

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

April 26, 2006

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

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

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

Mr. Evans – I would like to call the April 26, 2006 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would please do a roll call?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with the ordinances of the City of Strongsville. We do have before us this evening the minutes for the April 12, 2006 meeting of the Board of Building and Zoning Appeals. Are there any corrections or comments to the minutes?

Dr. Goist - I move that we approve the minutes as written.

Mr. Harr - Second.

Mr. Evans – Thank you. We have a motion and a second to approve the minutes from April 12, 2006. Could we have a roll call please?

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans – Thank you. The minutes will stand as submitted.

Mr. Evans - Thank you. Ladies and gentlemen, the Board of Zoning and Building Code Appeals is in two parts. The first part of the evening is new applications. These are individuals that are appearing before the board for the first time to introduce their request for a variance. The second portion of the meeting is public hearings. These are individuals who have already appeared before the board to request and now notification has been sent to neighbors. That gives them the opportunity to express opinions at the public hearing. If you are here this evening and intend to speak before the board either as a presenter or as an

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individual that has come to express an opinion before the board or if you plan to present any information on any of the items that are listed on the agenda, I would ask that you now stand and be sworn in by our Assistant Law Director. So I would ask you at this time to stand if you are planning on speaking this evening and please be sworn in.

Mr. Kolick then stated the oath to all standing.

Mr. Evans – Let me point out first that item number six on our agenda, which was scheduled for public hearing tonight, is the Joe and Mary Kennedy at the property address of 18484 Hearthstone. That item has been removed from the agenda so that will not appear on the program this evening and I would want to bring that to your attention in the event that you're here for that this evening. That is no longer an item that is on the agenda. That being the case I will then move to new applications. Item number one is Don and Beth Brandt, owner. Ron Fazulak, representative. If you'll come forward please. The hand microphone should be set up to work. We ask you to speak into the microphone to record the information and please give us your name and address first.

DON AND BETH BRANDT, OWNER/Ron Fazulak, Representative

Requesting a 6' Side Yard Setback variance from Zoning Code Section 1252.29 (1) which requires a 15' Side Yard Setback and where a 9' Side Yard Setback is proposed in order to install a Swimming Pool; property located at 19899 Trapper Trail PPN 393-17-109 Zoned R1-75.

Mr. Fazulak - You'll have to excuse me. I have a cold. My name is Ron Fazulak. I own R & R Pools and Spa Company. My address is 25901 Water Street. Olmstead Falls.

Mr. Evans – You are appearing before us on behalf of the Brandt's and requesting a variance. Could you tell us about where that variance is or what's required here?

Mr. Fazulak – What we're asking for is the rule says the pool must be fifteen feet from the property line to the deck. We're asking it to be nine foot from the deck being that's it's a corner lot. It would keep the fence over to the side. That way no views would be blocked from the side from the corner lot either. We are fifteen feet to the water's edge.

Mr. Evans – Okay. Are there any questions from members of the board on this? We have all received the packet.

Mr. Baldin - Mr. Chairman? Ron, you said from the deck?

Mr. Fazulak – From the property line to the concrete deck.

Mr. Baldin – Concrete deck. Oh, okay. This is a corner lot?

Mr. Fazulak – Yes it is.

DON AND BETH BRANDT, OWNER/Ron Fazulak, Representative, Cont'd

Mr. Baldin – Is there a home on the other side of this house where there is a four foot high fence there or what?

Mr. Fazulak – No not yet.

Mr. Baldin – It's going to go around the pool? Is there a fence around their lot?

Mr. Fazulak – No.

Mr. Baldin – Is there a home next door there?

Mr. Fazulak – It's an open lot. So is the next-door lot over. There's no fences on any of the lots.

Mr. Baldin – There's no fences but there is a house right next door?

Mr. Fazulak – Yes there is.

Mr. Baldin – Okay.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – Are there any topographical issues or utility issues or easements problems that required that it be moved closer to the property line or is it really an aesthetic issue.

Mr. Fazulak – Aesthetics.

Mr. Harr – Okay.

Mr. Fazulak – There are easements but we're away from the easements.

Mr. Evans - Mr. Harr? On that note, I'm going to request that our secretary ask the Engineering Department to render an opinion on this. We do have swales that are marked on the drawings here and while this is only a four foot high fence I would want to make sure that this is not going to be disruptive to the drainage being that we already have so many problems. I would certainly not want this to be a contributor to any situation. I will ask that we have the Engineering Department render an opinion on that prior to the next meeting. Other questions from boards members?

Mr. De Hoff - Mr. Chairman?

DON AND BETH BRANDT, OWNER/Ron Fazulak, Representative, Cont'd

Mr. Evans - Mr. De Hoff?

Mr. De Hoff – Just a note to let you know that all in ground pools before they ever receive a permit we do have the Engineering Department check it. That's normal procedure. It will happen without any special instructions.

Mr. Evans – The only thing is that normally happens though after we have made the decision on the variance and I think that might be an appurtenant to whether or not we grant the variance.

Mr. De Hoff – Okay. You'll have that before you vote.

Mr. Evans – Other questions?

Mr. Baldin – Yes one more question please Mr. Chairman. From their home, do they have an outside deck that goes from the house or attached to the house that's going towards the pool? Is there a concrete pad back there or what?

Mr. Fazulak – No it's just grass. Where you see that seventeen feet from the house there is nothing there but grass.

Mr. Baldin – There is nothing there?

Mr. Fazulak – No.

Mr. Baldin – I have no further questions.

Mr. Evans – Any other questions? I'm going to pose one. We're talking about a four foot high fence that's going to be going around this. How high is the slide that they're proposing going to be?

Mr. Fazulak – They're usually about six and one half feet but the slide is nowhere near a fence.

Mr. Evans – I understand that but what I was angling at here is that that is the closest point to the property next door. Usually slides have people that are standing, talking and screaming and what not as they go down the slide. I'm wondering could that slide be moved to the other side so that it's further away from the encroachment of the property while we're granting the variance.

Mr. Fazulak – Yes it could but it affects aesthetics again.

DON AND BETH BRANDT, OWNER/Ron Fazulak, Representative, Cont'd

Mr. Evans – Well I'm worried about protecting neighbors more than I'm worried about aesthetics because that's why this board sits.

Mr. Fazulak – The neighbor already said they're waiting to use the slide.

Mr. Evans – Okay. Mr. Kolick pointed out earlier that we will need a letter from the homeowner association because Crystal Creek does have an association. We will need their approval for...

Mr. Fazulak – The homeowner is taking care of that.

