

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

**Meeting of
December 2, 2009
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; Kenneth Evans; William Harr; Frank Bohac

Administration: Assistant Law Director, Daniel Kolick;
Building Department Representative, Joe Allen;
Recording Secretary, Kathryn Zamrzla

The Board members discussed the following:

1) GILL'S BEVERAGE/ROYALTON DEV. CO., OWNER

- a) Requesting a variance from Zoning Code Section 1272.10 (c), which allows one wall sign and where the applicant is requesting a 3'2" x 14'10" Second Wall Sign;
- b) Requesting a 16.9 SF Sign Face Area variance from Zoning Code Section 1272.10 (c), which allows a 28.2 SF Sign Face Area and where a 45.1 SF Sign Face Area is proposed in order to install a second Sign; property located at 13923 Prospect Road PPN 392-33-012 zoned Local Business.

Dr. Goist reviewed the variances and Mrs. Zamrzla stated that the applicant spoke with Mr. Biondillo today to change the variance. The applicant stated that he would like to change the variance to moving the existing sign on the west side of the building to the south side of the building. Mr. Kolick advised the Board that the applicant is not on a corner lot even though the corner lot does not have a building on it. The Board stated they would discuss it on the floor and that the applicant may or may not still need a variance. Mr. Allen stated that he and Mr. Biondillo will review the Sign Code to determine what variance he needs, if any.

2) MARK BALAS, OWNER

Requesting a 25' Setback variance from Zoning Code Section 1252.17 (c), which requires that the fence be located within the setback of the residence and where the applicant constructed a 6' Vinyl fence located 25' beyond the setback of the residence; property located at 20649 Pineview Circle PPN 393-28-026 zoned R1-75.

Mr. Allen stated that a fence permit was issued in 1989 without a variance allowing the fence 6" from the sidewalk and that a variance was issued to install a pool. Mr. Evans stated that he doesn't fault the homeowner for being ignorant of the laws regarding fence replacement. The Board stated that there is a pool inside the fence and moving the fence may put it too close to the pool.

3) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Michael Maloney,
Representative**

**Extension of the determination of December 17, 2008 of the Board of Zoning and
Building Code Appeals:**

- a) Requesting a 79' Front Yard Parking Setback variance from Zoning Code Section 1262.07, which requires a 100' Front Yard Parking Setback from the Sprague Road right-of-way and where a 21' Front Yard Parking Setback is proposed in order to install Additional Parking Spaces;
- b) Requesting a 41' Side Yard Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Side Yard Parking Setback from the Dow Circle right-of-way and where a 9' Side Yard Parking Setback is proposed in order to install Addition Parking Spaces;
- c) Requesting a 5' Side Yard Setback variance (West) from Zoning Code Section 1262.07, which requires a 10' Side Yard Setback (West) and where a 5' Side Yard Setback (West) is proposed; property located at 14955 Sprague Road PPN 395-12-001 Zoned Research and Development (RD).

Dr. Goist stated that economics may have had a part in the delay in the project. Mr. Allen added that this is a zoning hearing and the applicant at the last hearing was trying to determine the number of parking spaces but that cannot be determined until a licensed engineer designs it and the City Engineer approves it because the number of spaces lost with detention and retention and so forth, the final number may change. Mr. Kolick added that the previous variance motion did not specifically state that it was subject to additional parking placed on the Dow parking lot area prior to additional parking added to the Sprague Road parking area and the Board may want to inform the applicant or make the motion subject to the condition.

Other discussion:

Dr. Goist stated that he will not be able to attend the meeting on December 16, 2009.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

December 2, 2009

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

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

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 December 2, 2009 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. BALDIN

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

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 – 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 an amended agenda this evening. If I may, I would like to have a motion for the amended agenda to be approved.

Mr. Evans – I move that the amended agenda be approved.

Mr. Bohac – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – We have all received in our packets minutes from November 4, 2009 and November 18, 2009. If there are no additions or corrections, I will entertain a motion to approve the minutes as presented.

Mr. Evans - Mr. Chairman, I would like to move that we approve the minutes from November 4, 2009 and November 18, 2009 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 the people who are here who would like to speak before the Board of Zoning and Building Code Appeals this evening, if you would now please stand and be sworn in by our Assistant Law Director.

Mr. Kolick then stated the oath to those standing.

