

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

**Meeting of  
August 26, 2020  
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, David Houlié, John Rusnov, Dustin Hayden

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

1) **FOURPENN FOLTZ LLC, OWNER/Paul Lange with PBC Banners & Signs, Inc dba Signarama North Olmsted, Representative**

Requesting a variance from Zoning Code Section 1272.14 (a), where one (1) 48 SF Ground Sign exists and a second 24 SF with a 6 SF base Ground Sign is proposed; property located at 17295 Foltz Parkway, PPN 394-04-008, zoned General Industrial (GI).

**The Board stated that this ground sign is proposed to advertise the additional tenants in the building. Mr. Evans stated that he would rather not see multiple ground signs in front of buildings but he understands the need for it to list the other tenants. Mr. Houlié and Mr. Rusnov stated they are okay with the additional sign because of the length of the lot and the buildings are set back so far. In addition, the landscaping is dense. Mr. Evans is concerned about setting a precedent. Mr. Kolick stated that the building is next to the railroad tracks and it won't be interfering with another property such as blocking a driveway.**

2) **ADAM AND REBECCA THERRIEN, OWNERS**

a) Requesting a 20 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 140 SF Floor Area is proposed in order to construct a Concrete Patio in the Front Yard;

b) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in the Front Yard and where the applicant is proposing a 182 SF Accessory Structure Pergola in the Front Yard; property located at 20626 Donegal Lane, PPN 394-28-049, zoned R1-100.

**Mr. Baldin stated that he thinks the structure and patio will be unusual but he doesn't see a problem with it especially since they need it for a place to sit while the children are playing. There is a HOA approval.**

**3) ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC, Representative**

**Extension of the determination of July 10, 2019 of the Board of Zoning and Building Code Appeals:**

- a) Requesting a 4.6' Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Building Setback from the Centerline of Pearl Road and where a 120.4' Building Setback from the Centerline of Pearl Road is proposed in order to construct a New Restaurant Building;
- b) Requesting a 16.1' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Parking Setback from the Pearl Road Right of Way and where a 13.9' Parking Setback from the Pearl Road Right of Way is proposed in order to construct a New Restaurant Building;
- c) Requesting a 11.5' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Parking Setback from the Whitney Road Right of Way and where a 9.5' Parking Setback from the Whitney Road Right of Way is proposed in order to construct a New Restaurant Building;
- d) Requesting a 1.07 Acre Minimum Lot Area variance from Zoning Code Section 1258.08, which requires a 2 Acre Minimum Lot Area and where a .93 Acre Lot Area is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

**4) ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC, Representative**

**Extension of the determination of September 25, 2019 of the Board of Zoning and Building Code Appeals:**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Rear Yard Setback from a residential zoning district and where a 10' Rear Yard Setback (East) from a residential zoning district is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

**The Board stated that item (3) and (4) are tied together and they are asking for an extension. The Board stated that they would like to know when they expect to start construction. Mr. Rusnov stated that City Council asked for item number (4) after**

**they approved the variances in number (3). Mr. Evans stated that Arby's faces a side of an apartment building with no windows.**

**5) MICHELLE AND JARED SULLIVAN, OWNERS/RA Kalfas, Representative**

Requesting a 7' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 29' Rear Yard Setback is proposed in order to install a 527 SF Concrete Patio; property located at 18453 Saratoga Trail, PPN 397-20-021, zoned R1-75.

**The Board stated that this is a result of Zoning Code changes. Mr. Evans stated that he will abstain from voting on this because the home is located in High Point and he is on the High Point HOA Board. Mr. Baldin stated that it appears it started without a permit because it's framed already. Mr. Roenigk was not aware of this. Mr. Houlié stated that we have a neighbor's letter with no objections and Mr. Evans stated that there is an approval letter from High Point HOA.**

**6) STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three (3) Wall Signs labeled Sign A (two) (North, South, East) and Sign C (one) (North) are proposed;
- b) Requesting a variance from Zoning Code Section 1272.09 (a), which does not permit a Drive-Thru Menu Board Ground Sign and where two (2) Drive-Thru Menu Board Ground Signs labeled Sign G and Sign I are proposed;
- c) Requesting a variance from Zoning Code Section 1272.09 (a), which does not permit a Canopy Sign and where one (1) Canopy Sign labeled Sign H is proposed; property located at 8222 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

**Mr. Evans stated that the applicant wants four wall signs as well as menu boards. Mr. Rusnov is suggesting they keep the signs within the square footage allowed and have three signs. Mr. Roenigk stated that the total allowed wall sign square footage would be 46.88. Mr. Evans stated that the menu boards could be allowed. Mr. Evans stated that the canopy sign is unnecessary. Mr. Roenigk stated that the directional signage is approved. Mr. Kolick stated that the Code was changed to permit logos on directional signs. The Board also stated that the monument sign out front has already been approved.**

7) **CHIPOTLE RESTAURANT/C. Brent Artman, Representative**

- a) Requesting a 120' Front Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 200' Front Yard Building Setback from the Royalton Road centerline and where an 80' Front Yard Building Setback from the Royalton Road centerline is proposed in order to construct a 2,325 SF New Restaurant Building;
- b) Requesting a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback from the right-of-way and where a 25' Front Parking Setback from the right-of-way is proposed in order to construct a 2,325 SF New Restaurant Building;
- c) Requesting a 10' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Parking Setback (West) and where a 0' Parking Setback (West) is proposed in order to construct a 2,325 SF New Restaurant Building;
- d) Requesting a 10' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback and where a 0' Rear Parking Setback is proposed in order to construct a 2,325 SF New Restaurant Building; property located at 17100 Royalton Road, PPN 396-14-007, zoned Shopping Center (SC).