Mr. Evans – Okay. Anything else from board members? Okay then what we will do is assign you to the may 10, 2006 meeting of the BZA and at that time, we will have a public hearing. The neighbors will be notified in that interim and the homeowner can certainly talk to their neighbors and let them know that that is coming. We'll ask that you stake out the property.

Mr. Fazulak – It's already staked out.

Mr. Evans – Then we should be all set. Thank you Ron.

Mr. Fazulak – Thank you.

Mr. Evans – Item number two on our agenda is Scott Gray, owner. If you will come forward please to the microphone, we would ask for your name and address and we'll ask you to describe your request for the variance please.

SCOTT GRAY, OWNER

- a) **Requesting a 5' Height variance from Zoning Code Section 1252.05 (g) which allows a 15' Height and where a 20' Height is proposed in order to construct a garage and;**
- b) **Requesting a 500 SF Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 800 SF Floor Area and where a 1,300 SF Floor Area is proposed in order to construct a garage; property located at 15305 Forest Park Avenue PPN 398-15-004 Zoned R1-75.**

Mr. Gray – My name is Scott Gray. I live at 15307 Forest Park. The address in question is 15305 Forest Park. I am requesting a five foot height variance to twenty feet where fifteen foot is allowed and a five hundred square foot floor area variance to thirteen hundred square feet where eight hundred square feet is allowed.

SCOTT GRAY, OWNER, Cont'd

Mr. Evans – Okay. This is to store equipment? On your application...

Mr. Gray – No, this is – the property – it sits on about four and one half acres to begin with. It does not have a garage right now. It's never had a garage. We have ample room there. Currently I have three cars, a truck and a jet boat. I have a number of items. I would like to have a large garage. I understand I can have an eight hundred square foot garage plus a seven hundred and twenty foot accessory building if need be. I would rather not do that. I really don't want to go that route. I would just rather combine the two. The height variance at the recommendation of my architect – I'm trying to maintain an aesthetic value and the integrity of the looks of the house to match the house in back of me. The house right now has a ten twelve pitch roof on it. That's where I'm getting the height and I just want to try to match the house.

Mrs. Lane – Is this the old Brun residence?

Mr. Gray – It's right next to it. It's the old Sanders residence.

Mrs. Lane – Sanders. Oh.

Mr. Evans – Could you speak into the mic please, that way we can get it picked up on tape?
Questions from board members?

Mrs. Lane – You're not going to – if we would allow this, you would not ever put in an accessory building in? You're going to just make one large unit?

Mr. Gray – No, I do not want an accessory building. I think that would detract from a very nice parcel of land. I'm going to a great expense and time here. I'm going to brick the garage to match the house. Once again, I'm putting gables on the garage, the proposed garage. I'm keeping the same pitch of the current house. Same windows. I'm doing everything I can to match the house so this is a quality structure. I do not want an accessory building at all.

Mr. Evans – Okay. Is there a concrete drive there now Mr. Gray?

Mr. Gray – There is a concrete drive – there is currently – I don't know if you're familiar with it – there's a parcel in front of this parcel. Their driveway that goes through that parcel is concrete and then it stops at the back end parcel number one. From that point on back in the circular driveway is crushed limestone at the present time.

SCOTT GRAY, OWNER, Cont'd

Mr. Evans – Normally, this board, when it grants variances, one of the requirements or stipulations that is placed on the owner who is requesting the variance, is that the property be brought up to code. In this case, current code is a hard surface driveway, which is either asphalt, concrete or something like that, or a combination of the two. We would normally, under the circumstances of approving the variance, require that. Have you given that any thought as to whether or not that would be something that you...

Mr. Gray – Actually that's something that I want to do. A driveway of this length and size and scope is somewhat costly and I, as finances allow, I would like to put in probably an asphalt driveway. I think it would look better back there than concrete. Yes, that is definitely in my future plans as funds are available.

Mr. Kolick - Mr. Chairman?

Mr. Evans - Mr. Kolick?

Mr. Kolick – If it's not going to be done now you would need to grant an additional variance.

Mr. Evans – Right.

Mr. Kolick – The code absolutely requires the hard surface drive from the current hard surface, at least, back to the garage area, an area that is going to be used for vehicles. If your plans are not...

Mr. Gray – I was not aware of that. I was told actually that I would have 12 months possibly to put a solid surface driveway in which I would agree to that. Right now, this is kind of a costly little project of mine. I'm completely gutting and redoing the house too by the way and not just adding a garage. The kitchen is being torn out. Two thirds of the house is being torn out and I'm finishing a two thousand square foot basement as well.

Mrs. Lane – It's a beautiful dining room.

Mr. Gray – The dining room is going to remain intact. The kitchen is going. Both bathrooms are going. The sunroom is being completely torn apart with new windows. It's a great sunroom. It's a four season room. The basement has a full wall fireplace and it's a walk out exposed basement. It's never been finished. I'm going to finish that.

Mr. Baldin - Mr. Chairman? I don't know exactly what they told you at the Building Department but if they did tell you that but there are extenuating circumstances. We have made some additions here and some extenuating circumstances and a lot of people have time limitation to put a hard surface driveway in. It would be like counsel said, another variance. It's something you're really going to have to think about.

SCOTT GRAY, OWNER, Cont'd

Mr. Gray – Okay. Well I guess I would have to apply for another variance. It's very costly and I'm pretty much tapped out at the moment.

Mr. Baldin – It sounds like you're doing an awful lot.

Mr. Gray – Yes.

Mr. Evans - Mr. Kolick? If he is requesting the additional variance do we need to do anything to prepare that then or do we just have to look up the reference and add that to the request here then?

Mr. Kolick – First Mr. Chairman, if he's going to do it within a year then we will work with him internally. If there are trucks going back there, we don't want him to pour a new driveway to rip it up to bring trucks back there for it. I would think you could make that a contingency to the variance that the new hard surface driveway be put in within a year's time. That wouldn't necessarily require a variance because by the time he gets through this process there is a twenty day wait from council. He applies for a building permit. That permit is going to be good for the next year anyway. So he would still have time to do it. He just has to realize before you can ever get an occupancy permit for this, the hard surface driveway would have to be in. He could literally have that year's time in effect without granting another variance as long as it's within a year that he's putting it in.

Mr. Gray – You say an occupancy permit. I couldn't move into it?

Mr. Kolick – Not until you have a hard surface drive.

Mrs. Zamrzla - Mr. Chairman?

Mr. Evans – Yes.

Mrs. Zamrzla – Mr. Kolick, we don't issue occupancy permits for garages or for renovations of existing structures.

Mr. Kolick – You're not going to issue one for the house then either?

Mrs. Zamrzla – No.

Mr. Kolick – Well that can still be made a condition to the variance then that we would need to have that in within a year.

Mr. Evans – Right.