Dr. Goist – Our meetings are in two portions, New Applications and the second portion are Public Hearings.

1) **GILL’S BEVERAGE/ROYALTON DEV. CO., OWNER**

- a) Requesting a variance from Zoning Code Section 1272.10 (c), which allows one wall sign and where the applicant is requesting a 3’2” x 14’10” Second Wall Sign;
- b) Requesting a 16.9 SF Sign Face Area variance from Zoning Code Section 1272.10 (c), which allows a 28.2 SF Sign Face Area and where a 45.1 SF Sign Face Area is proposed in order to install a second Sign; property located at 13923 Prospect Road PPN 392-33-012 zoned Local Business.

Dr. Goist – Our first New Application is Gills Beverage, Royalton Development Company, Owner. If you would like to come up and present what you would like to do and tell us, basically, what your plans are. I need your address first.

Mr. Hanna – My name is Joe Hanna and my address is 17110 Partridge Drive, Strongsville, 44136.

Dr. Goist – Again, I know you, kind of, gave us some information in caucus and if you would again tell us now what your intent is.

Mr. Hanna – We have an existing sign facing Prospect Road. We need to remove the existing sign facing Prospect.

1) **GILL'S BEVERAGE/ROYALTON DEV. CO., OWNER, Cont'd**

Dr. Goist – And you want to put it on the 82 side.

Mr. Hanna – Yes, sir.

Dr. Goist – There are no other changes and as best we know, that sign meets all of the sign requirements at this point in time. We don't really feel that you may need a variance but we're going to put you on Public Hearing for two weeks from tonight so that if, in our research as we check it out, we find out that you need a variance, then we'll have you back. If we find out that you don't need a variance and then, am I correct that we will inform him? In that case you wouldn't have to be here at the next meeting.

Mr. Hanna – Okay, so someone will let me know in the next two weeks?

Dr. Goist – Yes, probably sooner than that because it has to be posted by tomorrow so you should be getting a call tomorrow.

Mr. Hanna – Okay. I would like to get the call at the store phone number.

Dr. Goist – Okay. This may expedite the whole thing.

Mr. Hanna – Thank you so much.

Dr. Goist – Okay.

Mr. Hanna – You guys have a good night.

RULING: PUBLIC HEARING SET FOR DECEMBER 16, 2009

2) **MARK BALAS, OWNER**

Requesting a 25' Setback variance from Zoning Code Section 1252.17 (c), which requires that the fence be located within the setback of the residence and where the applicant constructed a 6' Vinyl fence located 25' beyond the setback of the residence; property located at 20649 Pineview Circle PPN 393-28-026 zoned R1-75.

Dr. Goist – Our second New Application is Mark Balas. If you will give us your name and address please and tell us what you would like to do.

Mr. Balas – Mark Balas, 20649 Pineview Circle, Strongsville, 44149. Can I give you guys something? (The applicant distributed photographs of his fence.)

Dr. Goist – Sure.

2) **MARK BALAS, OWNER, Cont'd**

Mr. Balas – Obviously, we are here because I screwed up. I didn't know I had to have a permit to replace an existing fence and I wish – this is the fence on the west side. I wish I had a picture of the fence on the east side that I replaced because this looks great compared to what was on the east side. The posts were never put in right. The posts were about 2" in, there was barely any concrete around the posts so all the posts were heaving, much more than what this side shows. Okay? The boards were warped, splitting, bowing out and stuff, the staples were popping etcetera and about a year ago, some kids came by and spray painted about a 6' to 8' wide giant male organ on my fence. In March, I was out there power washing it, trying to get it off. As time went on, that kept bleeding through the fence and it just was an eyesore. People in the neighborhood didn't like it. We obviously didn't like it. So, we decided that we needed to replace that side of the fence. We decided that the right way to go was with vinyl instead of another wood fence. So, we spent the money. I worked hard to get the money to do this project. I went ahead and put up the vinyl fence. The old fence was right on top of the sidewalk if not just a few inches in from the edge of the sidewalk so what I did was I moved this in. I thought it was about 18" and today I checked. It's more like 15" or something like that. I moved it in off the sidewalk, went ahead and put the pea gravel in there. That's what that second picture is there. The wood is there because I'm building the gate that needs to be hung there for the back yard so that is why the old wooden piece is there. When you look at the fourth picture, there is a pool back there. I had gotten a permit for the pool and I don't remember what the measurements were from the sidelines. I want to say it was 25' from the sidelines the fence had to be. It could have been 15' but somewhere between 15' and 25'. So, the fence was there when we bought the house in '99 and applied for the permit for the pool. They approved it and all that with a variance on the back yard. So, basically all I was trying to do was get rid of the old cruddy fence. Next year I would like to do the other side. I would like to do the back so everything matches and it looks a lot better. If I had to come off the corner of the house past the pool, the fence would be probably 2' to 3' from the side of the pool, which then says to me there is a violation there but the pool was approved for the existing fence. Now, six or seven years ago when I did that, I didn't know I would be or when if ever I would be replacing my fence. So, if I have to rip something out it's going to cost me some money, a lot of hard work, there is going to be stuff that will be unusable, which will have to be replaced and stuff and I know that's not really your fault. Had I known I had to go through all this, I would have went through it in the first place but I just thought for a replacement and I thought – I figured instead of just trying to replace sections of the fence because of the graffiti encumbered about three panels and there's like six or seven panels on that side. There was no way I was going to replace it and make it look halfway decent with wood.

