

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

**Meeting of
November 16, 2011
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; Rich Baldin; Ken Evans; Frank Bohac; William Harr

Administration: Assistant Law Director: Dan Kolick

Building Department Representative: Joe Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) PRECISION PRODUCTION, OWNER/ Randall Smith, Representative

Requesting a 15' Front Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Front Parking Setback and where a 35' Front Parking Setback is proposed in order to expand a parking lot; property located at 8250 Dow Circle PPN 395-12-004 zoned Research Development (RD).

The Board did not discuss this New Applicant.

(G) PUBLIC HEARINGS

2) ED KOZIOL, OWNER/Michael Cantrell with New Creation Builders, Representative

- a) Requesting a variance from Zoning Code Section 1252.22 (c), which permits one (1) Garage and where two Garages are proposed;
- b) Requesting a 296 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,296 SF Floor Area is proposed in order to construct a Detached Garage; property located at 18022 Shurmer Road PPN 397-03-029 zoned R1-75.

Mr. Baldin stated that the applicant has a lot of items in the back yard and he believes a large garage would be too much, especially since it will be so high over the 6' fence. Mr. Baldin also stated that it's a nice structure to be constructed on a bigger lot. Mr. Bohac stated that he believes the yard is too small for a structure as big as the applicant is applying for. The Board agreed that the applicant stated at the last meeting that the existing shed would be removed. Mr. Evans stated that there are not a lot of other large accessory buildings or garages in the area, this would change the dynamics of the neighborhood and perhaps cause buyers to not want to buy in the area. Mr. Evans also stated that the applicant has no hardship based on the Ordinance. Mr. Harr agreed

that the structure is too large for the lot. Dr. Goist stated that a neighbor called him prior to the meeting to state that he could not attend the meeting and he is not in favor of a structure that large.

3) DRUG MART, OWNER/James Doerr with Ellet Neon Sales & Service, Inc., Representative

Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign to be 5' in height and where two (2) Wall Signs 5' in Height are proposed (West and South elevations); property located at 13919 Prospect Road PPN 392-33-012 zoned Local Business (LB).

Mr. Evans stated that the hardship for this applicant is the layout of the plaza. Mr. Baldin stated that he feels the 5' sign isn't necessary, that a smaller sign would serve the same purpose. Mr. Baldin stated that when he was on the site, the builder said the roof slope that will hold the sign is only 10'. Mr. Harr stated that other people will refer to the lot at the Drug Mart Plaza.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

November 16, 2011

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

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

Also Present: Mr. Kolick, Assistant Law Director
Mr. Allen, Building Department Representative
Ms. Zamrzla, Recording Secretary

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this November 16, 2011 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL PRESENT

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have minutes in our packet from October 12, 2011 and October 19, 2011. If there are no additions or corrections for the minutes, I will ask for a motion to approve.

Mr. Harr – Motion to approve the minutes as submitted.

Mr. Bohac – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist - For all of you who are in the audience this evening who would like to speak before this Board, and also our Recording Secretary and Mr. Allen from the Engineering and Building Department, if you would please stand and our Assistant City Law Director will swear you in.

Mr. Kolick then stated the oath to those standing.

1) **PRECISION PRODUCTION, OWNER/ Randall Smith, Representative**

Requesting a 15' Front Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Front Parking Setback and where a 35' Front Parking Setback is proposed in order to expand a parking lot; property located at 8250 Dow Circle PPN 395-12-004 zoned Research Development (RD).

Dr. Goist – We have one new application this evening and that New Application is Precision Production and I think we have a representative with us, Randall Smith, and if you'll give us your name and address please.

Mr. Smith – My name is Randy Smith. I'm with Davison, Smith, Certo Architects, 26031 Center Ridge Road, Suite B, Westlake, Ohio.

Dr. Goist – Thank you. I see you have another gentleman standing to your left.

Mr. Smith – I have Craig Cook from Precision Production with me.

Dr. Goist – Would you like to go ahead then and explain what you're asking for in the variance?

Mr. Smith – Okay. Precision was looking at this building on Dow Circle as a purchase for their facility. They are currently on Chatfield Avenue in Cleveland and they are a precision tool facility. They will be bringing manufacturing into the facility assuming that everything goes well. They are currently doing their due diligence and as part of this due diligence they need additional parking for the site. There are only 23 spaces on the site right now and they will need approximately forty for their employee count. So, they are asking to expand the parking by twenty-one spaces. We looked at parking in the rear but there is a significant grade change in the back that does not contribute itself to development for parking. So, we located the parking in the front and that would require a 15' variance for the 50' parking setback.

Dr. Goist – If I may ask, which building is it that you're – are you coming in to purchase the building?

Mr. Smith – They are coming in to purchase the building, yes.

Dr. Goist – Which one is that on the circle?

Mr. Smith – I don't know who the previous occupant of that building is.

Mr. Cook – Brighton Best.

Dr. Goist – That is a circle and addresses are sometimes hard to find.

