

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

September 27, 2006

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

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

Also Present: Mr. Kolick, Asst. Law Director
Mrs. Zamrzla, Recording Secretary

Mr. Evans – Good evening. I'd like to call the September 27, 2006 meeting of the Strongsville Board of Zoning and Building Code Appeals meeting to order. May we have a roll call please?

ROLL CALL: ALL PRESENT EXCEPT MR. HARR

Mr. Baldin – I'd like to make a motion to excuse Mr. Harr for just cause.

Dr. Goist – Second.

Mr. Evans – We have a motion and a second to excuse Mr. Harr for just cause. May I have a roll call please?

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans - Thank you. We have before us this evening an amended agenda. I would like to ask for a motion to approve the amended agenda.

Dr. Goist – So moved.

Mrs. Lane – Second.

Mr. Evans – We have a motion and a second to approve the amended agenda for the September 27, 2006 meeting. May we have a roll call please?

ROLL CALL: ALL AYES: MOTION CARRIED

1) **DALIP BHATIA, OWNER, Cont'd**

Mr. Bhatia – We have been living in this house for the last sixteen years and we really love the neighborhood and we love the City of Strongsville and my son, who has just graduated from college wants to continue living with us and we need some more room for the family. Besides that, we do have a family room but some extra space is really necessary and that is why I'm requesting the additional sunroom and we can also enjoy the wintertime when there is a lot of snow around and we cannot go out.

Mr. Evans – Okay. Am I not correct that there is some work being done in the house now. Renovation work because there was a fire and so this has caused the timing to make it a good time to do the work?

Mr. Bhatia – That is correct.

Mr. Evans – Questions from board members?

Mr. Baldin - Mr. Chairman? Sir, did you say that you're going to push it out toward the back, right? Off the kitchen?

Mr. Bhatia – Yes.

Mr. Baldin – Okay. You're going to push this back off the kitchen and you're going to remove the existing deck that's there and this is going to be a two-story addition?

Mr. Bhatia – No. This will be a single story.

Mr. Baldin – Single story addition and it's going to be a sunroom?

Mr. Bhatia – Yes.

Mr. Baldin – How many bedrooms do you have in this house now?

Mr. Bhatia – It's four bedrooms and we are combining two to make it one large bedroom for my son.

Mr. Evans – Any other questions? While you may be looking at the drawings, Mr. Bhatia, you are part of the High Point Homeowners Association and you have delivered this evening a letter from the association that indicates that they have no objection to the variance. We have that on record. You will, also, need to mark where the sunroom extension would be. Have your contractor, or whoever, put in a couple of stakes out there so that we would know where the sunroom is proposed out of the back because we will be coming to visit that and you would, also, want to be talking to your neighbors to let them know because between now and October 11, 2006 we will be notifying neighbors that you have requested a variance and

1) **DALIP BHATIA, OWNER, Cont'd**

Mr. Evans continues - the letter that goes to them is going to be not very informational about what it is that you're doing. It's just going to indicate the request for the variance. So, you'll want to describe to them what it is that you're doing so that they will hear it first from you. That way, if they have any concerns they can address them with you.

Mr. Bhatia – So noted. The stakes –

Mrs. Lane – You might especially remember to talk to your back yard neighbor if you know them.

Mr. Bhatia –I don't know them but I will definitely make it to visit them and explain to them what we are making. That is the plan. At what point do we need have those stakes –

Mr. Evans – Some time in the next couple of days because we will be out there some time in the next week or so before the October 11, 2006 meeting date. Any other questions? Okay, then October 11, 2006 is the next meeting that we have so that will be the date set for the public hearing and we'll invite you to come back at that time and we will act on the request for the variance as well as having the public hearing then, that night.

Mr. Bhatia – Do I have a good chance of getting it approved or –

Mr. Evans – We don't express any opinions on requests for variances or anything. The board has turned down variance requests and we have granted variance requests in the past. So, this one will be judged according to it's own merits. We will be out to take a look at it. Obviously, if any neighbors had any objection to it we would be inclined to listen to those objections. That's why we indicate to you that you should go and talk to neighbors first because if your neighbors all don't want it then, at that point, it would make it very difficult to approve the variance over their objections. So, that's why we encourage you to go talk to them and let them know what it is that you're planning.

Mrs. Lane – If you show them the plans and explain it to them it removes so many questions. Usually people are surprised when they get a notice from us. So, that will help them understand.

