

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

May 24, 2006

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

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

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 May 24, 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 – This evening we have an amended agenda. I would entertain a motion to approve the amended agenda.

Mr. Harr – So moved.

Dr Goist – Second.

Mr. Evans – We have a motion and a second to approve the amended agenda for May 24, 2006. May we please have a roll call?

ROLL CALL; ALL AYES MOTION CARRIED

Mr. Evans – Thank you. 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 May 10, 2006 meeting of the Board of Building and Zoning Appeals. Are there any corrections or comments to the minutes?

Mr. Baldin - I move that we approve the minutes as written.

Mrs. Lane - Second.

Mr. Evans – Thank you. We have a motion and a second to approve the minutes from May 10, 2006. Could we have a roll call please?

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

- d) **Requesting a 7' Parking Setback variance from Zoning Code Section 1258.11 which requires a 10' Parking Setback abutting a Residential District, northerly border and where a 3' Parking Setback is proposed; property located at 10252 West 130 Street PPN 398-12-019 Zoned Local Business.**

Mr. Gillespie - Mr. Chairman, members of the commission, thank you. My name is Scott Gillespie. I am the developer and builder of the property surrounding this property known as Bexley Place and this is an old gas station that has had a number of uses of the years. Most people know it as the former Furniture Nook and then for a very short period of time it was a carry out, deli thing but never really got off the ground. We converted it about a year ago. We did a renovation on the exterior of the building and if you have seen it, it looks, I think, dramatically better from what it was. That was our temporary sales office for our cluster community, which we have since moved out into our model. What we would like to do – I'm going to give a letter – I'll hand it to Mr. Baldin so you can see that. That's just a letter from my partner, Mike Santosuosso who owns Italian Village. That's a letter from him expressing he wanted to be here tonight but he had some family issues that he needed to attend to out of town so he is at that. We all know or most of us are familiar with his operation. He runs a great restaurant. I went to him originally to do this because I eat there all the time and I love his food and I thought he ran a great operation and he agreed with me that this would be a great spot to have a carry out only restaurant. We will have this limited delivery service. There is no in dining. There is no exterior patios or anything like that. You have a plan that I've submitted. I'm going to do a complete new parking lot on that with the contemporary required down lighting. I want to match the residential landscaping character that I have next door and then along Albion Road and West 130 Street. Obviously, that gets addressed by the Architectural Review Board, not this group. To make that corner look as nice as Maria's Gardens does. It's really improved. We'd like to do something to get rid of that tire store caddy corner then that would be wonderful but I realize that's not in the City of Strongsville. This is I think a good, very good use. We have local business owners. People that are involved and I have a vested interest as I have a huge investment next door. I am the adjoining property owner so to speak from this and I'm here tonight to answer any questions and prepare for the public hearing.

Mr. Evans – Mr. Gillespie, first we need to go back and just as a matter of course, get your address if you would please?

Mr. Gillespie – I'm sorry. It's 4555 Summit Circle, Brecksville, Ohio.

Mr. Evans – Thank you. Members of the board, questions that you may have.

Mr. Baldin – Mr. Evans, should we read this letter in?

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

Mr. Evans – It can be submitted. It does not need to be read, Mr. Baldin. You can give that to Kathy and we'll be all set. Questions for Mr. Gillespie.

Mr. Baldin – That piece of property there right now only has one driveway but it shows on the print that you're going to have two drives. One off of West 130 Street and one off of Albion Road.

Mr. Gillespie – That's correct.

Mr. Baldin – I noticed on the north side – I did look at the property already - on the north side there is like a big gas main or meter or box or something there. Is that going to be a problem?

Mr. Gillespie – That is either going to get relocated or built into because that is sort of a side load drive area right there. That will either get boxed in or build a structure on that or get relocated. I have yet to get with the gas company on that one.

Mr. Evans – Mr. Gillespie, I guess I would ask whether or not on the two setbacks on the residential areas, is there a way that that could be engineered so that you don't have to do the variances against the residential? I realize that you're the developer of the residential. I just wonder whether or not it could be done without having to do the variances on that.

Mr. Gillespie – Well, what we tried to do and being because I need to market, obviously, the properties there, is the way that we set this up is that actually bordering the residences it's not the actual parking. It's the driveway serving the parking. Rather than dead end the parking into that fence and you have all seen our fence that we have constructed along there. Rather than do that we felt that the best way to do it – the only way to engineer that, get the parking space size and have the width of the driveway, which I think is, what is it, twenty two feet? That's what we have. If we have a variance, it's because of that drive area there. The answer to that is 'no'. I want to maintain a twenty two foot drive. Do we really need a twenty two foot drive for that little thing? My preference would be not to shorten it up but I think it doesn't do any harm in the fact that those two driveways – and there is no parking on the north side. That is just a service loading area and the other thing is the two homes actually sit down low with the fence so the visuals being in the houses, we have a hillside, a six foot fence and then the building set quite a bit beyond that. I'm having a vested interest in both sides. I'm very comfortable that this is probably the best approach to servicing it.

Mr. Evans – Could you do with one driveway? There is the one there now and as Mr. Baldin pointed out, you're proposing the two. Are the two really necessary? Again, if you went with one drive over there I'm not sure how that would work with delivery purposes but it would at least...

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

Mr. Gillespie – I think the second drive is from, and I mean this sincerely, from a safety standpoint, is much better. It really – in the rush hour we've all seen West 130 Street and there's a lot of the residences. It's not a business traffic. It's residence traffic. I really honestly, after being out there for a year and seeing what happens on that, that second entry, pulled back as far as it can from that – Albion doesn't get a lot of traffic. I just think to exit and go into Strongsville from this building is a serious improvement on the safety of that intersection than leaving just one access to West 130 Street.

Mr. Evans – Okay. Thank you. Other questions from board members?

Dr. Goist - Mr. Chairman? I noticed that there's a portion marked on here, ten by forty four addition. Is that addition already there?

Mr. Gillespie – No, it is not.

Dr. Goist – Is this just showing as proposed?

Mr. Gillespie - Yes, that is proposed. The existing building is shown and then what that would be is that's – there are actually two ways you can do your coolers and your refrigerators. You can put them on the outside. They make these units – I'm not in the restaurant business but they make these units that you can bring up and attach. I would rather make it consistent with the whole building and basically, it's going to look like the back of the building now stretched ten feet. Same mansard style roof. I think it's a lot cleaner and neater. Put the coolers and the refrigerators inside that space. That is what that addition is for.

Mr. Evans – I guess, Mr. Gillespie, when I looked at it, I was sort of surprised that he was going to add that much on the building. I sort of surmised that it might be for coolers. There is no intent for developing this for an eat in area?