**The Board stated that this building would block the other buildings behind it and that could set a precedent and also could cause a hardship to the businesses that would now be blocked from view from Route 82. In addition, more people would be walking in the parking lots due to spaces being taken away to build this building. In addition, Mr. Baldin said he doesn't want to create a situation like the Starbucks next door with a drive-thru and traffic problem. Mr. Houlé agreed. Mr. Evans also stated that snow plowing is difficult at Starbucks as well. This is a change in the Chipotle design to have a drive-thru mobile order pick up only, not order in line and then pick up.**

8) **SEAN AND TRACI GRANDAGE, OWNERS**

Requesting a 6' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to install a 255 SF Concrete Patio; property located at 19897 Kensington Court, PPN 397-28-066, zoned R1-75.

**Mr. Baldin stated that this project may have also started prior to a permit being issued. Mr. Houlé stated that there is vacant land next to and behind them so neighbor issues may not exist.**

**The Board discussed the minutes from the meeting of July 8, 2020 and found no corrections or changes.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**August 26, 2020**

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this August 26, 2020 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL FIVE MEMBERS 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 minutes from July 8, 2020. We talked about it in caucus. Unless there are other comments we will submit those to the City as they were given to us for review with thanks to our recording secretary. We will submit those to the City as approved. If you are here this evening and wish to speak as a presenter or wish to comment during one of the Public Hearings, we now ask you to stand and the Assistant Law Director will swear you in as well as our representative from the Building Department and our Secretary.

Mr. Kolick stated the oath to those standing.

1) **FOURPENN FOLTZ LLC, OWNER/Paul Lange with PBC Banners & Signs, Inc dba Signarama North Olmsted, Representative**

Requesting a variance from Zoning Code Section 1272.14 (a), where one (1) 48 SF Ground Sign exists and a second 24 SF with a 6 SF base Ground Sign is proposed; property located at 17295 Foltz Parkway, PPN 394-04-008, zoned General Industrial (GI).

Mr. Evans – All right, thank you. Our first applicant is Fourpenn Foltz on Foltz Parkway. Would the representative please come forward? If you would state your name and address for the record.

1) **FOURPENN FOLTZ LLC, OWNER/Paul Lange with PBC Banners & Signs, Inc dba Signarama North Olmsted, Representative, Cont'd**

Mr. Lange – Paul Lange with Signarama, 26747 Brookpark Road Extension, North Olmsted, Ohio 44070.

Mr. Evans – Okay, thank you Mr. Lange. Why don't you give us the general parameters about what is going on and what the need is here?

Mr. Lange – My client is interested in having us install a ground monument sign at the northern entrance to their property to accommodate the other three tenant spaces they have in their building. There is currently one sign there for Johnson Controls at the southern entrance. The way it is designed it is only made for Johnson Controls. My understanding is that they created it. There is no way to work with that sign. They would like to put in a new sign at the other entrance to help truck drivers, people find where these tenants are. In my original drawings they had currently one other tenant and the other spaces were vacant but my understanding is that they are no longer vacant. In the drawing that we have we want to show the names of the three tenants, double sided, illuminated cabinets facing north and southbound.

Mr. Evans – Okay, Mr. Lange. Do we know if Johnson Controls is the owner of the building?

Mr. Lange – They are not.

Mr. Evans – Questions from Board members? Do the other two of you need to give us additional commentary? We will ask for your name and address for the record.

Mr. Locke – Mike Locke, owner of Fourpenn Foltz and the owner of the building. My address is 307 Rustin Way, Wexford, PA 15090.

Mr. Evans – Okay, welcome to Ohio. Go ahead and make your comments, if you wish.

Mr. Locke – We purchased this building late 2018. Johnston Controls was occupying the building at the time and their sign was in place. They had issues with the previous owner of the building and they paid to erect it themselves. In the meantime, since then, we occupied the building with Fuses Unlimited and Alphagraphics and Specialty Services so the building is fully occupied. The building has a lot of landscaping in front of it. I walked it today with a measure wheel lot line to lot line. We are about 480' so it's a long building. Driveways are spread out pretty far apart. The tenants that don't have the road signage are a little bit lost behind the landscaping and the depth of the building.

Mr. Evans – Mr. Locke, the one question that I have is do you know if the tenants are planning on putting signage on the front of the building and if they are do you know whether they are anticipating coming to us for larger signs than what they are allowed on the face of the building?

1) **FOURPENN FOLTZ LLC, OWNER/Paul Lange with PBC Banners & Signs, Inc dba Signarama North Olmsted, Representative, Cont'd**

Mr. Locke – To my knowledge, they are not coming in for any additional building signage. Alphagraphics has just moved in. They have graphics in their windows. Fuses Unlimited has a sign on the building behind a tree. You can hardly see it. To my knowledge, no. Fuses Unlimited was in place when we bought the building and we renewed the lease. Part of the deal that they did ask for is that we would try to install signs for them because of visibility.

Mr. Evans – Okay, that makes sense. Questions from the Board? All right, so gentlemen observations that you have or comments?

Mr. Baldin – You have four tenants?

Mr. Locke – Correct.

Mr. Baldin – Johnston Controls at the southern end and Fuses Unlimited and the other two on the northern end. You're right, you do have a lot of landscaping out front.

Mr. Locke – We have cut trees back and trimmed landscaping back as best we can but we want to keep it professional looking. I don't want to clear it.