Mr. Bhatia – Okay.

Mr. Evans – So, that's why we advise you to get to them before we send the notice out.

Mr. Bhatia – Okay.

Mr. Evans – Any other questions or anything? Okay. Then we'll see you back here on October 11, 2006 then.

1) **DALIP BHATIA, OWNER, Cont'd**

Mr. Bhatia – Thank you. Item number 2 on our agenda is Landmark Garden and Landscape. Anthony Cerny, representative. If you'll come forward to the microphone, we'll need your name and address please for the record.

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative**

- a) **Requesting a 60' Front Yard Building Setback variance from Zoning Code Section 1262.07 which requires a 125' Front Yard Setback and where a 65' Front Yard Setback is proposed and;**
- b) **Requesting a 20' North Side Yard Building Setback variance from Zoning Code Section 1262.07 which requires a 25' North Side Yard Setback abutting a non-residential district and where a 5' North Side Yard Setback is proposed and;**
- c) **Requesting a 10' Parking Setback variance from Zoning Code Section 1262.07 which requires a 10' Parking Setback abutting a northern non-residential district and where a 0' Parking Setback is proposed and;**
- d) **Requesting a 50' Rear Yard Building Setback variance from Zoning Code Section 1262.07 which requires a 50' Rear Yard Setback and where a 0' Rear Yard Setback is proposed and;**
- e) **Requesting a 50' Front Parking Setback variance from Zoning Code Section 1262.07 which requires a 50' Parking Setback from the right-of-way abutting a non-residential district and where a 0' Parking Setback is proposed in order to convert a former lumberyard into a Garden Center; property located at 12701 Prospect Road PPN 392-22-004 Zoned General Industrial.**

Mr. Cerny – Good evening. My name is Tony Cerny. I'm with Architectural Design Studios. Our address is 620 East Smith Road, Medina. We're here requesting variances for an existing building, basically. All the variances we're requesting, basically, address existing conditions on the old Cashway Lumber facility. The owners currently have a facility which is, basically, caddy cornered. The corner we're looking at is the northeast corner of Westwood and Prospect. They currently have a landscaping garden center on the southwest corner that they intend to move across to this new site. As part of the work that we're proposing, if we move in there, is we're, basically, going to reuse the existing showroom that has been used by the lumberyard in the past. That will become their new showroom. The warehouse area will house some of the stuff that they warehouse but they will also be renting part of it out to some of the other manufactures that manufacture currently in the area down the street. We're making significant improvements, or proposing significant improvements to the building. Completely providing a new façade to it making structural corrections to the building that have been neglected over the years. New electrical, new mechanical systems, putting in a fire alarm system, so we're doing quite a few upgrades to improve the safety of that existing facility

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Cerny continues - that's there now. They have gone to the extent of removing some of the buildings that are currently in violation or encroaching upon that setback, non-conforming, so all we're really asking for is the ability to move a business that is pretty similar to what was already there into a facility that is currently existing. It's a non-conforming in many respects but we're not doing anything to really increase that non-conformance.

Mr. Evans – Okay. I know I'm going to ask the question – is Landmark going to own the property or are they going to lease that from the current owner?

Mr. Cerny – No, I don't think Landmark as a company but Gary is going to own the building. The owner of Landmark will own the building. He'll be leasing it to his own company but it will be owned by the same person. The company and the building will be owned by the same person.

Mr. Baldin – Property and the building -

Mr. Cerny - Yes.

Mr. Baldin - or just the building?

Mr. Evans – You mentioned all of the electrical work and fire alarm system and everything. Is there going to be a fire suppression system, sprinkler system in the building?

Mr. Cerny – No, we're not proposing the addition of a fire suppression system. I've reviewed the overall proposals with the building department and while, technically, a – neither a suppression or a fire alarm system will be required in the building. The Building Commissioner has asked for us to put in a fire alarm just because of the size of the building itself. The owners have agreed to do that.

Mr. Evans – Okay because, again, in caucus we talked about the accessibility for fire equipment. You've only got one way back into the back and, at this point, what occurs to me is that, as we discussed in caucus there, there is not a lot of room and a lot of traffic proposed but even more than that the use of storage of things in a warehouse and everything else, in my mind it sets up concerns about accessibility for fire equipment.