Mr. Gillespie – No, there is not. The whole thing is set up to be kitchen, coolers, storage for that. No, there is a very small lobby that – no, there is no intention to make this an eat in restaurant.

Mr. Evans – Okay. Mr. Baldin?

Mr. Baldin – You have to do quite an extensive remodeling job on this? I know that you have your construction trailer and there is also a little shack on the back end of that building right now. That's all going to come down in the construction?

Mr. Gillespie – That shack is going to be gone. The construction trailer is going to go. Yes, sir.

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

Mr. Baldin – So you have quite a bit of work to be done there?

Mr. Gillespie – Yes. Oh, yes.

Mr. Baldin – All right. I think you do have enough room in the back end there as far as the parking goes. I didn't see any problem there. You have a gate there. It shows your path gate and you intend to keep that there for people to access?

Mr. Gillespie – Yes. We have a little stepping on the other side. A little landscape area so that people can walk from the neighborhood without having to traverse all the way around.

Mr. Baldin – No further questions.

Mr. Evans – Okay. Any one else have any questions?

Mrs. Lane – Are there homes right up to them? I haven't been over there yet.

Mr. Gillespie – Not at the present time. They are designed to be there but no, there are no homes there now.

Mrs. Lane – People who eventually buy there will know that there is a pizza parlor behind them because they'll be able to smell it.

Mr. Gillespie – Absolutely. Fortunately, the winds ninety percent of the time are from the north and the northwest but if you've got to smell anything, I would rather smell his food than most.

Mr. Baldin – I did note – excuse me Mr. Evans – that there was something in there about the light plan. The city has seen the light plan?

Mr. Gillespie - Mr. Baldin, the city has a package submitted with this that I have given that is going to go on to the Architectural Review Board or whoever needs it. I just thought it would be informative to bring that down.

Mr. Baldin – Okay. Thank you.

Mr. Evans – Okay. Any other questions from board members? All right then. Mr. Gillespie, public hearing will be June 14, 2006 and I would want to advise you as we indicated in caucus that, at this point, there will be one board member missing for not only the June 14, 2006 meeting but also for the June 28, 2006 meeting. In light of Mr. Harr's declaration, that would mean that you would have to have an affirmative vote of all three members that are in attendance either at the June 14, 2006 meeting or the subsequent meeting on June 28, 2006 in

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

Mr. Evans continued - order to have the variance approved. You would have the ability of choosing to table or pass on either of those particular dates if you wanted to until we get into July when, assuming, we would have a full board sitting. With Mr. Harr's indication, it would mean that all three would have to approve that. I did want to make you aware of that in the event that you wanted to make a decision based on that of timing as to when this would be considered publicly. You would need to notify the Building Department and let us know if you wanted to delay that consideration.

Mr. Gillespie – At the present time, I don't believe I want to delay it.

Mr. Evans – Okay. Very good. Thank you then. We'll look forward to seeing you on June 14, 2006 then. Next, we move into public hearings. Item number two is Lisa Uffman, owner. Lisa, if you will come forward please, we will need you to state your name and address in the microphone and then if you would just remind us of the situation that you're requesting the variance for.

LISA UFFMAN, OWNER

Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.29 which requires a 15' Side Yard Setback and where a 6' Side Yard Setback is proposed in order to install an Above Ground Swimming Pool; property located at 17691 Ash Drive PPN 394-23-027 Zoned R1-75.

Ms. Uffman – My address is 17691 Ash Drive. I am here requesting a nine foot variance to install an above ground pool.

Mr. Evans – If I remember right, there was a pool that was in this location before. This is a replacement pool that you have purchased?

Ms. Uffman – That is correct.

Mr. Evans – I will make note for the record that we did request a review from the Engineering Department in a memo dated May 23, 2006. Lori Daley from the Engineering Department said that she reviewed the location of the proposed pool. It did not appear that there was any obstruction to drainage from the adjacent properties. She did indicate that the back yard was dug up at the time of the site visit so a thorough inspection was not possible. She did request that a site plan be prepared by a registered engineer or surveyor showing existing proposed elevations and that that should be submitted prior to the issuance of any permits. Were we to approve the variance this evening that would be a condition. In caucus, we discussed that and that was agreeable. Was that not correct?

Ms. Uffman – That is correct.

LISA UFFMAN, OWNER, Cont'd

Mr. Evans – Questions from board members?

Mr. Baldin - Mr. Chairman?

Mr. Evans - Mr. Baldin?

Mr. Baldin - Mr. Chairman? I did look at the property and I was late to the meeting. I apologize. Apparently, you talked about this. Are you going to rebuild your fence or what?

Ms. Uffman – I have purchased new posts to put in and to fix the fence.

Mr. Baldin – Okay. You don't feel that you can move your pool further north that you need this big of a variance?

Ms. Uffman – The pool could be moved further north, however, that was where the existing deck was and that was where I would like to plan to put the new deck so I have view from my home.

Mr. Baldin – You do have a large back yard there. You have a big play area. There is no doubt about it. I just thought it was a little bit too close to the fence. I would think that if anybody tried to climb that fence to jump into the pool, which sometimes that could possibly happen but I don't think that fence would support anybody. Okay? They probably would never get up that high to try and jump into your pool but I still feel that you should move your pool further north. That's all the comments I have.

Mr. Evans – No questions or comments?

Mr. Harr - Mr. Chairman? Ms. Uffman, it isn't shown here necessarily on the sketch that we have been provided but there's an overhang or patio roof that juts out the back of your residence right now. Okay? How close to where you are planning to put the pool and deck presently with that overhang. How much space is there?

Ms. Uffman – I am going to say approximately five feet?

Mr. Harr – To the deck edge?

Ms. Uffman – To the deck edge.

Mr. Harr – How wide do you propose the deck to be?

Ms. Uffman – The deck I am proposing five feet.

LISA UFFMAN, OWNER, Cont'd

Mr. Harr – Okay. Just enough basically to get off the end of the pool.

Ms. Uffman – Exactly.

Mr. Harr – Okay. So the pool in it's present position in your estimation is ten feet-ish from that roof that juts out.

Ms. Uffman – Yes.

Mr. Harr – Okay. So moving it too far into the north may actually cause a problem on that side as well unless we're able to go east with the pool and I know you have some elevation issues and landscape issues there as well with the play area. I have no other questions.

Mr. Evans – Other questions from board members? I do want to make note too at the May 10, 2006 meeting Mr. De Hoff did talk about the fact that where there is a deck with steps going up to the top that there has to be a gate that swings out away from the deck and it has to be a self latching and at the May 10, 2006 meeting Ms. Uffman, you did say that that was something that you would agree to so...

