

*3-13-19 approved
at meeting*

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

**Meeting of
February 27, 2019
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, David Houlé, Richard Baldin, and Tom Smeader
Administration: Assistant Law Director Daniel J. Kolick
Building Department Representative: Brian Roenigk
Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) FIRESIDE PLANNERS LLC, OWNERS

- a) Requesting a 2.08' Side Yard Setback (West) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (West) and where a 7.92' Side Yard Setback (West) is proposed in order to construct a Single Family Dwelling;
- b) Requesting a 4.05' Side Yard Setback (East) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (East) and where a 5.95' Side Yard Setback (East) is proposed in order to construct a Single Family Dwelling; property located at 10616 Rosalee Lane, PPN 398-12-054, zoned R1-75.

The Board indicated that this is an existing lot, and the house is too large for the lot because it goes out into the swale that goes along three sides of the house. They specified that this structure is set to go between two existing houses. The Board also mentioned that it's just two corners that are an issue, and one is just a foot. They noted that it's not a lot that is an issue. The Board concluded that the Engineering Department thought it could be done which is hopeful, but they specified that the applicant will have to revise their topo.

2) DJ BAILEY, LLC, OWNER/Dan Bailey, Representative

- a) Requesting a 1' Side Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 15' Side Yard Setback and where a 14' Side Yard Setback is proposed in order to construct a Single Family Dwelling;
- b) Requesting an 8.4' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (4), which requires a 100' Front Yard Setback from the center line of Westwood and where a 91.6' Front Yard Setback from the center line of Westwood is proposed in order to construct a Single Family Dwelling; property located at Westwood Drive Sublot 4, PPN 392-24-014, zoned Residential Townhouse Cluster (RT -C).

The Board indicated that there is a creek with an erosion problem, and a swale that backs up to the proposed house. They also mentioned that it is a very narrow strip of land that

they are working with. The Board discussed water issues, and noted they have a HOA letter. They stated it's not considered a flood zone though.

3) HAND AND STONE MASSAGE AND FACIAL SPA/Vince DiIanno of Blink Signs, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which prohibits a second Wall Sign and where a second Wall Sign (West) is proposed;
- b) Requesting a 74.23 SF Sign Face Area variance from Zoning Code Section 1272.11 (b), which permits a 36 SF Sign Face Area and where a 110.23 SF Sign Face Area is proposed in order to install a Second Wall Sign; property located at 17100 Royalton Road, PPN 396-14-007, zoned Shopping Center (SC).

The Board indicated they had considered this a few years ago. They were informed that the Building Department had not yet seen a representative for this request. The Board mentioned that the sign is so big out front that it doesn't seem there is a need for a second sign, and they debated the visibility of the proposed second sign as well.

PUBLIC HEARINGS

4) DANIEL AND KRISTEN IRETON, OWNERS/Klassic Custom Decks, Representative

Requesting a 4' Height variance from Zoning Code Section 1252.05 (g), which permits a 12' Height and where a 16' Height is proposed in order to construct a deck with pavilion; property located at 22439 Valleybrook Lane, PPN 392-13-091, zoned R1-75.

The Board indicated that there is a topographical issue with this property which makes this necessary to bring the height up to make it level with the rest of the house. They also noted that they received a HOA letter.

5) DANIEL AND KATHERINE MOSSBRUGER, OWNERS

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 35' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to approve an existing deck; property located at 19534 Castletown Drive, PPN 399-30-094, zoned R1-75.

The Board specified that this was already built, and not to Code. They also discussed what steps the applicant would still have to go through in order be able to keep their deck even if the Board approves the variance. The Board noted they have a HOA letter.

6) **RAISING CANE'S/Drew Gatliff with RCO Limited, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (d), which prohibits a Pole Sign on Pearl Road;
- b) Requesting a 10.125 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 50 SF Sign Face Area and where a 60.125 SF Sign Face Area is proposed in order to replace a Ground Sign with a Pole Sign;
- c) Requesting a 1'6" Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 5' Sign Height plus a 12" base and where a 7' 6" overall Sign Height is proposed in order to replace a Ground Sign with a Pole Sign; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

The Board was informed by the Building Department that by definition the sign Raising Cane is planning to put up is a pole sign. The Building official indicated that it doesn't matter how many poles the sign sits on or how low to the ground it is; if it's off the ground then it's not a monument sign. They specified that they may want to have it reviewed by CPTED for possible safety issues for visibility blockage.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
February 27, 2019

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

Present: Mr. Baldin
Mr. Evans
Mr. Rusnov
Mr. Smeader
Mr. Houlé

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this February 27, 2019 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL PRESENT

Mr. Evans – 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 before us this evening minutes from the February 13th, 2019 meeting. That meeting was not recorded due to a technical failure of the equipment. I thank those people who were responsible for putting together the minutes. They were presented to us, and we discussed them in caucus, so unless anyone has anything else to add, we will submit those as they were given to us for the official record. If there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing and anyone who wished to participate.

Mr. Evans – Our meetings are divided into two portions. We will start with new applications, and then move on to our public hearings for the evening.

NEW APPLICATIONS

1) FIRESIDE PLANNERS LLC, OWNERS

- a) Requesting a 2.08' Side Yard Setback (West) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (West) and where a 7.92' Side Yard Setback (West) is proposed in order to construct a Single Family Dwelling;
- b) Requesting a 4.05' Side Yard Setback (East) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (East) and where a 5.95' Side Yard Setback (East) is proposed in order to construct a Single Family Dwelling; property located at 10616 Rosalee Lane, PPN 398-12-054, zoned R1-75.

Mr. Evans – Item number one on our agenda is Fireside Planners. Please have a representative come up and give us their name and address for the record.

Mr. Caroscio – My name is Geno Caroscio, owner of Fireside Planners at 7155 Pearl Road, Middleburg Hts.

Mr. Evans – Thank you Mr. Caroscio. Tell us about what you're proposing to do please.