Dr. Goist – Okay, Mr. Balas, I happened to be there. I did not go inside your fence today. I do have one question. That wooden fence that is just falling apart, that is not on your property, am I correct?

Mr. Balas – The one in the back?

2) **MARK BALAS, OWNER, Cont'd**

Dr. Goist – Yes.

Mr. Balas – No, it's not.

Dr. Goist – That is the next door neighbors?

Mr. Balas – Yes.

Dr. Goist – I just wanted to make sure.

Mr. Balas – When we bought the house in '99, the house was mine in '99 but we couldn't move in until January. They rented from us. Our fence, that fence behind us, all of that was there. The shed was there when we moved in.

Dr. Goist – Did your fence look like that fence? Were they all the same?

Mr. Balas – No. That very front picture is what my fence looked like. There would be no way to duplicate that. That fence on the side has probably heaved a foot from the bottom of the ground on the side I replaced in certain spots it was almost a foot and a half to two feet high. I actually had to put boards like I did on this side. We have a little dog and my good neighbors were bringing her back home because she kept escaping. We had to put boards down there because every year that fence just kept heaving and heaving. I went ahead and dug 10" diameter holes, 38" to 40" deep. The posts are vinyl posts, 3' in width about, 140 to 160 pounds of concrete in each hole. I was trying to make sure that that thing didn't move, it didn't heave anymore. My concern being the corner lot, everything drains right by me and that's why the back four panels or so on both sides just keep heaving and stuff.

Dr. Goist – Okay, Mr. Balas, I think that you have probably and I don't want to reiterate this but I think that you know the new Code for fences says that fences come off the side of the residence and that's where you would be in compliance. What I'm asking you next is and I understand the hardship to you and the cost but we have tried very hard to get back to that new Code, which is now about two years old. Am I right, Mr. Kolick? I think it's a little older than two years so if you would have come in and applied for the permit, they would have told you that you have to come off the side of the house and there wouldn't have been any question. The reason that you're here is that you're going to ask us or I'm assuming that you're going to ask us for a variance and we really don't want you to be that close to the sidewalk but if you're willing to compromise, I would like to hear what you might like to compromise to.

Mr. Balas – I don't want to compromise but I guess I realize that I may have to compromise and yes, you are right. If I would have come in I would have known. Again, I was under the impression to replace something like through talking to different people, family members that I have living in the city, all your doing is replacing it. Why do you need a permit? I was

2) **MARK BALAS, OWNER, Cont'd**

Mr. Balas continues - wrong. I should have called the City to find that out for sure. I know someone that had called the City, had a stone patio replaced with a concrete slab and the City told them you didn't need a permit. Why would you need a permit if you're just replacing it and that's, kind of, what I felt with the fence then. It's the same thing. I'm replacing what was already there. So, I should have come in and stuff but if I had to do it, I think I wrote on the third page there, if I came in like 6 ½' roughly off the sidewalk then that gives me some room from the pool, number one and it's not costing me as much money to do what I need to do to move it and stuff. As is, the posts are – the cement is maybe an inch or two below ground level so I'm going to have to chop down all the posts and fill in dirt and seed and everything to move that side in and stuff.