Ms. Uffman – Correct.

Mr. Evans - ...I did just want to point that out for the record here this evening. Any other questions from...

Mr. Baldin - Mr. Chairman?

Mr. Evans - Mr. Baldin?

Mr. Baldin – Ms. Uffman, would you consider moving the pool a couple more feet north?

Ms. Uffman – If the pool is moved a couple more feet north, the deck would need to go on the east side. There would not be enough room for me to have the steps going up to the deck on the north end.

Mrs. Lane – So, you're saying that the space – the five foot that the deck would occupy would abut right up to that increase in height in your yard?

Ms. Uffman – Correct. My unique back yard. Yes.

Mrs. Lane – So, everything is squeezed in there tight.

Ms. Uffman – Correct.

LISA UFFMAN, OWNER, Cont'd

Mr. Evans – Okay. Any other questions? Then at this time, I would like to ask if there is anybody in the audience who wishes to speak for the variance request? Is there anybody in the audience who wishes to speak against the variance request? Any other further questions or comments from members of the board?

Dr. Goist - Mr. Chairman? I would just like to pursue that a little bit more. If you move that deck a couple of feet and you already have the back yard torn up, you could dig out that area and still move it forward, still move it to the north, am I correct? You already have it dug out.

Ms. Uffman – All I did was lower the area where the pool was. I have not dug into my yard. That is still the existing area where the previous pool was when I purchased the home.

Dr. Goist – Correct. What I'm asking is could you dig out just a couple more feet forward and then be able to move your pool two more feet?

Ms. Uffman – You mean north into my yard?

Mrs. Lane – Or actually the stairs could still be on the flat part and part of that decking could cantilever over the grass. Am I not correct? That would still work.

Dr. Goist – I think Mr. Baldin's point is well taken that we would like to get it a little more than six feet from the fence. I think that fence, even though you're going to put up new posts, is ready to come down in a wind storm.

Ms. Uffman – Two of the posts did shear off over the winter, which is why it's in the shape it's in.

Dr. Goist – The fence itself is not in real good condition. I think his point is it's just a safety issue.

Mr. Baldin – Correct, Dr. Goist.

Mr. Evans – So, Dr. Goist what you are proposing, you are echoing Mr. Baldin's request in wondering whether we could get that to ten foot away from the fence?

Mrs. Lane – Moving it two feet over and give a one foot side yard variance? Is that what I'm understanding?

Mr. Baldin – Well, she is looking for a nine foot side yard. We ask them to be fifteen. She's only going to be six. It's not our problem creating a hardship here that her back yard is full of toys. She has a big back yard. She even has a shed that's maybe on the property line, which isn't right as well, but we'll forget that right now. Okay. I think that to be away from that

LISA UFFMAN, OWNER, Cont'd

Mr. Baldin continued - fence she needs to move it a couple more feet. We have very seldom ever given any pool this close to any property line or fence line that I can even think of. I think at the last meeting they were looking for nine feet and it was turned down from nine feet.

Mrs. Lane – That was concrete.

Mr. Baldin – That was a concrete pad.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – I think that if there is a possibility obviously to move the pool a little bit further into the yard in the northward direction, I think that's worth pursuing provided that we don't get so close to the overhang that we create a safety issue on that side as well.

Mr. Baldin – I think he's got a good point.

Mr. Harr – I don't know if the applicant can give us an idea what that magic figure is there so the pool is properly placed between the fence and the overhang. We certainly don't want children diving off the overhang either. I did not pace it off to get an accurate feel for that.

Ms. Uffman – I can't give you exact measurements.

Mr. Harr – You feel at this point the edge of the pool where it sits today is roughly ten feet from the overhang?

Ms. Uffman – I know that where I have it staked off currently is twelve feet from the home. That is probably – again I am merely guessing, maybe three feet from the overhang. Granted it's offset. The deck would be maybe back another two feet. I'm going to say it's approximately five feet. Now if I move the pool northward...

Mr. Harr – To the edge of the deck though.

Ms. Uffman – To the edge of the deck.

Mr. Harr – Then another five feet to the pool.

Ms. Uffman – Correct.

Mr. Harr – Okay.

LISA UFFMAN, OWNER, Cont'd

Mr. Baldin – I don't see a real problem there with the overhang. She can get a couple feet.

Dr. Goist – So you're really asking Mr. Baldin for a seven foot side yard setback...

Mr. Baldin – Minimum.

Dr. Goist – ...and an eight foot...

Mr. Baldin – At least. I just think six is not enough. Eight would be better.

Mrs. Lane – That would be two feet over from what she's asking for now.

Mr. Baldin – Yes, two feet over.

Mr. De Hoff - Mr. Chairman?

Mr. Evans - Mr. De Hoff?

Mr. De Hoff – I would like to ask the applicant, this is an above ground pool. How far in the ground are you putting it? You leveled in a circle to set the pool to make it level. How far below the finish grade did you dig? Are you a foot, six inches, a couple of inches or...

Ms. Uffman – I honestly can't give you an exact. I'm not sure. It will not be a foot, no. I don't even think it would be six inches.

Mr. De Hoff – Because the code does say the side of the pool can be the barrier. You don't need a fence as long as you're forty eight inches above finish grade. Most of the above ground pools fit that criteria. If you're forty eight inches above finish grade, the fence is a moot point. You don't need one. Just for your own convenience. That's all it would be for. I just wanted to point that out.

Mr. Evans – But it does need to be a minimum of forty eight so if it's set into the ground and it's a forty eight in wall, we would not have that.

Mr. De Hoff – Because the side of the pool would maintain as the barrier.

Mr. Evans – I do know it is a fifty two inch wall.

Mr. De Hoff – Most of them are now. The new ones are fifty two inches. That's why I asked you. But if you bury it a couple of feet into the ground, if you have a high spot and level it, then on one side you could be actually three feet into the ground and one side you could be on the ground so that's when you would have to put a fence around it.

LISA UFFMAN, OWNER, Cont'd

Mr. Baldin – I would say that what is excavated there right now from your level grade where the grass is, that you're probably down about twenty inches. I would say she's down about twenty inches Fred.

Mrs. Lane – From your upper level. She has a tiered yard.

Mr. Baldin – From your upper level.

Mrs. Lane – What do you determine it from Fred when there is a tiered yard? Patio is on one level, the grass is up the hill.

Mr. Evans – The grade the pool is set in.

Mr. Harr – The grade the pool is in I would believe.

Mrs. Lane – It's a piece of each.

Mr. Baldin – You've had that down there where you've got it graded.

Ms. Uffman – That's going to be built up some. Correct.