Mr. Caroscio – I'm proposing to build a new home between two existing homes on Rosalee Lane. Because of the shape of the lot, and the desire to have a third car garage in here, I'm encroaching into the 10' side yard requirements. I tried to make the variance be only on one side of the building, but once you twist the shape of the house to make it only on one side it really becomes an eyesore to do that. This was a happy medium between the two to approach the front elevations, and make it look most aesthetically pleasing with what is existing there now. So that's basically the story.

Mr. Evans – In terms of the development of the lot, do you have a buyer that is driving the plan for building the house or is this just a spec house or what?

Mr. Caroscio – At this time it's just a spec house based on market conditions trying to get a third car garage over there.

Mr. Evans – Okay. We talked in caucus about the fact that there has been consulting done on the City's side with the Engineering Department because your proposal does take it in to or very close to the swales on both sides. Part of our job is to make sure that when we grant variances that we don't create any problems, and in this particular area there have been some problems. Some of the area has had flooding, and we certainly don't want to impact swales that it might cause more of a problem with flooding. We discussed that there is a drop from the front to the back of the property. It does back up to common area which might alleviate that, but the Engineering Department would require a revised topo, if we do grant the variance, in order to be approved. Then they can adequately judge whether there is any impact on the property or the drainage there.

1) **FIRESIDE PLANNERS LLC, OWNERS, Cont'd**

Mr. Evans continues - All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. I would say that a drawing going to those neighbors would be a good idea, knocking on the door, or otherwise to present it to them so hopefully they won't have any concerns. If they do though, you can address those when you're making that presentation to them. I would highly suggest that you do that.

Mr. Rusnov – Correct me if I'm wrong, but wasn't one of the major concerns with the property owners was the number of vacant lots that had been sitting that way for quite some time.

Mr. Evans – Yes.

Mr. Rusnov – Now we have someone that is coming in to build a home.

Mr. Evans – Right.

Mr. Caroscio – I have spoken to the neighbors on both sides. That is Sublot 1 and 3. I gave them this topo. The topo was mostly just to establish the side yard requirements so the grades are not necessarily representative of what would need to be here. McKay Engineering is very familiar with working with Lori, and I'm sure they would be very diligent in achieving something because no one wants a water problem.

Mr. Evans – Anything else?

Mr. Baldin – I think you guys covered it.

Mr. Smeader – No.

Mr. Kolick – Stakes? Do they need it staked?

Mr. Evans – I think it's staked already. Is it staked already?

Mr. Caroscio – Well, what I did was there were some stakes in the ground, and what I did was measure off, and this is just me out there with a tape measure and spray paint so the neighbors could get an idea of what was there. So I put stakes in, and I spray painted. Although that is probably gone now, but this was when I first applied for this like a month ago when the weather was still nice. They were going to go outside to look at it, and then literally right afterwards it got

1) **FIRESIDE PLANNERS LLC, OWNERS, Cont'd**

Mr. Caroscio continues - to be zero degrees. So I don't know if they did or not, but it was staked and sprayed with some accuracy, but not a surveyors accuracy.

Mr. Evans – The stakes will probably still be there?

Mr. Caroscio – The stakes are still there for sure.

Mr. Evans – Which is all we would need when we look at it. The spray paint probably isn't necessary.

Mr. Rusnov – Just so we're clear on this regarding the distance into the swales, we have or have not gotten anything from the Engineering Department that this will be a non-issue?

Mr. Evans – The Engineering Department, and Mr. Kolick, correct me if I'm wrong, has said that they do not see a problem as long as the revised final topo is submitted. At this point it is necessary for us to grant the variance before they would in fact look at a final topo to make their revised final decision.

Mr. Rusnov – So if they decide that it's an issue, then they can thumbs down the project.

Mr. Evans – Yes.

Mr. Kolick – Right. Two things, we have the Engineering Department look at it whenever we think there's a problem. There are times when Engineering will tell us that as a Board there is no way that you can allow someone to build this or that, and there's nothing they can do because it's going to cause a drainage problem. They will tell us that, and they will also tell us that it's fine, and there's nothing that they have to worry about or they tell us something in between like what they did with this, that they should be able to do it, but they'll probably have to revise their topo to do it. So after we're done with it the Engineering Department does their thing with it, which means that they have to approve the topo. The topo has to be in such a manner that no more water goes onto the adjacent properties or causes any water problems within the subdivision.

Mr. Rusnov – So that's the safety net.

Mr. Kolick – That's the safety net that when we're done with them they need to look at that, but sometimes we don't even get to the safety net because they tell us there's no way you can do this without causing a water problem. That's not the situation here though.

Mr. Rusnov – Thank you.

1) **FIRESIDE PLANNERS LLC, OWNERS, Cont'd**

Mr. Evans – Thank you. Anything else? Okay, so the public hearing is on March 13th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Caroscio – Excellent, thank you very much.

Mr. Evans – Thank you.

2) **DJ BAILEY, LLC, OWNER/Dan Bailey, Representative**

- a) Requesting a 1' Side Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 15' Side Yard Setback and where a 14' Side Yard Setback is proposed in order to construct a Single Family Dwelling;
- b) Requesting an 8.4' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (4), which requires a 100' Front Yard Setback from the center line of Westwood and where a 91.6' Front Yard Setback from the center line of Westwood is proposed in order to construct a Single Family Dwelling; property located at Westwood Drive Sublot 4, PPN 392-24-014, zoned Townhouse Cluster (RT –C).

Mr. Evans – Item number two on the agenda is DJ Bailey. Please have a representative come up and give us their name and address for the record.

Mr. Bailey – Hi, I'm Dan Bailey, and I'm the owner of DJ Bailey, LLC, and the lot that is in question.

Mr. Evans – Mr. Bailey, would you take us through what your proposal is to do on Westwood as a part of the development?

