

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

November 29, 2006

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

Present: Dr. Goist
Mr. Baldin
Mr. Harr

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

Dr. Goist – Good evening. I'd like to call the November 29, 2006 meeting of the Strongsville Board of Zoning and Building Code Appeals meeting to order. May we have a roll call please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. EVANS AND MRS. LANE

Mr. Baldin – I'd like to make a motion to excuse Mrs. Lane and Mr. Evans.

Mr. Harr – Second.

Dr. Goist – We have a motion and a second. Roll call.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist - Thank you. I hereby certify that this meeting has been posted in accordance with the ordinance of the City of Strongsville. We have before us this evening, and received in our packages, minutes from November 8, 2006 and November 20, 2002. Are there any corrections or comments to the minutes?

Mr. Baldin - I make a motion to accept as submitted.

Mr. Harr – Second.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Our meetings are divided into two portions. The first section of the meetings are new applications, which we will go through first. The second portion are our applicants who were here at the last meeting and are here for their public hearing tonight. So, our first new application is Pearl Road Laser Wash. It gives us the name of the owner but I don't know who is here to represent the gentlemen.

Mr. Kolick - Mr. Chairman? We need to swear in the witnesses.

Dr. Goist – I'm sorry. Before we start, for all the people who are here for the new applications or for the public hearings, if you're here to speak before the meeting tonight, will you please stand and have our Assistant Law Director swear you in.

Mr. Kolick – If you're going to speak on any item tonight, you need to stand up. Even the new applicants.

Mr. Kolick then stated the oath to all standing.

1) **PEARL ROAD LASER WASH**

- a) **Requesting a 9,228 SF Lot Area variance from Zoning Code Section 1258.08 which requires a 43,560 SF Lot Area and where a 34,272 SF Lot Area is proposed in order to construct a Car Wash and;**
- b) **Requesting a 85.21' Lot Width variance from Zoning Code Section 1258.08 which requires a 200' Lot Width and where a 114.79' Lot Width is proposed in order to construct a Car Wash and;**
- c) **Requesting a 8.5' Building Setback variance from Zoning Code Section 1258.08 which requires a 25' Building Setback from the Side Street and where a 16.5' Building Setback from the Side Street is proposed in order to construct a Car Wash; property located at Strongsville Blvd. and Pearl Road NW corner PPN 395-05-005 Zoned Motorist Service.**

Mr. Flurry – I'm the agent for Scott Bagi, for Pearl Laser Wash, 46405 Telegraph Road, Amherst, Ohio. We are proposing to put a car wash on the corner of Strongsville Boulevard and Pearl Road and we are requesting three variances. One being the lot width, one being the lot area and then there is a small side yard setback for the building itself. This, as you know – we had it rezoned for Motor Services and, pretty much, whatever you put on the site, whether it's a car wash or whatever it is, the two variances are going to be needed just for the site itself, no matter what you put on the site. It's pretty much landlocked if you don't have the first two variances.

1) **PEARL ROAD LASER WASH, Cont'd**

Dr. Goist – Just as a personal note, you're asking for a very large variance for a very small lot and I just want you to know that this board has been known to not approve variances for much bigger variances than what you're asking for so you're going to have to, kind of, prove to us why you feel that this is the best. Is there no more land available to you or was this something that they bought the lot, had it rezoned and then didn't know what they were going to do with the property?

Mr. Flurry – No, this was – we went before council and met with people behind and the neighboring facilities. Right now the owner has a deal with the VFW and we are planning on doing a lot split in the back of the property, hence the – we have a point seven, seven five two acres that we're proposing. Currently, it's point nine something when it comes to the actual acreage. It was the – we were originally going to let the VFW, I guess you would want to say, lease or borrow the back portion of the lot to put a VFW monument on the back of the property. It was the Planning Commissions recommendation to do a lot split, seeing that we have to get variances anyway to do the lot split and actually donate the back portion to the VFW. So, that was, kind of, where this all came from. As I said, with it being Motor Services, no matter what building you put here, the first two variances are going to be what they are. It's my belief – of course, this is just an opinion – but a car wash being more small and linear, is perfect for a narrow lot like this. It doesn't require as many parking spaces as a General Business or things like that and –

Mr. Baldin – Do you people have the laser wash that's in town now or – is this going to be your second one or are you going to be a competitor?

Mr. Flurry – Actually, this laser wash – the owner has another laser wash but it's not in Strongsville. It's actually Berea Laser Wash over on Bagley Road in Berea. I know the other laser wash. We actually built their building and designed their building but this is totally on the opposite side of town where there really wouldn't be any competition when it comes to laser car washes.

Mr. Baldin – So, the gentleman that you're working with now, he owns one in Berea and so he found this lot on his own and he decided this would be a great spot for a laser wash on this end of town or what have you –

Mr. Flurry – Correct.

Mr. Baldin – and not realizing how small this lot was?

Mr. Flurry – Correct and he met with his councilmember, met with some of the surrounding members and everything else and talked to all the council members and, on the side, met with the mayor and we, pretty much –

1) **PEARL ROAD LASER WASH, Cont'd**

Mr. Baldin – They all decided that it was a pretty good idea.

Mr. Flurry – Yes, and I believe the main reason is because of the fact that the VFW behind us – we're, pretty much, going to be donating the back portion for a VFW monument.

Mr. Kolick - Mr. Chairman? I may be able to shed some light on this. When they originally came in, they proposed the same car wash they're showing now. They came before the Planning Commission to have it rezoned. Planning Commission recommended against it saying the lot was too small. They went to City Council. City Council, basically, overruled the determination of the Planning Commission and voted to rezone it and they knew at the time that this was the proposal. It was for the lot. Then, when they came back before the Planning Commission for the lot, the lot was undersized. Planning Commission knew it; that's why they voted against the zoning anyway. Again, that's up to City Council. It's a legislative decision and a final analysis but since they were going to give that back area – or you'll see that back area on there, the area furthest to the west – they were going to have the – the VFW was going to put some type of memorial there anyway. They said "Look, if you're going to do that, you're going to need a lot area variance anyway, then you might as well cut off this back and give it to the VFW and let them attach it to their lot since that's what it's going to be used for anyway. Some type of memorial." So, they are requesting more here than they really need to and they're requesting more because the City Administration recommended that they cut that back off and just give it to the VFW anyway but, keeping in mind, even if they have kept that, they still would have needed a lot area variance but the lot area variance they're requesting now is much more severe because of the administration's recommendation to them to cut it off and give it to the VFW if there is going to be a memorial there anyway. So, that is, sort of historically, what happened with this.

