act tonight, that's what we need.

Mr. Kadel – Give me one second please.

4) DALE KADEL, OWNER, Cont'd

Mr. Baldin – Even if you want to table this, we would still give you a time frame that you would have to come back to the next meeting, which, of course, is three weeks away and that's a long time.

Mr. Kadel – This is going to take it down to 9'. Correct?

Dr. Goist – Eight feet, ten inches.

Mr. Kadel – Are we going to be fighting over 2" here?

Dr. Goist – Yes. We've said 8' 10" is where we want it.

Mr. Kadel – That will be done.

Dr. Goist – Okay. May I entertain a motion please.

Mr. Harr - Mr. Chairman, I would make a motion that a request for a 12.33' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 37.67' Rear Yard Setback is proposed in order to approve an Existing Sunroom and a request that a 12.33' Rear Yard Setback variance from Zoning Code Section 1252.16 (e) which requires a 36' Rear Yard Setback and where a 23.67' Rear Yard Setback is proposed in order to approve an Existing Deck; property located at 17008 Bear Creek Lane PPN 397-12-074 Zoned R1-75 provided that the addition to the property be properly inspected and approved by the City under permit and provided that the existing shed on the property be lowered to a maximum of 8' 10" with new plans submitted to the City, be approved.

Mr. Kolick - Mr. Chairman, I think that we also need to add that that vinyl shed, which he already agreed is going to be removed, be removed as well.

Mr. Harr – I amend the motion.

Mr. Kolick – There was a second vinyl shed and that second vinyl shed will have to be removed.

Mr. Kadel – Can that wait until I get the other shed done to put the contents –

Mr. Kolick – I think we can wait two weeks. You said you can do the other one in two weeks, we can wait two weeks to remove the vinyl shed, yes.

Mr. Harr – Mr. Chairman, if you would amend my motion accordingly please.

4) **DALE KADEL, OWNER, Cont'd**

Dr. Goist – Kathy, did you get the amendment?

Ms. Zamrzla – Yes.

Dr. Goist – Is there a second?

Mr. Baldin – Second.

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

ROLL CALL:	MR. BALDIN – AYE	MRS. MCGRATH – NAY
	MR. HARR – AYE	DR. GOIST – AYE

MOTION CARRIED

Dr. Goist – Your variances have been approved. You will have to have a shed with an 8’ 10” height within two weeks and remove the other shed. Okay?

Mr. Kadel – Thank you very much.

Dr. Goist – Our next public hearing is Jardine Development.

Mr. Harr - Mr. Chairman? Before we get started I would just like to reiterate that I will have to, because of a possible business conflict, abstain from any discussion or any voting on this variances request.

5) **JARDINE DEVELOPMENT, INC./Jason Jardine, Agent**

- a) **Requesting a 15’ Lot Width variance from Zoning Code Section 1258.08 which requires a 200’ Lot Width and where a 185’ Lot Width is proposed in order to construct a Multi Use Retail Building and;**
- b) **Requesting an 8’ Side Yard Setback variance from Zoning Code Section 1258.11 (b) (3) which requires a 20’ Side Yard Setback for Parking from Ordner and where a 12’ Side Yard Setback is proposed in order to construct a New Retail Building; property located at 18025 Royalton Road PPN 396-17-001 and 396-17-002 Zoned General Business.**

Dr. Goist– Okay. Mr. Jardine, do you understand that there will be just three of us voting on your proposal then?

5) **JARDINE DEVELOPMENT, INC./Jason Jardine, Agent, Cont'd**

Mr. Jardine – Correct.

Dr. Goist – Or you could table it. Okay, so you choose to go ahead.

Mr. Jardine – Correct.

Dr. Goist – Okay. Thank you. Tell us where you want to go and what you want to do here.

Mr. Jardine - Do you want my name and address?

Dr. Goist – Yes. Name and address, please.

Mr. Jardine – All right. Jason Jardine, agent for Jardine Development and I'm here to seek approval for two variances, which initially was three and now is two. Correct?

Dr. Goist – Correct.