Mr. Bailey – First a couple of comments first about what was discussed in caucus. This is lot is 51' wide, I believe, and 54' at the front. It is exactly the same size as the 90 or so other lots that I've put into the subdivision. They are built. It does look a little deceiving as if it's smaller, but I think it's because it's only 50' wide. I designed a home for Sublot 4 for which I got a revised plat on the lot to add more footage to Sublot 4 so the home that was proposed on there would fit. I used the same plan as that one for this lot rather than go through a replatting. I assume a replatting would be approved because this lot is not in the flood plain, and as Mr. Kolick alluded to was that the City of Strongsville does not create lots that are in the flood plain. This lot is not in the flood plain. So instead of going through those mechanics, I would ask for a 1' variance on the side yard. Someone also mentioned that this is close to the top of the bank, and it's not. If you look at the topography that was done and the placement of the home, the top of the bank is off this lot by probably 7' or 8' to the west. If you look at the existing grades on the lot, and it's primarily a flat

2) **DJ BAILEY, LLC, OWNER/Dan Bailey, Representative, Cont'd**

Mr. Bailey continues - lot where we're going to build the house. The grades are 870 to the left, and they're 874 on the right, and we propose keeping the entire house at 874 so it'll be a flat lot when we're finished using the excavation dirt around the proposed dwelling. That's the one variance. The second variance is not essential to me, but I'm asking for it basically for the neighbor next door. If we follow the angular setback line, it would push this house another 8' or 10'. That would put it further back behind his home, and he'll have no view. What you see on Sublot 2 sticking out the back of his home is his morning room, which is what they call it, and that's the dinette and dining room that has windows all the way around it. I stopped and saw him. I gave him one of these topographic surveys. I explained why I wanted to keep the garages even so it would look nice. I explained that I would prefer to not block his view of the common area that's on the west of both of these lots. This lot does adjoin common area to the west. One of the reasons I ask for the variance is because typically there are 5' to the lot line, and in all of the subdivision that's the Code. So 10' in between homes. However, we presented the plat, and had 5' side yards on this lot, and one or two others. We thought that it was understood that we would want to go to 5' rather than 15'. Engineering just said no, and that they'd prefer that I come in for a variance and keep the side yard at 15'; asking for a 1' variance. So in lieu of going through the replatting which would just take time, and for one foot I'd rather not. I discussed this with Engineering, and they said that for \$50 it's easier to go in and get a 1' variance rather than do a replat. I'd have to take it though Planning Commission, and add a foot to the lot from the common area. So those are the reasons I'm asking for the variance, and I don't think 1' over there up against the common area with no houses next door so there's no one it will affect. There's no flood plain issues. There's no issue at all other than 1'. The front yard, I'm sure the gentleman next door would prefer that he has a view out his backyard, and I'm not blocking his view. I've tried to keep the house's footprint small. It's only 950 SF on the first floor. The whole house is 2,050 SF because we're building over the garage also. I tried to keep the footprint small so that we wouldn't obscure his view too much. By bringing it forward the 8', I'm staying even with his home in the front and in the back. When I met with him he seemed to believe it was a good idea.

Mr. Evans – Let me start off with a couple of things. Number one, we identify in the agenda that it's Sublot number 4, but I believe it should be Sublot number 3. That needs to be changed. Second thing is that yes, the one foot variance on the side is up against the common area, and I know that Mr. Baldin had a concern that we mentioned in caucus about the creek that is beside it. My question would be whether you are intending do anything to reinforce the side of that creek that is beside the house.

Mr. Bailey – What was the first comment you made about Sublot 4?

Mr. Evans – At the bottom of the page.

Mr. Rusnov – It says it's Sublot 4, but it should be Sublot 3. It's a typo.

2) **DJ BAILEY, LLC, OWNER/Dan Bailey, Representative, Cont'd**

Mr. Bailey – You mean in the City's page. Okay. I didn't understand that.

Mr. Evans – I don't want to send it out with the wrong Sublot number because it's going to lead someone to the wrong conclusion.

Mr. Bailey – So if you look at the topo that I provided you'll see that the elevation on the side of the home is 870.7'. Basically that's 871' above sea-level. If you look the top of the bank is further to the west by about 10', and that's still at 870.1'. The bottom of the bank, which is approximately 40' from the corner of the home, and probably 20' or 25' from the lot line, is at 864'. So that is well off this lot. I understand when you drive by, including myself, it looks a little deceiving. I think what is deceiving about looking at the lot without using this topographic surveys, this house like the rest of the homes in the subdivision, will only be 5' off the easterly property line. There will only be 10' between the homes as the rest of the homes in the subdivision. There's no flood plain, and it's basically a flat lot, and we're nowhere near the bottom of the bank, we're way off that.

Mr. Evans – I think that perhaps it would be a good idea if we make sure that Engineering does look at that. It's certainly not going to have a determination on us, but I'd want that to be the case. Yes sir?

Mr. Rusnov – This is the drawing of the creek or stream. It delineates where the top of the bank is on both sides. Far left hand side, correct? So that's well off the property line.

Mr. Bailey – That's the top of the bank.

Mr. Rusnov – Top of the bank.

Mr. Bailey – The top of the bank is off, and the bottom of the bank is substantially off it.

Mr. Rusnov – I just wanted to make sure I was reading it right. The creek itself is not on this property at all.

Mr. Bailey – No, not at all.

Mr. Rusnov – Okay.

Mr. Evans – It's on common property.

Mr. Bailey – I went over this with Engineering. They confirmed that they approved the platting of this lot, and it's not an issue.

2) DJ BAILEY, LLC, OWNER/Dan Bailey, Representative, Cont'd

Mr. Rusnov – One last thing, you've aligned these two properties for continuity, and Sublot 2 has much more distance from the house to the center line, than Sublot 3 does because of the shape of the lot.

Mr. Evans – That's correct, it's a trapezoid shape.

Mr. Rusnov – Trapezoid, yes.

Mr. Bailey – Yes, it's because first of all the right, south-easterly corner of the garage is at the required setback which is even with this. The reason that the variance is needed is because Westwood Drive is on an angle.

Mr. Rusnov – Yes, I can see that.

Mr. Bailey – So if I push it back another 8'...

Mr. Rusnov – You're going to push it back almost to the storm sewer easement, or pretty close to it...

Mr. Bailey – Oh no, 8' would get it to the 874.3' on the grading line?

Mr. Rusnov – Yes, I see it.