1) **PRECISION PRODUCTION, OWNER/ Randall Smith, Representative, Con't**

Mr. Cook – It's one of the first buildings on the right. I don't know if it's the very first building as you go in.

Mr. Bohac – It must be the second building.

Dr. Goist – We certainly encourage new business to come in to Strongsville and we're pleased that you're looking and doing your due diligence and if there is anything that we can help you with we're certainly going to look at it in a favorable light because we are encouraging businesses.

Mr. Smith – The City has been very helpful to this point, I must say.

Dr. Goist – I'm going to ask the Board members if they have questions. Mr. Bohac?

Mr. Bohac – If I remember right, it's the second building when you're coming in on Dow Circle on the right.

Mr. Cook – I believe that is correct.

Mr. Bohac – Okay, no other questions.

Dr. Goist – Mr. Baldin?

Mr. Baldin – I'm pleased to hear that you're coming into our city. How many employees?

Mr. Cook – Forty employees.

Mr. Baldin – At the present time?

Mr. Smith – Roughly, yes.

Mr. Baldin – And you're looking to expand the parking lot. What size building are you coming from to this building?

Mr. Smith – It's under 19,000. It's about 18,500 I believe. There is going to be 33.

Mr. Baldin – This is a 33,000 square foot building. Hopefully it will bring more business to the City. No further questions. Thank you.

Dr. Goist - Mr. Harr?

Mr. Harr - Mr. Chairman, is the building under option presently or is there a purchase agreement in place?

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Mr. Smith – It's under option at this point.

Mr. Harr – It is under option provided the due diligence items are cleared?

Mr. Smith – Yes.

Mr. Harr – Are these other due diligence items other than just the parking issue that would have to be taken care of?

Mr. Smith – Just the general environmental issues and things like that.

Mr. Harr – Mr. Kolick, my question would be were we to approve this variance, could it be contingent upon the transfer of ownership such that in the event that another due diligence item doesn't complete the sale that we have not put this on the property.

Mr. Kolick – The variance goes with the land regardless of the ownership. You need to determine if it meets the conditions and if it meets it for Precision, it will meet it for anyone else who is using the property. We can't condition it on this particular individual coming in.

Mr. Evans – Mr. Kolick, would we not have to grant the variance to the owner of the property? I can't request a variance for Bill Harr's property so it has to be someone who has an interest ownership or some manner of control or something in order for us to even entertain the application and be able to grant it.

Mr. Kolick – That is what I'm saying. That is why the individuals who come in typically who would have an option are designated as the agent for the owner who is looking to sell the building. So, if you would grant the variance, it would go with the building with the property, regardless of who is the individual who applied for it as long as the individual who applied for it had the authority from the current owner to do it. That is typically how it is done.

Mr. Evans – We do have the authority from the current owner.

Mr. Kolick – We would have or we wouldn't have put it on the agenda, I'm sure.

Mr. Evans – I'm just asking a question. We have no evidence of that in our packet, okay.

Dr. Goist - Mr. Evans, any other questions?

Mr. Harr – I'm sorry, I have one more. Sir, just taking a look at this – I'm no engineer – but as I look at the existing parking structure and I know you mentioned to the rear and there is a retention basin so the topography might be a challenge there but I didn't know what Precision's plans were as far as the hopper areas and trash area and so forth. Is there any reasonable way to reconfigure the side space to accommodate the parking or have you explored that fully and it just won't work for you there?

1) **PRECISION PRODUCTION, OWNER/ Randall Smith, Representative, Con't**

Mr. Smith – We did explore that and because of the trucking maneuvering space and the hoppers and everything else as you mentioned, it really takes up that entire side parking area.

Mr. Harr – To get the forty spaces in there, you wouldn't be able to accommodate the other things you need to operate on the side of the building?

Mr. Smith – Correct.

Mr. Harr – I don't have any other questions until I see the property.

Dr. Goist - Mr. Evans?

Mr. Evans – Thank you, Mr. Chairman. Mr. Cook, how long has Precision been in business?

Mr. Cook - I have owned the business with a partner since 1995. We purchased the business at that time. It was in North Royalton. It was very small. It was originally started by two people in 1978 so technically in 1978 but it was an asset purchase in 1995.

Mr. Evans – How long on Chatfield?

Mr. Cook – Since 1998. We own that building but it's too small.

Mr. Evans – Okay, so you have that building up for sale? You're not going to maintain both locations?

Mr. Cook – It is for sale. There is a sign in front.

Mr. Evans – I also have to wear my hat for economic development for the City, of which I am on that committee and of course, we are engaged in the process of looking at poaching situations between cities and while we would love you to come to Strongsville, we are very attentive to the fact that we don't want to take businesses away from other cities but when the opportunity for growth is not there and so forth, we want to make sure that we accommodate you as best we can and make the process as welcoming as possible. Thank you, Mr. Chairman. That is all I have.

Dr. Goist – I have no other questions. You have answered most of the things. We will all come out and take a look at the site and I know some of those areas can have a lot of hills and valleys. I can understand why the topography could give you some problems. Your Public Hearing will be December 7, and we'll have you back here at the same time. All the people within 500' will get a notice that you've applied for this. Do you have any questions of us?