SCOTT GRAY, OWNER, Cont'd

Mrs. Lane – Which would fit kind of what you said would be good for you.

Mr. Gray – Yes. It's my intention to put a hard surface driveway in. It's probably not concrete. I think just aesthetically I think asphalt would look better. That determination has not been made right now, of which direction I would go. I'm leaning towards asphalt right now.

Mr. Kolick - Mr. Chairman? Our code does permit either asphalt or concrete. The problem you run into with stones particularly like this, it's running right behind other houses and during the summer months you get all the dust and all that that comes from those or mud or whatever. At any rate, the code requires that it be either asphalt or concrete. That's it. If he's going to do it within a year, I don't think you need another variance. You can make this one contingent upon it being installed within a year but understand it needs then to be installed.

Mr. Gray – You have to understand there's not a house within a couple, two hundred and fifty feet of this. Three hundred feet.

Mrs. Lane – There's woods, that deep ravine and woods all around it.

Mr. Gray – A very unique property.

Mr. Evans – Right. Mr. Gray? What Mr. Kolick is saying is that if you are willing to stipulate that the hard surface drive will be put in within twelve months then at that point it does not require another variance. Then you have that twelve months in order to complete that. If your choice is that you want to ensure that, just in case of contingency plans, that you don't have to put a hard surface in then we would need to know because there would need to be an additional variance that you would be applying for in addition to the two that are already listed here, to not have a hard surface and that would have to be a part of our deliberation then. Otherwise, you would have to have the hard surface driveway in within the year.

Mr. Gray – Actually, my plans are to put the hard surface driveway in as funds permit. I was not going to limit myself to twelve months. I would like to do it right now to tell you the truth and hopefully, in another twelve months, I will have recuperated a little bit from my initial expense here.

Mr. Kolick – So, Mr. Chairman, for the applicant, are you going to have it in, in twelve months or you are not going to have it in, in twelve months, because we need to advertise all your variances and that means we need to know tonight whether you need another variance or not. If it's going to be within twelve months, you won't need to get another variance. If you're telling us now that it's not going to be within twelve months then you're going to require another variance for the driveway. That's why the chairman is asking you.

SCOTT GRAY, OWNER, Cont'd

Mr. Gray – I understand that and I guess I'm saying I'll make every attempt to get it in in twelve months but it could it could be a twenty thousand dollar driveway.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr - Just a point of clarification. You only have to get the driveway to the garage.

Mr. Evans – That is correct.

Mr. Harr – Not necessarily the entire drive...

Mr. Evans – To the house.

Mr. Gray – Right.

Mr. Harr – ... all the way to through the circle. Aesthetically, obviously, you would want to do the whole thing...

Mr. Gray – Okay. Yes. I would like to do the whole thing at one time.

Mr. Harr - ...and there's some cost benefits to doing the whole project but the requirement would only be that it gets to the garage.

Mr. Gray – Okay. I could agree to that. I'll find a way to do the whole thing.

Mr. Evans – Any other questions from board members? Okay, then May 10, 2006 would be the public hearing. During the interim time, we will be advertising this to people within five hundred foot. We will also ask that you stake out the corners of the garage that you're intending to build so that as we come and visit the property that we will be able to observe where the garage is being proposed.

Mr. Gray – Actually the garage is staked out right now. So you will go and visit the site?

Mr. Evans – All of the board members will be on site to visit the property prior to May 10, 2006.

Mr. Gray – Okay.

SCOTT GRAY, OWNER, Cont'd

Mr. Evans – We will see you on May 10, 2006. Thank you. We will move on to the public hearing portion of the evening and item number three is Tony Monyak, owner. If you'll come forward please to the microphone. We will ask you to state your name and address and briefly restate the request for the variance here that you're making.

TONY MONYAK, OWNER

- a) **Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 10' Side Yard Setback is proposed in order to install an Above Ground Swimming Pool and;**

- b) **Requesting a 3' Setback variance from the main structure from the Pool Instruction Sheet which requires a minimum 10' distance from the main structure and where a 7' distance from the main structure is proposed in order to install an Above Ground Swimming Pool; property located at 8536 Fair Road PPN 391-12-001 Zoned R1-75.**

Mr. Monyak – Okay. My name is Tony Monyak. I am the owner at 8536 Fair Road. I am requesting a variance for an above ground swimming pool from fifteen feet to ten feet off the property line.

Mr. Evans – Thank you. You were here at our previous meeting and we requested that our Engineering Department look at the situation. We did receive a note dated April 20, 2006 from the Engineering Department and it said that 'We have reviewed the location of the above ground pool for the above referenced address and have visited the property. The are located south of the proposed location is low lying and that may be prone to flooding. It may be located in a flood zone.' So I think basically what the Engineering Department is agreeing with your estimation that the only place to locate the pool is up at the northern end of the property. The Engineering Department is in agreement with that. Questions from board members?

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – Mr. Monyak, we talked a little bit earlier today. I just wanted to clarify a couple of things. First and foremost, that you have spoken to the neighbor to your immediate east along that property line and they have no objection to that location at all?

Mr. Monyak – He is fine.

TONY MONYAK, OWNER, Cont'd

Mr. Harr – The way the pool is to be established the plan is that there is going to be some type of walk space between the pool and the existing deck. Is that correct?

Mr. Monyak – Right.

Mr. Harr – Okay but such that within reason it's close enough that entry to the pool could be done over the deck although you have a fixed railing there but it could be climbed in and jumped into and what have you. It will be close enough for that type of activity.

Mr. Monyak – Hopefully nothing like that would happen but yes it will be within a couple feet of the deck but there is a railing there.

Mr. Harr – There is a fixed railing on the deck right now.

Mr. Monyak – There is a fixed railing right.

Mr. Evans – However for children that they can...

Mr. Harr – It's a launching pad.

Mr. Evans – It's a launching pad. I think that...

Mr. Monyak – It would be – the rail is to code. Three feet I think it was calling for. I would hope that the children couldn't get over the railing but I guess if they put a chair there or something they could.

Mr. Evans – What we talked about Mr. Monyak in caucus tonight, what I would like to propose to you is that you might accept the requirement that on the side of the deck which faces directly where the pool is being proposed, that on the one side that in addition to the railing that is there or replacing the railing, you would construct something that would probably be as high as six foot in either a lattice, trellis or some type of supported structure other than just the railing that is there to prevent whoever might decide from going over the railing and over into the pool. Typically when we have pools that are adjacent to decks we require a security gate with an alarm and a very elaborate structure to make sure that nobody can get there without the proper admittance. In this particular situation although the entry would only be through a ladder the proximity of the pool to the deck we think that it's in our best interest as a board in granting this variance that we put the requirement on there be something along that one edge that is going to directly face the pool. Whether its lattice, trellis, we're not really concerned other than to have some kind of support structure that prevents it from being easily knocked over but the purpose would be so that no one can make direct access.

