

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
November 15, 2023**

Board of Appeals Members Present: Dustin Hayden, Ken Evans, John Rusnov, Dave Houlé, Richard Baldin

Administration: Assistant Law Director Daniel Kolick

Assistant Building Commissioner: Steve Molnar

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

1) DAVID STAHL (OWNER), (TABLED AT NOVEMBER 2, 2023 MEETING)

Requesting a 280 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 480 SF Floor Area is proposed to construct an unenclosed pavilion over concrete pavers, property located at 19703 Ennis Drive, PPN 394-29-122, zoned R1-100

Mr. Hayden - Item number one is a request for a SF variance and was tabled at the November 2, 2023 meeting for the homeowners association approval letter, which we received via email.

2) LENNY HULL (OWNER)

Requesting a 178 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 400 SF Floor Area and where a 578 SF Floor Area is proposed to construct an unenclosed covered patio over concrete pad, property located at 15233 Whitney Road, PPN 395-23-005, zoned R1-75

Mr. Hayden – Item number two is for Mr. Hull on Whitney Road. This request is for an unenclosed covered patio, similar to a lot of the projects that have come before this Board. Although, it is large we have commented that residents are using their homes more and I do not have any issues with this request.

Mr. Houlé - They have a deep back yard.

Mr. Kolick – They are allowed more square footage because they have over a 1.5-acre lot.

Mr. Rusnov - Whitney Road has deep lots and John D. Rockefeller's former cottage was across the street from there.

Mr. Houlé – They have two different pavilions over the deck, a smaller one and a larger one so, I am assuming those will both be replaced.

3) SHEETZ INC.(OWNER), ELLEN SELLE, AGENT

- a) Requesting a wall sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign and where six wall signs totaling 132.34 SF are proposed
and
- b) Requesting a 3' height variance from Zoning Code 1272.12 (e), which permits a height of 5' and where a height of 8' is proposed to install a ground sign, property located at 15385 Royalton Road, PPN. 399-02-013, zoned MS Motorist Services

Mr. Hayden – Item number two is Sheetz and this request is for a new location on Royalton Road, they are requesting two variances. One variance is for the number of signs, we permit one sign and they are proposing six signs. In the past we have allowed multiple signs as long as they stay within the square footage that is allowed by code.

Mr. Kolick – In particular on gas stations/service stations we have, and they are well within their number. Steve, are they within the square footage that is allowed?

Mr. Molnar - Yes absolutely, also Ted took a look at this and there is no obstruction of view.

Mr. Evans – They are requesting a lot of signs over, as I looked at the one proposed that says 24/7 drive-thru, which is on the building between the drive-thru windows, for me that sign is unnecessary. It is on the face of the building in the rear and you will only see it when you go through the drive-thru. I think that one we can do without and the number for me is really high and I would like to limit it where it makes sense and I think losing that 24/7 drive-thru sign would be appropriate.

Mr. Hayden – The second part of this variance is for a height request on the ground sign and I personally feel that we should limit this sign to code.

Mr. Evans – Within the last couple of months we have had three gas stations that have asked for higher signs and on all three we said no.

Mr. Hayden – Correct.

Mr. Evans – I am assuming at this point when we discuss this item we will have the opportunity to separate Request A and Request B.

Mr. Kolick – Absolutely, you can separate any of them.

Mr. Houlé – They are at a disadvantage because they are not on a corner lot so, I understand the need for additional signage. Also, they are within the square footage that is allowed.

The Board members had no changes to the minutes of November 2, 2023

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
November 15, 2023
7:00 PM**

The meeting was called to order at 7:00 PM by Mr. Hayden.

Present:

Mr. Rusnov
Mr. Houlé
Mr. Evans
Mr. Hayden
Mr. Baldin

Also Present:

Mr. Kolick, Assistant Law Director
Mr. Steve Molnar, Asst. Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this November 15, 2023 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. BALDIN	PRESENT
	MR. RUSNOV	PRESENT
	MR. HOULÉ	PRESENT
	MR. EVANS	PRESENT
	MR. HAYDEN	PRESENT

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances.

Mr. Hayden - Before us we also have minutes to approve from our meeting on November 2, 2023. We discussed this in caucus and there were no corrections or changes needed and we will file those accordingly.

