

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

**January 10, 2007
7:30 p.m.**

Present: Board of Appeals Members: Ken Evans, Glenn Goist, Rich Baldin, Bill Harr.
Administration: Assistant Law Director, Dan Kolick; Assistant Building Commissioner, Fred DeHoff; Recording Secretary, Kathy Zamrzla.

The following was discussed:

2) **PAUL ULAN, OWNER/ C & S Contractors, Representative**

- a) Requesting a variance from Zoning Code Section 1274.06 which prohibits the enlargement of a non-conforming use and the applicant is proposing to construct a Detached Garage in an area zoned General Industrial and;
- b) Requesting a 216 SF Floor Area variance from Zoning Code Section 1252.15 which permits a 576 SF Floor Area and where a 792 SF Floor Area is proposed in order to construct a Detached Garage; property located a 15247 Marks Road PPN 393-07-002 zoned General Industrial.

Chairman Mr. Evans feels that conditions haven't changed since the December 13, 2006 meeting. Mr. Baldin commented that the applicant cleaned up the yard and the building came down in size. Mr. Baldin doesn't have a problem with approving the variance and asked the Assistant Building Commissioner, Fred De Hoff, if the applicant can store vehicles. Mr. DeHoff said that the property is zoned industrial and that he would be permitted to store vehicles. Dr. Goist said he would ask the applicant to move the shed. Assistant Law Director, Mr. Kolick, said that the board needs to ask if the applicant is running a business on the property.

3) **RITE AID/ Atwell-Hicks, Representative**

- a) Requesting a Sign variance from Zoning Code Section 1272.12 (b) which allows one (1) Wall Sign and where three (3) Wall Signs are proposed and;
- b) Requesting a Sign variance from Zoning Code Section 1272.12 (c) which allows one (1) Ground Sign and where two (2) Ground Signs are proposed; property located at 14701 Pearl Road PPN 396-18-018, 396-18-019 and part of 396-19-001 zoned General Business.

Mr. Evans said he would ask the applicant to comment on the ground sign and the "Pharmacy" sign. Dr. Goist stated that most people he talked to said they felt the "Pharmacy" sign should be installed, therefore, he does not object any further. Mr. Baldin said he would be interested in

CAUCUS CONTINUES -viewing the new drawings that Rite Aid was advised to bring. Mr. Evans stated that the sign would be visible above the fence.

5) Discussion of 2006 pending applications for variances

The board advised Recording Secretary, Kathy Zamrzla, to send a letter to all outstanding applicants from 2006 asking them to act within thirty (30) days. Mr. Kolick stated that he needs to talk to the Building Commissioner, Tony Biondillo, regarding Absolute Roofing and is inquiring about the approval of their 2007 license and suggested that Sunoco would be the other outstanding applicant.

4) WILLIAM AND MONICA ALI, OBJECTING PARTY

Hearing of the objection by William and Monica Ali, property owners at 21962 Westwood Drive, regarding the application for a building permit by property owners Edward and Cheryl Sobek, to construct a Single Family Dwelling, pursuant to Codified Ordinance Section 1418.03; property located at 21888 Westwood Drive PPN 392-11-014 and 392-11-015 zoned R1-75.

Mr. De Hoff stated that the proposed single-family dwelling complies with the building codes and that there is no reason why he cannot build. The owner, Mr. Ali, stated that two lots have been consolidated. Mr. De Hoff explained to the board that the objection was accepted after the ten days had expired because the applicant had presented the objection verbally before the ten days expired. Mr. Kolick explained that the board may vote on this issue tonight if they feel they have enough information. A brief discussion of the placement of the house took place. The owner of the home advised that the local.live.com website would print an aerial view of the property.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

SUMMARIZED MINUTES OF MEETING

January 10, 2007

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

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

Also Present: Mr. Kolick, Asst. Law Director
Mr. DeHoff, Assistant Building Commissioner
Mrs. Zamrzla, Recording Secretary

Upon motion duly made and seconded, Mrs. Lane was excused, unanimously, for just cause.

Mr. Evans certified that the meeting was posted according the ordinances of the City of Strongsville.

Upon motion duly made and seconded, the minutes from December 13, 2006, December 18, 2002 and October 16, 2002 were unanimously approved.

Mr. Kolick stated the oath to all standing.