Mr. Bohac – Excuse me, Mr. Chairman. Gentlemen, would you please mark where you're going to be going with this parking for when we come out and take a look?

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Mr. Cook – I think we can get that accomplished.

Mr. Bohac – Thank you.

Mr. Cook – Yes, sir.

Dr. Goist – Just some stakes in the ground. Thank you. You do not need to stay for the rest of the meeting.

Mr. Smith – Thank you.

Mr. Cook – Thank you.

RULING: SET FOR PUBLIC HEARING ON DECEMBER 7, 2011

2) **ED KOZIOL, OWNER/Michael Cantrell with New Creation Builders, Representative**

- a) **Requesting a variance from Zoning Code Section 1252.22 (c), which permits one (1) Garage and where two Garages are proposed;**
- b) **Requesting a 296 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,296 SF Floor Area is proposed in order to construct a Detached Garage; property located at 18022 Shurmer Road PPN 397-03-029 zoned R1-75.**

Dr. Goist – Our first Public Hearing this evening is Ed Koziol. If you would like to come forward. Give us your name and address please and then again, go over your request for your variance.

Mr. Koziol – Edward Koziol, 18022 Shurmer, Strongsville, Ohio.

Dr. Goist – Go ahead and tell us your request for the variance.

Mr. Koziol – My variance is for my three car garage to be built in my yard. We have numerous cars, toys and motorcycles that we need to have out of the way for the children and my wife to have access to my son and my twins. One is not fully capable. I don't want to call him special but he is special. They need access to the garage and the lower garage that we have now. So, I'm asking for a variance to put a three car garage in my back yard. My back yard was not that big when I bought the house. I made it bigger by removing trees. I am on an acre lot. How it is situated is half my acre is out front on the outside of the fence. I'm not on a small property. I'm on an acre. I pay the taxes for an acre but I have more front yard than back yard.

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Representative, Cont'd**

Dr. Goist – I understand that and I know you are asking for an almost 300 square foot variance. The other thing is you're asking for a second garage, which is not really permitted by Code either, without a variance.

Mr. Koziol – Correct.

Dr. Goist – Myself, I think that even though you have that much land, it certainly is not conducive to putting a big building like you're asking to put in the back yard. You're asking to put a big building in the back yard that, frankly, I think is a little tall for the area. When you drive down the street, all you're going to see is this 13' garage over your fence.

Mr. Koziol – From Carol you will see it. From Shurmer you will not. It's lower than the house. There is no possible way to see it from Shurmer unless you're heading east but you will see it going down Carol, which is a no outlet street.

Dr. Goist – I understand that you have lots of toys but toys don't necessarily mean that we want to accommodate all the toys. You certainly need garage space and you just happen to have more vehicles than garage space.

Mr. Koziol – I don't own a plow business. I own a power wash company that works for the City of Cleveland and I own a home rehab company. The plow trucks are my personal plow trucks to drive in the winter. My son drives one to school and I drive the other one. We don't have a plow, we have plow trucks. They are toys. I don't shovel and I just had gastrol bypass surgery. I don't shovel. We plow our driveways. Where we came from we had a large driveway in Brooklyn and we plowed it. My son will shovel the sidewalk but they are not work trucks. They are not commercial trucks. They are not licensed commercial.

Dr. Goist – But in the winter, and I'm not taking exception and I understand what you're saying now, you don't have a snow plowing business but you are going to have those two trucks plus your two cars. Maybe three cars.

Mr. Koziol – I have two trucks, two Cameros, two motorcycles, a minivan and a Cadillac.

Dr. Goist – You have plenty of vehicles.

Mr. Koziol – We have plenty and they are all newer. They are 2011 and 2012 and I don't want to leave them outside to get ruined.

Dr. Goist – I understand. I'm going to start with my Board members to direct their questions to you. Mr. Evans?

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Representative, Cont'd**

Mr. Evans – Thank you, Mr. Chairman. Mr. Koziol, in looking at the area, one of the problems even though your lot is an acre, the way the house is situated on it, you're correct, you don't necessarily have use of the entire acre because the front yard is unbuildable because of the way it sits back on Shurmer there. In my observation of the area there are very few sheds and you have agreed that you are going to take the shed on your property down. Is that correct?

Mr. Koziol – That is right.