Mr. Baldin – I have no further questions.

Mr. Harr - Mr. Chairman? Ms. Uffman, is diminishing the variance request something that you can work with? Do you think that the pool will fit in there if we were to change the request?

Ms. Uffman – To change the request by the two feet, I can move the pool two feet north.

Mr. Harr – So, this would become a seven foot side yard setback variance and an eight foot setback.

Dr. Goist - Mr. Chairman? Would you like to entertain a motion?

Mr. Evans – I certainly would.

Dr. Goist – I move that we approve a 7' Side Yard Setback variance from Zoning Code Section 1252.29 which requires a 15' Side Yard Setback and where an 8' Side Yard Setback is proposed in order to install an Above Ground Swimming Pool; property located at 17691 Ash Drive PPN 394-23-027 Zoned R1-75 contingent on a site plan prepared by registered engineer or surveyor showing existing and proposed elevation should be submitted prior to issuing any permits.

LISA UFFMAN, OWNER, Cont'd

Mr. Harr – Second.

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

ROLL CALL: ALL AYES MOTION CARRIED

Mr. Evans – Thank you. The variance has been granted. There is a twenty day waiting period. I would suggest that you use that time to get the engineering taken care of or a surveyor and at the end of the twenty days, you will be notified by the Building Department. That's a time period for City Council to review the variance and they will inform you when that period is up and you would need to wait until that time to begin any construction and installation of the pool.

Ms. Uffman – Very good. Thank you. Item number three on the agenda is The Ravines, John Behra, Boyer Sign, representative. If you'll please come forward to the microphone, we'll need your name and address for the record. If you will please describe, again, the nature of the request for the variance for us.

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative

- a) **Requesting a variance of one (1) tenant panel from Zoning Code Section 1272.12 (i) which allows two (2) tenant panels and where three (3) tenant panels are proposed in order to install a Ground Sign and;**
- b) **Requesting a 1' Height variance from Zoning Code Section 1272.12 (c) 2 which allows a 5' Height and were a 6' Height is proposed in order to install a Ground Sign; property located at 17970-17986 Royalton Road PPN 396-12-001 Zoned General Business.**

Mr. Behra – My name is John Behra. I work with Boyer Signs. My address is 1020 White Avenue in Aurora, Ohio. We're basically asking for two variances for our ground sign at The Ravines. The one is for an additional tenant panel. At the present time, your code reads two tenant panels on a ground sign. We're asking for a third additional one. We're asking for a variance for the height. At the present time, your code reads five foot maximum height. We're asking for a six foot height on the ground sign.

Mr. Evans – Thank you. I do want to interject at this point that we did request the Engineering Department take a look at this. We have a report dated May 23, 2006 from Lori Daley that indicated the review of the location for the proposed sign did determine there was no interference with sight lines and that is something that we wanted to make sure we put in the record here this evening. Members of the board, do you have questions for the applicant?

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Baldin - Mr. Chairman? Maybe I'm missing something here but to request a variance of one tenant panel from Zoning Code Section blah, blah, blah which allows two tenant panels and where three tenant panels are proposed but we're looking at what he seems to be proposing here is five panels. There is something wrong here or am I missing something.

Mr. Behra – The reason why we are saying three panels is that the top panel there where it says The Ravines is identifying the shopping center itself. Then you have the three tenant panels, each identifying a store at the shopping center. Then the bottom panel there you have the address. I'm not sure but what I understand of the code I think you're allowed to have the address on the sign.

Mr. Baldin – Yes you are.

Mr. Evans – Basically, Mr. Baldin, because you were not at the last meeting, the original drawings that were prepared did sort of seem to have additional panel space on them. The revised drawings that we received May 15, 2006, which we already did receive copies of, there is The Ravines identified at the top, Be Beautiful, David's Bridal, After Hours, which are the three panels for tenants and then the address at the bottom. That has been reduced from what had originally presented, which was what we asked for at the May 10, 2006 meeting.

Mr. Baldin – Okay. So, they dropped the height from eight to six feet then?

Mr. Evans – Initially, we had a question as to whether or not it was intended to be a monument sign or a pylon sign. What they have determined is this to be a monument sign in which case they can have the width of six foot but no more than five foot in height from grade. At this point, with the base and the five panels including the address there it goes to a six foot above grade. That is what they're requesting the one foot variance for.

Mr. Baldin – Thank you.

Dr. Goist - Mr. Chairman? I would like to ask where the grade is measured from. I was there this evening before the meeting and there are no markings. It is not staked out. There was no way for us to be able to determine where the grade level was and also does it go up the hill because it was not marked, was my question. Second, at the eastern end of the property, there is a kind of a flat area there that is not part of the hill. Would you be willing to consider putting the sign more on that flat area, rather than in the middle in front of David's Bridal?

Mr. Evans - Dr. Goist, before we answer that, and I believe that Mr. Ritley is going to answer that, I just looked at the minutes. We did not ask that they mark out where the sign is to go. That is a mistake on my part because we normally do that. We did not ask them. We were concentrating on some other things I think at the last meeting I think and we failed to ask

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Evans, continued - that. That's the reason that was not there. Mr. Ritley, if you'll give us your name and address, I think that you wanted to address that.

Mr. Ritley – If I may? Roger Ritley. Business address is 23875 Commerce Park Road, Beachwood, Ohio. If I may, this is – if you have the graphic that shows – yes, you have that photograph. That is where the sign was proposed to be situated. It is approximately in the middle of the building so that it is balanced and we felt that it would give you the best site lines from both directions and that people would have the reaction time that they needed. It wouldn't be so far to the west that it would make people think that that driveway was not the proper entry point. With respect to the people coming from the west, heading east, that they would be able to see and have enough reaction time to make the movement into the turning lane, the center turning lane, to make the proper approach into the property. As we all know, we have heavy traffic volumes and we felt this would be the safest way to do it.

Dr. Goist – Respectfully, I would like to say that if you moved it to the east and a person were coming from the west, they are going to have even more reaction time. In coming from the east, going west, they still have plenty of time if it's right there and they know the driveway is there. If they see that sign and they want to turn, they may continue down and they can't get into the building. If it were further to the east – I was there tonight and I just kind of looked at it to say 'if it were right there I would know where to turn'.