Mr. Jardine – That one had to do with the parking. So, we found the – when we looked at making some of the changes that were suggested last time, that's when we came into realizing that the parking wasn't necessarily a variances issue. So, we felt that the more feasible way of going with this would not be look at reducing the size of the building since we were only looking at one variance, that that would take care of and we could do that another way by shifting the parking lot further over to the east. So, closer toward the green space next door but in doing that, we still felt that the variance was a preferred way to go because it would take away the side – if you're looking at the site plan – it would take away that side drive that goes around the building. So, you would no longer have a 360-degree way around the building, which may not be the safest or the wisest thing to do. That would be all I have to say on that, I guess. More importantly, I felt like I was opening a can of worms when I went to speak with some of the residents on what I promised them initially and may have to be altered. I stopped it there just because I felt like it was opening up a can of worms as far as changing what I promised to do originally. That placed more of a concern on my end so we stopped with that route and we decided to present this plan again with the two versus the three variances. Thank you.

Dr. Goist – Board members, do you have questions? I'm talking really to Mr. Baldin and Mrs. McGrath.

Mr. Baldin – Yes, Mr. Chairman. Mr. Jardine, we found out as well as you did that this was two lots and you had to get them consolidated and all this was a contingency apparently and you said something about your neighbors. We understand the parking issue. That's not a real problem. What type of border or fencing are you going to try to put in – getting back to

5) **JARDINE DEVELOPMENT, INC./Jason Jardine, Agent, Cont'd**

Mr. Baldin continues - fencing here – to your neighbors. Have you made any plans yet of what you want to do there?

Mr. Jardine – Yes, what we decided because of drainage issues – and I think we may or may not have touched base on this – we couldn't put a full masonry wall in due to the drainage issues. The water runs towards 82 so we would be putting footers and basically swamping the neighbors yard directly behind. So, I guess next in line for the next best option was a masonry column wall with some type of wood panel's between the masonry columns.

Mr. Baldin – So, the water would run through? Is that the idea in case that would be a problem?

Mr. Jardine – Correct.

Mr. Baldin – It's not necessary today in our City code to put a masonry wall in between commercial buildings and residential buildings. It was at one time.

Mr. Jardine – Okay.

Mr. Baldin – Am I correct on that Mr. Allen?

Mr. Kolick – No, it's still a requirement, Mr. Chairman, unless the Planning Commission finds that for drainage purposes it can't be done. So, the requirement is still between commercial and residential to use a masonry wall but it does give – you're correct in that the code was amended to give the Planning Commission some discretion – not to require it if they find out that for drainage purposes, they can't require it.

Mr. Baldin – Okay. So, that still could be an issue here.

Mr. Jardine – No, it was pretty clear about the drainage being a concern because the water only has one way out. They have that mound from the mall and then you have – that runs the whole length of Ordner Road, I believe.

Mr. Baldin – Right.

Mr. Jardine – All that water comes off of there and it doesn't only flow towards the street necessarily. It flows all towards 82 is what I was being told and there are some swales and irrigation and what not that has already been, kind of, dug there. You can see it if you walk the property.

5) **JARDINE DEVELOPMENT, INC./Jason Jardine, Agent, Cont'd**

Mr. Baldin – So, it would be a combination of concrete and fencing that would help to alleviate any water problems?

Mr. Jardine – Correct.

Mrs. McGrath – I don't have any questions, Mr. Chairman.

Mr. Kolick – He had to leave for a minute. If any other Board members have questions, if not, then we'll open it up to public hearing. Is there anybody in the audience who wishes to talk in favor of this? Is there anybody who wishes to talk against the variances? Okay. Any other questions for the applicant?

Mrs. McGrath – I would like to make a motion that we –

Mr. Kolick – We need to wait for the Chairman to vote. Just so the board members will know, if he would be approved here, he would still need to go back to Planning Commission and the Architectural Review Board. They're going to look at the whole issue of drainage. They'll look at the whole issue of screening and the residential home. So, that will be taken into account by the Planning Commission. Any motion that is made here tonight should be made contingent on the consolidation to the two lots, which the applicant is aware of.

Mr. Jardine – Which is in the works.