TONY MONYAK, OWNER, Cont'd

Mr. Monyak – I can understand that yes.

Mr. Evans - So would that be...

Mr. Monyak – Yes that would be fine.

Mr. Evans – You would be willing to...

Mr. Monyak – Yes.

Mrs. Lane – Either that or Mr. Chairman, how many feet would it need to be from the deck – how many feet could it be pushed further back, because there is plenty of space there.

Mr. Monyak – Yes there is plenty of space.

Mrs. Lane – There's fifteen feet of flat land that is could be pushed back further.

Mr. Monyak – I would rather probably do that than obstruct the view of the back.

Mr. Evans – We talked about lattice and trellis because we understand that one of the purposes having grandchildren in the pool you would still want to be able to observe them and a trellis or lattice would not prohibit the view or anything like that. I think that you're probably talking a minimum of ten feet away in order to have that at a distance that is safe enough for us to be able to sit here and grant the variance. If that's a distance that's doable then that would be another alternative.

Mr. Monyak – Okay.

Mr. Harr – Make it ten feet farther south.

Mrs. Lane – Right.

Mr. Monyak – Ten feet would be kind of pushing it because it still slopes. I would like to have something there to keep anybody from jumping in the pool but not to obstruct the view of the pool so that somebody might drown and not be seen. We'll have to work with that. I don't know what we could do.

Mrs. Lane – One of the things, being a pool owner, it isn't just you swimming while you're home. It's often people who suddenly drop in because you're gone for the evening and the neighbors don't hear them. I know that sounds silly but sometimes kids take advantage of that and the older kids see that and they'll play with that. So I think that's what our concern is here.

TONY MONYAK, OWNER, Cont'd

Mr. Harr – People driving into a shallow pool.

Mr. Monyak – I don't think anybody can get into the deck area because it's completely enclosed except if they're coming through the house. So no one could get into the deck. It's spring loaded and locked so I don't think anybody – neighbors are not going to come over and get – I see what you mean as far as one of the kids getting into – we have to figure if one of the kids do get into the pool and there is a problem and someone can't see them so we'll have to figure out what kind of a barrier to put there to keep them from jumping into the pool without – where we can still see the kids. That's all. That's the main purpose for this pool is for the grandkids and we want to make sure they're safe. That's all.

Mr. Harr – What do you estimate how far south could the pool be moved without any grade issues as far as the...

Mr. Monyak – Do you mean from the deck? Five feet easily. Ten feet would be pushing it.

Mr. Baldin – What was the space in there right now?

Mr. Monyak – Two feet. I was allowing two feet.

Mr. Harr – If you move it five more it would be seven feet from the deck.

Mr. Monyak – Yes.

Mr. Baldin – We all know you have a problem there with the low land but I think if you're listening to what we're saying here as far as safety purposes period is to move it back as far as you possibly can.

Mr. Monyak – Right.

Mr. Baldin - I have to agree with you. Putting a trellis or something up higher is not attractive at all and it would obstruct the view. Really think about moving it back maybe six or seven feet. It would give you a nice base there. You've got such a nice lot. A big lot. It's unfortunate you have the flood plain line.

Mr. Monyak – Right.

Mr. Evans - Mr. De Hoff? Any observation from the expertise of the Building Department?

Mr. De Hoff – Yes I was just going to ask the applicant, how high is your existing deck off the grade?

TONY MONYAK, OWNER, Cont'd

Mr. Monyak – It's eighteen inches.

Mr. De Hoff – Eighteen inches. So you don't even need a railing on that deck. You can take your railing down.

Mr. Monyak – Right.

Mr. De Hoff – If he took the railing down I think that would do away with the problem he has being so close to the deck. You either need a four foot high railing or no railing at all to meet the code for the pool.

Mr. Evans – Alright.

Mr. Baldin – So you would agree to move the pool back five, six, seven feet?

Mr. Monyak – I could, yes. We could move the pool out.

Mr. Baldin – We need to come up with a number here.

Mr. Kolick - It sounds like maybe...

Mr. Monyak – I think if we move the pool back far enough so that no one could jump from the railing to the pool. I think six or seven feet would be...

Mr. Kolick – I think he is talking about seven feet total.

Mr. Evans – Okay. Seven foot total which is the same distance from the house.

Mr. Monyak – Right. That could be easily done.

Mrs. Lane – As much as you can get out of it.

Mr. Evans – Now that doesn't affect the variance though because...

Mr. Kolick – It's still the same.

Dr. Goist - Mr. Chairman? To the applicant again. Mr. De Hoff had suggested that you might take the railing down on your existing deck. Are you willing to do that?

TONY MONYAK, OWNER, Cont'd

Mr. Monyak – That may be a little dangerous for the kids. I hate to do that. If I could keep the pool far enough away from the deck the thing that seems to be bothering you guys the most is someone jumping from the railing into the pool. I think seven feet would make it almost impossible for a child. Unless they're a really good jumper.

Mr. Evans – Right.

Mr. Baldin – I know I couldn't do it.

Mr. Evans – I think we were looking at an either/or Dr. Goist.

Dr. Goist – Okay. That's fine.

Mr. Evans – At this point I think that Mr. De Hoff would stipulate that seven foot off the deck probably allows us to leave the railing without any difficulty. Mr. De Hoff has nodded his agreement. Any other questions? Any other comments from board members? If not then I would like to ask if there is anybody in our audience this evening who wishes to speak for the variance request? Is there anybody here this evening who wishes to speak against the variance request? Hearing no one and seeing no one on either count, I would then entertain a motion from the board.

Mr. Harr - Mr. Chairman? I make a motion that a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 10' Side Yard Setback is proposed in order to install an Above Ground Swimming Pool and a requesting for a 3' Setback variance from the main structure from the Pool Instruction Sheet which requires a minimum 10' distance from the main structure and where a 7' distance from the main structure is proposed in order to install an Above Ground Swimming Pool; property located at 8536 Fair Road PPN 391-12-001 Zoned R1-75 provided the pool be located a minimum a seven feet from the existing deck structure, be approved.

Dr. Goist – Second.

Mr. Evans – Okay. We have motion and a second. May we please have a roll call?

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans – Thank you. The variance has been granted. There is a twenty day waiting period during which City Council has the ability to review the decision. You will be notified by the Building Department at the expiration of the twenty days and you'll be able to move forward at that time and we thank you.

Mr. Monyak – Thank you.

Mr. Evans – Next on our agenda is item number four. Alfred Digiandomenico, if you will please come forward to the microphone. We will need your name and address and if you will please explain again briefly your request for the variance.