Mr. Baldin – If your signage is granted you are going to put all the tenants on the sign?

Mr. Locke – The other three.

Mr. Baldin – Thank you.

Mr. Evans – In this case, one of the other things that would be considered is the lot is particularly long and the frontage sitting back is industrial park, which makes it hard to see the tenants. Anything else? If not, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who 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 - Requesting a variance from Zoning Code Section 1272.14 (a), where one (1) 48 SF Ground Sign exists and a second 24 SF with a 6 SF base Ground Sign is proposed; property located at 17295 Foltz Parkway, PPN 394-04-008, zoned General Industrial (GI) be approved.

Mr. Hayden - Second.

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



1) **FOURPENN FOLTZ LLC, OWNER/Paul Lange with PBC Banners & Signs, Inc dba Signarama North Olmsted, Representative, Cont'd**

ROLL CALL: ALL AYES: MOTION GRANTED

Mr. Evans – Gentlemen, the variance has been approved. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department when the twenty days pass. We want all the businesses in there to be successful and flourish. I'm sure that City Council would agree. You're all set for tonight.

Mr. Kolick – For the applicant, have you been to the Architectural Review Board yet?

Mr. Lange – No.

Mr. Kolick – If you will contact Carol Brill because they will need to see the sign, not for size. You'll be okay with that but just for what you're putting up. Okay? Thank you.

Mr. Evans – You're all set for tonight.

Mr. Lange – Thank you.

Mr. Locke – Thank you.

2) **ADAM AND REBECCA THERRIEN, OWNERS**

- a) Requesting a 20 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 140 SF Floor Area is proposed in order to construct a Concrete Patio in the Front Yard;
- b) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in the Front Yard and where the applicant is proposing a 182 SF Accessory Structure Pergola in the Front Yard; property located at 20626 Donegal Lane, PPN 394-28-049, zoned R1-100.

Mr. Evans – Item number two our agenda is Adam and Rebecca Therrien. Please come forward and state your name and address for the record.

Ms. Therrien – Hi my name is Becky Therrien. My address is 20626 Donegal Lane.

Mr. Evans – If you could take us through the request, please?

Ms. Therrien – We would like to put a small paver patio in our front yard. We have a little space between the step and the garage and we wanted to put a little paver patio in there. There really

2) **ADAM AND REBECCA THERRIEN, OWNERS, Cont'd**

**Ms. Therrien continues** - isn't a spot to sit in the front yard and we have kids that ride bikes and have scooters and sidewalk chalk and we wanted a space to sit while the kids are doing that. We also want a little pergola over the top because our front yard faces south and there is no shade. We were hoping to get a little bit of a structure there to diffuse the sun while we are sitting there.

Mr. Evans – So, it's not intended to be a big party patio or anything? No grill or fire pit?

Ms. Therrien – No, just want to tuck it into that little spot so that we have a spot to sit. We just moved from a home that had a front porch. We are trying to mimic the same thing that we had there, less the cost of excavating footers and all that goes into a front porch. We started down that road and realized it was too much.

Mr. Evans – Comments or questions from Board members?

Mr. Rusnov – No questions.

Mr. Houlé – We have an approval letter from the homeowner's association.

Mr. Evans – That is correct, thank you.

Mr. Baldin – It's pretty simple what they are asking for.

Mr. Evans – All right. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who 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, part (a) requesting a 20 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 140 SF Floor Area is proposed in order to construct a Concrete Patio in the Front Yard and part (b) requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in the Front Yard and where the applicant is proposing a 182 SF Accessory Structure Pergola in the Front Yard; property located at 20626 Donegal Lane, PPN 394-28-049, zoned R1-100.

Mr. Houlé - Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

2) **ADAM AND REBECCA THERRIEN, OWNERS, Cont'd**

Mr. Evans - The variance has been approved. The same twenty day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department when the twenty days pass. Good luck on the project. You're all set for tonight.

Ms. Therrein – Thank you.

3) **ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC, Representative**

**Extension of the determination of July 10, 2019 of the Board of Zoning and Building Code Appeals:**

- a) Requesting a 4.6' Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Building Setback from the Centerline of Pearl Road and where a 120.4' Building Setback from the Centerline of Pearl Road is proposed in order to construct a New Restaurant Building;
- b) Requesting a 16.1' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Parking Setback from the Pearl Road Right of Way and where a 13.9' Parking Setback from the Pearl Road Right of Way is proposed in order to construct a New Restaurant Building;
- c) Requesting a 11.5' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Parking Setback from the Whitney Road Right of Way and where a 9.5' Parking Setback from the Whitney Road Right of Way is proposed in order to construct a New Restaurant Building;
- d) Requesting a 1.07 Acre Minimum Lot Area variance from Zoning Code Section 1258.08, which requires a 2 Acre Minimum Lot Area and where a .93 Acre Lot Area is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

Mr. Evans – Item number (3) on our agenda is Arby's Restaurant on Pearl Road. Do we have a representative here? If you would come forward please and we will need your name and address for the record please.

Mr. Skidmore – David Skidmore, Director of Real Estate with Inspire Brands and Arby's, 7488 Bold Venture Court, Lewis Center, Ohio.

3) **ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC,  
Representative, Cont'd**

Mr. Evans – There are two items on our agenda for Arby's. We did them separate because they came to us separately. City Council made an adjustment and Arby's came before us again. Why don't you take us through why you're asking for an extension of the variances? What the project plan is and the delay. We all understand that because of the pandemic everything hasn't gone according to the way that everybody thought it might.