NEW APPLICATIONS:

- 1) **TALERIS CREDIT UNION, INC./PW Campbell, Representative**
 - a) Requesting a 1.5' Lot Width variance from Zoning Code Section 1258.08, which requires a 150' Lot Width and where a 148.5' Lot width is proposed, in order to construct a New Commercial Building and;
 - b) Requesting a 15' Side Yard Parking Setback variance from Zoning Code Section 1258.08, which requires a 20' Side Yard Parking Setback and where a 5' Side Yard Parking Setback is proposed, in order to construct a New Commercial Building and;

1) **TALERIS CREDIT UNION, INC./PW Campbell, Representative, cont'd**

- c) Requesting a 17.5' Front Yard Parking Setback variance from Zoning Code Section 1258.08, which requires a 75' Front Yard Parking Setback and where a 57.5' Front Yard Parking Setback is proposed in order to construct a New Commercial Building; property located at the SW corner of Broxton Drive and Pearl Road PPN 395-07-001, 395-07-002 and 395-07-003 zoned General Business.

A Mr. Robert Kremer appeared on behalf of PW Campbell. He explained the various variances requested. He indicated that a lot width variance would be required for whatever use went onto the property. In this regard, the Chairman, Mr. Ken Evans, asked him if he had approached the property owner to the south, namely, the gas station, to pick up some additional land. Mr. Kremer stated that the building was already as its minimum square footage and the property behind to the west could not be used for this project, since it is zoned residential, although the owner owns both properties. Mr. Kremer indicated that his research showed that the gas station to the south was already undersized and, therefore, it would do no good to pick up additional land since the BZA would then be dealing with an undersized parcel to the south.

Mr. Kremer then explained the 15' Side Yard Parking Setback and the 17.5' Front Yard Parking Setback. He stated that a low wall, three to four feet high, would be constructed around the perimeter to shield the parking lot from Pearl Road and from Broxton Drive.

Extensive conversations took place about the elimination of one of the three bays to the south of the building so that the 15' Side Yard Parking Setback Variance would not be necessary. Mr. Kremer said that this bay was necessary since one bay would be an ATM and a teller could handle two drive-up bays. Mr. Harr had conversation about the possibility again of eliminating a bay and putting the ATM further to the west of the building. Mr. Kremer indicated that the economics of the situation would just not warrant this type of change.

Mr. Kolick pointed out that the applicant was asked to contact the Engineering and Building Departments and the various administrative departments to discuss the elimination of the full driveway on Pearl Road, installing a delta and possible elimination of a left hand turn onto Pearl. Mr. Kremer indicated that he was not at the Planning Commission meeting and, therefore, was unaware of this requirement; however, he would make sure that his people contacted the various administrative departments to discuss the driveway onto Pearl Road and the feasibility of a delta.

The Board discussed their concern with the side bays not permitting emergency vehicles to go under the roof to circle the building. The Board discussed the possibility of theft at the bays in this area due to the surrounding land uses.

1) **TALERIS CREDIT UNION, INC./PW Campbell, Representative, cont'd**

The Board asked Mr. Kremer where there were any other Taleris Credit Union buildings in the area so that they could look at them. Mr. Kremer indicated that he would get back to the Board with an address or addresses.

The matter was then set for a public hearing on January 24, 2007.

PUBLIC HEARINGS:

2) **PAUL ULAN, OWNER/ C & S Contractors, Representative**

- a) Requesting a variance from Zoning Code Section 1274.06 which prohibits the enlargement of a non-conforming use and the applicant is proposing to construct a Detached Garage in an area zoned General Industrial and;
- c) Requesting a 216 SF Floor Area variance from Zoning Code Section 1252.15 which permits a 576 SF Floor Area and where a 792 SF Floor Area is proposed in order to construct a Detached Garage; property located a 15247 Marks Road PPN 393-07-002 zoned General Industrial.

Mr. Phil Ulan and his contractor, Angelo Carile, appeared before the Board. Mr. Ulan described the variances he was seeking. Mr. Baldin asked Mr. Ulan if the accessory structure in the far rear was also his and whether it was going to remain on the property. Mr. Ulan stated that it was and Mr. Evans then asked the Assistant Law Director whether a third variance would be required. The Assistant Law Director noted that a third variance to permit a second garage building would be required.