Mr. Bailey – I would guess that it would come to about the 7' area.

Mr. Rusnov – So it would be considerably behind the other house.

Mr. Bailey – Yes sir.

Mr. Rusnov – That's good enough.

Mr. Bailey – I met with him, and at that time he said he'd support the variance if I needed him.

Mr. Evans – The other thing we need to clear up is the email and the application that you did which both listed Sublot number 4.

Mr. Bailey – I'm sorry, what?

Mr. Evans – The email that you sent to the City, and the application you submitted both have Sublot number 4 on it. We are talking about Sublot number 3.

2) **DJ BAILEY, LLC, OWNER/Dan Bailey, Representative, Cont'd**

Mr. Bailey – Yes, I must have had a bad day.

Mr. Evans – No problem I just want to be sure that we got it right because that's where the number 4 came from originally. The information you submitted is all 3, but that email and the application all say 4.

Mr. Bailey – It should all say three. I apologize.

Mr. Evans – Is there anything else gentlemen? Do you want the corners staked? I'm not that concerned because it's going to match up with the house next to it that already exists.

Mr. Rusnov – It's pretty easy to figure out when you look at the existing house.

Mr. Smeader – It's only 10' away.

Mr. Evans – Yes. So we don't need it staked. All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So again if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble.

Mr. Bailey – I did already stop at Sublot 2, and really the only people impacted in fact again for the people behind, I'd assume that they would prefer to have a house further away from their backyard and their home.

Mr. Evans – Nonetheless everyone will get that notice. The public hearing is on March 13th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Bailey – Thank you.

3) **HAND AND STONE MASSAGE AND FACIAL SPA/Vince DiIanno of Blink Signs, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which prohibits a second Wall Sign and where a second Wall Sign (West) is proposed;
- b) Requesting a 74.23 SF Sign Face Area variance from Zoning Code Section 1272.11 (b), which permits a 36 SF Sign Face Area and where a 110.23 SF Sign Face Area

3) **HAND AND STONE MASSAGE AND FACIAL SPA/Vince DiIanno of Blink Signs, Representative, Cont'd**

is proposed in order to install a Second Wall Sign; property located at 17100 Royalton Road, PPN 396-14-007, zoned Shopping Center (SC).

Mr. Evans – That takes us onto item number three on our agenda which is Hand and Stone Massage. I don't believe we have anyone here to represent them. So we will table that until later this evening.

PUBLIC HEARINGS

4) **DANIEL AND KRISTEN IRETON, OWNERS/Klassic Custom Decks, Representative**

Requesting a 4' Height variance from Zoning Code Section 1252.05 (g), which permits a 12' Height and where a 16' Height is proposed in order to construct a deck with pavilion; property located at 22439 Valleybrook Lane, PPN 392-13-091, zoned R1-75.

Mr. Evans – That then takes us to public hearings. Item number four on our agenda is Daniel and Kristen Ireton on Valleybrook. Please have a representative come up and give us their name and address for the record.

Mr. Ireton – Daniel Ireton, 22439 Valleybrook Lane, here in Strongsville. Jason Herb, 1184 State Road, Hinkley, Ohio.

Mr. Evans – Thank you. So we are looking at a deck. We talked about this at the last meeting. There is a topographical issue which means that measuring it from grade adds to the overall height of it which is part of the issue. We've all been out to look at it. Gentlemen are there any other observations?

Mr. Rusnov – The difference in grade is about 4', and 4' from 16' is 12'. So the topographical issue is more or less the overriding issue here.

Mr. Evans – Thank you, Mr. Rusnov.

Mr. Ireton – That's correct. The proposed deck would be 4' above grade so the top of the structure would be 12' 8". Your Code is 12' total. So it's 4' 8" above the Code.

Mr. Rusnov – Because of the grade.

Mr. Ireton – Because of the grade.

4) **DANIEL AND KRISTEN IRETON, OWNERS/Klassic Custom Decks,
Representative, Cont'd**

Mr. Rusnov – Right that's good to know.

Mr. Evans – Now the only question is that we have 4' not 4' 8" in our variance request, and I'm hearing something different, why?

Mr. Ireton – Estimating what the grade is going to be by kind of coming off of the door and estimating where it's going to land. So 4' or 4' 8".

Mr. Evans – Well it makes a difference to us because if we approve 4' you're not going to get 4' 8" because when they go to inspect it you'll have a problem.

Mr. Ireton – Then we better put 4' 8" on the record.

Mr. Evans – That would be the way to do it, yes. If that's okay with the applicant, we will adjust that to 4' 8". I don't think that is going to give anyone here heartburn. It'll be much easier for you though to go the right way the first time around.

Mr. Ireton – I appreciate it.

Mr. Evans – Okay, is there anything else gentlemen?

Mr. Rusnov – No.

Mr. Evans – Alright. Mr. Evans – This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now declare the public hearing closed and entertain a motion.

Mr. Smeader - I make a motion to approve a request for a 4' 8" Height variance from Zoning Code Section 1252.05 (g), which permits a 12' Height and where a 16' 8" Height is proposed in order to construct a deck with pavilion; property located at 22439 Valleybrook Lane, PPN 392-13-091, zoned R1-75.

Mr. Rusnov – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

4) **DANIEL AND KRISTEN IRETON, OWNERS/Klassic Custom Decks,
Representative, Cont'd**

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. You're all set as far as we're concerned.

Mr. Ireton – Thank you very much.

5) **DANIEL AND KATHERINE MOSSBRUGER, OWNERS**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 35' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to approve an existing deck; property located at 19534 Castletown Drive, PPN 399-30-094, zoned R1-75.

Mr. Evans – Item number five on our agenda is Daniel and Katherine Mossbruger. Please have a representative come up and give us their name and address for the record.

Ms. Mossbruger – Daniel and Katherine Mossbruger, 19534 Castletown Drive in Strongsville.

Mr. Evans – You are asking for a 10' rear yard setback variance for a deck that is already existing so we could very easily see where your variance was proposed. We also need to make sure that you understand that there are other items of non-compliance so our granting of a variance or not granting a variance has no impact on that so if we were to grant the variance tonight you would still need to work with the Building Department.