Mr. Skidmore – I'm the Director of Real Estate with Arby's. I handle twelve states. Mr. Knuckles is out of Nashville and working this project on our behalf. I live in Columbus. It was a lot easier for me to get up here instead of Mr. Knuckles. Having direct knowledge through the organization, Covid19 has been detrimental from a cash flow standpoint to our organization so we have decided to put the payroll of all of our employees at the forefront as a priority so as not to lay anyone off. Development capital has gone to the back seat and we are planning to build and open this next year in 2021, roughly, August opening and starting construction after the spring thaw.

Mr. Evans – Okay. Questions for Mr. Skidmore?

Mr. Rusnov – Not really.

Mr. Baldin – I think he answered a lot of the questions we were going to ask. What you said makes a lot of sense. That was the big thing, when and if, and are you going to build?

Mr. Skidmore – I wouldn't be here if we weren't still interested in having this development proceed.

Mr. Evans – All right, any other questions or comments. So, Mr. Skidmore we will ask you to step aside for a second. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the extension of the variance? Is there anyone in the audience who wishes to speak against the granting of the extension of the variance? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Kolick – Mr. Chairman, maybe before we make a motion why don't we open up number (4) too. They can't do number (3) without number (4). Go ahead and open and close the Public Hearing if there is no one to speak.

Mr. Evans – I can do that. Item number (4) on our agenda is the same. It is Arby's for the property on Pearl Road. This was the extension of the second set of variances, which is a single variance at the request of City Council. Is there anyone in the audience who wishes to speak for the granting of the extension of the variance? Is there anyone in the audience who wishes to speak against the granting of the extension of the variance? Hearing none and seeing none I will declare the Public Hearing closed and should we do the motions together?

3) **ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC, Representative, Cont'd**

Mr. Kolick – We should do the motions separate.

Mr. Evans – I will entertain a motion for item number (3) on the agenda.

Mr. Baldin – Mr. Chairman, requesting a 4.6' Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Building Setback from the Centerline of Pearl Road and where a 120.4' Building Setback from the Centerline of Pearl Road is proposed in order to construct a New Restaurant Building; and (b) requesting a 16.1' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Parking Setback from the Pearl Road Right of Way and where a 13.9' Parking Setback from the Pearl Road Right of Way is proposed in order to construct a New Restaurant Building; and (c) requesting a 11.5' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Parking Setback from the Whitney Road Right of Way and where a 9.5' Parking Setback from the Whitney Road Right of Way is proposed in order to construct a New Restaurant Building; and (d) requesting a 1.07 Acre Minimum Lot Area variance from Zoning Code Section 1258.08, which requires a 2 Acre Minimum Lot Area and where a .93 Acre Lot Area is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS) be approved.

Mr. Kolick – Mr. Chairman, that should reflect that this is just an extension of the previous variances that were granted. And subject to all the same conditions. That should be added to that motion, if you're okay with that.

Mr. Baldin – We're fine with that.

Mr. Rusnov - Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

4) **ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC, Representative**

**Extension of the determination of September 25, 2019 of the Board of Zoning and Building Code Appeals:**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Rear Yard Setback from a residential zoning district and where a 10' Rear Yard Setback (East) from a residential zoning district is proposed in order to construct

4) **ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC, Representative, Cont'd**

a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

Mr. Evans – So, that variance extension has been approved. I will now entertain a motion for number (4) to approve.

Mr. Baldin – Mr. Chairman, requesting a 10' Rear Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Rear Yard Setback from a residential zoning district and where a 10' Rear Yard Setback (East) from a residential zoning district is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

Mr. Kolick – That should reflect that this is just an extension of the previous variances that were granted and subject to the same conditions.

Mr. Baldin – Thank you.

Mr. Evans – Thank you, I'll entertain a second.

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans - The two extensions have been granted. Considering we already have an Arby's we thank you for the considerations for the employees and we appreciate you going forward with the project. We worked really hard to make this happen. We think it will be a good addition in that area. It will be a little bit behind Burger King, Starbucks and McDonald's and what not but we are looking forward to it. We wish you well on the project.

Mr. Kolick – Mr. Chairman, for the applicant watch your dates for the Planning Commission approval because they also have time limits on them. You may need to renew those or you may be okay depending on when you start. You can check with our secretary Carol Brill. She will tell you when the expiration date is on the Planning Commission approvals.

Mr. Skidmore – Okay, thank you.

4) **ARBY'S RESTAURANT/Ken Knuckles with Development Management Group LLC, Representative, Cont'd**

Mr. Evans – Have a safe trip back to Columbus.

5) **MICHELLE AND JARED SULLIVAN, OWNERS/RA Kalfas, Representative**

Requesting a 7' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 29' Rear Yard Setback is proposed in order to install a 527 SF Concrete Patio; property located at 18453 Saratoga Trail, PPN 397-20-021, zoned R1-75.

Mr. Evans – Item number (5) on our agenda is Michelle and Jared Sullivan on Saratoga Trail. May we have the name of the representative please?

Mr. Kalfas – Bob Kalfas, R. A. Kalfas Construction, 12001 Prospect Road, Strongsville.

Mr. Evans – Thank you, Mr. Kalfas. Your request is for a 7' Rear Yard Setback. Can you give us a quick idea about the project and probably answer the question that was asked in caucus.

Mr. Kalfas – We are asking for the 7' variance for the simple reason that it comes out 10' now. If we stick within the 36' rear yard setback we will end up with 29'. I think you were all there. There are two doors and if you don't grant a variance they will not be able to get anything on it.