Dr. Goist – We understand, Mr. Balas, this is a common misunderstanding of lots of the residents in the city, exactly what you have said and we do hear this over and over and over. We are making a concerted effort to try to inform people of what they need to do. We always heard the “Don't dig before call the public utilities people to find out”. We need to get the word out even better that people need to come in and apply for permits. So, part of it is the City I am not saying that they're responsible but we need to get the word out so that everybody knows. I appreciate the fact that you have at least begun to consider 6' or 6 ½' off the sidewalk. I also agree that your fence looks very nice. I do want to ask Mr. Allen though, you probably put the posts in and put the concrete around the post.

Mr. Balas – Correct.

Dr. Goist – Is that correct? Mr. Allen, did I understand that one place that we were talking about that you need to pour the concrete in and then put the posts on top of the concrete? Is that correct?

Mr. Allen - Mr. Chairman, that is for a deck, not a fence.

Mr. Balas – Actually, the posts have a hole in the side of the post so that when we put the posts in and put the concrete in, concrete was also going inside the hole in the post, trying to keep that down.

Dr. Goist – I've seen it. Board members, do you have questions?

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

Mr. Harr – I too appreciate the fact that you're improving the property. I think the photos here look very nice. The struggle that the Board has is although this is, as our chairman indicated, an area where a lot of folks don't realize when they do repair or replace a fence that they do need to get a permit, and often run into new ordinances that the City has passed

2) **MARK BALAS, OWNER, Cont'd**

Mr. Harr continues - but that said, we also have to be careful in so much as we certainly don't want to set precedence that just by doing the work without permission it's allowed to necessarily remain in total violation. So, we appreciate your understanding of the situation. When you talked about six to six ½ feet is that roughly what one of these panel sizes is. Is that why it's a convenient –

Mr. Balas – Yes, roughly. What is going to happen is where that post where I have 6 ½' that post is going to have to come out of there because it would have slits facing the street then that would never be used. So, I would have to take that out, put another post in next to that. So, I need six to eight inches or so, I think, that I can put a new post in, buy a new top and bottom rail, take one of these upright panels because they are all tongue and groove pieces and be able to slide that in and then have it notched so it can go back down along the side.

Mr. Harr – Looking at the interior shots, what is the sub-section fenced off there?

Mr. Balas – All that is there is a vegetable garden in the one corner and then some of the dirt by where the tree is that is cut off. So, what we did is we had that fencing around the garden so the dog wouldn't get in there and get dirt all over.

Mr. Harr – Okay, so that would simply be relocated.

Mr. Balas – Yes, that is just there until this all gets straightened out and I just did that to keep the dog from going into the dirt and tracking it into the house. I have always had that around the vegetable garden so she wouldn't get in there.

Mr. Harr – Are you on good terms with the neighbor to your south?

Mr. Balas – Yes, I am on good terms with all of them.

Mr. Harr – You may want to advise them because from the looks of these pictures, they are going to be looking at a new fence pretty soon as well. They will need to investigate the permit process first. Mr. Chairman, I don't have any other questions until I see the property.

Dr. Goist – Any other questions?

Mr. Evans - Mr. Chairman?

Dr. Goist – Mr. Evans?

Mr. Evans – Mr. Balas, as I look at the second picture it shows the look down the line there and across the street. The basketball backboard that is in the picture, it appears to me that – I have not been out there; we will all be out there to take a look at it – that there is a fence around the basketball backboard there as well.

2) **MARK BALAS, OWNER, Cont'd**

Mr. Balas – I looked at that. That is the other corner down there. I think that basketball hoop is in front of the fence. I believe that it is actually along the edge of the drive. Their driveway is set up like mine.

Mr. Evans – Right, okay. The reason that I was asking that is that it would appear that in addition to the basketball backboard there is a CEI utility electrical box there on the ground.

Mr. Balas – I don't think there is. Their fence comes out probably 15' to 20' and then it's a front panel and there is a split rail that comes off of that going down along the sidewalk. I don't think there is any utility box.

Mr. Evans – To me it looked like it was not up against the sidewalk and I thought maybe the reason that it wasn't was because that there were utilities there that raised the question in my mind whether there are utilities under your fence and whether there is an easement.

Mr. Balas – I called that marking location. Everything for the utilities based on what they marked is on the west side of my house, not the east side where the new fence went and it actually goes from about the middle of the house towards Pineview, not towards the back.