Mr. Mossbruger – Yes that is understood.

Mr. Evans – That could lead to work on your part. I'll just put it that way.

Mr. Mossbruger – Yes.

Ms. Mossbruger – Understandable and agreeable.

Mr. Evans – We just want to make sure that you know that. Gentlemen are there any observations or comments that you need to make.

Mr. Houlé – We have a HOA letter for this one, and the previous one too actually. We failed to mention that.

Mr. Evans – Thank you, I did not remember to say that. Anything else?

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (d), which prohibits a Pole Sign on Pearl Road;
- b) Requesting a 10.125 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 50 SF Sign Face Area and where a 60.125 SF Sign Face Area is proposed in order to replace a Ground Sign with a Pole Sign;
- c) Requesting a 1'6" Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 5' Sign Height plus a 12" base and where a 7' 6" overall Sign Height is proposed in order to replace a Ground Sign with a Pole Sign; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

Mr. Evans – Item number six on our agenda is Raising Cane. Please have a representative come up and give us their name and address for the record.

Mr. Gatliff – Drew Gatliff, 1062 Ridge Street, Columbus, Ohio 43215.

Mr. Evans – Thank you, and welcome back to Strongsville. If you could perhaps enlighten us first before we go anywhere else as to what discussions you may have had with the Building Department.

Mr. Gatliff – Absolutely. I would have said something in caucus, but...

Mr. Evans – It has to be done on the floor.

Mr. Gatliff – Okay. So I did have conversations with Mr. Miller. I had emailed him the plan that you guys see today. He told me that when I talked to him on the phone that it was going to be categorized a pole sign which reading the definition, I just don't agree with. So I told him that I didn't agree. I asked if I could speak with Mr. Biondillo, and he told me that Mr. Biondillo's determination was that it was going to be a pole sign. I looked up what the definition of a pole sign is because this is something that I feel very strongly about that it is not one. When I was told that it was his definition, I didn't know where to go from there to dispute it especially when I was told that I couldn't talk with him. So the Section 1272.03 (b) (2) (b) says "a pole sign means a sign which is supported by or suspended from a freestanding column or columns, and designed so as to permit pedestrian or vehicular movement under the sign." And a ground sign, the definition of that is in the same section: (a) a ground sign is one in which the horizontal length of the sign exceeds its vertical height with an allowed supporting base not exceeding 12" above the original grade. I understand and agree with the first half of that definition of a pole sign. I absolutely believe that what we've presented falls in line with that definition. Where I have a disagreement with that is when it says, "Designed so as to permit pedestrian or vehicular movement under the

6) **RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd**

Mr. Gatliff continues - sign.” I think we can all agree that what most people would consider a pole sign would be like the Wendy’s sign down the road on Pearl. That’s the kind of sign which I agree shouldn’t be allowed on Pearl Road. I don’t believe that what we’re suggesting would be. When I spoke to Mr. Miller, he said that if we raised the brick up, that it would be considered a ground sign again. It would then still need the same variances whether we raise the brick or not. Again trying to reutilize the existing structure and the existing sign that’s there, and taking that advice to raise it up and bolting it higher. I know the Board had discussed removing the metal border. I didn’t do that, and the reason I didn’t do that is that there is a horizontal member that supports the sign that goes between the two. If we remove the border then we’re going to have to ask for an even larger sign, which is not a standard sign size for us. Quite honestly the sign face gets larger which we don’t need so I kept that border which still has that shroud which hides that horizontal member. There’s also wire that’s going to be connected in there and other stuff that I didn’t want to have as visible. So that’s the reason I left that aluminum border around the outside.

Mr. Rusnov – This is somewhat confusing, and I’m being really nice here. Maybe he’s got a solution so we get it right from the horse’s mouth so nobody misunderstands anything. Okay, take it away Mr. Evans.

Mr. Evans – Thank you. We mislead you at the last meeting. I’m glad you had the discussion with Mr. Miller. I know that Mr. Kolick now has the Code open in front of him and he’s looking at it as well. It was our presumption as a Board that if the sign were raised then it would still constitute being a monument sign even if there was a gap in there. Personally I still believe that’s the case. I’m not the Building Department, but I obviously erred because I did not consult with the Building Department. I understand now that I’ll go to the Building Department, and have that discussion with Mr. Miller because I believe that the information we gave you was wrong, and I believe that it’s our fault for doing it that way. So I apologize for that. That being the case, I believe Mr. Miller’s answer of building the brick up to the bottom is probably correct that perhaps that’s another way of making it a monument sign. I feel that the columns that are 4’ out front, if your sign were 7’ and not 7.5’, which gives us a little bit of the ability to keep them from becoming monster signs. It would still have 3’ of visibility over the columns. Maybe a way that we could continue to work to make this thing a possibility so we come to a compromise that we can live with down the road, and that would be acceptable to you guys. Mr. Kolick, I’m going to ask you for your opinion as to what means we should now use to correct the misinformation that we provided at the last meeting.

Mr. Kolick – Let me back up with this. I don’t know if it was as much misinformation as it was that the problem was that we got the drawings that night. So when we got them that night, the gentleman who reviews the plans in the Building Department didn’t have any opportunity to see them before we were sitting here talking about them. We made sure that after he saw the plans that he contacted Mr. Gatliff to tell him what type of variances that he would need. So I think it’s a matter of procedure. If we had had the drawings beforehand, we wouldn’t have been in this