Mr. Evans – You don't run a business out of your home even though you own a home improvement business. This is basically for vehicles, not for anything else. I did not see that in the area there are a lot of other out buildings, second garages or anything like that. One of the things that we look at is oftentimes we'll have an area like Prospect or Howe where the yards are huge, where it's a two acre or three acre lot or something like that. Many times the request for people to put up an additional garage or a shed or barn space on there is such that it disappears on the acreage. The problem that I saw when I was over there - you've done a great job fixing up the house, you've done wonderful things with it and I'm sure your neighbors all appreciate that – is that the size of the building that you're looking at is large and it's going to be very large sitting back there. You've got it positioned towards the first house on Carol there. That is really going to be pretty much in their front view. Given that there are trees and everything between that, it's still not a lot of coverage to be covering that size of a building. I guess for my money, given the way the ordinance is written and the reasons that we have to grant a variance, I'm not sure that I can justify the hardship. It's really a self-imposed hardship with having vehicles. On the other hand, I understand your desire to put them inside and there are people who live in the area that would probably rather have them in a garage than have them stored outside. I think when we talked at the initial introduction of this, one of the other problems that we as a Board have is that we know that many times when we have granted variances for the same reasons as far as what you're suggesting, the garage is still up with other things and the vehicles wind up outside, for some reason. So, I also have a reluctance to do something like that, particularly for a three bay garage because that is going to be a really big structure. So, I'm sort of leading up to saying have you – between the time that we talked in caucus and we gave you a very negative response to putting it up – have you considered the option of, perhaps, downsizing the garage from being the three bay to, perhaps, two bays?

Mr. Koziol – Yes, we can go – a two bay would work. The three bay was more because of the kids with all the power toys. I don't know – a common family – I have four power wheels. My son is going to college next year because he will graduate from Strongsville and my business, I have a lease. I can bring it in to you guys. I rent 21500 Drake and I have 3405 Stanford in Cleveland I rent. I have two warehouses for business. I don't like to combine like I said last time. I don't mix my work and my toys for pleasure. My toys cost more than – I have a \$40,000 Harley. If someone hits my toys in my warehouse, I'm going to have to fire them. They are going to lose a job because it's my toy in my shop. I can't have a trailer or

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Representative, Cont'd**

Mr. Koziol continues - truck back into it. It's not feasible for me. That's why I would rather spend the money and I looked at the point, if I was putting more money into the house and making the property more, my taxes would go up and it makes the neighborhood better because the value goes up. I took the diamond in the rough and made it something when I started that house. It was a foreclosure. I took it from the girl that couldn't pay her taxes and got her out of it. I had a beautiful house in Brooklyn that fitted everything but we came here to be in Strongsville. Out of that, you even got me to rent a business, another building in Strongsville just to store stuff closer to home.

Mr. Evans – I certainly don't want to hold anything back from someone who is successful enough to be able to have the toys and make us all jealous by that but certainly, I wouldn't want to hold that back. When I looked at it my perspective would be that a two car garage sitting in the location that you proposed is going to be shorter, it's going to be smaller and I would probably not have as much of a problem. I'm still in a difficult position because I don't necessarily want to have garages up and down the street but to me it would seem far less objectionable if it were smaller. I don't know what our other Board members are going to say about it but I, sort of, want to plant that seed as something you might consider and depending on how the other Board members react.

Mr. Koziol – If you dropped it to a two car, it would go 20' by 22' or 22' by 22' so I would lose 2' and 10'.

Mr. Evans – But you would also lose on the height too because it would not be as tall.

Mr. Koziol – We can make the three bay lower. We were trying to make it match the other height. It has standard doors. It would just have a higher peak. We can lower the pitch. It's just going to have a standard 7' or 8' door. The garage I have now, I can't get any trucks in. My wife's van barely fits in with the ladder rack on it.

Mr. Evans – Let's see where the other Board members go. Those were the thoughts that I wanted to express on the floor here. Thank you, Mr. Chairman.

Dr. Goist – Mr. Harr?

Mr. Harr – Mr. Chairman, sir, I echo many of Mr. Evans comments. Certainly the work that you have done there is outstanding and I'm sure your neighbors appreciate that. I too think that a three car garage is too large. In deference to my colleague here, I'm not even sure that the space that you have back there that a two car works, frankly. The problem that we run into that Mr. Evans alluded to, the hardship that is placed on you is self-imposed. These are your items. These are your choices that you have made to have all these vehicles and this type of a true suburban lot just doesn't work to have that much storage upon it. Most people who have that much equipment or that many toys that they want to store chose a lot that have much more acreage and has sufficient site room or they simply store those items off site. The

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Representative, Cont'd**

Mr. Harr continues - concern that I have is that when you build another structure on here, as you say you may add to your personal tax duplicate there from a value perspective for dollars put in, but neighborhoods are designed – it's like the neighborhood with the guy who builds the geodesic dome. When there is something unusual and very much stands out in the neighborhood it tends to detract from the value. People purchase into a certain measure of conformity. Not exact but a certain measure of conformity so I do believe that putting a sizable structure in that relatively small space in your back yard could certainly cause your neighbors some value issues and so forth. It would certainly make their properties harder to move, in my opinion. I would happily take a look at a reduction but I'm not even sure that that makes sense necessarily just based on the space that you have back there.

Mr. Koziol – If you limit the space – I can bring a before picture – my yard ended before – it was all trees – it ended at the back of the garage that is there now. I added 80' by 90' by fencing in, removing the trees and the weeds.

Mr. Harr – You cleared it?