Mr. Hayden - If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our Secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1) **DAVID STAHL (OWNER), (TABLED AT NOVEMBER 2, 2023 MEETING)**

Requesting a 280 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 480 SF Floor Area is proposed to construct an unenclosed pavilion over concrete pavers, property located at 19703 Ennis Drive, PPN 394-29-122, zoned R1-100

Mr. Hayden - Item number one is a request for a SF variance and the public hearing for this request is still open. If you could step up to the microphone and give us your name and address for the record.

Mr. David Stahl, 19703 Ennis Drive, Strongsville, Ohio 44149

Mr. Hayden – We discussed this project at the last meeting and the only thing we were waiting on was the homeowners association letter, which we did receive via email and the public hearing is still open.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Baldin – Mr. Chairman, motion to approve request for a 280 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 480 SF Floor Area is proposed to construct an unenclosed pavilion over concrete pavers, property located at 19703 Ennis Drive, PPN 394-29-122, zoned R1-100

Mr. Houlé - Second.

Mr. Hayden – Thank you, Mr. Baldin for the motion and Mr. Houlé for the second.
May we have a roll call please?

ROLL CALL:

MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES

MOTION APPROVED

Mr. Hayden – Mr. Stahl, this variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days.

2) LENNY HULL (OWNER)

Requesting a 178 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 400 SF Floor Area and where a 578 SF Floor Area is proposed to construct an unenclosed covered patio over concrete pad, property located at 15233 Whitney Road, PPN 395-23-005, zoned R1-75

Mr. Hayden - Item number two is for Mr. Hull. If we could have you step up to the microphone and give us your name and address for the record.

Mr. Lenny Hull, 15233 Whitney Road, Strongsville, Ohio 44136

Mr. Hayden – Please give us a brief description of your project and the need for the request of the variance.

Mr. Hull – I would like to build a roof off of my house.

Mr. Hayden – In caucus we discussed that we have seen quite a bit of these projects, you also have a lot of land there and I think this improvement will fit nicely back there. It was noted that there is already some covering there, are you removing that?

Mr. Hull – Yes definitely, that is the whole reason that I want this because during the pandemic you couldn't get people to come out and do anything.

Mr. Baldin – Did you put those in or were they there when you brought the home?

Mr. Hull – They are just standing ones and I purchased them.

Mr. Evans – Mr. Hull, is the contractor a licensed contractor in the City?

Mr. Hull – I am pretty sure he supplied everything.

Mr. Evans – I only ask because it is one that I am not familiar with and they are from outside of the area. We had one recently where someone thought that they were a licensed contractor but, they were not.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Rusnov – Mr. Chairman, motion to approve request for a 178 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 400 SF Floor Area and where a 578 SF Floor Area is proposed to construct an unenclosed covered patio over concrete pad, property located at 15233 Whitney Road, PPN 395-23-005, zoned R1-75

Mr. Evans – Second.

Mr. Hayden – Thank you, Mr. Rusnov for the motion and Mr. Evans for the second. May we have a roll call please?

ROLL CALL:

MR. HOULÉ	YES
R. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES
MR. RUSNOV	YES

MOTION APPROVED

Mr. Hayden – Mr. Hull, this variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days.

3) SHEETZ INC.(OWNER), ELLEN SELLE, AGENT

- a) Requesting a wall sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign and where six wall signs totaling 132.34 SF are proposed
and
- b) Requesting a 3' height variance from Zoning Code 1272.12 (e), which permits a height of 5' and where a height of 8' is proposed to install a ground sign, property located at 15385 Royalton Road, PPN. 399-02-013, zoned MS Motorist Services

Mr. Hayden - Item number three is a request for Sheetz. If we could have a representative come to the microphone and give us your name and address for the record.

Ellen Selle, 8295 Broadview Road, Broadview Heights, Ohio 44147

Mr. Hayden – You were here during caucus and heard some of our comments regarding the project. Please take us through the project and respond to those things we discussed in caucus.