Mr. Ritley – I can only take the advice of the people that are supposed to be the professionals in this area and one of the issues was that, and we looked at this, the architects have a table of letter sizes and reaction times to them and we try to find this balance point where the people that have to make the more concerned movement, and that would be the one going into the center turning lane, that they would be able to read the sign. If the letters are too small, the distance is too far then there's that problem. We wanted to get it a little closer to them so they could see what they needed to do. It's not perfect. You can't guarantee that everybody's eyesight is twenty/twenty but we felt that this was the right thing to do. I offer that to you as our important consideration in this matter. I agree with you. It would be nicer to have it a little further, if we could, to the east but we're trying to balance this out to make sure that that issue is dealt with. What I believe and what I was told is the more important issue. If the letter were bigger, we could probably push it down further because of the correlation with moving it to the east and increasing the size of the letters. I just defer to the experts on this.

Mr. Evans – The only comment that I would make to echo Dr. Goist is that I think at the last meeting we talked about the fact that if you are coming from the west and going eastbound, you see the building before you get to the driveway and the building, even though there is mounding out in front, the signage on the front is very eloquently done that it stands out and is very visible. Coming from the west and going east, you have the opportunity to see the building before you actually see the driveway. I think what Dr. Goist is suggesting, and again, I realize that you have talked to your experts on that, is that by putting the sign more to

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Evans continued - the east, it's the eastbound traffic which you have said sees the trees in front of Ceres and doesn't have the opportunity to see the building until they are right at the driveway. If you move that signage down, it might catch the attention of people and get them in that driveway before they over shoot and have to go in by Starbucks there and make a turn to come back.

Mr. Ritley – I would be more than happy to readdress the issue with the architect who deals with these sightlines and so on, and the sign company. I want the best possible thing we can have in the community. If I – I will do that. I will readdress that issue.

Mr. Evans – That doesn't necessarily have a bearing on our variance question here this evening and I'm sure the Architectural Review Board will also have their two cents to put in as well. We're all experts. That's why we're here.

Mr. Kolick – That's why we're addressing it. Depending on how far east he pushes it, he could be blocking some of the sightlines of cars coming out, which is the last thing that our Police Department want to do, depending on how far he pushes it. Our CPTED officer is going to be – they looked at it here and determined there is no sight line. If you start moving that to the east, they may say that there is a sight line, which could create a problem for customers coming out of there being able to see traffic.

Mr. Evans – There are balancing questions.

Mr. Ritley – Doctor, you were asking about where this sits. Where the sign is shown on that photograph, where the sign is superimposed, there is a very level area that goes back five feet that is a very accurate placement because we measured that out. I think I said that last time I was here. It would sit in that fashion. If we move it east, we will get into some slopes so we would have to be kind of careful about where it would go because we start bumping into this more pronounced topography that you see in the foreground. We'll take all of these things, the sightline and the visibility for traffic going in and out as well as this topography so we can stay within the bounds of the variance that we hope that you will grant tonight.

Mr. Evans - Mr. Baldin?

Mr. Baldin – Is it the request of the tenants to have this sign out in front so that – with their name on. They're very large on the building. It's very visible. You're pretty wide open. I would think that just a classy sign saying The Ravines would be more than enough.

Mr. Ritley – I would love to say life is that simple because it saves money and it does eliminate the clutter of signs. This is their lifeblood. The Be Beautiful folks are very concerned about their signage and if you think about it, they're the ones that are closest to all those evergreen trees that are in front of Ceres. When people are coming down the street,

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Ritley continued - there is a chance that their sign on the front of their store will be missed from the side of the building. In the wintertime, I don't think it's a problem for westbound traffic when all the trees have lost their leaves. I think westbound traffic is going to be okay regardless. It's just this eastbound situation and then all those months when you have foliage on the trees.

Mr. Baldin – Wouldn't you think that if someone is coming to that facility that they wanted to know what the address was, they know the name of the business, okay, and it's in The Ravines. All they have to look for is The Ravines. They know where they are going. I can't see where this is going to make that much - you know, the sign laws in this city have been discussed and digested and dissected for years. Right now, they're going back to City Council again for some changes. I think I read something in the minutes there Mr. Kolick that you have advised that about. Anyway, I have a problem with this sign. I think it's large. It says too much. I think After Hours is cluttered the way it's written there. If that's the type of lettering that they are going to use and even the logo. But that's...

Mr. Ritley – I would like to respond to that because I think I can offer you some thoughts on this. First of all, John, and he can speak for himself will tell you is, I can tell you, I can testify to you that I have gotten calls from Be Beautiful who want to know when the sign was going to be up and they were the ones who have been on my back about it. David's Bridal is delighted that they are going to have a sign there. Any merchant is going to want signs but the motivation for Be Beautiful that they feel is very necessary to their business, given their location, in this small center and those sightlines that they have for the traffic that is westbound. With respect to the character of each on of these company logos, these are registered trademarks and, Mr. Kolick can give you advice on it, but there's nothing I can do about their registered trademark on a sign face. That is, as I understand it. Mr. Kolick, please help me with this. I believe that is something that has been tested in the courts with respect to signage. If they have the right to a sign then they have the right to their registered trademark sign.

Mrs. Lane – I think part of what Mr. Baldin was saying in terms of effectiveness with signage, if you look at this presentation that you gave us, you can read David's Bridal. You can read Be Beautiful; you can't unscramble After Hours Formalwear. I think that's kind of what we're saying if this is an appropriate rendering. I also understand that this is what's on the building. They are just reproducing their sign face. I think we're just saying it's not very readable. If we look at this.

Mr. Ritley – I agree with you with the After Hours' sign. That was very interesting because that is slightly deceptive. I don't know whether John wants to explain that or not but it's a technical issue. The After Hours lettering is white when it is lit at night and it's dark in the daytime and it is a newer technology. I guess they have been using it for the past whatever.

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Behra – It's called back light vinyl.

Mr. Ritley – Right. It will read much more clearly than this shows it at nighttime when those are illuminated backlit. These are all cut into the face of the metal so that it's all illuminated from the back. They are a very crisp sign design. With respect to the sign, again, this is something that, again, you have to have the letters a certain size to make them visible from the proper distance. This is what was done. I want to have a safe operation at that center. I don't want people seeing a sign and then doing a sudden movement. It's not a healthy thing to do.

Mrs. Lane – I guess my next question then would be, Mr. Kolick, are you allowed six colors on one sign. Corporate logo or not?

Mr. Kolick – The colors will have to up to the Architectural Review Board. We don't set that in the Law Department nor does the codes set that. The Architectural Review Board does and they will need, if you grant this, they will need to return to the Architectural Review Board for approval. They'll look at any type of emblems on it. They'll look at whether it's backlit or lights in front. They'll look at color schemes on it. They'll look at all those items.

Mr. Ritley – If I may, the base of the sign, the masonry base, the background color and then the top color, those are all colors that are repeated in the shopping center building itself. They are the ones that pull you back into the architecture of the mass of the building and make this a related element in the shopping center.