Mr. Koziol – I cleared it and made the land feasible to use. My yard goes – I don't know if you went into my whole yard. My yard goes behind my house. I have a pool and a deck. We have a whole area. We made the yard feasible for the – we have the three little ones at home. The yard is more feasible for the two babies that are there. I would love to put the garage out front but I can't because of the variances and stuff out front. The fence wouldn't come down. The fence would stay and I was going to buy the remote gate that slides back and forth. The yard has to stay completely fenced in for the babies. It's not going to be missing a fence where people can see it. It would be a mechanical gate that opens and slides. You guys were talking earlier that the fence would come down. None of the fence would come down at all. It would stay how it is. It's just that a new gate would go in that slides instead of opening like a barn door.

Mr. Harr – I'll defer until everybody else comments.

Dr. Goist – We have not even talked about nor thought about nor had I thought about a two car garage but my question now because and Mr. Evans brought up the potential proposal so could you add on – you said because of variances and et cetera, which I'm sure is true, you might be able to add on to the end of your garage now. Just keep it going with two more bays and I say I don't know if that is possible. I would have to defer to the Building and Engineering Department to ask if that is possible because then you don't have a gate that is going to open as you described now. To me, that just gives an opening to look at your back yard. Not the 6' fence anymore. Right now you can't see in your back yard. You put in a gate that slides back and forth, you're going to see through it. It's going to be chain link or whatever.

Mr. Koziol – No, it would be wood. It would be on a metal track just like what is there.

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Representative, Cont'd**

Dr. Goist – I think part of your situation is more toys and the cars and vehicles you have. Not necessarily toys. You have neighbors. You have all this traffic going on that is more increased. If we let you have more vehicles around your house, you're going to have a whole lot more traffic going on than what you have now. You have a lot of parking there. You have a lot of concrete. So, if you left things out and I understand you don't want to but that is, as my Board members said, self-imposed, that is because you choose not to do that.

Mr. Koziol – It's not self-imposed. I have my wife that drives, I drive and my son drives. The toys are self-imposed but you have to look at the other side. I have had two police reports for damage to two of my cars that were in my driveway. They are prosecuting the one kid that threw a brick at my kid's window because we can't fit behind the fence and can't put them in the garage. I'm paying deductibles for damage and stuff and by the time they prosecute someone, I'm losing money. I'm trying to be as safe as I can and put stuff out of the way. There are three or four of us that drive. I'm gone all day. I've been home lately because I had surgery but I'm usually gone seven to seven. I work seven days a week. My son goes to school and comes to work. He gets out at 10:30 his senior year and goes to work. So, it's mostly my wife at home. It's mostly to put everything away for her to be safe and the kids to be safe and I don't have to worry about the complications. I will greatly attach one but I believe my builder that does my garages and he told us we had two prints, one to go there and one to go in the back and I don't know if he did or the City told us which one to go for.

Mrs. Koziol – I'm Mary Koziol, the wife. I go to three appointments a week.

Dr. Goist – I'm not going to argue with you all night about the problems. The situation is do we want to give you a variance right now for a three car garage. I think you're hearing us all say, this doesn't seem to be a feasible project. A two car garage that Mr. Evans happened to introduce us to is something that we can look at but I also think your builder can look at potentially different construction than what you have submitted.

Mr. Koziol – We looked at the construction.

Dr. Goist – I'm not going to argue with you, let the Building Department do that. You go to them and say this is what you would like to do. We have to determine tonight if we are going to give you a variance for a three car garage. That's what is before us tonight. Not a two car garage. If you choose to do that you are going to have to come back with some different plans. Mrs. Koziol, you may speak now.

Mr. Koziol – Mary Koziol, I'm the wife. I was coming up here because the traffic comment, I go to three appointments a week for my children so the only traffic there is is me, my son and my husband. There is no traffic. I don't know where the traffic thing came in.

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Representative, Cont'd**

Dr. Goist – When you have five cars and five different people driving five different vehicles there is a certain amount of traffic. Maybe you have jet skis and maybe you have other things. I have no idea what your vehicles are. All I'm saying is there a lot of activity on that corner. I go by your house almost every day because I live off of Howe so I come down Shurmer. It's the easiest way for me to come into town. I've been there. I saw all the construction you did and I think you did a good job but tonight we have to decide on your variance for your three car garage. That is what we're here for. If there are other options, I defer to the Building Department. Mr. Allen, can you give us any insight?

Mr. Allen - Mr. Chairman, based on the existing configuration, if they add to that garage, the problem is he can't make it deeper because he has a swimming pool behind him. So, the only thing he could do it to make it wider and the wider would need a side yard setback variance off of the side street. He could make it a little bigger but I don't think he could get what he is desiring to do.

Dr. Goist – Could he get two cars on that end, do you think?

Mr. Allen – He could get two but he would need a side yard variance.

Dr. Goist – Well, that's what our business is. We give variances. If you came back and said you wanted to add on two bays to your garage, that is what we would look at. We're not here to work against you, we're here to work with you. I'll let Mr. Baldin speak. I'll let all the Board members speak and then we'll go from there.