ALFREDO DIGIANDOMENICO, OWNER

- a) **Requesting a 480 Sf Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 8 00 Sf Floor Area and where a 1280 Sf Floor Area is proposed in order to construct an addition to an Existing Garage and;**
- b) **Requesting a 7' Height variance from Zoning Code Section 1252.05 (g) which allows a 15' Height and where a 22' Height is proposed in order to construct an Addition to an Existing Garage; property located at 20564 Drake Road PPN 393-35-005 Zoned R1-75.**

Mr. Digiandomenico – Alfredo Digiandomenico. I reside at 20564 Drake Road. I applied for a variance for square footage and a height variance for an addition to my existing garage.

Mr. Evans – For a replacement for the existing garage right?

Mr. Digiandomenico – Addition to the existing garage.

Mr. Evans – Okay. Right. Okay. Sorry. We did establish at the last meeting that you do not run a business out of the garage, is that correct?

Mr. Digiandomenico – Correct.

Mr. Evans – Okay. Questions or comments from board members?

Mr. Baldin - Mr. Chairman?

Mr. Evans - Mr. Baldin?

Mr. Baldin – Would you state again why you want to do this?

Mr. Digiandomenico – I wanted to relocate the driveway to the other side because of the minimum space between the house and the property line and also to add additional parking. I'd like to park a motor home inside and also I've got a pick up truck with a plow that won't fit into my existing garage now because it's only twenty four foot deep and the truck with the plow is like twenty five. It doesn't fit. More or less, get rid of that big parking spot to the right side of the garage.

ALFREDO DIGIANDOMENICO, OWNER, Cont'd

Mr. Baldin – Do you have a – did you say you have a motor home or something that you want to put in here?

Mr. Digiandomenico – Correct.

Mr. Baldin – How large – what is the length of that?

Mr. Digiandomenico – Well I haven't got the motor home yet. I'd like to get the parking for it before then.

Mr. Baldin – So with thirty two feet, if you drove straight in, there's going to be sufficient room to put a motor home in apparently.

Mr. Digiandomenico – Right. Probably would be like twenty four foot.

Mr. Baldin – You would do away with the driveway on the right side? Put a new driveway on the left and probably plant grass over there? You would still have that – where you've got that concrete pad out front, that where the addition would probably be going over that concrete pad?

Mr. Digiandomenico – Correct.

Mr. Baldin – I think last meeting I made a comment about attaching that little shed to the back of that garage on the far end corner. Is that correct?

Mr. Digiandomenico – Yes. Mr. De Hoff, did we look into that at all.

Mr. De Hoff – No we have not.

Mr. Baldin – I think we need to. I don't know how close that was to the property line. You can store tools, equipment, lumber; right on the line but I don't know how far that shed is away from the line.

Mr. Digiandomenico – Five foot.

Mr. Baldin – It is?

Mr. Digiandomenico – Yes.

Mr. Baldin – Oh okay.

ALFREDO DIGIANDOMENICO, OWNER, Cont'd

Mr. Evans – We did ask you about the overall height of the garage and expressed some concern. Did you talk with either of the individuals that are helping you design this or come up with any consideration in terms of being able to lower the height?

Mr. Digiandomenico – Yes I did look into that and I can probably go with like a scissor truss to bring the height down.

Mr. Evans – What might you be able to get it down to?

Mr. Digiandomenico – Maybe, possibly a couple of feet.

Mr. Evans – Okay. We recognize that you have on one side of you a two-story garage and on the other side is a multi-story barn and we don't think the barn is probably going to be around for very long. One of the problems that we have, and we expressed this at the last meeting, is we have been besieged with requests for large garages and where they are such as the applicant that appeared before you this evening on a four acre parcel where it's not in the immediate vicinity of homes. You have homes that are very defiantly in the near vicinity that you have there and our number concern is that in the appropriate spot, we are charged with making a decision that rendering an opinion as to whether or not something is appropriate but when we are in the immediate area of single family homes and on a very small parcel it really puts us in a tough situation to look at a twenty two foot height because that's like putting a house right behind them on the property line. So, that's part of the reason why we had encouraged you to look at reducing the height of that. Fifteen foot is fairly significant and particularly for a larger building were we to grant the additional size and at fifteen foot that would be one thing. To grant the twenty two is considerably a different situation.

Mr. Digiandomenico – Okay.

Mr. Evans – Other questions or concerns from board members?

Mr. Harr – Just again a couple of points. You would be taking down some of the pine trees in front, I assume, to get the driveway through there?

Mr. Digiandomenico – Correct. Yes. Probably two of the trees.

Mr. Harr – Okay. Has there been any conversation with the neighbor to the immediate north of you?

Mr. Digiandomenico – North?

Mr. Harr – Behind the property.

ALFREDO DIGIANDOMENICO, OWNER, Cont'd

Mr. Digiandomenico - Directly behind me?

Mr. Harr – Right.

Mr. Digiandomenico – No.

Mr. Harr – Okay. With regards to – I don't have any other questions.

Mr. Evans – I believe we did establish too, at the last meeting, as we have indicated earlier this evening, you were putting in a hard surface driveway. Is that correct?

Mr. Digiandomenico – Correct. Yes. Concrete.

Mr. Evans – Yes. Okay. Any other questions or comments?

Mr. Baldin – I have no further questions.

Mr. Evans – Okay. Then let me move to public hearing. Is there anybody here in the audience this evening who wishes to speak for the request for the variance? Is there anybody here in the audience who wishes to speak against the request for the variance? Hearing no one and seeing no one, are there any other questions or comments? Otherwise, I will look for a motion to be presented by members.

Dr. Goist - Mr. Chairman? Did we agree that the height would now be twenty feet instead of twenty two?

Mr. Evans – We did not specifically agree to that. The applicant has stated that technically it might be able to be reduced a couple of feet and we did not really peg a number on that and the applicant would need to specifically state that 'yes I can and I'm willing to reduce it to a twenty foot or eighteen foot' or whatever that overall height might be in order for us to react to that but right now we stand with a twenty two foot height.

Mr. Baldin – Therefore I will make a motion that a 480 Sf Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 800 Sf Floor Area and where a 1280 Sf Floor Area is proposed in order to construct an addition to an Existing Garage and a request for a 7' Height variance from Zoning Code Section 1252.05 (g) which allows a 15' Height and where a 22' Height is proposed in order to construct an Addition to an Existing Garage; property located at 20564 Drake Road PPN 393-35-005 Zoned R1-75 be approved.

Mr. Harr – Second.