Mr. Evans – Based on Mr. Kolick's comment I want to remind the board that our approach for the variance here is the height and the number of panels on it. We really should not necessarily be worrying about whether or not the sign is readable and the colors and those types of things. Those are really outside of our purview.

Mrs. Lane – It is still our choice to ask those questions is it not?

Mr. Evans – Yes, I'm just suggesting that we not spend a great deal of time on that this evening. Other questions from members of the board?

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – I would ask the applicant if they have considered, acknowledging the fact that we've lowered the overall height of the sign, but whether there is an opportunity to keep the sign within the five feet by potentially diminishing, and I understand aesthetically you're trying to keep those panels of equal size. By diminishing the address area or perhaps putting

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Harr continued - it on the face of the sign that faces Roylton Road there or the cap, in some fashion, to keep the overall sign height within the five foot.

Mr. Ritley – We could take the panel where the street numbers are shown and we would like to show all of them so we would have no confusion about where people are going. Then drop those down a couple of inches on each side. Top and bottom I should say. Then that would create a thinner element at the bottom of the sign. I'm a little – pardon me – and then perhaps even go back to the same color that's on the top, which we would have prepared by the time we got to the Architectural Review Board. In other words, where it says The Ravines on the top we would put that block down at the bottom and change that element so that it was part of the base – do you see the little green, the dark green strip at the bottom. We would put that element into it. I don't know whether we would get twelve inches out of there but we could try very hard to get very close to that. I think we would be able to pull six inches and then another couple of inches out of there. What is that? About two on the top. The letters are six inches on The Ravines and then it looks like there's probably about, what would you say John, about nine inches to ten inches on that top band. If we picked up a couple of inches at the bottom and then take a couple of inches out of this other portion of this, it would be two and one half. Well, there it is, two.

Mrs. Lane – I think we would like the address reduced in size in some sort of way. That would be helpful.

Mr. Ritley – We could do that. I don't have a problem with it. I don't think from an architectural standpoint that anybody is going to climb down my throat if I said that tonight, but I think that will work. We could pull about five or four inches out of this to get it, so it's scaled down. That would be two inches at the bottom and then approximately another two and one half, three inches or so out of the top. That is five inches.

Mr. Behra – (unintelligible).

Mr. Ritley – Well then we reduce the size of the numbers though. I'm a little bit concerned about that.

Mr. Evans – I'm not sure that we would want to necessarily reduce the size of the address numbers. I think that perhaps even losing a course of the brick and maybe reducing the size of The Ravines. What I think that we would probably like to do is encourage you to get within – to eliminate the variance on the height. Part of the reason – we appreciate you going back and redoing things as you do and at the time, we talked about the pylon versus the monument and everything. Again, your choice was to go monument in order to get the logos in, in their full entirety and we recognize that. One of the things that we have to deal with, as well, we look at changing the number of panels because we have requested City Council to do that and we know that we feel comfortable at doing that variance. At this point, the overall

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Evans continued - height is a different matter, where we have tried to contain the rest of the signs in the city at that five foot height and that to us would be one of the things that, again, given the signage that you've got on the front of the building for identification purposes, we would try and encourage you to think in terms of getting this down within the five foot overall height as opposed to doing a variance on the height. Obviously, some of the things that you have suggested that it may be that instead of eleven and one half, you go to eleven inch letters and, again, half by half and inch by inch continuing to maximize the visibility. We agree with you. We don't want to put a sign up that isn't readable and that's one of the reasons that City Council originally limited the number of panels but I think that we would try to encourage you to think that way.

Mr. Ritley – I was just saying I'm a little bit concerned about having enough balance in the sign so that as, if you will, a piece of architecture, even though we don't want to talk about signs that way, that it does have some aesthetic to itself. We don't want to see a man standing out in front with too small of a hat on his head. It wouldn't look good. What I think where we might be able to do something is with the base, I want to make sure that that is okay in terms of the snow piling up and so on. We don't want to have a problem there but...

Mrs. Lane – I was going to ask you, is that going to be landscaped or not?

Mr. Ritley – This will sit on the grass. The landscape beds are immediately behind it. You haven't even begun to see what we're going to do with the landscaping there because we wanted to let the ground settle and everything start to mature just a little bit with the shrubs. Then we're going back in and you'll see a lot more planting so it's going to be a sumptuous looking place out there.

Mrs. Lane – You always do a wonderful job on that. We do know that. It's always been an asset to the community.

Mr. Ritley - Thank you. Thank you. I appreciate you saying that. Let's say that we can get this, a smidge here, a smidge there and we get this down so that we've got a foot out of this. Then we will not ask for that variance tonight. If we could just get our three panels approved tonight and we'll sit down with the architects and the sign designers and we'll get this worked out. I realize that everybody is trying to do a good job for the community.

Mr. Evans – We appreciate your willingness to work with us. That's what we try and do is to work out so that we get the best for everybody and make it work. Other questions or comments from board members? Then at this point, what I'm understanding is that you would be willing to forego item b) in working out on your side, the design of the sign then so that we can stay within the maximum height. The only thing that we would be requesting then is the variance for the number of panels.

THE RAVINES, OWNER/John Behra, Boyer Sign, Representative, Cont'd

Mr. Evans continued - speak right into that microphone with your name and address and remind us of the request for the variance here.

MARIA GARDENS, OWNER/John Reyes, Representative

- a) **Requesting a variance from Zoning Code Section 1274.06 which prohibits the enlargement of a non-conforming use where the applicant is proposing to add a parking area to the east side of the structure; property located at 20465 Royalton Road PPN 393-16-001 Zoned R1-75.**
- b) **Requesting a 5' Side Yard Setback variance from Zoning Code Section 1258.11 which requires a 10' Side Yard Setback and where a 5' Side Yard Setback is proposed abutting a Residential District in order to add a parking area to the east side of the structure; property located at 20465 Royalton Road PPN 393-16-001 Zoned R1-75.**

Mr. Reyes – Thank you. My name is John Reyes. I reside at 216 Montana Avenue. Lorain, Ohio. I am representing Mr. Stopper, owner of Maria Gardens and what we're requesting tonight part a) is a variance from the non-conforming use to add an additional parking area to this non-conforming use. Secondly, we are also asking for a five foot side yard setback variance where it is required to have a five foot setback, I'm sorry a ten foot setback. We are requiring five.

Mr. Evans – Proposing five. Right. Okay. Members of the board, questions or comments?

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – In the previous presentation and also, in caucus, we talked a little bit about the possibility of moving some of those parking spaces to reside on what would be the westerly side of this proposed area along the building and you had indicated that that may cause some problems for future expansion. I just wondered if you could elaborate on that again for me, for the record.