Mr. Baldin – Thank you, Mr. Chairman. How long ago did you purchase this property?

Mr. Koziol – April or May.

Mr. Baldin – Did you purchase this property knowing that you had all these toys, cars, vehicles, et cetera and so forth and you had in the back of your mind to buy this piece of property and then put another garage in because you needed it?

Mr. Koziol – If we were still in Cleveland, the garage would be up already. I do this for a living and believe it or not, I do it in University Heights and Cleveland Heights and to build a second garage on an acre, I never thought I would have a problem. I never even looked into the Codes of Strongsville because I felt it was more rural but when I do one in Solon, if they are on an acre, I never have a problem putting a second garage up and I can show you permits that I have pulled for these cities, Bainbridge –

Mr. Baldin – As it seems to me, it may be a one acre lot and yes, the way the configuration of that home sets, you just don't have the usage and the room. You have a nice back yard, which I think is feasible. You have your trampoline back there; you have a big laid out low deck; you have your swimming pool; you have a trampoline; you have a shed. The yard to

2) **ED KOZIOL, OWNER/Michael Cantrell with New Creation Builders,
Representative, Cont'd**

Mr. Baldin continues - me seems conducive to have a yard for the children and animals and whatever you have to play in. I just have a hard time seeing a three car garage going into that back yard. To me it doesn't seem to fit. I just have to agree with a lot of the other things that have been said here. Maybe a different size or configuration would work with me, but you have an acre and it just doesn't look like it. That's all I have to say.

Dr. Goist – Mr. Bohac?

Mr. Bohac - Mr. Chairman, thank you. First of all, I used to have a landscaping company. Not that that has anything to do with you but I had ten trucks and twenty employees. I went and built a pole barn out in Valley City. I had one car I stored there. I had no problems with one car in 8,000 square feet. Okay? It was stored there many, many years. With my accountant I had no problem with that. I had one car and you have a couple. Unfortunately like everyone else on this Board has said, you have an acre lot but you can just figure you have a half acre lot considering where the house is, where it's set back and unfortunately, three cars is going to look – if you think to yourself as a builder that builds garages, don't you personally think this thing is going to stick out like a sore thumb at the height that you proposed? Not even talking about what Mr. Evans said in regards to bringing it down to a two car. I don't even know if that is feasible what you have there. Maybe it would be beneficial to you to look into renting a little area, enough space to put those cars in. You don't drive those cars in the winter. You don't drive the bikes in the winter. Put them away and forget about them until spring. Go about with the beautiful house you did, yard for your kids, pool and all that and you wouldn't have all this hassle. It's up to you.

Mr. Koziol – I understand the storage aspect. I feel safer storing my toys where I can see them. That's just the feeling. I had storage and I've had people break in. My toys are my toys. You're not insuring a \$40,000 Harley. You lose everything that you put in it. My son polished the frame himself. I don't want to take stuff where he can do it when he is home. He can be there and I could rent anything. I could divide what I have now to put them in. I was doing it so they would be at my house. It's not the rental issue thing. They are ours. I don't want to put them somewhere else. It's not like I have one car to put away for the winter. I have a lot of toys and I admit it. It's not like we have four-wheelers and stuff. They are necessities. You can't drive a Camaro on the roads in the winter.

Dr. Goist – Mr. Koziol, I'm going to stop you. In deference to what you're saying and I know we talked about it before, I don't want to sit here and banter back and forth. You have answers for all of the things that you have. We have answers for whether or not you can have a variance. It's, kind of, simple in that aspect. If I were you, I would argue in the same way if I had all these things and I wanted them in my yard but I understand that's not always possible. I used to have two classic cars. They were stored off site because I didn't have the room to do it. I lived in a different house than I do now. I have a three car garage now and I have four cars but they are not here. They are off site. It's a matter of what you want to do and how you want to do it.

2) **ED KOZIOL, OWNER/Michael Cantrell with New Creation Builders,
Representative, Cont'd**

Mr. Koziol – Personal preference.

Dr. Goist – Mr. Harr?

Mr. Harr – I certainly appreciate that you don't want any damage and I appreciate the fact that you want them close where you feel you can take better care of them but it doesn't meet the definition for hardship for what we need to act favorably on. That's a personal choice that you're making. I respect the choice. I perfectly understand it. It doesn't give us anything to put our teeth into to say this is a true hardship that should warrant moving forward with the request. That's all. The only other comment that I would make, Mr. Chairman is if the applicant is going to consider something different, I certainly wouldn't want to shoot from the hip measurement wise and so forth if there is going to be consideration given to a smaller building or anything like that. I would like to see specifications and measurements before we give it too much consideration.

Dr. Goist – This is a Public Hearing. We have not heard from anyone in the public. Is there anyone in the audience who would like to speak for or against this variance? Seeing none and hearing none, I will entertain a motion.

Mr. Bohac – Excuse me, Glenn. If the applicant would consider changing the request, couldn't we just table this?