Mr. Harr – So, your client has recently acquired this property? Or he has an option?

Mr. Flurry – He has a purchase agreement upon the –

Mr. Harr – Proper variances and whatever being granted. What is the property immediately to the north?

Mr. Flurry – That, I believe, is a restaurant.

Mr. Kolick – It's Jennifer's Restaurant.

Mr. Harr – Okay, very good.

Mr. Baldin – Is the other corner where the animal hospital is?

Mr. Harr – Saint Francis. I believe that's correct.

1) **PEARL ROAD LASER WASH, Cont'd**

Mr. Baldin – Behind that is single family dwellings?

Mr. Kolick – No, behind that is the VFW.

Mr. Baldin – I know behind that but on the other corner. On the south corner.

Mr. Kolick – Oh, yes. On the other side is single family, yes.

Mr. Baldin – Behind the – okay.

Mr. Flurry – I believe the councilmember for this ward actually spoke to all the residents and there was no problems.

Mr. Baldin – We hear that a lot until they get their letter and then they come here in droves. I have no further questions.

Mr. Harr – I don't have any other questions.

Mr. Bagi – Hello, I'm Scott Bagi. I'm the one that owns the Berea Laser Wash and just to touch base about the neighbors back there, Mark Roth, the Councilman from back there arranged with the VFW a meeting with all the neighbors. They all showed up and talked to the VFW and myself and we got everything organized and I got their blessing. Which is why Mark Roth voted yes at the City Council meeting to have it rezoned. So, they are aware of the situation.

Mr. Baldin – Very good Scott. Thanks.

Mr. Flurry – Just to make another point – and I know this isn't really an Architectural Review Board or whatnot but this car wash, being different than a lot of other car washes in the fact that it would blend in with the residential areas around it, I believe you guys received. So, we're trying to get more of a singled roof, not the metal roof and not the flat roofs and stuff like that.

Dr. Goist – I would just like to say that I think that having a car wash in that end of town is a good idea. I like the idea of a car wash there but the one thing that I – my major concern is the traffic flow. I noticed that the Police Department had been out and they had surveyed the area and they asked for no curb cuts off of Pearl Road, which I would definitely concur with but I also see that you're going to come off of Strongsville Boulevard and their concern there was you're going to have people lining up and when you are really going, when the cars are salty and when they're full of dirt, there's going to be so many cars lined up that they're going to be back out that road and if that happens, we're going to have a major traffic tie up on Pearl Road. That's my concern. Also, you have the drying areas – at least that are shown

1) **PEARL ROAD LASER WASH, Cont'd**

Dr. Goist continues - on this drawing – you have the drying areas so that someone brings their car out and go over and vacuums their car out and dries it, they're going to have to back into that traffic –

Mr. Flurry – Actually, the way that we originally proposed this plan, we had the back islands a lot closer to the building. The building was a lot closer and we had – it was upon the recommendation of the Engineering Department to, kind of, separate the islands from there. So, what we had did, we show – I don't know if you see the green area in here. There's an actual island separating the back islands from the straight in and out entrance. So, we have a two lane – we have the back islands, two lanes, a curb island and then another two lanes before you get to the car wash.

Dr. Goist – So, there's four lanes after the car comes out of the car wash?

Mr. Flurry – Correct. There are two lanes for the main in and out traffic and then there is an island to separate the people from the actual back islands.

Mr. Harr - Mr. Chairman? I think the idea being the people pull in and vacuum out the vehicle first before heading through the car wash. Right? So, they would come in, in theory, if they wanted to clean the interior of the car they would take an immediate right in the back island before going through it.

Mr. Flurry – Correct.

Mr. Harr – Is not Strongsville Boulevard right across from the Wal-mart exit? I mean, that's chaos right there.

Dr. Goist – It's unbelievable.

Mr. Harr – Is there –

Mr. Flurry – Right now, the way it stands now, because we pushed the building back more and we have a three bay car way, one car wash lasts no more than ten minutes, at the max. You can probably get a good thirty cars stacked in here.

Mr. Harr – Truthfully, I don't necessarily have the same concern as our Chairman. My concern is I've left Wal-mart a number of times and need to get up to Whitney and it's kind of a kamikaze run to take a left out of there on any given day on Pearl Road and with more traffic coming out on Strongsville Boulevard doing the exact thing, trying to head northbound, that's a little bit of concern. It's really – what was that game? Frog? Where people drag you across the road? It's a lot like that on any given Saturday.

1) **PEARL ROAD LASER WASH, Cont'd**

Mr. Baldin – It's a bad area.

Mr. Kolick - Mr. Chairman? A couple of comments. One, the report that you're reading from the CPTED Officer, that was their original configuration. They have reconfigured it since then as he is saying. Their original proposal showed an entrance, both on Pearl and on Strongsville Boulevard. The one on Strongsville Boulevard was further down on towards the corner. Administratively they came in and they said, "No, you can't do this. You can't put it on Pearl. The only other place you can put it is on Strongsville Boulevard" but we made them move it further west. Additionally, the lanes he is talking about, that green area you saw on there wasn't there. They were backing right into the cars coming out the way it went there. So, that was his original report. So, they have modified those and I'm not going to say it's going to solve all the problems but it's going to lessen the problems, at least, they have there and I think, like you're saying, stacking distance, they should have twenty-five or thirty cars be able to fit in there. I don't know if they see more than that. I know. I go to the laser wash here. I don't see that many cars. I don't know how many will be there but – so, at any rate I think it's probably the best of a bad situation that we can deal with as far as locations, is probably the best way of putting it because when they originally had them coming off Pearl, if there was stacking it was going to be on Pearl Road. We didn't want it stacked there. So, -

Dr. Goist – So, the drawing that we have in front of us is where the curb cut is going to be.