Mrs. McGrath - Mr. Chairman? I would like to make a motion that we approve the request for a 15' Lot Width variance from Zoning Code Section 1258.08 which requires a 200' Lot Width and where a 185' Lot Width is proposed in order to construct a Multi Use Retail Building and also approve the request of an 8' Side Yard Setback variance from Zoning Code Section 1258.11 (b) (3) which requires a 20' Side Yard Setback for Parking from Ordner and where a 12' Side Yard Setback is proposed in order to construct a New Retail Building subject to the consolidation of the two lots; property located at 18025 Royalton Road PPN 396-17-001 and 396-17-002 Zoned General Business.

Mr. Baldin – Second.

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

ROLL CALL: MRS. MCGRATH – AYE MR. HARR – ABSTAIN
 MR. BALDIN – AYE DR. GOIST – AYE
 MOTION CARRIED

5) **JARDINE DEVELOPMENT, INC./Jason Jardine, Agent, Cont'd**

Dr. Goist – Mr. Jardine, your variances have been approved. You have a twenty-day waiting period and you may proceed from there. As I understand from Mr. Kolick, you will be going back to Planning Commission.

Mr. Jardine – Thank you for your time.

Dr. Goist – Our last public hearing is Today's Touch. Brian Orges.

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative**

Requesting a 2'1" Height variance from Zoning Code Section 1272.12 (c)(a) C which allows a 5' Height and where a 7'1" Height is proposed in order to approve an existing Sign; property located at 11180 Pearl Road PPN 393-20-025 Zoned General Business.

Mr. Orges – My name is Brian Orges. I'm the agent for Today's Touch. Our address is 11180 Pearl Road. Two weeks ago, I stood before you to request a variance on our current business sign, which is located at 11180 Pearl Road. The sign has not changed at all structurally in thirty-six years since the building and sign were erected in 1971. The sign graphics has changed a number of times through the years with six tenants when building owner Merle Hosfeld sublet to others. As a previous tenant in the building, we sublet the front of the building and had half of the sign. We were in the building for three years, were not aware of needing any permit or license for the sign. We were not aware or informed that the sign company did not have a license in the City of Strongsville or that our sign did not have a permit. We have been in business in the City of Strongsville for eleven years. We have moved around quite a bit. We have never had an issue, in fact we have become a recognized part of the community. We have made significant improvements to the landscape of the building, removing overgrown ivy, shrubbery and planted a perennial garden around the sign and we left the landscape well maintained. We would like to continue our business relationship in Strongsville; continue to improve the appearance of the property and the entrance to Co-Moor at Ledgewood. For a thirty-six year old property, I would like to believe that we have done an outstanding job in keeping the property attractive, updating the look and it's really the best it's ever looked. We have taken your guidance and advice from the last meeting and would like to request a lesser variance with the changes shown on the before and after pictures we have submitted to you. Please give us your vote to maintain the integrity and the look of the current sign and building with the changes shown. Thank you.

Dr. Goist – Okay. One of the things that we noticed right away and one of the things that I want to mention to you is we understand that it was built in 1971. This is 2007. The codes are not the same as they were in 1971 and so our ground sign height now is 5'. It is not 7.96' so you're almost 8' high on the new drawing that you submitted tonight. So, you're asking for –

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd**

Dr. Goist continues - you're saying a 2'1" height variance and yet you're at 7.96'. We're asking that you bring this down to be more in compliance with the code than what it is and one of the things that we noticed that you have changed companies. These people do have a permit. My question to you is that you have a red border around "Today's Touch". "Today's Touch", the letters, are extremely large, which is fine for looking at but they could be made smaller and you have made "Massage Therapy and Dinner Spa" smaller so I'm asking if you could not bring the red border down and be approximately the same size as the border that you have on the edges on both the east and west edges and if you couldn't make the letters smaller for "Today's Touch" and bring yourself into compliance because you have a 1' mound that's there now and so you're still at almost 8' and we're asking you to come down to 5' to be in compliance with the codes as the City has them now. Can you live with that? Can you accept that? Can you make this smaller? Can you come into compliance?