Dr. Goist – We're not talking about the same variance. He is asking for this specific variance and I think we'll entertain a motion and say yes or no. If he is going to change it then he can come back to the Building Department.

Mr. Bohac – Thank you.

Mr. Evans - Mr. Chairman, that would not be the way that we would normally do that.

Dr. Goist – I'll ask Mr. Kolick.

Mr. Kolick - Mr. Chairman, it's really up to the Board. We can act on it or we can table it and rethink it and come up with another plan.

Mr. Koziol – I'll table it to configure a two car garage. I just have to have the builder figure out how we could attach it.

Mr. Kolick – If that is what the applicant is looking at doing then I would agree. The easiest way would be to have the applicant request to table it, bring us in a new plan and we can bring it up at the next meeting after we have the plans.

Mr. Koziol – That what I want to do.

2) **ED KOZIOL, OWNER/Michael Cantrell with New Creation Builders,
Representative, Cont'd**

Mr. Baldin – Excuse me, Mr. Chairman. Are you saying that you want to table it because you would like to make a request for a three car garage down to a two car garage still in the back yard or connecting it to what you have?

Mr. Koziol – If I can connect it to what we have to make it go long ways.

Dr. Goist – Our Law Director is saying that if you want to do that, go to the Building Department with your new plans and then we will set you up for another meeting here.

Mr. Koziol – No problem.

Mr. Harr – The only word of caution would be we are looking for those new specifications but I don't want to –

Mr. Kolick – There is no guarantee. We don't want you to go through a lot of expense.

Mr. Koziol – This isn't my first rodeo.

Mr. Harr – I didn't want you to walk away with high hopes. We will take it at face value and take a look at that plan as well. I think what you have heard here is everybody believes the three car garage is a tough deal. If you would like to propose something different, we would happily entertain it.

Mr. Evans – Mr. Kolick, to what degree would this need to be reposted? I know that is going to depend on the plan but given what was announced in the announcement of the Public Hearing, if the plan is not that dramatically different is there a need to repost the Public Hearing?

Mr. Kolick – No, we wouldn't repost it. All of our Public Hearings always show on the last line that the variance request may be amended or deviated from what appears above. So, anything else would be even less that what he is asking for now. At any rate, that is how all of our public notices go out.

Dr. Goist – Mr. Koziol, you are requesting that we table this. You will come back to the Building Department with new plans and then we will go from there. Thank you.

Mr. Koziol – Right, thank you.

Mr. Bohac – Thank you.

RULING: APPLICANT TABLED REQUEST TO NEXT MEETING

3) **DRUG MART, OWNER/James Doerr with Ellet Neon Sales & Service, Inc.,
Representative**

Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign to be 5' in height and where two (2) Wall Signs 5' in Height are proposed (West and South elevations); property located at 13919 Prospect Road PPN 392-33-012 zoned Local Business (LB).

Dr. Goist – Our last Public Hearing this evening is Drug Mart. If you would like to come forward and give us your name and address please.

Mr. Doerr – I'm Jim Doerr with Ellet Sign Company, 3041 East Waterloo Road, Akron, Ohio 44312.

Dr. Goist – You can go right ahead.

Mr. Doerr – Drug Mart, as you know, purchased the property formerly known as Royalville Plaza and they would like to put a 5' tall wall sign on the south elevation of the building. The property does have two street frontages, Prospect Road and Royalton Road and it's not a true corner. The very corner lot is owned by BP yet. The Code does allow a wall sign but only a 2' tall wall sign on the south elevation and our feeling and our request for this is, of course, not only the corner nature of the property, although per say not a true corner definition, lots of traffic and traffic congestion. We're looking to identify this property and we're looking to create a destination with this property and I think you brought up in the caucus that people will refer this as the Drug Mart Plaza. It might still retain the Royalville Plaza. People might say they're located by Drug Mart. This will be people's reference point. The better identification for Drug Mart will help with that traffic flow and traffic congestion. There are two free standing signs on the property that are low to the ground that have some issues come winter time and spring time if you plant around those in terms of obstruction. As you know, there is a large transformer that partially obstructs the west elevation of the Royalton Road ground sign. The ground signs that are there now don't really add a whole lot to this for Drug Mart and while they haven't made a decision on this yet in terms of what they're going to do, I wish they would because they're telling me that they're going to open on December 12, 2011 and I can't pull a rabbit out of a hat and produce something for them. Even though those are there, they are going to be shared items. They are going to share those with the other tenants in the plaza just as they are shared items right now. Here again, the other aspect that I brought up at the last meeting is the setback of that south elevation ground sign and the west elevation. You're looking at a football field setback from the center of the road. I think there is a number of issue that lend itself to a good ID in the form of this 5' tall sign for Drug Mart and I ask for your approval tonight.

Dr. Goist – Board members, any questions? First though, I will tell you that I have no objections to this sign. On that blank wall, it is certainly reasonable to ask for a sign that shows to the south. That is my opinion and I'm one of five. Mr. Bohac?