Mr. Evans – Okay.

Dr. Goist - Mr. Allen?

Mr. Allen – In almost all the sub-divisions where there are underground feeds, especially the older ones like this, there is normally a 10' utility easement that is parallel to the public right-of-way. More than likely, 1' behind that walk would start a 10' easement underneath the fence. Whether there are any lines in there or not I don't know but there is normally an easement indicated. We can check the plat at the office to make sure.

Mr. Balas – I'm trying to do the right thing and obviously I would not like to have to move it. If I have to come up with some type of alternative, I guess I'm going to have to do what I have to do. It's going to be an expense. I was trying to do the right thing and trying to make it look a lot better. Like Mr. Evans and Mr. Harr said, you hear so many different things and had I called the City but I work two jobs, I'm gone six days a week and I guess –

Mr. Harr – The only comment I would make in concert with what Mr. Allen was discussing, when you're taking a look at where a concession may be, by putting it 6 ½' back lets say, you're still 3' into an easement. What that means is if the utility company at any point wanted to dig in there –

Mr. Balas – They are going to have to come through. I had it in my front yard.

2) **MARK BALAS, OWNER, Cont'd**

Mr. Harr – It may behoove you to verify exactly what easement you may have right along that side of the property and you may want to consider while you're moving it and going through the expense and doing everything, a couple of feet –

Mr. Balas – Is that something I have to do or Mr. Allen is going to do?

Mr. Harr – I'm sure he can help you with that. You may want to consider that because you're going to go through a lot of time and effort to move that fence and it would be a shame to have to uproot it again for 3'.

Mr. Balas – Part of the problem that I'm having trying to understand too is when you look at the fourth picture or last picture, if I have to move my fence in then you have that ugly fence behind me sitting there exposed. To me, coming down the street and seeing that doesn't look good either.

Mr. Harr – He is going to face the same issue shortly. Based on what it looks like, the life expectancy of that fence at least on that eastern side there, he is missing quite a few slats and having the same heaving problem that you had.

Dr. Goist – We look down your fence line, down the sidewalk and down towards that basketball court, do you know about how far off – it looks like that fence comes off of a garage.

Mr. Balas – That actually comes off the back dining room like mine does.

Dr. Goist – Off of the house. Do you have any idea – I know that this is a long shot – how far that is off the –

Mr. Balas – If I had to guess that those are probably at least two 8' sections and a gate there. So, say if the gate was 4' then 20' and again, there is another fence, a split rail that comes off of that yet on this one here.

Dr. Goist – My question was going to be, do you know how far that fence is off the sidewalk. That might be something that we might want to look at and if that one is 10' off the sidewalk –

Mr. Balas – Six to eight feet maybe.

Dr. Goist – That is why we're saying if we took you back six to eight feet, we might line this whole thing up. That is a possibility and your neighbor behind you is going to do something with that or mother nature is going to do something to it.

2) **MARK BALAS, OWNER, Cont'd**

Mr. Balas – Again, I'm going to have to do what I'm going to have to do. The least amount I would have to do will be great. My question comes in I'm ready in a day or two here to hang my gate. Should I hang my gate or not hang my gate to get rid of that wooden piece?

Mr. Evans – Don't hang your gate.

Dr. Goist – Don't hang your gate according to the Engineering Department until we get everything settled. Board members, do you have any other questions? If not we appreciate your cooperation and your understanding and we will set this for a Public Hearing, which will be the 16th of December. Between Mr. Allen checking for you on the easements and there will be some compromise, I think made but we, kind of, know at this point but we're going to ask you to move it off the sidewalk.

Mr. Allen - Mr. Chairman?

Dr. Goist – I'm sorry. I yielded to Mr. Harr but I wasn't quite done. I hate to interrupt the process here. Mr. Balas, you had applied for a permit for the pool. Did you apply for permits for any other construction for renovation or anything else since you have been resident since you moved in.

Mr. Balas – The driveway. I replaced the driveway with an added pull off.

Mr. Evans – Okay and you did get a permit for that?

Mr. Balas – Yes.

Mr. Evans - Okay. I just wanted to make sure that we established the fact that he has in the past applied for a permit when he thought it was necessary so that it's just –

Mr. Balas – I was told that I was replacing it with a pull off –

Mr. Evans – Which changed it.