Mr. Orges – In order to do that the sign would have to be removed. The sign is a steel one-piece constructed sign that is sort of like a saddle. It's sitting on a wood piece, which is - if you look to the sign picture to the left, basically, that goes across the top. So, in order to reduce the size of the sign what Sign-A-Rama suggested – we went through different variations – would be to take the sign off in the one piece, which it's sort of like a horseshoe, cut the wood and reduce it down to the ground, which would be where the mound is where we had the perennial garden planted and in order to make that even shorter, the sign would have to be torn up or cut up so it would not make financial sense to do that. It would make sense to just tear the whole thing down and start from scratch.

Dr. Goist – I understand that you dropped it, there were two pedestals there. Is all you've done there is taken out the pedestals to drop the sign down?

Mr. Orges – No, the pedestals would remain because those are the anchors into the ground. The sign – the steel piece of the sign, which is the color part – would just be dropped down to the ground because there was about an 11" leg that you cannot see on either side because of the plants. So, it would just be dropped down level with the ground. To go any deeper than that, we would, literally, have to dig into the ground and push the sign down further and then cut the pegs off the top and then that would require re-lettering the entire thing. So, at that point, it would just make more sense to tear the whole things down and do an internally lit sign closer to the sidewalk that would give us the visibility and, truly, I don't think it would have the aesthetic nice look as it does now. Comparing it to the motel next door, Elm Haven Motel, their sign is 5' from the sidewalk. It's an internally lit sign that was there forever on a pole that they put down to the ground and it does block visibility of our sign currently, as well as the bush that they have. So, moving to our new facility, one of the reasons was the visibility that Merle's building offered plus the antiqueness of the building. It has a unique look to it. People really loved coming to us when they were there before. So, this would take away from the appearance of the building by sticking an internally lit sign 5' from the

6) TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd

Mr. Orges continues - sidewalk and it just would not have the same aesthetic pleasingness plus it would block some of the vision of people turning from Idlewood onto Pearl.

Mr. Baldin - Mr. Chairman?

Dr. Goist - Mr. Baldin?

Mr. Baldin – Sir, in your rendering here on the right side, what you're saying on the left side, that's your support where the sign is setting on. So, you would say you would remove that, put it all the way down to the ground, drop the sign down.

Mr. Orges – Yes.

Mr. Baldin – Okay. Now, your metal post on each side, that's supporting the rest of the sign, correct, basically holding – these are your metal posts?

Mr. Orges – They're wood posts.

Mr. Baldin – They're wood posts, okay.

Mr. Orges – There is wood underneath the metal sign, which is, sort of, like a horseshoe that holds it in place where it is currently.

Mr. Baldin – Holds it in place. Okay. What is the distance from here to here? Do you have any idea? I never measured it. I measured everything else but that.

Mr. Orges – Sixteen point five inches.

Mr. Baldin – How far?

Mr. Orges – Sixteen point five inches.

Mr. Baldin – No, I'm just talking from your white background up to the top here.

Mr. Orges – I don't have those measurements.

Mr. Baldin – What do you think? It's 6", 8", 10" or 12"? Do you think it's a foot? I don't think it's a foot.

Mr. Orges – I think it's about 7" maybe.

6) TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd

Mr. Baldin – I was hoping it would be a foot but I don't think it is because what we're thinking about is one thing that we talked about a little bit earlier. We're not trying to make you spend a lot of money here, okay. We want to try and work with you but if that was a foot or 8" or 10", cut that – that should not be a real problem just to cut that straight across there. Okay? Then, maybe, you'll only have a 1" border, which is, basically – you took a lot away off of the bottom because you made this smaller, your lettering, so you have taken a lot away there. If you cut some of the top off, that would, again, give you a little bit lower height. All right? Your mounding there – if you didn't have the mound there you could bring it straight down to the ground if you didn't have the shrubs or the perennials.

Mr. Orges – If we remove the shrubs and bring it down to the ground, that would still make the sign 7.04'.

Mr. Baldin – The sign itself is 7' 4" right?

Mr. Orges – Yes the steel part, it's all one piece.

Mr. Harr - Mr. Chairman? If I could clarify because we have different numbers flying all over the place here and as I understand it, our code allows for 5' from the grade, correct?

Mr. Kolick – Correct?