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

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Ms. Sherman – Linda Sherman. 1184 Browncoat Circle. Medina, Ohio. I'm here representing TGI Friday's at 18400 Royalton Road. We are requesting that on the south elevation of our new tower a five foot variance on the existing allowed five foot height in signs. It's actually – the overall piece is going to be ten foot in height. The channel letters take up approximately five foot of that height. TGI Friday's as a whole is modifying what we consider to be the trade dress and as part of that to maintain continuity across the entire United States this is a requirement from the corporate level.

Mr. Evans – Members of the board, questions?

Mr. Baldin – Your company is doing this around the country I take it?

Ms. Sherman – We are actually a local franchisee. We have ten of the locally but corporate out of Texas is doing this across the US.

Mr. Baldin – You're going to do this to all ten that you have locally?

Ms. Sherman – Eventually. We have to remodel all of them by the end of 2007.

Mr. Baldin – This was corporate's idea, right? This is not going to be – at first we had thought that you had mentioned in caucus that this is not going to be plastic. This is going to be steel framing. Do you want to explain that again?

Ms. Sherman – Yes. The actual design is out of ironwork The only illumed are those red channel letters that go across and that are adhered to the face of it.

Mrs. Lane – So most of it is artwork? Just part of it – a few feet or...

Ms. Sherman – There will be a sign then just on the two sides of the tower. The two existing signs on the sides of the buildings are to be removed.

Mr. Baldin – The one that faces east right now on the back side...

Ms. Sherman – That faces the parking lot on the east? Yes.

Mr. Baldin – That's coming down right?

Ms. Sherman – Yes. Yes. Correct. Right.

Mr. Baldin – Then you're going to put two new signs up?

Ms. Sherman – Correct. One on each side of the tower. One facing south and one facing east.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. Baldin – The one that faces south is going to be the only one with the new logo. Right? The new design. The new artwork.

Ms. Sherman – Correct. With the new artwork design. Right. The one on the east is still what they call the stop sign logo.

Dr. Goist - Mr. Chairman? I'd like to ask the applicant, this part that says 'In Here It's Always Friday'.

Mr. Evans – The awning.

Dr. Goist – The awning. Is that there now? I've been there many, many times and never have seen it.

Ms. Sherman – No, that's the new canopy that goes over the new entrance way. It's framework and structure is stainless steel and then those letters are in red as well.

Dr. Goist – Then I'd like to ask our Assistant Law Director, does that constitute another sign?

Mr. Kolick – Yes. That would have to get before our Building Department and the Architectural Review Board as signage on the canopy.

Mr. Baldin – I brought this up at the last meeting everybody just sort of blew it away. "Well, it's going to be on the awning. Big deal". Well I don't think it's a big deal because it doesn't get there without that.

Ms. Sherman – That portion was discussed as part of the Architectural Review Board. I don't recall – I was at the Planning Commission. I don't recall that they actually had a specific question but the Architectural Review Board did bring that up and it was discussed and they understood what was going on the canopy.

Mrs. Lane – They asked you what was going on the canopy?

Ms. Sherman – They asked if that lettering was going on the canopy and that was part of our discussion, that yes, that is part of the sign package.

Mrs. Lane – They didn't tell you that that was the second sign.

Ms. Sherman – Fred you were there. I don't recall them having any issue with that.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. De Hoff – No, I don't think they had any issue with it. I think they just wanted to make sure it was eight feet above grade.

Ms. Sherman – It is at nine foot, that canopy. The doors are at eight foot eight height.

Mr. Baldin – Now is that going to be on both sides? You've got two entrances there now.

Ms. Sherman – If you can see on the elevation, we go down to just one entrance, a pair of double doors on the south side.

Mr. Baldin – You're not going to have any doors on the east like you have now?

Ms. Sherman – No.

Mrs. Lane – So those doors are going away?

Ms. Sherman – Yes.

Mr. Evans – Good. It will be a little bit warmer in the lobby area during the wintertime.

Ms Sherman – We're hoping. I'm adding a six foot air curtain across there. A sixteen hundred kilowatts.

Mr. Baldin – Well I still think this is an issue with the other verbiage.

Mr. Evans - Mr. Kolick? I'm not sure if it has made it through the process. When it gets to us, we're looking at only the ten foot number. Should we be sending that back to somebody that we ought to question about that?

Mr. Kolick – We do. Mr. Chairman, I'm looking at a letter dated March 29, 2006 to the applicant indicating they only considered two signs, according to this. They denied the one that is before us and they approved a ten three by seven eight plastic wall sign red copy on black background and I don't think that's the canopy sign. As far as I can see here, it doesn't look like the Architectural Review Board approved the canopy sign at least not on approval letter. What would have to happen is if you granted this they would need to get before the Architectural Review Board on this particular sign and they'll have to look at the canopy signage if they haven't looked at it.

Dr. Goist – Again to the applicant, may I ask would you be willing to negotiate that removal of that verbiage on that canopy?

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Ms. Sherman – I believe that we can remove that but would it first go back to Architectural Review Board for them to direct me to remove it or that's part of the variance. The variance here as I understand it is really just for that ten foot sign.

Mrs. Lane – You have no permission, period, for that other sign.

Ms. Sherman – Okay but first that would go back to the Architectural Review Board? I believe I have to go back to the Architectural Review Board after this meeting again anyway. So you mean I'll address that with them at that point?

Mrs. Lane – In order to have that sign period you have to have a variance. Am I correct Mr. Kolick?

Mr. Kolick – That, the Building Department would have to make an initial review on. I don't know. I don't know the plan of the signage and where it comes and where it's on.

Mr. Evans - Mr. De Hoff? At this point would it be your observation that we are correct that that load that that moniker on that canopy would constitute a sign most likely.

Mr. De Hoff – Yes.

Mr. Evans – Then Mr. Kolick let me ask the question, in the interest of good government, rather than going through this whole process and rigamarole all the time. Can we this evening approve not only what they have requested but if the applicant indicates that that signage is intended as a part of the package which has been presented through all of the process that this has gone through, may we take the initiative to add approval for a second sign as a part of this variance. We have advertised it for the purpose of the ten foot variance. I don't see, if there is no one here in the audience here this evening, if we have dispensed with those people that have made inquires about the signage, would it not be appropriate that we just add this to it and put that in place so that if they go forward with it and Architectural Review Board approves it and Planning Commission approves it, that there is a variance in place for this? It is a part of the package that has been presented.

Mr. Kolick - Mr. Chairman? I guess the very first question is - I need to address this to the Building Department – if that canopy sign you just considered, is it permitted within the perimeters of the code so that you don't require a variance for it. I don't know the answer to that. The Building Department would have to tell us that.

Mr. De Hoff – I don't have what they have there existing now. I don't know if they've got two signs or one sign out front.