Mr. Kolick – Exactly. The one you have is where it's going to be. The report you're reading from, from the CPTED Officer, was based on their original proposal, which showed two entrances, showed the whole building shifted closer to Pearl and showed the vacuum, if you were getting vacuumed, backing right into the lane of traffic. So, in addressing those problems raised by our CPTED Officer they did correct some of those safety problems we were concerned about.

Mr. Flurry – I actually sat down with Lori Daley and went over their concerns and, also, proposed this to her and she was in agreeance [*sic*] with this.

Mr. Harr - Mr. Chairman? Mr. Kolick? Was there any discussion with regards to the actual intersection traffic at all regarding a light or a right turn only or anything along those lines?

Mr. Kolick - Mr. Chairman? Originally, the City has requested when Wal-mart came in to put a light at this intersection and the Councilman didn't want the light at this intersection. He asked that it get moved down. So, we're not in a position now, with a light right down the street, to stick another one there. If they had followed the original recommendation of the Planning Commission, there would have been one here and it would have saved the problem but it is what it is. Can there be one there? The answer is no from a safety standpoint, talking with our CPTED Officer and Traffic Engineers. We can't do it now because we have one right down the street.

1) **PEARL ROAD LASER WASH, Cont'd**

Mr. Harr – I think getting out will be easier because of the light there at Gordon's now than it has been in the past. But it's still –

Mr. Kolick – I'm going back to the original time when Builder's Square and Wal-mart originally came and we wanted them to put one on Strongsville Boulevard and the Councilman didn't want it there so –

Mr. Harr – Thank you.

Mrs. Zamrzla – Sir, to the owner, did you state your name and address when you were at the podium?

Mr. Bagi – Scott Bagi, 34063 Henwill Road, Columbia Station, Ohio.

Mrs. Zamrzla – Thank you.

Mr. Bagi – You're welcome.

Dr. Goist – Any more discussion from board members?

Mr. Baldin – I have no –

Mr. Harr – No, sir.

Dr. Goist – Okay. Your public hearing will be set for December the 13th and we'll see you back here then. Our next application is Linda Tackla or Better Living Patio and Sunrooms. I don't think it's Linda.

2) **LINDA TACKLA, OWNER/ Better Living Patio and Sunrooms, Representative**

Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 47' Rear Yard Setback is proposed in order to construct a Patio Enclosure; property located at 20541 Spruce Drive PPN 393-24-053 Zoned R1-75.

Mr. Laurianti – She abandoned me. Hi, I'm Chris Laurianti from Better Living Patios, 9279 Old Eight Road in Northfield, Ohio 44067.

Dr. Goist – Okay, you want to tell us the nature of your variance and what you're doing?

2) **LINDA TACKLA, OWNER/ Better Living Patio and Sunrooms, Representative, Contd'**

Mr. Laurianti – Sure. We are proposing a three-foot variance to the rear yard setback. The current setback in that area is fifty feet requirement. With the patio room addition we would be at forty-seven feet resulting in our request for the three foot setback. The particular lot that we're talking about is wooded to the rear. It's on a cul-de-sac. The house was built at the setback requirement, the minimum setback requirement, so there really is no opportunity to put a room there. You only have nine foot available in the rear to build a room without the benefit of any kind of a variance, which is a room that would be too narrow for most usages. That's really it. It's really cut and dry. You can't really see it. It's on a cul-de-sac. It's only visible to the neighbors on either side.

Dr. Goist – Do you have a homeowner's association there?

Ms. Tackla – No.

Dr. Goist – Any questions from the board members?

Mr. Baldin - Mr. Chairman? What do you butt up against? What is behind you? Woods you said?

Ms. Tackla – Just a wooded area. There's a utility easement behind me.

Mr. Baldin – Okay and just woods. A lot of woods. Somebody owns that. Can that be built upon or –

Ms. Tackla – No, it cannot be built upon because the easement is between my development and the development behind me.

Mrs. Zamrzla – Ma'am, could you state your name and address please?

Ms. Tackla – Yes, Linda Tackla. 20541 Spruce Drive, Strongsville, Ohio.

Mrs. Zamrzla – Thank you.

Mr. Baldin – Any particular reason why you want this or do you need it?

Ms. Tackla – I just wanted to add – I have a large family and when I entertain I like to do that and sometimes when it goes into the evenings, especially in the summertime or whatever, then you cut the outdoors because you get bit up by the mosquitoes or whatever and it's just nicer.

Mr. Baldin – Is this going to be heated? Is this going to be year round?

2) **LINDA TACKLA, OWNER/ Better Living Patio and Sunrooms, Representative, Contd'**

Ms. Tackla – No, it's just a three season.

Mr. Baldin – Just some seasons.

Mr. Laurianti – It's going on a masonry [*sic*] foundation at grade. The pad will come out of the ground a few inches.

Mr. Baldin – You said something in your drawings here, there is already a foundation there?

Mr. Laurianti – There's a concrete pad and we're going to do an underpin on the pad. Let me make sure of that.

Mr. Baldin – You said something about it's not footed.

Mr. Laurianti – Yes, we're going to tear out the existing pad and put in a new footed pad.

Mr. Baldin – I have no further questions.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes.

Mr. Harr – You're referring to this drawing that you submitted then because it looks like it's been changed a couple of times. So, this is what we're referring to right here is the four inch seven feet not the thirty-four that's indicated there?

Mr. Laurianti – Correct.

Mr. Harr – Okay. It's a little light but I assume that's what you're referring to and the utility easement behind is high tension wires or is that –

Ms. Tackla – No, it's all underground.

Mr. Harr – It's all the sewer and so forth.

Ms. Tackla – It's utility. I think it's telephone and I know, for sure, it's cable.

Mr. Harr – Okay.

Ms. Tackla – When I just recently moved there they put in a new cable line from the house.