Mr. Harr – So, what we're talking about here, the way that you're showing your after version of the sign here, assuming we have an 11" mound or call it a foot to keep the numbers easy, we really have a 3' variance here from what the code allows. You're actually at 8' from grade. That's, kind of, where we have, I guess, some of the issues. I agree with every comment that you made with regards to location of the sign. I like it back off the road a little bit and the fact it's not a visual obstruction. We recently looked at another sign for a businessman in town here of similar magnitude and made some changes to that sign, frankly because there were some serious visual impairments along the roadway. So, I do think you have the advantage of being off the road a little bit. That said, a 3' variance, basically, an 8' sign is, maybe, a little too much. I would agree with Mr. Baldin and see if we can explore – I like landscaping around the sign. It may just need to be ground level landscaping to where we can eliminate that 11" and pull the sign down. Now we're talking about a six and a half or seven foot sign, if you can take a little bit off the top. For me personally, I think I could live with that.

Mr. Orges – The wood we can cut. The steel we cannot. So, if we remove the 11" of dirt and took the bushes out and put them around the building somewhere else and moved the sign down to the ground level flat, cut the wood stakes at the top, that would be something that we can visualize.

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd**

Mr. Harr – In other words, the actual sign portion, the steel portion, would stay as it is so what we're really talking about is getting rid of the 11”.

Mr. Orges – It would be 11”, yes.

Mr. Harr – So, basically, for round numbers, we're got a 7' sign.

Dr. Goist – Why can you not cut the steel? The steel was made – the previous company made this sign and they obviously had to cut that at that – it's in more than one piece. Am I correct?

Mr. Orges – No, the sign itself is one piece. There are metal plates that go over the top of it where the letters adhere to, the vinyl letters. So, the steel sign is a horseshoe and it's one whole piece. In order to cut it, they would have to cut through welds and have to reweld another bottom piece to it to physically change the dimensions of the sign. So, at that point – and the cost involved in having someone cut it, weld it, reduce the size of the sign, it would be more costly to do that than put an internally lit sign out by the sidewalk.

Dr. Goist – We hadn't even talked about an internally lit sign when you came in. That is something that you brought up tonight but I also wanted to mention and I want to ask Mr. Kolick, you have another sign that's in the driveway going into your parking lot. Mr. Kolick, is he allowed to have a second small ground sign going into the parking lot?

Mr. Kolick – I would have to see what they have. Is there a permit for another sign?

Dr. Goist – It just says “Today's Touch”.

Mr. Orges – It's a realty sign to notify people that that's our driveway because we had people that couldn't find us.

Dr. Goist – But it could say “Entrance” or “Exit”.

Mr. Orges – It could say “Entrance”, yes.

Dr. Goist – You see, what we're saying is that is probably not an allowed sign because you're allowed one sign. You're not allowed two. You're on a corner there but you have chosen to put “Today's Touch” on it. It could say “Entrance” and “Exit”.

Mr. Orges – Are we allowed to put “Entrance” on a realty type sign?

6) TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd

Mr. Kolick – If you get up to the Building Department, show them what you're going to do and I'm not sure what the requirement is but I know we do permit in certain areas, "Entrance" and "Exit" signs and should be okay but you need to show them where it's going and the size. That is correct, the temporary type real estate sign we don't permit within a business district for any period of time.

Ms. Zamrzla - Mr. Chairman? I can check with ARB tomorrow to see if that was part of the sign package that you submitted to them originally. Do know if you submitted that other sign in the driveway to Architectural Review Board?

Mr. Orges – I don't believe we did, no.

Ms. Zamrzla – In addition to that, just for the Board and for the audience, Dr. Goist, you said that he has a permit, actually his permit is pending the decision here and the decision of the Architectural Review Board. He does not have a permit yet.

Dr. Goist – From Sign-A-Rama, right?

Ms. Zamrzla – Right.

Mr. Harr – But they are licensed in the City, right?

Ms. Zamrzla – Yes.

Mr. Orges – I asked Kathy to send me some licensed companies that we can use. I was unaware that for the fence or anything else that –

Dr. Goist – So, they're not actually changing the sign. You have changed sign companies. They're not changing the sign except to make the lettering smaller and they're dropping it down, the size, the sign in total. I still can't – I'm like Mr. Harr, trying to understand how big this sign is and I still see that – with all due respect – it still stays Taft Hosfeld Realty, which is fine, underneath there.