The Board noted that the subject property was a mess containing quite a bit of materials and vehicles stored outside. The Board pointed out to Mr. Ulan that vehicles which were not operable or unlicensed with current plates, could not be stored on the property. Mr. Ulan said that he now acknowledged this fact and would have removed from his property any vehicles which were inoperable or did not have current license plates. In addition, Mr. Ulan stated that he stores vehicles for friends and assured the board that he would have his friend remove his items and that he would not permit his friends to store items on his property in the future. Mr. Ulan stated that the whole purpose of this new large structure was so that he could move everything inside the buildings.

2) **PAUL ULAN, OWNER/ C & S Contractors, Representative, cont'd**

The Chairman asked Mr. Ulan if he was going to run a business from the premises, and Mr. Ulan stated that he was not. It was noted by the Assistant Law Director that in the past Mr. Ulan stated that he had a snow plowing business and one of the members stated he saw a sign on the property for a snow plowing business. Mr. Ulan noted that this was not his business but someone else's sign. Mr. Ulan noted that he would not be running a snow plowing business from the premises and he would have his friend remove the sign. It was noted that the City had had prior problems with Mr. Ulan constructing buildings without permits and doing things on the property that were not permitted. It was noted that the aim of the City was to do away with residential uses on Marks Road since this area was zoned for General Industrial. The Board discussed this matter but, ultimately, concluded that it would be better to have the subject property cleaned up by moving all of the outside materials and vehicles inside a structure.

Mr. Ulan explained that there would be a hard surface drive leading to the garage and all of its doors, which will not be wide enough to drive a car through. Mr. Ulan further agreed that if the variances were granted there would be no outside storage of any materials or vehicles and he would clean up both the subject lot and the neighboring lot, which he owns.

The Board ultimately voted 3 to 1 in favor of the variances with Dr. Glenn Goist voting against the variances. The variances were made subject to no outside storage of vehicles or materials of any type on the subject property or the neighboring property owned by Mr. Ulan and no business to be run from the premises.

3) **RITE AID/ Atwell-Hicks, Representative**

- b) Requesting a Sign variance from Zoning Code Section 1272.12 (b) which allows one (1) Wall Sign and where three (3) Wall Signs are proposed and;
- b) Requesting a Sign variance from Zoning Code Section 1272.12 (c) which allows one (1) Ground Sign and where two (2) Ground Signs are proposed; property located at 14701 Pearl Road PPN 396-18-018, 396-18-019 and part of 396-19-001 zoned General Business.

Mr. Brian Fabo appeared before the Commission to explain the necessity of the variance requested to permit a third Wall Sign marked, "Pharmacy" over the front entrance of the building. Mr. Fabo indicated that Rite Aid felt that the Pharmacy sign was a necessity to the building. Mr. Gable introduced various drawings, which indicated that the Pharmacy would be done in a tasteful manner and it would not be over-signage for the building. A night photograph

3) **RITE AID/ Atwell-Hicks, Representative, cont'd**

showing how the signs would be illuminated helped the Board with its decision.

Mr. Fabo agreed that if the Board would give favorable consideration to the three Wall Signs, Rite Aid would withdraw its request for a second ground sign on Cook Road. In addition, the sign facing square footage is less than the permitted overall square footage. Mr. Fabo noted that CVS had added signs to their awnings.

The Board members had a number of questions regarding the signage. Mr. Fabo showed the Board photographs of the new CVS store on the corner of Route 82 and Route 42, which had similar signage indicating it was a pharmacy. Mr. Fabo indicated that the new marketing for CVS was to go back to basics indicating that it was a pharmacy first and that this signage was necessary for the drug store to be competitive at the proposed location.

The Board had a series of questions involving the signage around the entire building, particularly the directional signage on the south side where the pharmacy was located. The Board questioned whether there would be a safety concern with vehicles traveling in a southerly direction off Cook Road behind the drug store and vehicles heading in an easterly direction through the drive-thru. Mr. Fabo indicated that this same issue was brought up at the Architectural Review Board Meeting, and to alleviate the concerns, the drug store agreed to put a stop sign up at this corner.

Ultimately, the Board granted the Wall Sign variance requested by a unanimous vote and the applicant withdrew its request for a second Ground Sign on Cook Road.