Ms. Selle – I appreciate that you pointed out that this site is a little different from our other sites in Strongsville. It is not on a corner of two main streets but along Royalton Road. It may not be the exact same signage at our other locations but, this is our new prototype and it has some more updated items. The biggest item to be updated will be the canopy and I would like to point out that the square footage calculated includes, please bear with me on this because there are a few things I need to go over. There are two sheets one is the cover page and the other is the one that has the canopy on it, the total square footage listed is 209, which is what was posted for the overall signage square footage for this variance. The last two items listed on the gas canopy (fuel offer flag area/diesel price sign area) that would be this item here and also these flaggers, those should not be counted in the overall square footage for signage. That is not part of your sign code and I apologize that I did not catch that before, if we subtract those sign areas it takes us down to 167.53 SF. There is a subtraction but I would like to add two more signs that I failed to put on this canopy and I can circulate these around. They are two additional signs on this side of each canopy.

Mr. Rusnov – Is the square footage correct for the six wall signs for 132.34 SF?

Ms. Selle – I didn't run that calculation for the wall signs, I was just letting you know the overall signage. The 42.8 SF, which was the total for the flaggers should come off of the overall SF total.

Mr. Kolick – I believe those have already been subtracted off and that is how he came to the 132.34 SF.

Ms. Selle – Maybe I am not seeing the same stuff you have because I have this document.

Mr. Hayden – The total that we have for variances in Section A is your request for 6 wall signs and we permit one and a total square footage of 132.34. The square footage is not an issue because you are within code, the issue is the number of signs. Mr. Evans spoke on this in caucus regarding the need for all of those signs, especially the 24/7 sign off the back, when it is actually on the drive-thru signage.

Mr. Selle - I specifically brought that back to Brand and the reason why that sign would be really good at this site is because when people come out of the ice rink it would be nice to have that sign that says that our drive-thru is open 24 hours. That is one of the reasons we would like to keep that sign but, if we have to give up a wall sign it would be the MTO sign, which is on the front face of the building. I spoke about the canopy and if possible, we would like to add at least one if not two canopy signs, per the information I just handed out.

Mr. Hayden – Mr. Kolick, would these signs factor into the total square footage?

Mr. Kolick – Yes, and they would factor into the number of signs.

Ms. Selle – How many wall signs do you currently have listed?

Mr. Hayden – Six.

Ms. Selle – It would actually be seven signs now because we are subtracting the MTO sign and added two canopy signs, I'm sorry for the confusion.

Mr. Rusnov – You are kind of sandbagging us because we have not had the opportunity to review this and we would have like to have seen all of this prior to the meeting. You might want to consider tabling this and getting the correct number of signs, their locations and if they are necessary or not. You may want to separate Request A and Request B because the sign is too high and we would like to see you abide by the code. Are you going to get a lot of traffic from the ice rink into the Sheetz?

Ms. Selle – That is a hope of ours, yes.

Mr. Rusnov – Hope or fact?

Ms. Selle – I can't prove any kind of fact of how many people will be going.

Mr. Rusnov - Most of us if we are at the ice-skating rink can read the Sheetz signs and some of those signs might not be necessary.

Mr. Hayden – We would be looking at a total of seven wall signs. Would the new signs on the canopy factor into the square footage?

Mr. Kolick – Yes.

Mr. Hayden – What would those signs bring our square footage too?

Mr. Kolick – They are asking for seven signs totaling 157.70 SF.

Mr. Rusnov – Is that within our acceptable code?

Mr. Kolick – Yes, the square footage is.

Mr. Rusnov - But not the number of signs.

Mr. Hayden – Right.

Mr. Rusnov – Do we have any other surprises?

Ms. Selle – No, I apologize, that is it.

Mr. Kolick – Please address the ground sign variance request and why you needed 8' and the code only allows 5'.

Ms. Selle - That is 5' for a monument sign, I believe a pylon sign permits 8'. Is that correct, how I read that in the code?

Mr. Kolick – This is a ground sign.

Ms. Selle – This sign is on a 3' base and the 3' is because of snow and elevation changes. In this area we will get snow build up there, it could be 1 to 2 feet someday during the winter. Additionally, when you go on our site it shows where the sign is proposed and it is 3' lower on this side than it is on this side, in our grading plan. That is where the additional 3' comes from to account for the grading difference.

Mr. Hayden – Mr. Evans, if I remember correctly, didn't we have this same situation with that station on Prospect Road?