Mr. Evans – Okay. Did we get the framing in for the footers?

Mr. Kalfas – What had happened was that was somebody in my office's fault. I'm not going to say who but, yes.

Mr. Evans – All right. Questions from Board members? We have been out to look at all of the items on the agenda tonight. I failed to mention that at the onset. We have looked at it and this is a result of the Zoning Code changes since the property was developed back in 1984 or 1985. Questions or comments?

Mr. Houlé – We have the homeowner's association approval and I have no issues at all with this.

Mr. Baldin – It's a fenced in yard. I think it will look nice.

Mr. Evans – All right. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against

5) **MICHELLE AND JARED SULLIVAN, OWNERS/RA Kalfas, Representative, Cont'd**

**Mr. Evans continues** - the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Hayden – Mr. Chairman, requesting 7' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 29' Rear Yard Setback is proposed in order to install a 527 SF Concrete Patio; property located at 18453 Saratoga Trail, PPN 397-20-021, zoned R1-75 be approved.

Mr. Houlé - Second.

Mr. Evans – Thank you, Mr. Hayden, for the motion and Mr. Houlé for the second. As I mentioned in caucus I will be abstaining in the voting because I'm a Trustee in the High Point Homeowner's Association. May we have a roll call please?

ROLL CALL:

MR. BALDIN	AYE
MR. RUSNOV	AYE
MR. HOULÉ	AYE
MR. EVANS	ABSTAIN
MR. HAYDEN	AYE

MOTION GRANTED

Mr. Evans - The variance has been approved. The same twenty day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department when the twenty days pass. Chris, I'll give you this copy of the letter that the Homeowner's Association sent to the City. You can give that to the Sullivan's. You're all set for tonight.

Mr. Kalfas – Thank you.

6) **STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three (3) Wall Signs labeled Sign A (two) (North, South) and Sign C (one) (North) are proposed;



6) **STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative,  
Cont'd**

- b) Requesting a variance from Zoning Code Section 1272.09 (a), which does not permit a Drive-Thru Menu Board Ground Sign and where two (2) Drive-Thru Menu Board Ground Signs labeled Sign G and Sign I are proposed;
- c) Requesting a variance from Zoning Code Section 1272.09 (a), which does not permit a Canopy Sign and where one (1) Canopy Sign labeled Sign H is proposed; property located at 8222 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

Mr. Evans – Item number (6) on our agenda is Starbucks on Pearl Road. Do we have representatives? I don't think you were in the room when we did the swearing in.

Mr. James – No, I went to the wrong building, unfortunately.

Mr. Evans – Mr. Kolick, would you be so kind.

Mr. Kolick stated the oath to Mr. James.

Mr. Evans – Okay. Thank you. We will start with your name and address for the record, please.

Mr. James – Dustin James, 28 Elevator Avenue, Painesville, Ohio.

Mr. Evans – Thank you, Mr. James. I'm going to note that on our agenda we did it a little bit incorrect. In item (a), the one wall sign is permitted and the request is actually for four signs not the three because there is one on each side and the one over the drive-thru. That totals four. So just the way that we are adding up your permitted one and the request is actually for four, not for three. That is because sign (a) is two signs, sign (b) is the front sign and then sign (c) is the drive-thru. They are all identified by what you gave us. We have three listed when it is really four signs that are being requested. One is permitted for being requested so the variance is really for three additional signs as opposed to two additional signs.

Mr. James – Just for clarity, I'm sorry....

Mr. Evans – (b) gets added into this.

Mr. James – Okay.

Mr. Evans – It has to be counted because it is a separate sign.

6) **STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative,**  
**Cont'd**

Mr. James – Okay.

Mr. Evans – The square footage is included because it's a sign on the face of the building. Maybe the side but it's still on the face of the building. So, in terms of the way that we are looking at this that figures into it. So, I'm going to ask Mr. Rusnov because in caucus we had a discussion about this and Mr. Rusnov made an observation that all of us have made and he can explain the way that we have addressed signage on buildings such as the Starbucks building. So, Mr. Rusnov?

Mr. Rusnov – You're allowed one sign and you're proposing a total of four. You could combine the sizes on the signs and maybe limit it to two signs. That might be a little bit more palatable for us and the zoning because we don't want to create a precedent. Every new building that comes up we always get inundated with sign requests for the building. We are trying to keep the place looking a little bit, I don't want to use the word, presentable but.... or not too flashy, to limit the total number of signs based upon the square footage and maybe you have a little but more leeway. Is that correct, sir?

Mr. Evans – Yes. Another way of stating it Mr. James is that every new building that comes before us would like to have signs on all four sides. So, our general practice has been to limit buildings to two sides. Whether that is the two sides, a front and one side, however they like to do it as an applicant. We have generally driven everyone to do that. We have not made exceptions because otherwise we would have signs on every side of every building up and down Route 82.

Mr. James – I would like to ask, where is the Starbucks? I'm not from the area. There is a Starbucks off the freeway. I swung in and took photos. They have three signs, one on each side, and one in the front. And the canopies all look the same. I didn't count the directional but it looked really close. That was my question because basically is that in the same zoning area?