6) **RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd**

Mr. Kolick continues - conundrum. We just got them that night though, so the Building Department didn't have an opportunity to see it. Moving on from that, I see what the problem is. The sign presented is sort of a hybrid between a ground sign and a pole sign. Because truly if it's a ground sign then you take the measurement and the square footage you're permitted for a ground sign from the top of the sign to the bottom of the base. That means he's way over the square footage, and that's probably is what the Building Department was looking at. If I call this a ground sign, then he's probably three times the square footage permitted under the Code. At least by calling it a pole sign although I also agree with what Mr. Gatliff is saying, it doesn't squarely within the definition of a pole sign either. At least though the square footage is much closer than it should be. So this sign honestly doesn't fit the definition of either one of these squarely on. That's what everyone is struggling with for this. Mr. Gatliff is correct that part of the definition of a pole sign it meets; which is side supported or supported from a free-standing column or columns. This is two free-standing columns so it meets that part of the definition of a pole sign. It doesn't meet the next part of the definition that says, as to permit pedestrian or vehicular movement under the sign. Well because it's a solid base as opposed to not having a break in the base, it doesn't permit movement at all. So it doesn't fit fully within a pole sign, but it doesn't fit the definition of a ground sign either. It fits the horizontal length exceeding the vertical height, but it doesn't fit the rest of it. Particularly when you have to measure it then from the top of the sign to the bottom of the base for the square footage. So I understand what the problem is here so I think we have to work it into one or the other. I think in working into one or the other the Building Department concluded that when you have a break here between where the sign is and where the base is, yes, you technically can permit pedestrian traffic. Technically I suppose you could crawl in between them, so it fits closer to a pole sign than it does to a ground sign. That is what he's doing with it. I think the variances noted here are proper. I mean if you find that generally we don't permit pole signs, but in this particular instance because of the construction of the sign you think it would be appropriate, you certainly have the right to allow it as a pole sign without necessarily opening the door to traditional pole signs up and down Pearl Road. I think that is the way we're going to have to review it, and I understand now looking at the definitions where Mr. Gatliff's position is as to what's happening with it. Typically a pole sign doesn't have a base that goes all the way across the bottom. That's not your typical pole sign.

Mr. Evans – If we look at the monument definition sign because that was what was used to construct the existing sign. At that point you're saying that the face of the sign included all of the face of the sign plus the face of the brick base.

Mr. Kolick – It says the sign face area extends from the top of the sign to the bottom of the base. We don't have a monument sign. We have a ground sign. We have three signs; ground sign, pole sign, and pylon sign. Sometimes those definitions aren't going to fit everything square-on. That's what they are talking about here.

Mr. Evans – When we approved that original sign, we did that as a monument sign?

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd

Mr. Kolick – It was approved as a ground sign.

Mr. Gatliff – A pylon is permitted, and the definition of a pylon sign is that the height exceeds the width. So if I have a 7' tall by 6' wide sign...

Mr. Evans – Pylon...

Mr. Gatliff – Correct. So I have discussed that with the Building Department when I initially came with the very first one, if you can remember way back then, and it was a pole sign. It was basically a pier, and then we put the sign on top. They said if we just made the brick as wide as the sign so it was 6', and then they said that would work. They said I could do that as pylon sign. I choose to try and work within the framework within the existing sign, knowing that we can do that without a variance to get that pylon sign and still be at 6.5' tall. We're trying to work within what we have existing, and going above. If I may, as far as the square footages go, the 50 SF that is listed on this plan, and what is listed on the agenda for the variances, are based off of a ground sign. So now the way the Code reads, and the way that I've been told its calculated is that it's from the top of the base. The way the Code reads, it's to the bottom of the base so we're off by a foot.

Mr. Roenigk – The Building Commissioner does not include the first 12". That's correct.

Mr. Gatliff – So I understand that, and that's where we came up with the square footages that we have, but it's entirely based on a ground sign and not a pole sign. It has nothing to do, well I shouldn't say nothing, but it doesn't define sign face area. Right now we have 18 SF or 28 SF if you include the border. That's how we got to our 11.05 SF was based off of a ground sign. Obviously if I can do anything to avoid coming up again, I would appreciate it.

Mr. Evans – I know you enjoy the drive.

Mr. Gatliff – I do, 71 is great. At least it's warmer and not snowing.

Mr. Evans – I remember when it used to be two lanes, and it was a real picnic then.

Mr. Gatliff – There's been a couple of times when I've driven up in white knuckled and I stayed, I didn't drive back.

Mr. Baldin – Can I interject something? Did I understand you to say that your conversation with Mr. Miller basically said that if your brick foundation was a little bit higher it would conform?

Mr. Gatliff – They said the reason was, because I asked them why the existing sign was considered a ground sign when it's also supported by two columns. He said it was because of the relationship between the bottom of the sign to the top of the base.

6) **RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd**

Mr. Roenigk – Sign to base.

Mr. Gatliff – Yes, trying not to count the base, well anyway, so I said that I understood that. So if I raised that it would work? Again though, trying to work with what we have existing and trying to minimize the amount of work we have to do once we do that. I went out there this evening before this meeting to look at the electrical and to see how that was all run because there's an electrical box that is a disconnect switch so if we raise the brick, we would also be raising that up. Again, if that's the route we go, then I'm fine with it, but either way we have to have the variance because the square footage includes the entire... basically if you put a rectangle over the entire thing, and it doesn't have anything to do with the sign face area, but the entire sign square footage.

Mr. Houlé – Why would the square footage be bigger though?

Mr. Gatliff – It would still be the same square footage.

Mr. Houlé – It's 32 SF now, right?

Mr. Gatliff – No.

Mr. Houlé – That's what we approved in the original package.

Mr. Gatliff – 28 SF if what you originally approved. So it's 7' by 4'.

Mr. Houlé – The April 26th letter that went out said that we permitted a 21.4 SF sign area, and we approved a 32 SF sign.

Mr. Evans – I believe you're correct, Mr. Houlé.

Mr. Houlé – So we already did a variance on that, but if you build up the base, why would the sign be 50 SF then? You're not going to use the same sign?

Mr. Gatliff – The way the Code calculates the square footage is that you take a rectangle that includes all of your sign, plus all the brick and everything. That's the square footage; not the sign face area.

Mr. Houlé – Right.

Mr. Gatliff – So whatever is included in that entire structure

Mr. Houlé – It would be the original sign basically.

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd

Mr. Gatliff – My proposal is to take the same sign, and raise it up. I'm not entirely certain why we have 32 SF, and if that's the case, I apologize. If we wanted to maximize the sign, and just put a 5' by 10' sign we could do that. We could just mount it right on the base on the ground. That would fit, and there's no variance required. We're not proposing that. We think that looks silly. We think it doesn't do anything for anybody. So we've constructed and proposed this sign which fell within the Code without the use of a variance for the ground sign.