Mr. Harr - Mr. Chairman? Only because I want to clarify with the applicant too then so I understand what he believes to be feasible and not, so as I understand it the actual metal portion of the sign is exactly the same and you propose to leave it exactly the same as it was. The lettering may be changed a little bit to reflect the fact as you lower it to the ground because that's removable vinyl that's adhered to the metal sign.

Mr. Orges – That's correct.

6) TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd

Mr. Harr – You have indicated that you believe it would be possible to make the bed a ground level bed lower than the overall sign and then cut the goal posts, if you will, so that it matches up so that the overall sign height is 7', which is basically the size of the metal piece. Is that correct?

Mr. Orges – That is correct.

Mr. Harr – Okay. So, that is feasible. Anything lower than 7' requires either burying a portion of the metal sign, okay, or, which I don't know if that is possible or not, or replacing it because cutting it really isn't a good option. Is that –

Mr. Orges – That is correct. There are some sprinkler systems around the side and there's a – to the right of the sign, there is a white thing that is coming up out of the ground. I think it was a City thing. It's a round air pipe. I don't know where that goes in relation to the sign. What can be dug up and what cannot. We just had the land surveyed and –

Mr. Harr – I find I'm not a big fan of overly large signs. I am a little bit more open to this because of it's location, if for no other reason. I'm wondering if it cannot be brought below grade a little bit. If the lettering can be changed – I don't know how much movement is permissible within the lettering. In this section that "Today's Touch" is on, are you limited to that space period and it's just the size of the lettering that can be changed?

Mr. Orges – The size of the lettering can be changed.

Mr. Harr – It can be changed so conceivably, okay, if we buried six inches of the sign just as an example, you could make "Today's Touch" lettering slightly smaller, which would still allow for the balance of the sign to be visible.

Mr. Orges – That is correct.

Mr. Harr – Is that a possibility? Obviously, you want to talk to your sign people, I understand that. I'm not anxious to make you go out and spend the money for a new sign nor am I anxious to have one closer to the street but in the same token I'm trying to make it as close to 5' and still work as possible. If we can get to six and one half feet or something, I would feel a little better about that.

Mr. Orges – I think we can do that.

Dr. Goist – I have one other question after Mr. Harr, when we go out and we inspect these and you know that everybody has been there, you also have a shed that's been built in the back for storage, I assume. Did you get a permit for that shed?

6) TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd

Mr. Orges – No, we did not get a permit for the shed. We had Mr. Biondillo out and he sat down and explained to us what needs to happen. The shed company that put up the shed, they replaced an existing shed that was torn down. It was on floating blocks rather than a concrete pad so the shed company said, “No, you won’t need a permit”. They put it up on a Friday. They’re from Medina on Route 18. We found out you can’t replace a shed without a permit so what we’re doing is we paid for the land to be surveyed. We found out that the motel’s shed is on Merle’s property as well as part of their parking lot is on Merle’s property and we can’t put up the fence until the shed is moved for the motel. Tony is waiting for our drawings, which he’ll have the map by Monday. We have a company who will lift the shed and move to the parking lot to an acceptable space that Tony has already approved and so we’ll be good with the shed.

Dr. Goist – Okay. I just happened to see it and we go out and look at these things and here’s a brand new shed and I had to ask that question.

Mr. Orges – That I can understand and as an example, we rented in the building across the street, which was 11303 Pearl Road, which is the old Brooker Building. It’s, sort of, the Dutch colonial that was now white vinyl sided and, again, we have never had a permit for a sign in the City of Strongsville other than when we rented from Brian Kiplinger. We begged to get a sign on the street. He did the whole process and we had our permit. The building across the street has changed signs and placards many, many times including ours that was there and the sign is 14’ high and it’s a ground sign. So, I understand when you view these things the types of things that you do find. For our building, I think the sign is in a really nice place. It doesn’t block the view of the traffic.

Dr. Goist – I agree with that.

Mr. Orges – Merle’s done a perfect job in letting us pull out some of the old ivy and make it look like a revived building. Everybody loves it. People say it feels like home when they come there and that was the purpose. We did that article that we passed out last time, “Coming Home”. We were there before and we wanted to be back and we’re here to stay. So, we appreciate you understanding and listening to our situation. We have invested a lot of money and took out a big loan to take care of some things and the building and this means a lot to us. It’s very important.