Mr. Evans – There is no sign on the canopy.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Ms. Sherman – Correct. There is just one sign on each elevation.

Mr. Evans – Right.

Mr. De Hoff – They have the frontage for the square footage. Whether they put it on the canopy or on the building itself, that doesn't matter. It's the square footage we look at.

Ms. Sherman – I believe we were still within our allowance of square footage. It was just the height that was questioned.

Mr. Evans – At this point we know that you can only have the one sign on the elevation because that's why we had Marc's and...

Mr. De Hoff – Right. Right. I don't know if this is going to replace them. I don't know if they've got two signs there or not. I never even looked at it that close. You don't have anything showing what's existing, do you?

Mrs. Lane – Yes.

Ms. Sherman – Yes. The elevations show the existing.

Mr. De Hoff – It is existing? Just that one sign?

Mr. Baldin – The one on the left right up on top of there.

Mrs. Lane – Right above it.

Mr. Baldin – That faces south there. That's coming down right?

Ms. Sherman – Correct.

Mr. Baldin – Right. So, they'll have the new south one and the new east one.

Ms. Sherman – Right.

Mr. Baldin – Right. That's not going to be the same. That's just going to be "Friday's" on the east side? Is that going to be...

Ms. Sherman – On the east side it a stop sign. Not the same one but it looks the same.

Mrs. Lane – We don't have a drawing of that?

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Ms. Sherman – You do.

Mr. Evans – Yes.

Dr. Goist – Why do you call it a stop sign?

Ms. Sherman – We want you to stop. Stop here. I honestly don't know why they call it that but that's the way they referred to it. Probably because it's red and white and the shape is somewhat similar.

Mr. Baldin – The only reason why I bring up this additional verbiage, we have so many requests that come in front of our board for signage, whether it be gas stations, furniture stores, etc. and so forth and we've always denied, damn near always denied, the extra verbiage. Logos, we're very strict on this kind of stuff and that's why I think we just need to go back and get a true reading, a legal reading of whether this is going to be allowed. You will not be the first and you won't be the last who is going to come in here and ask for that. It happens all the time.

Ms. Sherman – That's fine. What I would like for tonight so that I can order the other signage is the variance on agenda.

Mr. Kolick – What the Chairman is bringing up is if you're other signs – because you have that same language on the south elevation as you do on the east elevation, if that signage is not permitted and you get back to Architectural Review Board, if they don't grant a variance for that type of signage and it's not permitted on the code, I'm not making that judgment because that comes from the Building Department, you're going to back before this board again. So, what he is asking is do you want to clean that up now if in fact that is required.

Ms. Sherman – I understand and it sounds like what Mr. Commissioner is actually requesting is that you will all approve that variance now if it comes up at Architectural Review Board so I don't have to come back.

Mr. Kolick – I don't think they're requesting but they are suggesting they at least vote on it anyways.

Ms. Sherman – Well, right. Exactly. Vote on that issue.

Mrs. Lane – I would request if we do that, that it's voted on each sign separately.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. Evans – We can certainly make that – the first question Ms. Lane is if we are in order even approaching it that way and I'm just suggesting that we try and streamline the process because this isn't something that's new. It's been on all the drawings that have been brought through the process and all the discussions. If it was not legitimately caught then at that point I'm inclined to say that if we've caught it here then we can deal with it so that we don't have to go back through the process again but certainly what Mr. Kolick is saying is that at this point we do want to deal with the request that is before us tonight that is legitimate. We know that. It's just a question as to whether there is additional. It may be that we just do what is on our agenda and not worry about the rest. Let Ms. Sherman go back through the process and discover whether or not that is an additional sign or appropriate or what the conditions of that may be and if it winds up coming back to us as part of the canopy then it does that. This allows them to go forward with the tower and the rest of the project without interference.

Mr. Harr - Mr. Chairman? From a timing perspective, does that cause any type of a hardship in the event that Architectural Review Board finds that we need a separate variance for that?

Ms. Sherman – It does. I can give you a quick synopsis of what my construction schedule is currently. We have started the interior renovations. On Monday, we shut down the restaurant for a week to finalize the interior as well as to tear out the existing to start reframing the new twenty four foot tower. Steel comes on the eight and I'll be hanging signage hopefully on the twenty second of May. So, if I were to come back on this process that would certainly change the installation date of my canopies and my signage and we want to be complete with our project by June 1, 2006. I would probably lose a month I would think.

Mr. De Hoff - Mr. Chairman? According to the code, the signs allowed. They don't need a variance for it. It says you're allowed one covered walk sign as long as it's over eight feet above grade.

Mr. Evans – Excellent. Thank you sir.

Mr. Baldin – Whoa.

Mrs. Lane – Could you repeat that?

Mr. De Hoff – It says 'one canopy or covered walk identification sign may be attached to the soffit or fascia of the canopy or roof over a walkway structure member of each business use. However, the vertical dimensions of such sign shall not exceed eighteen inches and lowest member shall not be less than eight feet above the sidewalk grade. The maximum single faced sign area of any canopy shall not exceed ten square feet. 1272.12 (e)'

Mr. Kolick - Mr. Chairman? Question for the Building Department so we can get it all cleared up. They've got two canopy signs.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. Baldin – Right.

Mr. Kolick – Does the code permit them? If they're on a corner building they have two canopy signs, one on east elevation and one on the south elevation? That's, I think, the question before the board.

Mr. Baldin – Considering there's not going to be an entrance there on the east. Right?

Mr. Kolick – There isn't any entrance on the east any more.

Mr. Baldin – There won't be, no.

Mr. Evans – It says over sidewalk Fred?

Dr. Goist – There will be canopy with that same verbiage on the east side?

Ms. Sherman – Yes. There is a sidewalk on that sidewalk on that side.

Mrs. Lane – There is no entrance there anymore?

Ms. Sherman – Correct. There's no doors but there is a sidewalk and there is outside seating as in outside waiting benches.

Mr. Baldin – Have they submitted any sizes for this verbiage here.

Ms. Sherman – I don't have those in front of me. There should be dimensions...

Mrs. Lane – It says five six one square feet. What is the total height of the canopy?

Mr. De Hoff – They're using five point six square feet and they're allowed ten square feet so they're well within their limits.

Mrs. Lane – Do you know how deep the canopy is?

Ms. Sherman – The height of the canopy is – I don't off the top of my head. Is there a dimension there? It's approximately twelve inches high I believe.

Mr. Evans – Alright. Mr. Kolick, are you satisfied with what Mr. De Hoff has presented. It's a matter of being satisfied or unsatisfied. I just need to get an answer as to whether they are permitted one or two canopy signs.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. De Hoff – Okay. Is this one canopy? It looks like it's one canopy wrapped around the corner.