Mr. Cerny – Yes, I guess when you look at the plan it appears there's only one way in but in the reality of the site, because of the railroad track being there, in the past the lumber yard has made use of not only happened to having a building on their property but the right of the way of the railroad has, basically, become a drive. There is the ability to actually access that site in the case of an emergency right off of Westwood Drive back behind those bins that

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Cerny continues - we're proposing to install. So, there is multiple ways for a fire truck to get back there if there was an emergency that they had to find.

Mr. Evans – Okay.

Mr. Kolick - Mr. Chairman? If I could on that. At the Planning Commission meeting, I know our Fire Department, although they may prefer to have something different, they did think that this would be sufficient and meet all of our fire codes as proposed. I think part of their thought process was the old use with the lumberyard there created more of a hazard than what they're going to be bringing in with their new use frankly. So, I think the Fire Department was happy to hear that it was going to be monitored anyway and they seem to be okay. Although, even if they receive a variance here, it would still need to go back before Planning Commission and they would have to get the Fire Department to sign off, which they are aware of. At least preliminarily, they did not seem to have any problems with it meeting the code.

Mr. Evans – I appreciate that. The reason for my asking is that often times when we have a variance request and we have a stone driveway we make people come up to code and install a hard surface. The Cashway Lumber Yard had been there long before the code had been in place and changing the use of it and doing the types of things that the applicant is talking about, it occurs to me that it really becomes a good time to move that.

Mr. Cerny – It's my understanding that we are going to be required to pave our portion in the back, which is currently stone. So, that's intended to occur. Also, the Fire Department has been out to the building several times, first to deal with the proposed propane sales and locating the tank. The tank is, basically, located where they have directed it to be located but they had some concerns because it is a wood framed structure and it was close to the property line. They went out and they reviewed it and they saw that the building next door by the lumberyard also has a building directly on it but that happens to be a masonry building. That gave them some relief because there is a masonry building. On top of that, we are going to go ahead and, even though it's a wood framed structure, we're going to add some fire protection in the form of some gypsum in the inside of that wall. So, we'll improve the fire integrity of that existing wall as well along the north side. So, it will be much closer to what would be required for a new building in that particular area.

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

Mr. Baldin – Yes, I do have a question. No fire suppression system but wouldn't you be storing or have fertilizers or combustible type materials. Fertilizer is as a word commonly known – some type of fertilizers were used in the coal mining business. They fertilized the holes they drilled to blow up the rock and so forth.

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Cerny – There are some fertilizers that, in the past, that have the capability of being explosive but those aren't readily available anymore and aren't sold through this location. Additionally, we will have a requirement through the Building Department to comply with the hazardous material limitations and the Building Code has very strict limitations on the quantity of hazardous materials that we can store in a building before we have to provide proper enclosure of it or before we have to provide fire suppression of those areas. So, within those limitations that the state has established, we'll have to conform with that. We'll be providing the Building Department with MSDS sheets, specifically identifying which products are being stored that would be considered high hazard and that would be both from the standpoint of fire, as well as health hazards because there may be some chemicals that would be considered health hazards and identifying the quantities of those that would be stored at any particular time on site.

Mr. Baldin – Okay. Another question. Lori Daley with the Engineering Department did say that there is question as whether there is enough room for turning radius and getting trucks or fire trucks back there. You said in caucus that you had done that with your own trucks and did some measuring etc. and so forth. Has anyone from the City been there at the same time when you people looked at this to see how much room you really have, since the City Engineering Department has questioned this?

Mr. Cerny – Well, the City Engineer, Lori, had expressed concern prior or at the Planning Commission initial meeting. We explained to her that we had gone through this and that seemed to alleviate her concerns but we have not had anybody from the City present when they have done these tests. Once again, I'll reiterate it, for Landmark it is extremely imperative that they are able to operate and move their trucks around the site. It makes no sense for them to do this and not be able to make use of it. I'm sure that - if the City would like to have a demonstration, I'm sure that they would be willing to set something up.

Mr. Baldin – Everything is well and good right now. You can drive back there because you knocked down some of the old buildings. It's wide open. There's a lot of open space. Once you start putting all these bins in here, an existing building here, you're branching this out, you're putting materials outside here, this out, you're restructuring, we're looking at this distance into here, which may be twenty, twenty one feet -

Mr. Cerny – When I indicated that we've tested with the trucks, we physically have marked on the ground where all these proposed structures are going to be. So, we're very concerned they can get a truck in there and maneuver it around. Once, again, as I had originally said before, we had a slightly different layout with the bins back there and we've made some adjustments to facilitate the ability to get trucks and service those bins based on some of that testing that they did.