Mr. Reyes – After our last meeting, I had met with the owner and discussed these other options of this parking and the setback issue and the comment from the owner was that expanding in that direction or along that westerly side would hamper his future expansion of those existing greenhouses that are presently there right now.

Mr. Harr – He intends to maybe expand those a little bit to the east or in the case of the two that are further back on the property to the north.

MARIA GARDENS, OWNER/John Reyes, Representative, Cont'd

Mr. Reyes – Correct.

Mr. Harr – I have no other questions. Thank you.

Mr. Evans – We noted at the last meeting that there is a fence in place. The fence is intending to remain and does partition that area along the easterly border of the property there. There is not going to be any change to the fence. That's going to remain as it is. Is that correct?

Mr. Reyes – That is correct.

Mr. Baldin – Who owns that fence?

Mr. Reyes – I'm not sure, to be honest with you. I can't truthfully tell you. I believe it belongs to the Stoppers. That same fence does go down along the whole eastern side there and there is a like fence on the western side of the property. My assumption is that it's the Maria Gardens'.

Mrs. Lane – I think that he installed that when he expanded the last time. With my memory. I remember the fence going in, being installed.

Mr. Reyes – Our last expansion was a few months ago with the building addition going on.

Mr. Baldin – That was prior to that.

Mr. Reyes – Prior to that. Okay. Yes.

Mr. Baldin – No further questions.

Mr. Evans – Okay. Mr. Reyes, we'll give you a moment here. Is there anybody in the audience here this evening who wishes to speak for the variance request? For the variance? If you'll come forward sir?

Mr. Ward - I'm not really sure if it's for or against.

Mr. Evans – Okay. That's all right. If you'll come forward we'll need your name and address and if you'll speak right into the microphone.

Mr. Ward – My name is Dave Ward. I live right next to Maria Gardens at 20431 Royalton Road.

Mr. Evans – That would be on the east side.

MARIA GARDENS, OWNER/John Reyes, Representative, Cont'd

Mr. Ward – On the east side, yes. Actually, the fence is kind of shared. I put up half of it and they put up an existing fence before I moved in.

Mr. Evans – Okay.

Mr. Ward – I moved in in 1992. I really like what they have done to Maria Gardens. My only question or concern was the drainage in the parking lot. In the past, we've had some drainage off onto my property and seen four inches of water, which I have talked to Mr. Stopper about and they took care of some of it. I know that they're supposed to have curbing on asphalt parking lots. I just wanted to make sure they were going to have some curbing on there so I don't get flooded out again. We've have some bad winters and that's some of the problem but I hate seeing over four inches of water up against my trees.

Mr. Evans – Excellent question. Mr. De Hoff, would you care to respond for us and in the meantime I will also hand Mr. Baldin this package of material, which, Mr. Baldin, if you'll hand forward to the speaker there. You may want to have a copy there of the diagram which does show a drainage plan on it, which I think we'll ask Mr. De Hoff as the Building Department.

Mr. De Hoff – They haven't had their final paving over there and I can point that out to the Engineering Department. Tom Painter checks that pretty good. I will mention to him about the curbing. They'll follow through with that.

Mr. Evans – Thank you.

Mrs. Lane – Are those the two drains in this drawing that we're looking at?

Mr. Reyes – There is a new drain that would be on the westerly side of the parking area and what I'm showing Dave on page sp2.4 is, basically, kind of a grading plan with arrows indicating a direction of water movement on the parking and we're showing that it is moving away from his property to the west of that catch basin in the southwest corner. I think you're correct. There are curbs.

Mr. Evans – Right. Also, Mr. De Hoff said that he would make sure that that's pointed out to the Engineering Department so that they would keep an eye on that as the construction takes place. Other than asking that question, is that the only question that you had?

Mr. Ward – The only thing I have to mention is the improvement of the property is fantastic. It's a joy to look over there now. Even the lighting has improved. We had some lighting issues, which were not really issues. You close the blinds, it was fine. Other than that, I have no problems.

MARIA GARDENS, OWNER/John Reyes, Representative, Cont'd

Mr. Evans – We have a motion and a second to reconsider the determination of May 10, 2006, the Board of Building Code and Zoning Appeals. May we have a roll call please?

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans – Then at this point, Mr. Gray, I would ask you to give us your name and address for the record and you are here then requesting an additional variance which we reviewed two of them and acted on those at our May 10, 2006 meeting. If you will, name and address and then the additional request that you are making then this evening.

SCOTT GRAY, OWNER

Reconsideration of the determination of May 10, 2006 of the Board of Zoning and Building Code Appeals:

- 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 (APPROVED MAY 10, 2006) 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 (APPROVED MAY 10, 2006) and;**
- c) **Requesting a 55' Lot Width variance from Zoning Code Section 1252.05 (g) which requires a 75' Lot Width and where a 20' Lot Width is proposed in order to split and consolidate parcels 398-15-004 and 398-15-054; property located at 15305 Forest Park Avenue PPN 398-15-004 Zoned R1-75.**

Mr. Gray – My name is Scott Gray. 15307 Forest Park Drive. I am requesting an additional variance, fifty five foot lot variance where a twenty foot lot width is proposed in order to split and consolidate parcels 398-15-004 and 398-15054 property located at 15305 Forest Park Avenue.

Mr. Evans – Thank you Mr. Gray. Questions from board members? While you're thinking of questions, I'm going to ask Mr. Kolick to spend thirty seconds and review the reason that we are looking at this in terms of the way the code reads in the particular situation.

SCOTT GRAY, OWNER, Cont'd

Mr. Kolick - Mr. Chairman? You'll recall at the last meeting, unfortunately, Mr. Gray was not here. He had a representative from the construction company and I believe his wife was here that evening and the question came from the board, if he had any problem consolidating his back lot with his front lot and their answer was no. You acted on it in that regard. When Mr. Gray found that out from his wife and the contractor, he said that ran contrary to his plans, which was to develop that lot in front as a separate lot. Upon him contacting my office and asking me what other recourse he had, I mentioned that he could come back to the board and request your reconsideration. Now the variance here would be that, as you know, all lots, and the reason that you asked him to consolidate it last time, is all lots that are going to have any new construction on them are required an excess of a dedicated right-of-way. This lot as it currently sits now does not have access on a dedicated right-of-way. By granting this variance, you would at least have a twenty foot access on to the dedicated right-of-way onto Forest Park, which would give a sufficient width to put the hard surface driveway, which you require that he have, back to the back lot. The good thing I guess in this particular case is although many of the lots are seventy five feet, the one he is cutting off on is ninety five feet. The one he is cutting it off from, even losing this twenty feet, would still meet the zoning requirements in R1-75. It wouldn't make it a substandard lot. That's the reason he is here. The fifty five relates to his lot in the back because it only has twenty feet on a dedicated right-of-way. That's the fifty five foot lot width variance. Thank you.