Mr. Evans – It is in a Shopping Center District. The other part of what Mr. Rusnov was saying is that when we have made exceptions such as the Starbucks on Route 82 they have taken all of the signs and cut them down into the total allowable square footage. That was the second part that Mr. Rusnov was referring to. You are permitted a total of 46.88 square foot for all of the signage. Now, that doesn't include the monument sign that will be out on Pearl Road but it does include the signs that appear on the face of the building. It does not include the drive-thru or the ordering thing. It does not include the menu board or the entrance and exit signs, all of which have Starbucks on them. It does include those signs that are on the face of the building. The 46.8 square feet is the total permitted square footage. So, you could put one sign on the building that totals 46.88 square feet but that isn't what you want and it's not what most stores want. If you take a look at what is on Route 82 the three sides that they put signs on, those came down to being pretty close because that building is about the same size as what you're building on Pearl Road. It came down to using

6) **STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative,  
Cont'd**

**Mr. Evans continues** - their square footage to do the three signs and we allowed that because of the location, visibility and trying to get people in there.

Mr. James – I have the square footage of the signs that we have proposed which is 58.89, which is over the 46.8. The sirens are 12.5 square feet. The 20” channel letter, the drive-thru is almost 7 square feet so to be identical with the other Starbucks would have...

Mr. Evans – I believe the Siren signs that you are referring to are determined by the total box that includes the Siren sign so you’re looking at it being 12 square feet but it is actually the box that contains those, which is 16 square feet, according to our sign code. I don’t know whether you have the authority from Starbucks to be able to make decisions on their behalf because oftentimes when we have sign companies here as the representative they are not able to make a decision for the corporate entity that they are representing so they say I have to take this information back to the client because that is news to us. It may be that it will be necessary for you to table this tonight to come back with an alternative proposal. We could address parts of it. We are going to have the Public Hearing one way or the other to get that out of the way. I can tell you that other Board members may comment on it as well but the menu signs are not allowed in our Code so we have generally accepted the menu signs as requested because we understand drive-thru particularly in this day and age with COVID19 the drive-thru’s are a necessity. The menu boards have been approved for other applicants as requested. Item (b) is pretty well...I don’t want to say it’s a slam dunk but we in the past have accepted those. Item number (c), which is the canopy sign label, if you take into consideration the monument sign, the signage on the building, the entrance and exit signs, I made the observation during caucus that we could not put you out of business because if they just opened the store and didn’t put up signage there would still be a line around the place because of word of mouth. They would converge on the place. The additional signage on the canopy sign, that one probably is one that we would say is not going to fly but again, I’m only one and we generally have not accepted that as being something, particularly in light of all the additional signage that is proposed.

Mr. Rusnov – Mr. Evans is giving you the opportunity to revamp this so that it becomes something we could approve.

Mr. James – You feel good about the menu board signage and things. Like you said, I will bring this back to my customer, which is going to bring it to Starbucks. It’s just how they like to do it.

Mr. Rusnov – When you change it call the Building Department, particularly Brian.

Mr. James – I’ve been dealing with Kathy.

6) **STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative,**  
**Cont'd**

Mr. Evans – Kathy will direct you as well. We want every business to be successful but we can't allow everyone to go hog wild with signage because it would be bad for the City if we looked like Las Vegas. It's our attempt to try, as Mr. Rusnov alluded to, and make sure we do as good a job as we can to control the signage.

Mr. James – I'm with you, I'm just trying to get to a little bit more understanding of what I can bring to them.

Mr. Rusnov – Basically every sign company for a new building comes in to us for variances. We are giving you the opportunity to revamp.

Mr. James – What I'm asking John is 46.8 square foot for all the wall and you did say there is a limit to two signs if Starbucks would like to get meeting everything in the 46.8 square feet and do three sides. Would you entertain that?

Mr. Evans – As you pointed out we did that at the other Starbucks.

Mr. James – I just have to make sure I explain the options.

Mr. Rusnov – You could have four signs as long as they are within the 46.8 square feet. They might be tough to read.

Mr. James – Okay. Very good. I'll tell them you're not feeling the canopy sign. The menu boards are okay, even the pre-menus. Appreciate that for sure. I knew we would have to hash out some stuff.

Mr. Rusnov – We want to work with you but we want to conform to what we have permitted in the past.

Mr. James – My last question, what if Starbucks asks for 50 square feet? I'd hate to come back with that and you turn it down.

Mr. Kolick – My suggestion is to try to limit it to the total square footage permitted. If you want to ask for something more, when you come back you should probably have some alternatives to pick from so we can act on it at the next meeting.

Mr. Evans – Mr. James, the way that I would phrase is that if they want all three sides then for sure I would say the 46.88 becomes the ending point. If they want to drop to 50 square feet they would probably end up with two sides, which again, we want every business to be successful. We understand the Sirens are not big signs. They are simply locators. We have one at Market District.

6) **STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative,**  
**Cont'd**

**Mr. Evans continues** - We have one on Route 82, we have one that is proposed and the people up at that end of town because that is on the way to downtown Cleveland although people are working from home. People will go there. That is the lay of the land from us. Now, to get part of this moved along, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed. We are not going to vote on these tonight because I'm going to ask if you wish to table so you can speak to Starbucks and resubmit a proposal for the next meeting, which will be within the guidelines that we talked about tonight. I'm presuming you would like to table.

Mr. James – Yes, Ken, I would like to table.

Mr. Evans – If you have questions and need information get to Kathy. If she can't answer she will get you to Brian or Mike, our Building Department director. They are people who are very adept at working with you because the idea would be that when you're back here we would like to get it taken care of. The only other point would be, Mr. Kolick, would we want to do the menu boards separately?

Mr. Kolick – I wouldn't do anything tonight. Let's get the whole package together. That makes more sense.

Mr. James – I would ask, the guy that owns the building was talking about concrete getting poured for the menu boards at 7 am tomorrow. He's not allowed to do it until he gets clearance.