2) **LINDA TACKLA, OWNER/ Better Living Patio and Sunrooms, Representative, Contd'**

Mr. Harr – Any idea what the (unintelligible) of that is?

Ms. Tackla – No, other than what's on the plats.

Mr. Harr – It's a sizable distance though?

Ms. Tackla – Oh, yes.

Mr. Laurianti – At the back there is probably, at least, seventy foot, maybe eighty feet of solid woods between – she might correct me if I'm wrong – between the back of this house where their lot starts and where the property abuts the house to the rear lawn would be.

Mr. Harr – The rear yard runs right over the easement?

Ms. Tackla – Yes, it runs right over the easement.

Mr. Laurianti – It's a thick mature woods. In the wintertime (unintelligible) but certainly when there is leaves out (unintelligible).

Ms. Tackla – We have deer back there. Does that tell you anything?

Mr. Laurianti – It tells me you don't have any flowers. That's what it tells me.

Mr. Kolick - Mr. Chairman?

Dr. Goist – Yes.

Mr. Kolick – For the applicant, does this back up to a resident from Pinewood then? Is that what would happen?

Ms. Tackla – It backs up to what?

Mr. Kolick – Pinewood?

Ms. Tackla – No, it backs up to the street behind and the development in Walnut Creek. I don't know what that side street is.

Mr. Kolick – I think that is Pinewood then.

Ms. Tackla – No, Pinewood – when you come off of Lunn, like when you heading west on Lunn, take a left onto Pinewood and then you make a left onto Spruce.

2) **LINDA TACKLA, OWNER/ Better Living Patio and Sunrooms, Representative,**
Contd'

Mr. Kolick – Okay.

Ms. Tackla – So, it's a cul-de-sac off of - yes, I guess it's the cul-de-sac.

Mr. Harr – Off of Walnut Drive.

Ms. Tackla – Yes, and I know that the neighbor behind me does already have a patio room on.

Mr. Kolick – Is the patio that you're going to put on – is it going right – even if you rip it out is it the same dimension as the concrete that's there now or does it come out further?

Mr. Laurianti – I'm not exactly certain of that. I believe it's a little bit bigger. Linda might be able to tell you that.

Ms. Tackla – The patio that's there now is twelve by twelve and I just want to make it twelve by fourteen. It's the same depth. It's just a little bit longer to the left.

Mr. Kolick – The width - because normally we'll have you stake it but if it's that close I don't know if you need her, necessarily, to stake it out since there is something there showing it but it's up to the committee. Do you want her to stake it out anyway or at least show where the other two stakes are?

Mr. Harr – It's twelve by twelve, the dimension that we're concerned about is staying the same. Is that accurate?

Mr. Laurianti – Correct. You're not encroaching any further into the rear yard setback than the exiting pad.

Mr. Harr – I don't see a need to stake it unless anybody else does.

Dr. Goist – Since most of us will come out and take a look and there are two members that are not here tonight, would you, please, put two stakes in so that when they walk out there, they're going to see the distance. They don't have the advantage of what we've heard tonight but they will come out and take a look at it. Any other questions? Your public hearing is set for December the 13th.

2) **LINDA TACKLA, OWNER/ Better Living Patio and Sunrooms, Representative, Contd'**

Mr. Laurianti – May I ask you a question? We have to put a footed pad in, in this situation and I'm willing to do this at my own peril. If I was to submit a separate permit to put a concrete pad in, with the anticipation that we're at our own peril if we were to build - we want to try to get the pad in, obviously, and at this time of the year it's more important to get it in sooner rather than later - would that be something that we could propose to the Building Department?

Mr. De Hoff – Yes, you can put a pad in with no problem. Then if the variance doesn't go through, you just wind up with a new pad.

Dr. Goist – Thank you. Our next new applicant is Wal-mart Super Centers.

3) **WAL-MART SUPERCENTER EXPANSION/ Law/Kingdon, Inc., Representative**

Requesting a Sign variance from Zoning Code Section 1272.12 (b) which allows one (1) Wall Sign and where five (5) Wall Signs are proposed; property located at 8585 Pearl Road PPN 395-08-010 Zoned General Business.

Mr. Martinez – Good evening. My name is Bret Martinez with Law/Kingdon Architects out of Wichita, Kansas, 345 Riverview, Suite 200. I'm here requesting a variance on the wall sign. It is – we're requesting four additional wall signs. The ordinance allows for one wall sign and we're proposing fifty-nine thousand, roughly, square foot of expansion to a super center, which include grocery. We're also adding an entry for both the G and the GR as well as the garden center so the signage is roughly for way finding into all three of those areas. It's up to the board's determination as to whether or not Super Center is classified as a separate sign. If it is included as Wal-mart Super Center then it would be three additional wall signs for the building.

Dr. Goist - Mr. Kolick, can you answer that?

Mr. Kolick – I'll explore it with the Building Department. We'll look at it before the next meeting. I don't know what to tell you now. It looks like just four signs to me, total, but we'll look at it. We'll look at it before we post it. No matter what, they're only allowed one so they need a variance. It would just be a matter of how many. So, there's only going to be four total. One Wal-mart Super Center. One says Food Center; one says Retail Center; one says Garden Center. Is that correct?

Mr. Martinez – Correct.

Mr. Kolick – We'll look under the code and see what it requires.

3) **WAL-MART SUPERCENTER EXPANSION/ Law/Kingdon, Inc.,
Representative, Cont'd**

Dr. Goist – Any other questions from board members?

Mr. Baldin – No, not really. I think we talked about it in caucus and it's, pretty much, self-explanatory here but I still was curious about the sign that's out – is this the one that's out there now?

Mr. Martinez – Yes, it's the existing sign off the north entrance.

Mr. Baldin – Yes, it's right out there right now, right?

Mr. Martinez – Yes.

Mr. Baldin – You're just going to add the Super Center.

Mr. Martinez – Yes, it's going to swap out the panel to take out Wal-mart and say Wal-mart Super Center.

Mr. Harr - Mr. Chairman? As illustrated here, all of these will be on the western elevation, right? None of these will be on the sides of the building.