Mr. Balas – so therefore I had to get a new permit because it was not an exact replacement.

Mr. Evans – Thank you.

Mr. Balas – Alright, thank you.

RULING: PUBLIC HEARING SET FOR DECEMBER 16, 2009

(H) PUBLIC HEARING

3) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Michal Carney,
Representative**

**Extension of the determination of December 17, 2008 of the Board of Zoning and
Building Code Appeals:**

- a) Requesting a 79' Front Yard Parking Setback variance from Zoning Code Section 1262.07, which requires a 100' Front Yard Parking Setback from the Sprague Road right-of-way and where a 21' Front Yard Parking Setback is proposed in order to install Additional Parking Spaces;
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Dr. Goist – Now, we move from New Applications to our Public Hearing and our Public Hearing is Sprague Research Development Company, Michael Maloney.

Mr. Carney – Actually, no it's Michael Carney. Our architect is Scott Maloney. My address is 2001 Crocker Road, Westlake, Ohio 44145.

Dr. Goist – Mr. Carney, we know that you are here for an extension and we, kind of, are making an assumption that the economic conditions and times have been what have held you up from doing this because we gave you this variance last year on December the 17th. You have been timely in coming in before your variance is up and we can extend the variance. Were you in caucus?

Mr. Carney – No, I'm sorry I was not in caucus.

Dr. Goist – The one thing that we talked about in caucus is that - and we did not have put in the record was last year – I'm not sure if it was you or –

Mr. Evans – John was here.

Mr. Carney – John Carney.

Dr. Goist – We did ask that if they are going to add parking that they would add parking on the side road first before adding parking to the Sprague Road side.

3) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Michal Carney,
Representative, Cont'd**

Mr. Carney – I was at that meeting and I do – that’s rings a bell. It was a while ago.

Dr. Goist – What we would like to do in giving you an extension is to include that verbiage so that we have made it really clear that you will go ahead and do that for the record that you will extend the parking on the side street of Dow Circle before you do anything on the Sprague Road side.

Mr. Carney – Yes, we would be comfortable with that.

Dr. Goist – Board members, do you have any questions? We don’t have any questions and we are certainly in favor of extending this with that verbiage added. I’m going to ask one of the Board members to read –

Mr. Evans - Mr. Chairman, it is a Public Hearing. Don’t we need to –

Dr. Goist – Yes, okay. I’m sorry. It is a Public Hearing. Is there anyone here to speak for this variance? Is there anyone here to speak against this variance? There is no one in the room so I’ll ask for a motion.

Mr. Evans - Mr. Chairman, I would like to move that we approve an extension of the determination of December 17, 2008 of the Board of Zoning and Building Code Appeals, which approved a 79’ Front Yard Parking Setback variance from Zoning Code Section 1262.07, which requires a 100’ Front Yard Parking Setback from the Sprague Road right-of-way and where a 21’ Front Yard Parking Setback is proposed in order to install Additional Parking Spaces and approving a 41’ Side Yard Parking Setback variance from Zoning Code Section 1262.07, which requires a 50’ Side Yard Parking Setback from the Dow Circle right-of-way and where a 9’ Side Yard Parking Setback is proposed in order to install Addition Parking Spaces and approving a 5’ Side Yard Setback variance (West) from Zoning Code Section 1262.07, which requires a 10’ Side Yard Setback (West) and where a 5’ Side Yard Setback (West) is proposed; property located at 14955 Sprague Road PPN 395-12-001 Zoned Research and Development (RD) subject to the representatives understanding that the parking would be added first to the Dow Circle side and lastly to the Sprague Road side.

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 – So, your extension has been approved with that added verbiage and hopefully by next year at this time you will have things moving.

3) **SPRAGUE RESEARCH DEVELOPMENT COMPANY/ Michal Carney,
Representative, Cont'd**

Mr. Carney – That would be my hope. Thank you for your time.

Dr. Goist – Thank you very much. Have a nice holiday.

Mr. Carney – You too.

RULING: EXTENSION GRANTED FOR ONE YEAR

Mr. Goist - If there is no other business to come before this Board, meeting is adjourned.

Meeting adjourned at 8:32 p.m.

<u>Signature on File</u>	<u>Signature on File</u>	<u>December 16, 2009</u>
Glenn Goist, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date