Mr. Kolick – So they would only be permitted one sign, correct?

Mr. De Hoff – I would say one sign but it says one canopy sign yes.

Mr. Kolick – Well then they would need a variance to permit the second canopy sign...

Mr. De Hoff – Yes they would.

Mr. Kolick - ...on whichever elevation they choose.

Ms. Sherman – I would prefer that it be shown and allowed on the south in the variance just in case the variance would be on the east side.

Mr. Evans - Mr. De Hoff if that is indeed a wraparound sign and we permit up to ten square feet in the lettering area on the front is five point six and the lettering on the side is five point six - if they compacted that ever so slightly and brought it to five and five, that would be within the ten foot? If the wraparound is indeed one piece and we're measuring the lettering, not the size of the canopy...

Mr. De Hoff – This is a one of a kind. We've never experienced this before but if you look at it that way it could be true. It's one canopy and one sign.

Mrs. Lane – I'm assuming that the letters were designed for readability from the street based on the design. Based on architectural...

Mr. Kolick - Mr. Chairman? You're still looking at two signs. One sign on the east elevations and one sign on the south elevation. If this was one continuous sign, maybe. You've got the same thing repeated on both signs. I think they need a variance under the code for one of the canopy signs and if that be the east, I think you should just vote on it and move that way. If it's granted then she can get back before the Architectural Review Board at one time. They can act on the canopy signs. They can act on the new sign and if it isn't granted then they still have the canopy sign over the south entrance that they can act on.

Mr. Evans – Okay. We are only acting on item number five which is before us this evening then.

Mr. Kolick - I'd act on that first and then I would suggest you move for a second variance to grant a second canopy sign where only one is permitted.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. Evans – Okay. Alright.

Mr. Kolick – On the second canopy sign on the east elevation. Read them separately.

Mr. Evans – That's fine. The code citation for the second sign is going to be...

Mr. Kolick – What was that section Fred that allowed one canopy...

Mr. De Hoff – 1272.12 (e).

Mr. Evans – Alright. Then we will have two issues before us. We will vote separately on them. Item number five. Are there any other questions from members of the board? Last chance.

Mr. Baldin – Kathy is calling for a caucus.

Mr. Evans – All right, we will take a brief moment.

The board breaks for a caucus.

Mr. Evans – We resume from our temporary caucus there. We have a motion and a second and during our discussion of this I need to make two points which Mrs. Lane has reminded me of. Number one is that in our consideration in talking in caucus and in our deliberations one of the things that we have looked at is that the Friday's request for the additional variance here on the signage height is predicated on the fact that the actual lettering that composed the sign and the tumbler which is an artistic representation that is behind the sign that makes the variance required here are actually being judged in terms of the square footage of the actual letters and the tumbler in addition to that. One of the things that we're looking at is the artistic representation in our opinion does not necessarily constitute the same square footage area as what the lettering for the sign does. By way of saying that what we are doing is comparing this to some of the other sign requests we have had in the past and we know we will have in the future. Whereby we have looked at what the lettering is as what the primary requisite here and not at the overall square footage which it is still under the square footage that is the maximum allowed under the code. So in this particular situation we have felt that this more than complies with what the design of the code is and in fact is a representation that we know that Planning Commission and Friday's and a lot of people spent a lot of time working on to put the tower in perspective and the signage and those types of things. The second thing that I did overlook as a part of the record this evening is an email that we received from Sheri Roberge, that was referred to us by Mike Daymut, who is the councilman in Ward 1 and Sheri Roberge happens to live at 18335 Royalton Road. Her email addressed two points. One which was the size of the sign and the second was the noise from the paging system. I did take the course of meeting with Ms. Roberge last evening and took

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. Evans cont'd - the plans with me. I showed her the plans and described them in full detail. She was in agreement that she did not understand what was presented in the announcement of the meeting this evening and while she could not be here, she said that she had no problem with the signage. She did ask if we could work on the paging system, which she said is something that when they had their windows open during the warm evenings that they can hear that. I'm sorry Ms. Sherman I forgot to bring it up on the floor here but as a matter of record we indicated in caucus the discussion about this you had said that Friday's is moving to the silent paging system. Could you maybe describe that for us please?

Ms. Sherman – As part of the remodel process we are instituting the paging system with the rotating lights to indicate when a table is ready. The outside speaker will remain as part of our music though not as glaring and I can point that speaker downward so that it won't impede on her evenings, which unfortunately in Ohio is about three nights a year.

Mr. Evans – Thank you. I appreciate that. I believe, Mrs. Lane, those address both of the points that you brought up in caucus, which I appreciate.

Mrs. Lane – So you were saying that the speaker system is not going to project into the neighborhoods because it also goes to the apartments and all the houses that are across the street.

Ms. Sherman – Correct. We will no longer be using the speakers to let people that their wait it over.

Mr. Baldin – But you will continue to play a little quiet music?

Ms. Sherman – Correct.

Mr. Baldin – Thank you.

Mrs. Lane – What time does that go off?

Ms. Sherman – Our business hours are eleven a.m. to 11 p.m. Sunday through Thursday and I believe midnight Friday and Saturday.

Mrs. Lane - Mr. Kolick? Isn't there a time when that sound has to go off?

Mr. Kolick – We just a decibel requirement and audibility requirement as to how loud it is and off the property is what our requirements are under the code. If there is a complaint the police can certainly monitor.

TGI FRIDAYS, TENANT/Linda Sherman, Representative, Cont'd

Mr. Harr – Where a second canopy sign.

Dr. Goist - Mr. Chairman? Just one point of order, was it Section (e) or (b)?

Mr. Kolick – (e) as in Edward.

Mr. Evans – (e). I need a second. Thank you. We have a motion and a second. Mr. Baldin, one is permitted under the code. This is for a second one. Any other questions that we need to address? Being that this is unusual that we proceed without it being in written format first. No other questions or comments? Then may I have a roll call please.

ROLL CALL: MR. BALDIN – NAY MRS. LANE – NAY
 MR. HARR – YES MR. EVANS – YES
 DR. GOIST – YES

MOTION APPROVED

Mr. Evans – The motion is approved for the second variance then and there is a twenty day waiting period on both of these and so you are set.

Mr. Kolick – Mr. Chairman? A twenty day wait but then they'll need to get back before the Architectural Review Board on the canopy signage and on the other signage granted a variance tonight.

Ms. Sherman – Thank you very much.

Mr. Evans – Thank you. Is there any other business to come before the board this evening? If not we are adjourned.

Meeting adjourned 9:10 p.m.

Signature on file
Kenneth D. Evans, Chairman

Signature on file
Kathryn Zamrzla, Secretary

May 10, 2006
Approval date