Mr. Martinez – Correct. Western.

Mr. Harr – I don't have any further questions.

Dr. Goist – I have one other question. I know you're adding some fifty thousand square feet. I assume that you've been to the Architectural Review Board. You're adding extra parking? Parking is being provided. You have to have a certain number. I don't know the number that they're going to require.

Mr. Martinez – That was addressed by the civil engineer at ARB and at Planning Commission. I believe the parking is under what's required by the City but that was definitely addressed by the Planning Commission.

Mr. Kolick - Mr. Chairman? Maybe to help you out with that, they acquired additional land going south from the Lowe's / Lewanski project and they cut part of that off and attached it to their parcel. So, there will be some parking that will be added. I think they will still be under parked but they're asking Planning Commission, who has the authority to modify the parking, to grant them some modification on that. So, they have not been – they are just going to ARB now because they just went to the Planning Commission for a site plan approval at the last meeting. So, they're just going to be in front of them now.

3) **WAL-MART SUPERCENTER EXPANSION/ Law/Kingdon, Inc.,
Representative, Cont'd**

Mr. Martinez – We were just at ARB yesterday.

Mr. Kolick – Yesterday.

Dr. Goist – I do have one other question. In caucus you had mentioned that you have downsized from your original plan. You were at ninety thousand square feet and now you're going to fifty-some thousand additional square feet. Is that correct?

Mr. Martinez – Yes, originally we were proposing an expansion of, around, ninety-six thousand square feet but the Wal-mart has downsized that due to some issues with the original agreement that was set forth when the store was originally set up as just the Wal-mart store. So, we downsized. We actually went from a one ninety-five prototype to, more of a, one seventy-six. A smaller foot print. You still get the grocery. You still get all of the other amenities to it but it's just reduced in size. So, we're not expanding out to the front as much and we're not expanding over to the Lowe's as much.

Dr. Goist – Okay.

Mr. Baldin – One other question. Has there been any conversation of opening that property up to the Lowe's property? You've got a lot of wetlands there, which is an awful lot of land there. I thought I might of heard something somewhere that that may be open.

Mr. Kolick - Mr. Chairman? I might be able to address that. That's in litigation now. The City had requested that the roadway be open all the way from Whitney to Sprague Road. Lowe's agreed with it and Wal-mart agreed with it and Lewanski agreed with it but Home Depot took it to court. So, the matter is currently before the court for a decision as to whether they'll permit that opening to come in but, absolutely, the City requested it to come in and these parties all cooperated with it but Home Depot has not.

Dr. Goist – Thank you.

Mr. Baldin – Thank you.

Dr. Goist – Any other questions? Okay. Your public hearing will be December the 13th.

Mr. Martinez – Thank you.

Dr. Goist – You're welcome. Next on our agenda is Charles Koz.

4) **CHARLES KOZ, OWNER**

Requesting a 418 SF Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 800 SF Floor Area and where a 1,218 SF Floor Area is proposed; in order to construct a Garage Addition; property located at 8405 Fair Road PPN 391-10-010 Zoned R1-75.

Mr. Koz – My name is Charles Koz, 8405 Fair Road. I'm looking to – I'm asking for four hundred square foot variance onto my existing garage, which is, currently, six sixty. I'm allowed eight hundred. I'm basically wanting to tie into my garage and get two more car spaces back there. I have a shed back there but once you put a lawn mower, a four-wheeler and I got three children living at home going to college locally that are around all the time, I would just like to clean up my front yard. I don't like all the vehicles out there. There is some orchestrating about getting in and out of the driveway as far as who is going to work when, who is going to school when, blah, blah, blah but I would just like to clean up the front yard and I would like the garage space. I worked on my own motor cycle and I work on the lawn mowers. I do my stuff. I would like to be able to get – currently my wife keeps her car in there and it's a Honda Accord. If I put another car in there with the tools and the stuff I have, it's full. We have a TV out there, a stereo and in the nicer months, even up to now, you'll find her out there watching TV. We just are, kind of, outside people. I would like to put an overhead door in the back going straight out and one on the side so if I have lawn equipment in there I don't have to take it out the front yard, bring it out the side. The back is, kind of, soggy most of the year but there's two privacy fences that are, like, six foot. Probably roughly one hundred feet on each side of my property. It's an older section of Strongsville but it's a nice section. I wouldn't trade where I live for anything because I have some woods; about one hundred fifty foot. Then there's, like, an easement from the CEI lines. It's another, at least, one hundred and fifty. So, we're looking at four or five hundred foot and then the turnpike. I've talked to all my neighbors. We'll all the same type of people. There is no issues with them. It's just a convenience thing with me. I plan on staying for many more years. I work right in the city. It's just a personal preference. I think it might add some home value to a guy that likes that. I built the house myself in '92. I'm not no expert. I'm not no great builder but I did get through it with the City and you guys worked with us then and I'm just hoping to work with you again on that.

Dr. Goist – I have a question for the applicant. First of all, you mentioned that you work on motorcycles and lawn mowers. Do you, in any way, have any intention of running a business out of this garage at any time or do you run a business out of it now? Do you fix lawn mowers for other people and motorcycles?

Mr. Koz – I have three or four lawn mowers. I have a rental property in Lakewood. This is all personal stuff. I change the oil in my car. I change the oil in my truck. Yes, I do do that at my house now. I'm not going – that's what I do and that's the way I was brought up. Do I have any intentions of opening a business? No. I have a Harley Davidson, lawn mowers. You put two more cars in there – I will eat this space up so quickly that it won't be – I would like to

4) **CHARLES KOZ, OWNER, Cont'd**

Mr. Koz continues - have the space and the room to do it. If I put another car in the garage right now, it's like you're walking through everything and the toolboxes. I've taught my kids how to change the breaks on their cars and we try to save money doing that.