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Baldin – So, you're looking for zero zoning here. If we turned you down on some of this zero zoning, you won't have any room to do any of that back here at all.

Mr. Cerny – Well, I guess the issue is if you turn us down on zero zoning we've got an existing building. That's the issue that has a zero setback requirement. What you're saying is, if you turn it down, it's that you're saying that they can't be in this facility. Basically, really if you say no, you're saying that nobody can be in this facility short of knocking down the building that's there. The setback issues that we're talking about affect virtually every façade of that building. There's a very small portion that is considered buildable if that site was stripped clean of all the buildings and that's what would have to happen. You would have to, basically, level the buildings that are there.

Mr. Baldin – It wouldn't be the first time that people would have to take the building down.

Mr. Cerny – I can appreciate that but I don't think that's going to happen here because the site is a very difficult site and -

Mr. Baldin – It is.

Mr. Cerny – and there's some value in the building. Maybe somebody would have value of that site and make use of it but they have a very limited area that they can build upon because that site is a pie shaped, very long, very shallow – the other thing is we're talking about setback issue against a right-of-way. A non-buildable lot. We're not talking about the fact that we're asking for a zero setback against another property owner. We're talking about the right-of-way of a railroad.

Mrs. Lane – I don't think that what you're talking about is just the non-conforming building. I think we recognize that things were kind of grandfathered there. I think what we have is a very high use upside area. That's what seems to be our concerns here. Trucks going through. People have to back in to get ten bags of mulch. People pulling forward. During high traffic periods there's not a – it doesn't seem like a good flow. Now maybe you can explain it better.

Mr. Cerny – I appreciate everything you're saying about that and what I'm going to point back to is the fact that this site – the ability to maneuver and function on this site is so much better than the current conditions that they're operating under. They're just looking forward to be on this location because they have such a difficult time doing anything in their current location. Right now, the parking is virtually right off the right-of-way. You almost have to back into Prospect to get out of the parking lot and then you have to drive through the gas islands to get to any of the material bins. They have just a real traffic nightmare where they're at where this is just going to be so much easier. I think the other thing is I don't think they're going to have as much traffic on site as you've been imagining. They talked about

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Cerny continues - maybe five trucks a week for deliveries. They'll have busy times during growing seasons on Saturday mornings. They'll have a fair amount of traffic. Otherwise, they have a very limited amount of traffic to the store. Most of the time that parking lot's going to be empty.

Dr. Goist - Mr. Chairman? Not to stop the applicant but the experience has been, what you said is true and I agree with what you've said but it's also true that when they have their high traffic areas, they don't have anywhere near, what I think, is the proper amount of parking. Even though the code may say you need thirty-two spaces and you're telling us you have thirty-four, when you get to your high traffic, high season area, as far as I'm concerned, looking at Maria Gardens and looking at Pettiti's, which are both in the same business, they don't have enough parking. One of the things you've done is brought the propane from across the street, which we talked about in caucus and we're saying your reason for bringing it over here is they don't have enough people kiddy corner to man that propane site. It seems to me if you took that out and I don't know what this octagonal shaped structure is right here. Is it just a -

Mr. Evans - It's a gazebo.

Mr. Cerny - That's meant to be a - one of the products that they would like to sell is some manufactured lawn furniture, gazebos, bridges. So, it's part of the landscaping display but it's meant to display a product that they will be selling. That is a gazebo structure.

Dr. Goist - My feeling is if we kept the propane across the street and if we didn't have that area, you would have a lot more room for extra parking. So, I'm saying it makes more sense to put in some extra parking than to put in propane, which you've got to put up bollards for safety, we understand that and now you have a display area down here for outdoor furniture, if I'm correct. If the display area is here, are they going to warehouse that furniture back in this main structure? Are they going to sell it out of this site?

Mr. Cerny - There will be very little bit of it up there. It will be just - most anything that they would have available on site to sell will be warehoused in back. Bigger products like the pergolas and the gazebos, they will probably be special order and then they'll bring that package in because those will be kits that people will need to put together. I don't think the propane staying in it's current location is an option at all for the operation. As we discussed, the service station doesn't have the ability, based on the way that it's staffed, to actually manage both the propane and the service station. The propane has to be managed by the landscape portion of the business.