Mr. Kolick – After hearing this, my recommendation is to act on what they have here as a pole sign. I see why the Building Department called it that. Like I said, if it's not right on top of the base, then it can't be a ground sign. That's the problem with calling it a ground sign, so it has to be a pole sign. I don't think, like I said, necessarily because they allow a pole sign in this instance you're necessarily opening the door for every pole sign up and down Pearl Road. You're taking the unique facts and circumstances that involve this meaning a base all the way across the bottom with an opening in it for a sign. I think what you're going to be more concerned with is just permitting the height.

Mr. Rusnov – To 7.5'.

Mr. Kolick – To 7.5', that's where if you're going to get other people coming up it's because they're going to say I want my sign at 7.5' too. That's where I think you'll get the pushback more so than the fact that you allowed a pole sign.

Mr. Rusnov – Or both.

Mr. Gatliff – I understand that concern. I served on a Planning Commission. I would always be told by staff that we don't set precedents with our decisions. Its human nature, I mean if everyone hears that's what's allowed, then that's what they are going to assume is allowed everywhere. I understand the concern with that. Would we be able to do where it is approved as presented, and then that way you know the actual sign face area verses the square footages included for the structure of it? The sign face area, you could make a condition that the sign face area is no larger than 28 SF or something along those lines to get it so it really defines that. That way you're not putting a giant square or rectangle of a sign in, and your sign face is not much larger than what you would typically permit.

Mr. Rusnov – I have a couple of questions. Part A is that it says it prohibits a pole sign on Pearl Road. Yes, I know this is unique. Part B is the 7.5' sign height. So if this is a pole sign, and we got all this information at that last meeting at the 11th and ¾ hour, and maybe that added to the confusion. Here though somebody in authority to make this decision said that pole signs are prohibited, and this is a pole sign. Period. Then you have the height issue.

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd

Mr. Baldin – I think I could just simplify this with an explanation that we just had from our law department, and vote on the (a), (b), (c) here, but except for 7.5' make it 7'. Make it very simple, and get this over and done with.

Mr. Smeader – I don't know how you can arbitrarily decide on that height when the Building Department has determined that this would be a pole sign, and (a) says that pole signs are prohibited on Pearl Road. Period.

Mr. Rusnov – Yes.

Mr. Evans – The answer is that we as a Board of Zoning and Appeals have the ability of judging each individual circumstance. That is what we are empowered to do, and that's why Council has the opportunity to override us. My hope would be that Council would be smart enough to read the deliberations that we've gone through, and to look at the drawings and make a determination for themselves. There are obviously as Mr. Gatliff has suggested options that they have to put up a big rectangle, like the US Bank sign, or like Fifth Third sign, and like many of the others that are up and down Pearl Road. We know that they have put the fence up, and the fence is the reason that they need anything at all because if the fence wasn't there, with all due concern to Mr. Carbone who has beautified the City by putting up the fences, that fence is blocking the visibility of the sign which is why they want to get it up higher.

Mr. Smeader – I understand.

Mr. Rusnov – So that creates an even bigger hazard.

Mr. Evans – That's correct. So at this point, it is within our purview to say that within this particular circumstance we believe that a pole sign of this construction which we believe to be more like a ground sign or a monument sign or whatever else due to the construction it really doesn't meet the true definition of a pole sign, and therefore we have the ability of permitting it. Council if they choose to say that we're off our rocker, they have the ability of overturning it. But it is within our purview to make that decision, and to judge whether 7' or 6' or whatever foot tall is an appropriate height for it. I believe that is what we are empowered to do. So to answer your question, should we or can we or whatever? That's up to us. That's within our authority.

Mr. Smeader – My point being is that I think height is irrelevant at this point because it is a pole sign. It is prohibited. I understand what you just said. Thank you.

Mr. Baldin – I think what you just said makes a lot of sense, and again I'll say that the definition of all the discussion this evening, plus the definition that we received from our Law Department, I think we should go ahead and vote on this.

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd

Mr. Evans – Your recommendation at this point is that instead of a 1' 6" variance, that we would use a 1' 0" variance for the height.

Mr. Baldin – Right, correct, and where a 7' overall sign height is proposed, instead of 7' 6".

Mr. Kolick – First of all, we can't just change it. Is the applicant aware of this? Is this agreeable to the applicant to change it to 7'?

Mr. Evans – Ultimately it's your choice Mr. Gatliff. If you say no to 1.5' then we will vote on it as you've indicated. If you feel that there's an accommodation that could be made, then that could be the change that we would make.

Mr. Gatliff – That's acceptable to us. I was doing the math, and visualizing it to see how it would fit with the piers. Most of the times when I've driven, the parking lot to the north has been filled to that's always been blocking the view. When I drove it this evening, that parking lot was mostly empty, and I was able to see. The piers that are north of our driveway are still blocking the view. That still gets most of the sign as we've discussed previously. It gets all of the Raising, and part of the Cane's above the pier to be able to provide that visibility. So we're agreeable to that accommodation.

Mr. Evans – So at this point, this is a public hearing.

Mr. Kolick – No it's not. We had the public hearing last meeting.

Mr. Evans – Did we? Okay.

Mr. Kolick – That's why it's on there as miscellaneous business.

Mr. Evans – Oh, sorry.

Mr. Kolick – What I recommend is that we add to item (a) after the words Pearl Road, and the applicant is proposing a pole sign as set out in his drawing of 2/20/19. Again so we don't open it up to any type of pole sign that would ever be permitted. If you add that on, then obviously, (c) changes to 1' sign height, and where a 7' overall sign height is proposed. Then (b) would remain the same as it is right now.

Mr. Evans – Okay, thank you Mr. Kolick. Is there any further discussion? Alright, then I would entertain a motion.