3) **DRUG MART, OWNER/James Doerr with Ellet Neon Sales & Service, Inc.,
Representative, Cont'd**

Mr. Bohac – Thank you, Mr. Chairman. So, you're telling us that they haven't made any decision on the monument signs yet?

Mr. Doerr – No, I've advised them on that. They have three options. They can reface the existing ground sign, and I sort of suggested that that's what they do. Secondly, they could try – that is only a 40 square foot ground sign. They are allowed a 50 square foot ground sign but the problem with that and the problem with the pylon sign that would get them up and over the transformer on Royalton Road is the Code says that you have to be 25' from the lot line and that Royalton Road sign is right up on the property line at that BP property. If you go to the other side of that driveway and set it back 10' from the Royalton Road right-of-way, then you're in the parking lot for the bar and the traffic flow gets messed up. It's not an easy fix there. That is why at this time I cannot answer your question except to say they have not made a decision on the ground signs but I have and I have recommended to them at this point in time, until you clear up what you're going to do on the corner there, if you're going to get that property or not, I would say to reface those signs.

Mr. Bohac – Personally, my feeling are whatever advertisement they could get out of either one is better than nothing. No other comments.

Dr. Goist – Thank you, Mr. Bohac. I don't want to get down a path talking about other signs.

Mr. Bohac – I understand.

Dr. Goist - Mr. Baldin?

Mr. Baldin – Yes, Mr. Chairman, looking at the property very, very hard, that south side is one third the length of what you have on the west side. You have about 170' facing west, you have about 60 some feet facing south and you're looking for a 5' sign on both sections. I think it's going to be a little overbearing, I don't think it's going to mean a whole heck of a lot as far as people to see it or not see it, I do think you need a sign there. I just have a little problem with it being a 5' sign. We run into this all the time on buildings where people want much more than what they think they really need to have. That's all I have to say, Mr. Chairman.

Dr. Goist – Mr. Harr?

Mr. Harr - Mr. Allen, did we not discuss in the first meeting on this subject that the overall square footage was still below what the building size would warrant?

Mr. Allen – Yes, that is correct.

3) **DRUG MART, OWNER/James Doerr with Ellet Neon Sales & Service, Inc.,
Representative, Cont'd**

Mr. Harr – Okay. For me, our applicant has really touched upon the three things that I think are valuable with this sign. Recognizing the depth on the setback of the building it is a long ways back. Depending upon the size of the sign, you really risk it being not visible from the roadway at all. I do think that plaza needs assistance from a traffic pattern standpoint. I think helping people navigate in there is probably useful. I don't think it really has any impact on anyone negatively and may actually have a positive intrinsic value to the other folks in that plaza because it will be easier to find Drug Mart. That is what they are going to use as a beacon for their clientele or people who are not necessarily familiar with the area to find their shops as well. I'm okay with it.

Dr. Goist – Mr. Evans?

Mr. Evans - Mr. Chairman, in caucus I compared this to the B Spot where we turned down a larger sign. I believe that the size of the building certainly warrants a larger size here. Whether or not it will help with traffic finding its way to it, I don't know if that will happen but certainly on location I think it will. The distance of the setback certainly warrants that. It's not a question of whether the second sign is permissible but just the size. Given that there will be no impact on residential areas in the near area there, I see no problem with this.

Dr. Goist – This is a Public Hearing. I'm going to ask if there is anyone who would like to speak for this variance. Is there anyone who would like to speak against this variance? Before I ask for a vote I want to tell you that you are going to have a twenty day waiting period. It's that time of year and you may have to hire some more elves to get this sign up. If there is no one here to speak for or against this, I will ask for a motion to approve this variance.

Mr. Evans - Mr. Chairman, I would like to move that we approve a request for a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign to be 5' in height and where two (2) Wall Signs 5' in Height are proposed (West and South elevations); property located at 13919 Prospect Road PPN 392-33-012 zoned Local Business (LB).

Mr. Bohac – Second the motion.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll please.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved. There is the twenty day waiting period. You have to wait to pull the permits.

Mr. Doerr – In that regard, let me ask a question. Is the approval then contingent upon any sort of Council approval?

Dr. Goist – I'll defer to Mr. Kolick because he can answer that.

3) **DRUG MART, OWNER/James Doerr with Ellet Neon Sales & Service, Inc.,
Representative, Cont'd**

Mr. Kolick – The twenty day period is to see if someone requests that City Council review the decision of this Board. If no one requests it and Council on its own doesn't deem it necessary, then no review takes place. The only question is will there be one done? That would be up to City Council.

Mr. Doerr – Okay, thank you all. Appreciate it.

Dr. Goist – Thank you.

Mr. Bohac – Happy Holidays.

Mr. Doerr – Likewise, and you too.

RULING: VARIANCE APPROVED

Dr. Goist – If there is no other business to come before this Board this evening, the meeting is adjourned.

Meeting adjourned at 8:50 p.m.

<u>Signature on File</u>	<u>Signature on File</u>	<u>January 25, 2012</u>
Dr. Goist, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date