Mr. Kolick – There is a twenty day wait no matter what.

Mr. Evans – The technical nature of that would be up to Brian. They can pour the parking lot, they can put in tubes and put wiring through the conduit but they would not be able to put up the menu board or the sign that holds the menu board or anything else?

Mr. Roenigk – They do not have approval for any signage on this, so nothing on this agenda can they work on because they do not have approval. Any site lighting or anything that is on the drawings that is approved they are allowed to work on. They do not have approval for anything on this agenda today.

Mr. Baldin – Do they have approval for the concrete tomorrow?

Mr. Roenigk – Concrete is part of the approval for these. They cannot work on anything that is on this agenda.

6) **STARBUCKS/Dustin James with Advanced Sign and Lighting, Representative, Cont'd**

Mr. Evans – All right. That makes sense. Our next meeting is September 9. If you have an idea what it is that you are going to propose if you can get it to the Building Department a week ahead of the meeting we can see it ahead of time rather than bring it to the meeting.

Mr. James – That shouldn't be a problem. I appreciate it folks. Have a good evening.

Mr. Baldin – You may want to go back to your people that ever since the motel was knocked down the buzz around the town is that it's going to be a Starbucks. That's been talked about for six months.

7) **CHIPOTLE RESTAURANT/C. Brent Artman, Representative**

- a) Requesting a 120' Front Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 200' Front Yard Building Setback from the Royalton Road centerline and where an 80' Front Yard Building Setback from the Royalton Road centerline is proposed in order to construct a 2,325 SF New Restaurant Building;
- b) Requesting a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback from the right-of-way and where a 25' Front Parking Setback from the right-of-way is proposed in order to construct a 2,325 SF New Restaurant Building;
- c) Requesting a 10' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Parking Setback (West) and where a 0' Parking Setback (West) is proposed in order to construct a 2,325 SF New Restaurant Building;
- d) Requesting a 10' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback and where a 0' Rear Parking Setback is proposed in order to construct a 2,325 SF New Restaurant Building; property located at 17100 Royalton Road, PPN 396-14-007, zoned Shopping Center (SC).

Mr. Evans – Item number (7) on our agenda is Chipotle Restaurant. If you could have the representative come forward please. We will need your name and address for the record please.

Mr. Artman – My name is Brent Artman. My address is 13710 Cleveland Avenue NW, Uniontown, Ohio.

**7) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

Mr. Evans – Okay, thank you. Mr. Artman, take us through the project here. You have asked for variances. These are front yard building setback and parking setback variances. We know that this is related to putting up a free standing building. I believe that you were here during caucus so you heard a number of our comments. You may want to focus on those comments and give us the rundown. I'll ask you to stay by the microphone because that picks up best for the minutes.

Mr. Artman- We are asking for four variances. A setback variance to the centerline of Royalton Road and I'll touch on that in a minute. The other three variances are associated with parking on the rear or the north side of the property, parking on the west side of the property, parking along the right-of-way along the south side of the property. Those three variances are not necessary to construct the building. Those are required for the existing parking that is in place. We are not creating any new parking that violates any of those. They are already in place whether we do this project now or we not do this project or not those variances exist in the field today.

Mr. Evans – The situation is currently that way, yes but by adding the building it changes the dynamics of how those variances are in play because the parking that is currently where the building is proposed have to move elsewhere.

Mr. Artman – None of the new parking requires a variance.

Mr. Evans – That is correct but by moving the parking or...well, okay, you are right. Moving the parking does not require a variance.

Mr. Artman – That's my point. To go a little further we are talking about these parking spaces here (indicating to the site plan exhibit). Whether I build this building or not, these parking spaces exist with a zero setback. These other parking spaces along here (indicating to the site plan exhibit) exist as they are. Those three variances are based upon existing conditions in the field now today.

Mr. Evans – That is correct.

Mr. Artman – The final variance is the setback against the centerline of Royalton Road. Unfortunately, the property is zoned Shopping Center rather than General Business. That place requires a setback line 200 feet from the centerline of Royalton Road. That setback falls along this line here (indicating to the site plan exhibit) that goes through the first couple of parking stalls here (indicating to the site plan exhibit).

Mr. Evans – The line that Mr. Artman is pointing to is running parallel to the front of the strip area and it is in those first couple of stalls for parking that is running parallel to the building there.

Mr. Artman – It would be impossible to construct a free standing building on this property without obtaining a setback variance. The reason why we set the building at 80' in front was to be able to

**7) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

**Mr. Artman continues** - provide adequate parking to the existing building and the existing tenants in the building and provide a drive-thru pickup window and access around the building. A couple of the items that I heard in caucus, the biggest concern seemed to be traffic associated with the Starbucks. One of the things I would like to stress is that Chipotle is a pickup window. The average pickup time is thirty seconds to a minute as far as coming through the pickup window. All of them are pre-ordered online. There is no ordering, there is no menu board. There is nothing like that where people order from a menu board. It's a little bit different situation from the Starbucks with a line of backed up traffic of people waiting to order and pick up orders. This is a pickup window. This is a model that Chipotle is going to because of Covid19 and people aren't doing sit down dining. A lot of restaurants are going to this model now of pickup facilities shying away from larger dining rooms that require a lot of parking because of the nature of the way things are now. In addition to that, another item that you spoke about was the comment that came up in Planning Commission associated with the parking stalls along the back here (indicating to the site plan exhibit) and we did hear the comments about the pickup window and they were afraid of the stack up of the people in the pickup line and creating a situation where those people who are parked there couldn't back out because of that. Two things, number one these pickup windows don't get a lot of stacking due to the nature that there is no ordering, only pickup. If it's not available, there will be spots to go to to bring out your food if necessary. At the same time we are designating those for employee type parking so really wouldn't necessarily be something that people are leaving during the crowded times. However, in conversation with the owners they didn't have a problem eliminating those spaces if necessary.