Mr. Kolick - Mr. Chairman? If I may, so the applicant understands, there are two issues here. One is the enlargement of the garage but the other one is on the overhead doors. If there's overhead doors either on the back or the side, then you're going to have to have a concrete driveway leading back to those because that's what the code requires. The idea is even if you ever sell it and even if your best intention, you sell it and someone else comes in and will bring vehicles in and out the back and the side. The only thing you were talking about is moving out a lawn mower, which you may consider doing is getting a larger man door or something or a double door that may be able to accommodate your lawn mower but won't accommodate a car. Then you wouldn't have to have that concreted but as long as you have overhead doors there, you're going to have a concrete driveway leading back to that area and that's the only way that this board can do it without - unless this board wants to consider another variance for not having a concrete drive because that's the way the code is set up. The idea is we can't have areas where people are bringing in and out vehicles. That's where we get problems.

Mr. Koz - I would like to ask for another variance there because my house was put to the minimum setback. I would have went to the three car wide garage originally but my lot wasn't big enough. So, my setback is at the minimal right now. I cannot put a concrete driveway back there.

Dr. Goist - We're saying that you could put two double doors that open and you're going to get the same effect. We're saying you can't put an overhead door and I think the board would be inclined - there are only three of us here and there are five on the board but I know that we've have other requests for this same type of situation and, as Mr. Kolick, who deals in the law and the code and knows as well as we do and better, that if you come back and ask us for an overhead door in the back we will probably not give you a variance. I'm just saying probably. That doesn't mean that won't change but you'll also need to get to us as soon as possible the drawings that reflect exactly what you want to do because your drawings that we have now do not reflect, which I know you said you didn't get enough copies and someone was trying to save you money. We need the right drawings with the right type of doors. We know you can accomplish what you want to do. We just recently had one where we did a barn type of situation and the gentleman put two four-foot doors and when he opens them he has eight foot wide and he can do that. So, we're just making that suggestion because if you come back and ask for the overhead door, as Mr. Kolick said, we're going to ask you to put in a hard surface in and if you can't put a hard surface in, if you don't have the room then we, obviously, grant the variance.

4) **CHARLES KOZ, OWNER, Cont'd**

Mr. Koz – I appreciate the suggestion. Yes, two four-foot doors and maybe two out the side is what I would like to do because that would work for me.

Dr. Goist – Make sure we have the proper drawings.

Mr. Kolick – This is my bad on this. I was up at the Building Department three times on this and through whatever miscommunication, my fault or whatever.

Mrs. Zamrzla - Mr. Chairman? Excuse me. The drawings that you submitted with your application for permit, I just gave to the Assistant Law Director.

Mr. Koz – I didn't know where those went. I was looking all over for them today and – did I keep them all up there?

Mrs. Zamrzla – Right, you submitted two copies or two sets with your application for permit. Then we made copies of nine sets of what I felt the board needed to have. So, if there's something missing from there, that would be my fault but Mr. Kolick is looking at them right now.

Mr. Kolick – They are showing an overhead door on the side and an overhead door to the rear on the right side and a man door to the rear on the left side as you're facing from the street. So, it's actually showing a man door on the left, an overhead door on the right and then another overhead door leading out the - I guess that would be - the west side of the garage. What you ought to consider is decreasing the size of that to make it large enough to get your lawn mower out but not to put a car in and out, and if that's the case then there wouldn't be a required that you have to have a concrete drive back to it. As long as that door is not large enough to put a car through it.

Mr. Koz – So, two four by four doors would be fine out the back, the north side and the west sides.

Mr. Kolick – Stop off at the Building Department and talk to them. They'll talk to you but do it quickly so that we can get the right drawings into the hands of the board.

Mr. Koz – This was my bad. I wasn't prepared well enough. I didn't know exactly what I would need. I thought I would wait for an approval for the variance first then go through the aches and pains of putting the prints together.

Mr. Kolick – Understand that, at this point, we just need a basic site plan that is going to show where the doors are located. It's going to show the width of the door and what you're putting in there. We're not asking for building plans at this point but the commission has to know what it is that they're voting upon.

4) **CHARLES KOZ, OWNER, Cont'd**

Dr. Goist - Mr. Baldin? Do you have a question?

Mr. Baldin – Yes. They cannot be four-foot wide doors because you're still going to end up with eight feet. You can't have an eight-foot opening there and problem one. Am I correct?

Mr. Kolick - Mr. Chairman? It has to be a door that's not large enough to accommodate a car to go through it. It can accommodate your lawn mower to go through it. That's okay but it can't be that large that it's going to accommodate a car.

Mr. Koz – Is there a set width on that?

Mr. Kolick – If you stop up and see the Building Department, they'll talk to you.

Mr. Baldin – The Building Department. As long as it's not eight foot wide. That's the big thing. The other thing that I have also, you said you have a shed. Where is the shed located in your yard right now?

Mr. Koz – It's directly behind there. It's directly behind where this would be on.

Mr. Baldin – What size shed do you have?

Mr. Koz – It's a large shed. Thirteen by sixteen.

Mr. Baldin – What do you keep in that shed right now?

Mr. Koz – I've got a four-wheeler in there. I've got a lawn mower in there. I've got a four-wheeler sitting at my mom's house. I want to get that out of there. I've got a rototiller. Probably two lawn mowers.

Mr. Baldin – You've got a lot of equipment.

Dr. Goist – Mr. Koz, I have a question for you. Did you get a variance for that shed?

Mr. Koz – Yes. There was a height variance.

Dr. Goist – Because it is larger than what's allowed.

Mr. Koz – Right and it was higher too.

Mr. Kolick – Where, after this garage addition is put on, will that shed be in relation to this garage because you're not showing the shed on the drawing either. Are we forty feet behind it, fifty feet behind it?

4) **CHARLES KOZ, OWNER, Cont'd**

Mr. Koz – No, it's a few – my idea was I could move things in and out of the garage from the shed. This is why we need the correct drawing. You're going to need to show that shed on the drawing because we also have a requirement of separation between that shed and your garage.

Mr. Koz – Do you know what that is? Because I could move that. There is no concrete pad on that.

Mr. Kolick – Well, show it on your drawing, where you propose it to be and come in and see the Building Department because you may need to move it back. I think it's twenty foot – is it a twenty foot or fifteen foot separation, Fred?