ANY OTHER BUSINESS TO COME BEFORE THE BOARD:

4) **WILLIAM AND MONICA ALI, OBJECTING PARTY**

Hearing of the objection by William and Monica Ali, property owners at 21962 Westwood Drive, regarding the application for a building permit by property owners Edward and Cheryl Sobek, to construct a Single Family Dwelling, pursuant to Codified Ordinance Section 1418.03; property located at 21888 Westwood Drive PPN 392-11-014 and 392-11-015 zoned R1-75.

Mr. Ali appeared before the Board indicating that he was the neighboring property owner and he had a number of objections to the proposed building permit. His first objection was that the building would be too tall and out of place with the other buildings on the property. His second objection was that the building was set back too far from the 75' minimum Front Yard Setback requirement on Westwood Road and the proposed house would block his view of the rear of the

4) **WILLIAM AND MONICA ALI, OBJECTING PARTY, cont'd**

yards. His third objection was that there could be some drainage problems from this property onto his lot. The Board asked the Building Department through its representative, Fred DeHoff, to comment on these objections. Mr. DeHoff indicated that the structure, as proposed, met the Front and Rear Yard Setback requirements imposed by the City. Mr. DeHoff indicated that the building met the height requirements of the City. The Assistant Law Director, Mr. Kolick, then indicated that the Board of Zoning & Building Code Appeals had jurisdiction only to rule on whether the building, as proposed, met the City requirements and did not have jurisdiction to deny a permit based on the aesthetics of the lot or building.

The neighboring property owner to the east, namely, Rita Kronick, also objected to the proposed structure stating that due to its size and location it would cast a shadow on her swimming pool so that the sun would not warm the pool. Secondly, she complained that since the garage was a side load garage, the light over the garage would shine directly into her bedroom window.

The Board asked the applicant if he would be willing to add screening by way of bushes and trees to block any light, which would shine into the neighboring property owner's bedroom window. Mr. Sobek agreed that he would work with the neighbor and would add into his landscaping appropriate plantings to shield any light over the garage infringing into the windows of the neighbor's bedroom. He also stated that the light would be shown down directly on the drive so that it would not impact the neighbor. As to the swimming pool, he indicated that due to the lot being heavily wooded, he would be cutting down a number of trees, which might actually help with the sun reaching the neighbor's swimming pool.

The Board questioned Mr. Ali as to whether or not he made any offers to purchase the subject property. Mr. Ali stated that he did make offers to purchase with the prior owner; however, the prior owner passed away and evidently, his family sold the property to the Sobeks without Mr. Ali knowing of the situation.

The Assistant Law Director explained to Mr. Ali that if he had any concerns about water going onto his property that he should go to the City's Engineering Department, review the topographic plan and discuss with the Engineering Department any concerns he may have. Mr. Ali approached Mr. DeHoff and they reviewed the approved topographical survey.

The Board discussed with the applicant the fact that other homes were located at the street at various setbacks. Mr. Sobek indicated to the Board that his house was setback generally about the same area as the home to his east.

4) **WILLIAM AND MONICA ALI, OBJECTING PARTY, cont'd**

Mr. Ali complained that when he went to see the Building Department this was the route he was told to go. The Assistant Law Director explained to Mr. Ali that he was given the right information by the Building Department since this Board was the only Board of Appeals; however, he must realize that the Board can only act within its legal restrictions of ruling as to whether or not the building, as proposed, met the Zoning and Building Code provisions.

Mr. Ali claimed his home value would decrease but admitted that his property taxes have doubled since the new homes behind his home were constructed.

A vote was taken and the vote was unanimous to overrule the objection to the permit.

5) **Discussion of 2006 pending applications for variances**

The board stated that the Recording Secretary, Kathy Zamrzla will send any pending variance applications from 2006 a letter stating that they have thirty (30) days to proceed with their variance or it will be dismissed.

6) **Election of 2007 Officers**

A nomination was presented and seconded to elect Dr. Glen Goist as Chairman of the Board of Zoning and Building Code Appeals for 2007 and to elect Mr. Ken Evans as Vice Chairman of the Board of Zoning and Building Code Appeals for 2007. The board unanimously approved.

The meeting was adjourned at 9:40 p.m.

Kenneth D. Evans, Chairman

Kathryn Zamrzla, Secretary

Approval date