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd

Mr. Baldin - I make a motion to approve (a) a request for a variance from Zoning Code Section 1272.12 (d), which prohibits a Pole Sign on Pearl Road and to permit a pole sign as set out in the applicant's drawing of 2/20/19; and (b) also a request for a 10.125 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 50 SF Sign Face Area and where a 60.125 SF Sign Face Area is proposed in order to replace a Ground Sign with a Pole Sign; and also (c) a request for a 1' Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 5' Sign Height plus a 12" base and where a 7' overall Sign Height is proposed in order to replace a Ground Sign with a Pole Sign; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

Mr. Evans – Mr. Kolick the only other question would be whether or not we need to stipulate that it's the existing sign face that is being used. I know we said per the drawing.

Mr. Kolick – I think the drawing is fine. I think the applicant might have had some questions. Is that date correct on the drawing?

Mr. Gatliff – The date is correct, but the one thing is on (b) if we're lowering the square footage would end up getting lowered. Now reading through the Code, if we're going to the bottom of the base, then it actually increases from the table that was presented.

Mr. Kolick – The Building Commissioner doesn't count the first 12" of the base, as I understand.

Mr. Gatliff – Correct.

Mr. Kolick – So if you take off that 12", are we at the right number now?

Mr. Gatliff – No because we're lowering the entire sign by six inches. So we're reducing it by 9.25".

Mr. Kolick – What is the correct number you would like us to use?

Mr. Evans – I know what you're saying and I agree with that.

Mr. Gatliff – 55.5 is the SF.

Mr. Evans – It's not a lot, but it's little bit.

Mr. Kolick – So it would be 5.5 SF sign area variance, correct? I don't want to do what the applicant is not agreeable with. Is it a 5.5 SF? Because we permit 50'.

Mr. Evans – Why don't we use 6'?

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd

Mr. Kolick – Okay.

Mr. Evans – That way if there are a couple inches one way or the other I don't want to get into somebody with a tape measurer out there that beats us up.

Mr. Kolick – Then you need to amend (b) to read, requesting a 6' sign face area variance, and down below, where a 56 SF sign face area is permitted.

Mr. Evans – Mr. Baldin is that acceptable?

Mr. Baldin – Sounds good to me.

Mr. Kolick – Who seconded this?

Mr. Evans – We didn't yet. I needed to have that before we seconded. Thank you Mr. Houlé for the second. Now we can further discuss if we need to. Are we all set?

Mr. Baldin – Dan, let me see what you put down for that second item.

Mr. Evans – Okay, you need to see that first or are you ready to go?

Mr. Baldin – Okay, we're going to change section (b). We're also making a request for a 6 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 50 SF Sign Face Area and where a 56 SF Sign Face Area is proposed in order to replace a Ground Sign with a Pole Sign.

Mr. Evans – So with that replacement, then Mr. Houlé your second stands?

Mr. Houlé – I second it.

Mr. Evans – Alright, thank you. Now I think we have everything in order. May we have a roll call please?

ROLL CALL:

EVANS – YES
SMEADER – NO
BALDIN – YES
RUSNOV – NO
HOULÉ - NO

MOTION DENIED

Mr. Evans – Alright, so after our roll call here, the answer is that we've declined the variances. Mr. Kolick I will ask for Findings of Facts and Conclusions of Law obviously.

6) RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd

Mr. Kolick – Okay.

Mr. Evans – Then at this point, the process stops.

Mr. Kolick – That's the end.

Mr. Baldin – That's the end, yes.

Mr. Evans – Yes, okay?

Mr. Gatliff – So...

Mr. Evans – So the variance is declined, and that's as far as we go.

Mr. Gatliff – I so don't go to City Council to...

Mr. Kolick – No, Council has the ability to review variances that have been granted. They have ability to review variances that have not been granted.

Mr. Gatliff – Okay. Then I can talk offline or I can talk now, just who do I go to for clarification on the definition of a pole sign?

Mr. Kolick – You just had your opportunity here.

Mr. Gatliff – Right, that's fine. I mean...

Mr. Kolick – Yes, this is the last Board to decide it.

Mr. Gatliff – Okay.

Mr. Evans – Yes. So ours is the final decision on that. So at this point the definition by the City would have been overridden by an approval of a variance, but with the declination of the variance the process stops.

Mr. Gatliff – Okay.

Mr. Evans – Okay?

Mr. Gatliff – Okay.

Mr. Evans – So thank you very much. I appreciate your trying to work with us.

6) **RAISING CANE'S/Drew Gatliff with RCO Limited, Representative, Cont'd**

Mr. Gatliff – Yes.

Mr. Evans – We'll go from there, is there anything else to come before the Board?

3) **HAND AND STONE MASSAGE AND FACIAL SPA/Vince DiIanno of Blink Signs, Representative, Cont'd**

Mr. Kolick – Yes, we have number three, the proposed signage. You've got two choices. As a Board you can reset it again for an initial hearing, and notify the applicant. I take it they were notified Kathy, correct?

Ms. Zamrzla – Yes. They knew they were on the agenda.

Mr. Kolick – Then you have a choice to either set it again for an initial hearing, or if you want to move it to a public hearing, you can do that too.

Mr. Smeader – Chairman, make that decision.

Mr. Evans – I would want to move it to the first hearing at the next meeting. I would not want to move to public hearing on something like that.

Mr. Kolick – I have no problem with that. We will so notify them.

Mr. Evans – Yes.

Mr. Smeader – Agreed.

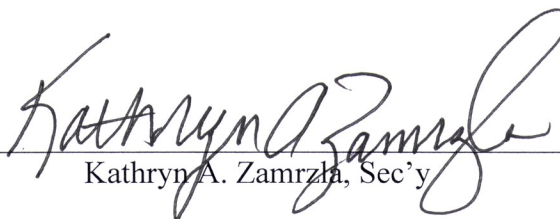
Mr. Evans – Alright, and then Findings of Facts and Conclusions, and that should be it.

Mr. Kolick – We'll do them for the Board.

Mr. Evans – Then we will stand adjourned.



Mr. Evans, Chairman



Kathryn A. Zamrzla, Sec'y

March 13, 2019

Approval Date