Mr. De Hoff – Twenty-foot separation.

Mr. Kolick – So, there has to be, at least, a twenty foot separation.

Mr. Koz – I would have to move it and after all this, I'm going to look this whole thing over again and check it out.

Mr. Kolick – Good. Okay.

Mrs. Zamrzla – The public hearing notices are going out tomorrow so would that have to go out with another variance with the shed being too close?

Mr. Kolick – He says that the shed can be moved. If he can move the shed beyond twenty feet then I don't recommend you grant another variance. Again, it's up to the board. It doesn't make sense to grant another variance for the shed if you can just move it back twenty feet. We have one of those tonight. We have fire code problems when the structures are too close and we don't want to run into it with your item by creating it by granting a variance for the garage. So, consider, when you do those new drawings, try to get up to see the Building Department tomorrow and please move your shed, at least, so it's twenty feet set back from where the end of the garage is that you're proposing here.

Mr. Koz – Okay.

Mr. Baldin – It doesn't have to be anything fancy. Just sketch it out. Free hand it.

Mr. Koz – Right. I just didn't want to go through this without being approved.

Mr. Harr – I think the point that Mrs. Zamrzla was making was that that correct drawing needs to be available by tomorrow morning in order to make public hearing because that information has to be disseminated through neighbors and people in a specified radius.

4) **CHARLES KOZ, OWNER, Cont'd**

Mr. Kolick - Mr. Chairman? As far as the advertising, as long as the shed is going to be twenty feet behind that garage, it's going to be the same notice that's going to go out anyway here because the size is remaining the same and the variance isn't for any doors here right now. We're not talking about granting a variance for no hard surface. So, I think she can go ahead and send out the notices for the variance but, in the meantime, between now and the next meeting, you've got to get this door situation straightened out. Okay?

Mr. Koz – Okay. Sorry about the confusion.

Dr. Goist – You're hearing is December the 13th and we're still going to plan on December the 13th. Get together with the Building Department.

Mr. Koz – Okay. Thank you.

Dr. Goist – Our next applicant is Sheffey on Juniper Court.

5) **CHARLES SHEFFEY AND NORMA CORNELL, OWNERS**

Requesting a 19' 2" variance from Zoning Code Section 1252.15 (a) which requires a 20' Setback from the Main Structure and where a 10" Setback from the Main Structure exists in order to approve an existing Accessory Structure; property located at 10127 Juniper Court PPN 398-10-057 Zoned R1-75.

Mr. Sheffey – 10127 Juniper Court. I have an existing shed there and I would like to be able to keep it there. My property doesn't accommodate for the shed to be twenty feet from the existing house because I have a swale area right in the back of my house where the woods comes – I have woods in the back and my property slopes down and there is a big swale there and after any kind of rain or snow melt, it's like a river. That starts at my property and it goes down two doors down where my neighbor has a big manhole that picks up all this water. The place to put the shed – it's a small seven by seven shed. That was the only place I saw fit in the property to put the shed.

Dr. Goist – Mr. Sheffey, we understand from caucus, as we were talking to you, number one, you built the shed without asking permission and you built the shed without a variance. Is that correct?

Mr. Sheffey – That is correct.

Dr. Goist – It is a vinyl shed, which you informed us would melt, it wouldn't burn and my understanding is, just through discussion - what is your occupation?

5) **CHARLES SHEFFEY AND NORMA CORNELL, OWNERS, Cont'd**

Mr. Sheffey – I'm a firefighter.

Dr. Goist – You're a firefighter and you have a shed. What's in the shed?

Mr. Sheffey – A lawn mower and hand tools.

Dr. Goist – There's gasoline in the lawn mower and there's flammable products in the shed.

Mr. Sheffey – In the lawn mower. I keep the gas in the garage.

Dr. Goist – I'm a little bit surprised to hear that – I understand where your swale comes from. I understand the situation but you also - as a firefighter, that's a very dangerous situation that close to your house. In most cases, we have asked people to line the inside, even if it's a vinyl shed, with fire retardant drywall and people have been very innovative in the way that they have figured out a way to build an inside structure and still line it. Are you willing to do that?

Mr. Sheffey – I have no problem with that.

Mr. Baldin – Other than that, Mr. Chairman, I have been out there and I have looked at this already and he is definitely in violation and he does have a yard that butts up against woods and it all slopes into his yard and you can see there is a big swale that does go across a few yards there. We had discussed this a little bit and I brought up the idea of, also, insulating it and he expressed to me at that time that that wouldn't be a problem but I said, Of course, he still has to come here and see what we're going to do. That's all I have to say.

Dr. Goist - Mr. Harr?

Mr. Harr – I don't have any questions.

Dr. Goist – I don't have any further questions. Do you have any? Okay, your public hearing will be December the 13th.

Mr. Sheffey – Thank you.

Dr. Goist – The next portion of our agenda is public hearings and for those of you that are here for the public hearings, of which there are two, we want you to be aware that there are only three members here present this evening and it requires a vote of three to have your approval. So, if you have any idea that you might want to wait until there are – next month there are only going to be four because one of the members is going to be gone so we would have four but that gives you one more one possibility. So, if either one of you, at this point, would like to table your public hearing we'll be happy to do that because there are only three

5) **CHARLES SHEFFEY AND NORMA CORNELL, OWNERS, Cont'd**

Dr. Goist continues - of us here. We have both the pool and National City Bank. Do you have any desire? Okay, our first one is Josie Matusek, Forestview Drive with the inground pool and the structure. If each one of you will give us your name and address so that we know who we're dealing with.

6) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative**

- a) **Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to install an Inground Swimming Pool and;**
- b) **Requesting a 1' 6" Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 13' 6" Side Yard Setback is proposed in order to install an Inground Swimming Pool and;**
- c) **Requesting a 416 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area and where a 608 SF Floor Area is proposed in order to install a Retractable Pool Enclosure and;**
- d) **Requesting a variance from Zoning Code Section 1252.18 for one (1) additional Accessory Building where one (1) Accessory Building is permitted and two (2) Accessory Buildings are proposed in order to install a Retractable Pool Enclosure; property located at 10039 Forestview Drive PPN 398-10-029 Zoned R1-75.**

Mr. Matusek – Hello, Michael Matusek, homeowner, 10039 Forestview Drive.