Mr. Evans – Yes.

Mr. Rusnov – Yes, but that was level.

Mr. Evans – It just had a railroad crossing.

Mr. Baldin – Is the drive-thru a new concept for Sheetz and do you have any around Northern Ohio like this?

Ms. Selle – We do have them; however, it is a new amenity but it is something we have permanently put in our prototype after COVID.

Mr. Kolick – Is the ground sign going by the driveway that leads into the skating rink?

Ms. Selle – It is a shared driveway, right now it is one-lane and in one-lane out but we will be widening it to make it two-lanes in and two-lanes out.

Mr. Kolick – Is the ground sign there to attract the attention for the cars coming from east to west?

Ms. Selle – It is our only sign out front so, yes it would be attracting east and west.

Mr. Evans – Mr. Kolick, that really is not as much to attract people but it is the sign that shows the gasoline price, which is often times very important to people.

Mr. Kolick – The price is going to attract people and if there is a change in grade that may be something to consider. Unlike Landmark, which was going north and south but there was not a change in grade there.

Mr. Baldin – Does that make that big of a difference?

Mr. Houlé – You would be coming up that hill.

Mr. Evans – Mr. Chairman, one of things I would say is that given the number of variations that have been presented here tonight, first I am concerned about what is the total square footage allowed. We didn't have that from our Building Department we only had that in the communication from the applicant. Second, is the grade differential there, I can't say that I remember that there is a 3' grade drop there, it may be and I know it does begin to slope because certainly Serpentini does. Even with the grade differential we have had three gas stations in the past six months that have asked for 7' or 8' monument signs and we have said no to all of them. I appreciate the fact that Sheetz is putting its third station in and that it may be in a position where it isn't easily seen but, if you have a 10' tall sign you still will not see it going west on Route 82, as easily. People will have to make their decision about Sheetz and know what the price is the same as they do with the Shell station. I would argue that the Shell station is going to come back in and say there is a grade differential on ours and it is only 2' but we need to have an 8' sign too and whatever use to be Holiday Inn will be looking for one and Serpentini is not going to want to be outdone, on down the line and I have a problem with that.

Mr. Haden – Have you been given any authority for adjustment or is this something you would have to take back to corporate?

Ms. Selle – No, I can adjust as needed. It is my understanding that you all do have the total allowable square footage. Is that correct?

Mr. Rusnov – There is nothing concrete.

Ms. Selle – Mitzi, did they receive this because this came from your staff review but not you specifically?

Mrs. Anderson – The Building Commissioner reviewed the signage and provided the variance worksheet and his review was regarding the number of signs, which did not include the information that you submitted here tonight because he was not provided with that information. He would need to review the information to calculate the additional square footage to verify if the signage meets code.

Ms. Selle – I thought that everyone received the variance worksheet because you provided it to me.

Mrs. Anderson – No, everyone does not receive the variance worksheet, it is an internal form for the Building Departments use only.

Mr. Rusnov – It appears to be confusion with the new information you have submitted here tonight. I would suggest that you table this and get with the Building Department

and give them all the information that is necessary so, that we can make an intelligent decision. Rather than coming in and attempting to change things here, I don't like that, I feel like I am being sandbagged.

Ms. Selle – I apologize.

Mr. Kolick – I think it would make more sense for you to table these requests. You have not even been approved by Planning Commission yet so, it is not like this is something that is pressing here today and needs an answer and you can come to the next meeting. It makes more sense to table this and you can include those two new signs and the Building Commissioner can calculate it, along with the removal of the MTO sign and the addition of these two new signs. You have heard some of the comments regarding the sign on the back of the building, if someone is going in there they are already passing the 24-hour sign to get into the ice rink. You may want to consider the elimination of that sign as well. That will also give the Board an opportunity to go out to see if the change of grade will merit an 8' sign. In the meantime, give the calculations of the new canopy signs to the Building Department and they will ensure that the numbers are correct. You are right it will not change the allowable square footage but maybe if you take off the sign on the back of the building and the MTO sign, it may be lower than this for all I know.

Mr. Rusnov – If the Board voted on this today and the vote was no, there would be a delay and we don't want to see that.