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Dr. Goist - Mr. Chairman? I would absolutely disagree with the applicant on that because that's not our hardship. You have to show us that you have a hardship to get a variance and this to me is not a hardship to me. That's a hardship to the owner and the fact that he's not staffing it appropriately to take care of it. So, one of the things that we on the board ask for is show us the hardship and I'm saying you're not showing us the hardship on that propane area and this gazebo landscaping area, to me, would be better – and I'm not the Planning Commission – but if you're asking me to make a variance for this type of property, I'm saying I'd like to see more parking. I think the parking issue comes in only at certain times of the year but we are also talking about traffic. We've got traffic there, we've got traffic at James Lumber and now we're going to have a fire station down the street. How many times a day do you think that fire truck or how many times a week is that fire truck or the EMS going to come out of here and now we're got semi's and we've got cars and we've got a fire station down the street. It's going to be a lot different than it was before because that fire truck is not always going towards Boston Road.

Mr. Cerny – Right. The fire station is pretty far down the road.

Dr. Goist – I have a hard time with that so I want you to know when I consider this I think we need to think about more parking.

Mrs. Lane - Mr. Kolick? The required parking is only thirty-two for this particular spot. So, the parking they have in the back for employees is counted as required parking?

Mr. Cerny – When we go through the parking analysis, we went through it with Bob Hill. There was an analysis made based on the square footage of the sales area and the area of the warehouse and office –

Mr. Kolick – Warehouse and office.

Mr. Cerny – space. We went through and came up with a number based on the City's requirements for those. We've actually used a larger sales area in that calculation than is intended. The owner's are confident that we have more parking shown than they're ever going to need based on how they see their business operating. Once again, we're here asking for variances on the building itself and the setbacks, we're really in compliance with what the City of Strongsville says we should have in the way of parking on the site. Now, I can go back and I can try to add some more parking into it but it's spaced - as far as we can tell, it's not going to be necessary.

Mr. Evans – Well, Mr. Cerny, let me say that this board is in favor of business in this town and we do everything that we can to make sure that businesses are accommodated, have the ability to grow and be successful. Along the way, we as a board have sometimes made

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Evans continues - decisions that have come back to haunt us and so we look at this and while you see a perfect situation, we see a perfect storm and we have to try and find the middle ground to be able to work with that. That's the reason that we're being critical this evening, to ask those questions to surface issues so that we look at all the things so that we would make a decision we think is the right decision. It is not often times easy to do that because hindsight is always much better than what we –

Mr. Cerny – Sure. I'm not telling you we have a perfect situation. I would love to have a green field that we can come in there and do – but what we're trying to do is take an existing building, which is probably a white elephant to the community and this seems like a perfect business. It fits into that building relatively easily and the site from the owner's standpoint looking at it works reasonably well, substantially better than his current site. By no means do I say that this is a perfect scenario. I think it's a very good scenario and I think it's a win for the community and it's a win for the business owner. It's a win for not only, I think, the City but I think also for the customers that currently use the facility. This is going to be a much better, safer facility for them to use than the current location.

Mr. Evans – The propane – the use of the propane there, that's a rather large tank that is used to fill small tanks as well as RV and things like that?

Mr. Cerny – I'm not sure. Yes, I guess it's both filling tanks and filling other equipment.

Mr. Evans - Mr. Kolick? I'm going to assume at this point that before it went to Planning Commission or when it went to Planning Commission that the Fire Department and the Police Department looked at the fact that there would be RV's in that traffic pattern as well and because the traffic feeds into the central driveway from three different directions as well as cars backing up from the handicapped spots. I think that this board needs to ask for Police Department and Fire Department review of those two things in order to be certain that that has been addressed. Again, trying to second guess ourselves up front, to make sure those things have been addressed as a part of our consideration for the variance. Not knowing if that has specifically been done, I think it's appropriate for us to do that. So, Kathy, I'll ask that the Building Department, the Police Department and the Fire Department take a look at that. If they have to do it together or whatever but to make certain that that's done appropriately and everything.

Mr. Kolick - Mr. Chairman? I would be appropriate. We often ask for reports from them. I do know in talking with the Fire Department that they've looked at the location of the propane and that's where they have it set. Now, whether they reviewed it as recreation vehicles filling – I don't know but I know the actually location they did. It would be appropriate and Kathy can relate that to them and they can give us a report on that. One other thing for the applicant is you may be able to give us some numbers of places that you currently use across the street

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Kolick continues - as far as parking places even in your busy season. That, maybe, will give us some idea how much more room you have here than you do across the street; what they would anticipate because I do agree with the applicant in that our City Planner has gone through it. He has taken it against code provision and he's saying that the code only requires thirty-two spaces. There are other times where, in reality, the code may be too much and may not be enough. So, if your current client would have anything as to number of spaces that typically they would use, that would be helpful to the commission in looking at it.