Dr. Goist – As Mr. Harr, had suggested, could you go with a six and one half foot sign?

Mr. Orges – I believe the only way to do that would be to bury part of the existing steel sign. We’ll talk to Sign-A-Rama tomorrow. I’ll have Bob come out and the owner and he is very professional. He is the best sign person that we have dealt with and we appreciate that and he can make it happen and get us an answer within a couple of days.

6) TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd

Mr. Harr – Just so we're clear, if we change your variance request to that, if that variance request is granted, that's what you have to work with so he would have to make that work for you or you could request that the item be tabled if you wanted to confirm what your options may be.

Mr. Orges – How long would it have to be tabled to then?

Mr. Harr – Our next meeting is three weeks away.

Mr. Orges – I prefer to have –

Mr. Harr – I can't imagine where that's – how thick is the sign?

Mr. Orges – The steel itself is about eight and one half or nine inches.

Mr. Harr – There has to be a way to – you can anchor it above ground so there has to be a way to anchor it below ground I would think.

Mr. Orges – I'm not sure what's under there.

Mr. Harr – If they dug posts there has to be nothing under there.

Mr. Orges – It's all empty space under the metal between the two posts.

Mr. Harr – I'm sure it's nothing that couldn't be relocated. I'd be really surprised if that were an issue.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes?

Mrs. McGrath – Brian, I am a business owner in town and I've been through the same thing and I have found additional expenses when – just doing the same thing that you have done, where we didn't get to the City before we made other decisions and so I empathize and sympathize but it looks like if you can agree to the six and one half foot height, that's higher than what it should be but you can take it to grade and move that beautiful landscaping that I look at every day I go to work and put it on the side of your signs. You're not going to lose your landscaping. You're just going to track it a little differently. I think you can do this. I think it will be some additional expense but it's not a new sign.

Mr. Orges – Okay.

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd**

Dr. Goist - Mr. Baldin, do you have a question.

Dr. Goist – No, I just concur. It's not a major expense. Yes, it's going to cost you some extra dollars but it's a lesser route to go.

Mr. Orges – I think that we can make that work and I know that Merle will be speaking on our behalf. We already talked about changes prior to the meeting so I appreciate it.

Dr. Goist – This is a public hearing so if there is anyone who would like to speak for the variance, if you'll come forward.

Mr. Hosfeld - Good evening ladies and gentlemen. My name is Merle Hosfeld. I live at 11698 Handle Road here in Strongsville. I'm speaking primarily because I would advise that I am, as you probably well know, the owner of the building. I am also the owner of the sign so I am responsible for all of this reaction to this sign thirty some years ago. I'm here to say that any cooperation that you require of and need of me you shall have. I think Brian and Bill have done an exceptional job very quickly to improve my building far beyond what I expected them to and I truly appreciate this evening the cooperation that you have given him. You have made my job a lot easier tonight.

Dr. Goist – Thank you. Is there anyone else who would like to speak for the variance?

Ms. Zamrzla – She is not sworn in.

Dr. Goist – Okay. Miss, our secretary tells us that you were not sworn in earlier. You may come forward and our Assistant Law Director will swear you in.

Mr. Kolick – Is there anybody else who will be speaking who has not yet been sworn in? If you're going to speak and you haven't been sworn in then stand up now and we'll swear everybody in at one time. Respond with, I do.

Mr. Kolick then stated the oath to all standing.

Dr. Goist – Would you give us your name and address first please?

Dr. Elias – My name is Dr. Lisa Elias. I live at 19299 Saratoga Trail right in Strongsville.

Dr. Goist – Okay.

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd**

Dr. Elias – I will make this short. I just want to say that it's a great business. They have done business in Strongsville for years and I have a lot of patients who go to Today's Touch and get great service there. It's a beautiful place but if they were selling manure and they were the devil, the sign was there. So, I guess I'm going backward because he has already agreed to make it six and one half feet but it was there and it's a new face. So, it's almost like everybody else has an existing sign that you can reface but you can't. I guess he is already – so I'm just speaking on behalf of the business and what a great asset it has been to Strongsville and if it was Mother Theresa and she took the sign down and put a new one up then yes, she took it down but it was there and it was just refaced. So, I think that this is going to be a no-brainer for you guys to give him the okay. So, thanks.