Ms. Selle – We are looking to be on the agenda for the Planning Commission on November 30, 2023 and we are trying to close on the property right after.

Mr. Rusnov – When is our next meeting here.

Mrs. Anderson – The next meeting for the BZA is on December 6, 2023.

Ms. Selle – Okay, yes, I agree to table the requests.

Ms. Selle – When do I need to submit the revised information.

Mr. Kolick – As soon as you can.

Mrs. Anderson – Ellen, please contact me tomorrow and we can discuss the submittal. If you already have the revised information we can get this to the Building Commissioner for his review on the number of signs and the square footage calculation.

Ms. Selle – Thank you, I apologize for making this harder than it was supposed to be.

Mr. Kolick – That is okay, we want to make sure we get it right and this will also give the Board time enough to go out to see if the change in grade would merit an 8' sign. We sent out the Building Commissioner to make sure there was not a view obstruction with the 8' sign and he confirmed it wasn't, which is something we are always concerned about when cars come in and out but, there still needs to be a reason to change from the 5' to the 8'.

Ms. Selle – That would have been in our proposed grading plans, which were also not submitted to you but was submitted as part of our Planning Commission documents. I will make sure that is included in my application to Mitzi. Steve, John referenced you, are you with the Building Department.

Mr. Molnar – Yes, I am the Assistant Building Commissioner.

Mr. Kolick – Ms. Selle, do you agree to table these variances.

Ms. Selle - Yes.

Mr. Evans – You indicated that you are changing the driveway to a four-lane for the skating rink. Are you also adding a deceleration lane in front of the station for going into the station?

Ms. Selle – That is not part of the requirements.

Mr. Evans – I asked Steve to look at this, the way that this is laid out and the placement of the monument sign makes a difference to what the height should be in order to be seen on a four-lane road. The way that you show the entrance and exit from Route 82 looks as though the setback is different than where the driveway to the ice rink comes out at the traffic light. I have asked Steve to take a look at that and he will work with you on it.

Ms. Selle – Can you re-explain that?

Mr. Molnar – The best thing to do is take where your ground sign is going to be and get its measurements to Route 82 and any of the other driveways.

Ms. Selle – Okay.

Mr. Evans – If you look at the first page, where it shows going out onto Route 82, it is back further than where the roadway is located.

Mr. Baldin – Is there anyway for them to put up a temporary post or something, showing where the ground sign will be located?

Mr. Kolick – Can you put together a mockup to show where the location of the sign will be?

Ms. Selle – I could but, there will be so many changes to the site and the grades will change with our proposed plans.

Mr. Rusnov – Given the information, we should be able to figure it out.

Mr. Molnar – You have a civil drawing and on there you should be able to indicate where that will be located.

Ms. Selle – I believe those were on the civil drawings I provided but, I will double check to make sure all of the setbacks are on the drawings, I will provide the grading plan and you should be able to see that a lot better.

Mr. Kolick – For the Boards information, there was a traffic study conducted to review those driveways and our Engineering Department has the traffic study because they were also concerned with the arm mask on whether it would hold another light. Steve, maybe there is something on that you can look at as well, which may be helpful. Changing gears for a minute, Ellen, where are you on the easement and are you any closer in getting that completed?

Ms. Selle - I just got the missing legal description and exhibit and I need to sign it and file it through everyone. I wanted to ask you Dan, how soon before the meeting on the 30th do you need that?

Mr. Kolick – Even if it is a day before, to get you on, I can accept it because I have already approved the language.

Ms. Selle – You said originals so, I am pushing to get that because it has to go to three different parties.

Mr. Kolick – I understand, we will file that document and that is why we need the original.

Ms. Selle - It cannot be recorded until ABC purchases the property?

Mr. Kolick – You tell us when the transfer is done and we will record it then, we do not have to record it right away, we just have to have it in our hands. The City will do the recording and that way we will make sure the correct document is recorded. You let us know when the transfer occurs and we will record the document.

Ms. Selle – Interesting, I will let ABC know that because they were planning on recording it but, that is not a problem.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, the public hearing will remain open until the next meeting.

Mr. Hayden – The next meeting will be held on December 6, 2023.

Mr. Hayden – If there is no further business this meeting is adjourned.

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date