Mr. Cerny – We can take a look at that. To the Fire Department, I think the biggest thing they were looking at with the tank placement is fire safety. They were looking for, I think, a location that is –

Mr. Evans – Accessible.

Mr. Cerny – accessible and remote from the structures more than anything else.

Mr. Evans – Yes. I understand that and the only thing I'm thinking of is, again, there are very few places today that have the big propane tanks for downloading propane. Most places have gone to caged facilities where the propane is already pre-filled and all you do is exchange a cylinder and with that big a tank, I'm assuming that it's to fill equipment that would be coming in or bigger tanks and at that point it just adds a little bit of exposure to it. I want to make sure that everybody has looked at it because I don't want somebody coming back later on and saying 'what were you people on the board thinking when you approved that'. So, I want to make sure we've tried to think of those things.

Mrs. Lane – Could you tell me what the traffic pattern was supposed to be for recreation equipment that comes in to go down to the pumps where the propane –

Mr. Cerny – Well, I expect that they'll just have to back down that aisle to get back to that area.

Mrs. Lane – So, they're going to pull in the main entrance off of Prospect then back between the two rows of cars? They're going to go forward and then back up?

Mr. Cerny – Currently what the thought is the owner really suspects that nobody will be parking in these most of the time except on the busiest of seasons. They expect this area will be empty, this area will be empty. The way that the store works right now, they actually expect most of their customers to be parking in this area, the ones that stop and get birdseed and pick up dog food and stuff like that. They think they'll park along Prospect Road. A few people will park in here and they just don't envision a lot of people parking here most of the time.

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mrs. Lane – It's closer to walk from here to the front door than it is to come all the way down here.

Mr. Cerny – Yes, but I think this is going to be the door that you really see and I think the customers will get used to parking here. I don't know. It's anybody's guess but –

Mr. Baldin – That's only eight spots here.

Mr. Cerny – That's how they expect the store will normally be used.

Mrs. Lane – To answer that question though, then so you're saying that an RV will pull in off of Prospect. It will pass the second row of parking here and they will back up this way and then do another – first do a hard left turn then do another hard turn?

Mr. Cerny – I think they'll just back in here. I don't know anything about filling up propane.

Mrs. Lane – They're going to be able to get – they'll have to park parallel to the –

Mr. Cerny – I don't think they have to park parallel. This is the dispenser unit right here. I don't know how you fill up an RV. I have no idea. I'll have them look at it and I'll get somebody that has a better handle on how they do that.

Mr. Evans – Again, I think that going to Landmark itself who does it over at the other one will be able to tell us.

Mr. Cerny – If you see where the current tank is it's back in amongst the bins. They've got some bins in the back so you have to go through the service station now and kind of meander back there and they've got the current tank stuck in amongst some bins. They've got some material bins and they're kind of scattered all over the place back there. Wherever they can kind of fit them. I don't know how they actually service that out of there either. They'll be able to tell you better.

Mr. Evans – Okay.

Mrs. Lane – We would appreciate that. Thank you.

Mr. Evans – Anything else.

Mrs. Lane – Are the parking spaces over there marked off in any way, shape or form?

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,**
Cont'd

Mr. Cerny – In the current lot? No. Right now, it's just a big sea of asphalt. There's no delineation of parking anywhere.

Mr. Evans – Okay.

Mr. Baldin – The pergola there that's going to be put up. Is that going to be a post right here?

Mr. Cerny – That was the intent. That pergola doesn't have to be there. I put that on –

Mr. Baldin – I understand that. You're showing it here right now and you're asking for this because if this is parking here there's definitely only maybe ten or twelve feet between that post and the parking.

Mr. Cerny – Right. I would say that's true.

Mr. Baldin – It will never happen. When we've got traffic coming in and out of there they're going to be running into that.

Mrs. Lane – Is it just paint delineating these lines or are they going to have those bumpers?

Mr. Cerny – You're talking about the wheel stops on the ground here?

Mrs. Lane – Or is it just going to be painted lines?