Mrs. Lane - I do have a question. Has the Forest Park Homeowners Association been notified of this?

Mr. Gray - No, they have not.

Mr. Evans - Mr. Kolick, this particular - the two lots that we looked at last time, neither one of those lots which we talked about combining were in Forest Park. Is that correct?

Mr. Kolick - I don't think that is correct. The back lot where he is having the construction done is not part, as I understand, of Forest Park. I believe the front lot where he is cutting it off from that will wind up with seventy five foot frontage, I believe, that's part of Forest Park. Maybe Mr. Gray can answer that.

Mr. Gray - The back lot defiantly is not part of Forest Park. The front lot I would say probably is. Forest Park right now is in a little bit of upheaval. We, until last night, actually did not have a full board of trustees. We had an emergency meeting last night, of which I also missed. I was out of town. I apologize for not being here at the last meeting. Someone has to pay the bills. I was away on business. The Architectural Review Board chairman, Ed Oliveros, has looked at this, and he is all in favor of it, quite honestly. Not only is it a nice, nice lot but Forest Park can use the additional revenue, quite honestly. It's a small development. That would be the initial revenue provided as well as the ongoing yearly

SCOTT GRAY, OWNER, Cont'd

Mr. Gray continued - assessments. I've spoken with Mike Daymut and he thinks it would be an addition to the neighborhood. There really shouldn't be any problem.

Mrs. Lane – I have one concern and maybe you could address this better than anyone. As this lot is divided and you have a driveway driving through, it's like driving through somebody's yard. Right now, it's next to yours because you live next to it. It's going back and there is a huge yard there so it's not very noticeable. I'm wondering if there is something that you need to screen in some of the drive as you put this in. I'm just asking very seriously. You live next door. What would it look like if there was a house there and...

Mr. Gray – That's fine and I've lived next door for sixteen years. Quite honestly, I don't even know that driveway is there. I really don't. If you've noticed, we talked about it in caucus a little bit, the driveway on this lot in question would actually be on the east side of the lot. You would still have a driveway every eighty or ninety feet or so.

Mr. Evans – Other questions from board members?

Mr. Baldin – I don't have any questions. I did go out to see the property. I apologize for not being here before. You do have a nice piece of property there and I appreciate the way you're going to build that out building. You're going to keep everything architecturally symmetric together between the house and the building and I understand that you do plan to put a hard surface drive all the way back. Apparently, they are giving you a year's time to do that. I think it's a very nice piece of property.

Mr. Gray – I appreciate that and I am going to a great expense and time here to build as nice a garage as I can to match the existing house and I really think - I've been living in front of this piece of property for fifteen years and I've admired it and it needs a little bit of upgrading and right now, which I plan on doing, enhancing the entire neighborhood.

Mr. Baldin – One other point I might make, on this vacant lot that would be a separate piece there, there's a stand of trees, etc. behind that lot.

Mr. Gray – Right.

Mr. Baldin – Is that on your property or will that be on that lot property?

Mr. Gray – I would say seventy five percent of that – that actually acts as a natural screen.

Mr. Baldin – Right. That's what I'm saying. That probably should stay there.

Mr. Gray – About seventy five percent of that would be, actually, on my lot.

SCOTT GRAY, OWNER, Cont'd

Mr. Baldin – So you're planning on leaving it there?

Mr. Gray – Oh yes. I'm not going to develop it. The last thing I would do is tear it down.

Mr. Baldin – Good. No further questions.

Mr. Kolick - Mr. Chairman? I would just suggest that if the board is acting on this tonight, the board will impose the same conditions as you did last time. He would still need to go to the Planning Commission and submit a plat that could be approved by the Planning Commission if you would approve this tonight and it would be a different plat than we were talking about last week. He still needs to have his engineer draw a plat, place it before the Planning Commission, which was one of the conditions that you imposed last time and it would be an appropriate condition to impose tonight. Obviously, it will just show twenty foot frontage as opposed to being a lot consolidation. Thank you.

Mr. Evans – Thank you Mr. Kolick.

Mr. Gray – Can you explain exactly what is involved? Is it just having it surveyed or...

Mr. Kolick – If your engineer gets a hold of the City Engineering Department but your engineer or your surveyor has to draw up a consolidation and a split plat and they can explain to them exactly what he needs. You need to be placed on the Planning Commission agenda.

Mr. Evans – A split would have to be approved by the Planning Commission.

Mr. Kolick – Right. Right now, they can't approve the split because it doesn't meet the zoning code. If you would grant this variance, they would be in a position then to grant the split and consolidation is really what it is. Thank you.

Mr. Evans – Thank you Mr. Kolick. Anything further from board members? Then I would entertain a motion.

Mr. Harr - Mr. Chairman? I would make a motion that a request for 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 (APPROVED MAY 10, 2006) and a request for 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 (APPROVED MAY 10, 2006) and a request that a 55' Lot Width variance from Zoning Code Section 1252.05 (g) which requires a 75' Lot Width and where a 20' Lot Width is proposed in order to split and consolidate parcels 398-15-004 and 398-15-054; property

Minutes

Board of Zoning and Building Code Appeals

May 24, 2006

Page 31 of 31

located at 15305 Forest Park Avenue PPN 398-15-004 Zoned R1-75 subject to the installation of an acceptable hard surface driveway to the point of use, by May 10, 2007,

SCOTT GRAY, OWNER, Cont'd

Mr. Harr continued - subject to the submission of a plat consolidation and subsequent split plat for consideration to the Planning Commission on permanent parcel numbers 398-15-004 and 398-15-054, that no livable area be constructed within the second story of the structure and that no additional out buildings or garages be built on the site, be approved.

Dr. Goist – Second.

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

ROLL CALL:

ALL AYES:

MOTION CARRIED

Mr. Evans – Thank you. The variances have been approved. That is subject to the twenty day waiting period during which time City Council has the ability to review the decision. You will be notified by the Building Department at the conclusion of that twenty days. In the meantime, you can go forward with an engineer or a surveyor or whoever to prepare the documents you'll need to go to Planning Commission after the expiration of the twenty days.

Mr. Gray – Okay. Thank you.

Mr. Evans – Thank you. Is there any other business to come before the board this evening? Hearing none then we will stand adjourned.

Meeting adjourned at 9:20 p.m.

Signature on file

Kenneth D. Evans, Chairman

Signature on file

Kathryn Zamrzla, Secretary

June 14, 2006

Approval date