Mr. Carroll – Mike Carroll with Pool Enclosure Solutions, 125 Lakeview Lane, Chagrin Falls, Ohio.

Mr. Esson – Steve Esson, Litehouse Pools, 20225 Ashley Circle, Strongsville.

Dr. Goist – We've been through your request and understand it fairly well, I think. Do you have any additions that you want to pass on to us? Anything different than what we have discussed? We discussed it in caucus.

Mr. Matusek – What are you looking for?

6) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative, Cont'd**

Dr. Goist – I'm just asking if you – the drawings are the same. What you're planning on is exactly the same, the height is the same.

Mr. Matusek – All the drawings are updated and everything. Lot width –

Dr. Goist – You're still asking for four variances?

Mr. Matusek – That's correct.

Dr. Goist – I know we have looked at and we have wondered about the one foot six inch side yard setback, which I think we have now, pretty much, agreed. Board members, I'm not speaking for you but I think we decided that wasn't really an issue at this point.

Mr. Matusek – Thank you.

Dr. Goist – This is a public hearing. Board members, do you have any other questions?

Mr. Harr - Mr. Chairman? I just wanted to, if I can, clarify a couple of things from what I saw at the property. The area that was staked out was just the pool area itself and the surrounding deck is roughly four feet in all directions and the size of the enclosure itself is to the extreme of that deck.

Mr. Matusek – That is correct.

Mr. Harr – It's your understanding that should it be granted that the granting of the variance for the second accessory building is really, simply, to enclose that pool and if that pool is not used in the future for any purpose, then that structure may have to come down or the other structure may have to come down.

Mr. Matusek – I understand.

Mr. Harr – Okay. I don't have any other questions, per say.

Mr. Baldin - Mr. Chairman? I think we probably should make note here that what few copies we have from the homeowners association, the fact that they don't seem to have a problem with this. We also have a letter from the doctor stating that the pool would be very beneficial for the illness. Let's see, what else is there. There was one thing in here. They had written a letter to us, Josie did, asking if we would waive the construction of this and expedite the waiting period and I think we should make a note that they did ask and request that but it's not being put in as a request for the variance. We should make a note of that. Other than that

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6) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative, Cont'd**

Mr. Baldin continues - do we have any letters from homeowners? We don't have any letters from homeowners. I thought we did at one point.

Mr. Harr – I believe there was correspondence that indicated that you had spoken with neighbors and had received a favorable response.

Mr. Baldin – Okay. That's all I have to say.

Dr. Goist – This is a public hearing so at this point we will ask anybody in the audience to speak for the variance request. If you would like to come forward. Is there anybody in the audience that would like to speak against this variance request? If not, board members, I would entertain a motion.

Mr. Harr - Mr. Chairman? I would make a motion that a request for a 3' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to install an Inground Swimming Pool and a request for a 1' 6" Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 13' 6" Side Yard Setback is proposed in order to install an Inground Swimming Pool and a request for a 416 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area and where a 608 SF Floor Area is proposed in order to install a Retractable Pool Enclosure and a request for a variance from Zoning Code Section 1252.18 for one (1) additional Accessory Building where one (1) Accessory Building is permitted and two (2) Accessory Buildings are proposed in order to install a Retractable Pool Enclosure; property located at 10039 Forestview Drive PPN 398-10-029 Zoned R1-75 be approved.

Mr. Baldin – Second.

Dr. Goist – We have a motion and a second. Can we call the roll?

ROLL CALL:

ALL AYES:

MOTION CARRIED

Dr. Goist – There is a twenty-day waiting period that you have to go through before you can start. You can coordinate that through the Building Department and as soon as they say go, you are set to go. I hope the pool is wonderful for you.

Mr. Matusek – Thank you very much.

Mr. Baldin – You're welcome.

Dr. Goist – Our last public hearing is National City Bank.

7) **NATIONAL CITY BANK, OWNER/GPD Group, Representative**

- a) **Requesting a Sign variance from Zoning Code Section 1272.12 (7) (c) which allows one (1) Ground Sign and where two (2) Ground Signs are proposed and;**
- b) **Requesting a Sign variance from Zoning Code Section 1272.12 (7) (b) which allows one (1) Wall Sign and where two (2) Wall Signs are proposed; property located at 15407 Pearl Road PPN 397-01-041 Zoned General Business.**

Mr. Ladner – Good evening. My name is Shane Ladner, GP Group. 520 South Main Street, Akron, Ohio.

Dr. Goist – Would you like to go over – I noticed that you have removed one of your requests for the monument sign.

Mr. Ladner – Yes, sir. We would like to remove the request for the additional monument sign off of Shurmer but still keep the request for the additional wall sign for a variance. The additional wall sign is going to be similar with the one that was approved by the ARB, which will be eleven square feet to, pretty much, mirror the two entrances that we have proposed for our bank.

Dr. Goist – Okay. You're still going to keep the monument sign on Pearl Road at the same size that you had been approved by ARB. Is that correct?

Mr. Ladner – Yes, sir.

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

Mr. Harr – I don't have any questions.

Mr. Baldin – Not really. I just think – I will make a comment – I think that monument sign is a little bit large.

Dr. Goist – I think we all – I think I also agree but it has been approved and that's not why you're here tonight. This is a public hearing. Is there anyone to speak for the request? Is there anyone here to speak against the request? If not, then I will entertain a motion.

Mr. Harr - Mr. Chairman? I make a motion that a request for a Sign variance from Zoning Code Section 1272.12 (7) (c) which allows one (1) Ground Sign and where two (2) Ground Signs are proposed and a request for a Sign variance from Zoning Code Section 1272.12 (7) (b) which allows one (1) Wall Sign and where two (2) Wall Signs are proposed; property located at 15407 Pearl Road PPN 397-01-041 Zoned General Business be approve.