Mr. Baldin – Probably painted lines.

Mr. Cerny – Right now I suspect it will just be painted lines.

Mrs. Lane – So, people can pull forward and out.

Mr. Cerny – It would be really tough because there isn't a lot of room there and I expect they'll have materials in this area here.

Mr. Baldin – There isn't hardly any room.

Mr. Cerny – What you would anticipate someone to use in a parking space is to pull in and then back out. That aisle way is a typical width for ninety degree parking opposite sides with a twenty-four foot aisle. So, it's not intended for someone to pull forward and drive along next to that pergola.

2) **LANDMARK GARDEN AND LANDSCAPE/Anthony Cerny, Representative,
Cont'd**

Mrs. Lane – I'm just questioning. Someone could be pulling down with an RV. We have a lot of questions about the traffic patterns. We understand you've worked it out well. We are just trying to figure them out. We've seen traffic patterns in town that don't work well and we work really hard now to try and make that better because we know maybe what worked thirty, forty, twenty years ago doesn't quite work the same now.

Mr. Cerny – Once again, I'm not saying this is the absolute best thing that could ever happen but I don't know there's a whole lot more that we can do on that site. There's not enough depth in that site to - once you go down an aisle and turnaround and come back down another aisle there's just not enough existing deck there to work with. So, it's a big asphalt area and we just tried to put parking that's consistent with what the city identifies as minimum sizes. In fact, I think we're actually a little bit bigger in a couple of cases.

Mr. Evans – Okay. We'll set the public hearing for October 11, 2006. In the meantime, we will ask our fire and police to take a look at the traffic pattern. Some of the questions about propane loading and things like that, if you can talk to the owner and get some answers on that, that would be helpful before October 11, 2006 and we'll see you back here then.

Mr. Cerny – Okay. Thank you very much.

Mr. Evans – Thanks. Next on our agenda for public hearings is item number 3, Joe Grissom, Owner. Jim Brown, representative. If you would come forward to the microphone please, we'll need name and address.

3) **GERALD GRISSOM, OWNER/Jim Brown of C.C.D. Inc., Representative**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 30' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to construct an Addition; property located at 10772 Creekstone PPN 391-06-033 Zoned R1-75.

Mr. Grissom – I am the owner. My name is Gerald Grissom at 10772 Creekstone Circle in Phase I of Meadowood. That's 44149.

Mr. Smith – I'm Dave Smith from C. C. D. representing the general contractor.

Mr. Evans – Thank you. Mr. Grissom, we did have a letter from Meadowood, is that right?

Mr. Grissom – Yes I did.

3) **GERALD GRISSOM, OWNER/Jim Brown of C.C.D. Inc., Representative,**
Cont'd

Mr. Evans – So, we have all that taken care of. Why don't you just, real quick, briefly if you will, explain the reason for the request for the variance.

Mr. Grissom – I want to put an addition on the back of the house, which will be for a master bedroom suite and, in laying out this addition, it does coincide and it does make a nice appearance between the addition I put on seventeen years to the other end of the facility. I was very surprised when I did this that I – I thought I had plenty of room until the old tape measure came out and Dr. Goist was there and we showed that we were right at ten feet short. We want to stay in Meadowood. We've been there twenty-nine years. I think the addition would be an asset to the whole community right there and increase property values in that area. That is the comment I've had from all of my neighbors across the street or ones who have come to confide in me and question what we're doing. They have said 'wow, that will drive my property value up too.' I do believe that this will be a nice addition to our facility.

Mr. Evans – Questions from –

Mrs. Lane – Finding a way to update our older homes.

Mr. Grissom – Yes, that is exactly it too and I want to enjoy it another ten years while I'm there.

Mr. Evans – Questions from members of the board?

Mr. Baldin – The only comment I have after looking the property over and walking around and seeing what a nice piece of property he has there and the way he's taking care of it, I think this addition is not going to be a hindrance to what he's requesting at all. I think it's going to be a very nice addition.

Dr. Goist - Mr. Chairman? My sentiments exactly. I saw it before we had the first meeting and I felt the same way when I first saw it, which I said at that time. So, I'm going on record to say that I think this is a good project.

Mr. Evans – Okay. Any other questions? Then I will open it up to public hearing. Is there anybody in the audience here this evening who wishes to speak against the request for the variance? Is there anyone here who wishes to speak for the request for the variance? Hearing no one and seeing no one I will then entertain a motion.