Dr. Goist – Thank you. We appreciate your comments. Is there anyone else who would like to speak for the variance?

Ms. Elias – My name is Lizzy Elias. I live at 16978 Stag Thicket Lane in Strongsville, Ohio. I have been a Strongsville resident since it was a township and I've known Today's Touch for eleven years. I have not only known them as good citizen people to the City who clean up their buildings every place they go, they are also very helpful to me because I have had two major back surgeries. I was in bed for three and one half months in a body cast and sometimes I can't walk but when I go to them they help me. They have helped many people, even on your staff. A lot of people from City Hall that are friends of mine go to them for migraine headaches and back problems. They are a good asset to the community and if I had the opportunity to be in your positions, I would award them for being good citizens to the city. Thank you.

Dr. Goist – Thank you. Is there anyone else? This is still for the variance. Would you give us your name and address?

Mr. Elias – My name is Len Elias, 16978 Stag Thicket. My wife just spoke before me. I've been a resident for a long time of Strongsville. I watched that sign being built in that building. I had a business down the street from them and I watched the whole area being built. I watched Co-Moor being built. I knew the Hosfeld sign when it was put up in good taste. Here, the past number of years, the sign that was there was painted over and it was really a tragedy. It was a shame to see it. There was a ding on there and a tank. I don't know but every time I would go by I would close my eyes and thought, My God that sign is terrible looking. When Today's Touch put their sign up, I was elated. I thought it was beautiful. How you people could even think of having them change it is beyond me. God bless you. I know you have your laws but that sign was there for a long time and I think they did such a beautiful job. I feel bad that they have to change it. God bless you.

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd**

Dr. Goist – Thank you. I'm going to ask again if there is anyone else who wants to speak for the variance. Now sir, I know that you have been raising your hand. You want to speak against the variance. Is that correct?

Mr. Mungons – My name is Andy Mungons. I live at 19270 Briarwood Lane. I have lived there for twenty-six years. I think the property in question labeled as the Hosfeld property has been maintained nicely and looks well. However, when you consider looking both north and south from Idlewood, all the signage that we see are relatively low to the ground and within the limits of the code and what really is remarkable to us is that up the street a little further Burger King and across the street, another big national company, Staples, have small signs. They haven't tried to exercise muscle for big ones. They have maintained it and it looks nice and you have maintained it all the way up and down Pearl Road. It's getting nicer and better looking as older buildings are removed or updated and we think that you should stick, as close as possible, to the code structure, like you have in the past. We appreciate that and we would be disappointed if you varied too much from the code. We think that so far it has gone rather well up and down the street and when you can stick to a code over the years a little bit at a time – one inch at a time – it makes the city look a lot better and it has improved a lot since I have been here. We hope you will not vary too much from the code in this case. Thank you.

Dr. Goist – Thank you. Is there someone else in the audience who would like to speak in opposition to the variance? Would you give us your name and address first please?

Mr. Manny - My name is Edward Manny.

Dr. Goist – Speak into the mic please.

Mr. Manny – You mean I'm not loud enough. Usually they complain about me being too loud. At any rate, I'm Edward Manny. I live at 19261 Briarwood Lane, which is behind this establishment. I looked at that sign and I thought it was a beautiful sign the way it is and like my neighbor Andy said, I don't see a reason for a variance. These people have done a nice job in straightening up the property and making it beautiful but the sign is very readable as is and I really don't see any cause for a variance. I think the sign is great the way it is. That's it. Thank you.

Dr. Goist – Okay. Thank you. Board members, do you have any other questions? Is there anyone else who would like to speak against the variance?

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin.

6) **TODAY'S TOUCH, TENANT/Brian Orges, Representative, Cont'd**

Mr. Baldin – Thank you.

Dr. Goist – If there is no other business to come before this meeting, meeting is adjourned.

Meeting was adjourned at 10:20 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn Zamrzla, Secretary

November 14, 2007
Approval Date