Mr. Baldin – Where would the employees park then?

Mr. Artman – There is more than adequate parking.

Mr. Baldin – Do you have any idea how many employees will be there during the course of the day or evening?

Mr. Artman – I'm not positive. I think they have six to eight employees in there at a time. This parking lot is never very full, according to the owner and they are leasing parking to the adjacent Panera building over here. That would no longer be in place.

Mr. Evans – What would no longer be in place?

Mr. Artman – Right now they have a lease agreement with the adjacent building to use their parking in the parking lot.

Mr. Evans – Thank you.



**7) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

Mr. Baldin – How many spaces do you think you have to take out by putting this building in? It's a pretty good sized parking lot, no doubt about it and probably not totally used.

Mr. Kolick – I think there are 40 spaces or so that would be removed. It's close to that number. The concern to the Planning Commission director is not only the removal of those spaces but the count at the whole site, which includes the spaces behind the shopping center but his concern was that the stores in front, although physically that have access to those spots, people aren't going to park behind Triv's and come up to those stores so that was one of his concerns because parking spaces would be removed. I think 48 spaces, you could confirm that though. He was concerned, not just with the total number of parking spaces but also the location of the stores because we've had some problems with occupancy, you may know, with stores coming in and out and not making it there and his concern was that parking removed, and even though the overall site has enough the location of the remaining spots, is not conducive to those stores in front.

Mr. Artman – I don't believe that the businesses that left felt they didn't have enough parking.

Mr. Kolick – Don't get me wrong, I'm not saying they thought they didn't have enough parking but when you start closing off the visibility to those stores from Route 82 that is not going to help their businesses.

Mr. Artman – Bringing additional traffic will help.

Mr. Kolick – Okay.

Mr. Artman – We will remove parking spaces in the area during construction and we added parking spaces in this area (indicating to the site plan exhibit) to be able to get back to the city's requirement for parking. One of the other items discussed was possibly trying to go for a land bank for this parking area here (indicating to the site plan exhibit) because the owner's don't feel the amount of parking required is necessary due to their experiences on the property.

Mr. Evans – All right. So, Mr. Artman, so that we understand you are listed as being the representative. You are the property owner or what is your relationship?

Mr. Artman – I am the owner of the property, yes.

Mr. Evans – Okay, and as I understand it the parcel that is identified does not include Panera. That is a separate parcel and it does not include that parcel with Starbucks and the other businesses. This is a separate parcel.

Mr. Artman – Correct.

**7) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

Mr. Evans – Board members, questions, comments or observations? I know that again, as I said during caucus, one of the problems that we have is that when we did the Starbucks it was with one store behind it. We already had a free standing building in Verizon that was there and Starbucks was a relatively small building, much smaller than what is being proposed for the Chipotle here.

Mr. Artman – How big is the Starbucks because I've done several of them and they aren't much larger than 2,000 square feet, which is what the Chipotle is.

Mr. Rusnov – 2,300.

Mr. Evans – Wasn't Starbucks 1,500 or 1,700, 1,600 or right in there. The stacking yes, Starbucks, that is a problem there. No question about it but as we look at what we have and haven't allowed our problem is that by putting the building out in front of the strip center, now that makes it a situation that up and down Pearl Road and up and down Route 82 there is going to be more requests for that. Starbucks we needed to do because the drive-thru. There wasn't one at the Greens of Strongsville. The administration was in favor of it. We were skeptical. We did some rearrangements to try and make it work but this is a real large building that would be out in front there and again the hesitation is that when we permit things we set precedent and we have to live with them. When we have made mistakes we try not to make mistakes over and over.

Mr. Artman – There are several buildings out in the front of lots along the road.

Mr. Evans – There are and in general terms, Applebee's is in front of Kohl's. We have the restaurants that are in front of the mall and along Route 82 there are some that are now in the new section there across from the mall that is in front of Foundation Software but again, each circumstance is a little bit different because of the nature of blocking existing buildings or creating traffic patterns where it presents a problem. The good news about your particular parcel is that the curb cuts already exist. We aren't talking about new curb cuts. That's an advantage. The problem is that you're driving all that traffic into a point in front of those stores, which becomes a hazard because there's more traffic in there. The Starbucks didn't have a lot of traffic for the stores and they were set back. Here it's much closer to the store that you're proposing. Again, we understand the differences. We try to look at that. Part of our objective is to look at whether we are creating or solving problems or not having any impact on it. The situation for us to grant variances...the reasons that we have for granting variances and I'm sure you saw them because it in the application paperwork, there is no practical difficulty. It's not an odd shaped lot, it's not because we changed the code and it has impacted adversely someone like the patio that we approved and things like that. This is a situation where it's an I Want and for us to justify the granting of the variance there has to be no impact. Again, we have identified ways in which there is an impact whether we're experts in whether to determine that or not might be up for question but we have looked at many, many situations where we've had similar applications.

**7) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

Mr. Artman - Correct me if I'm wrong but isn't one of the hardships can the project be constructed without a variance? In this situation it could not.

Mr. Evans - That wouldn't be true here. In this case your parcel exists as it is and now you're making a dramatic change to it, hence the reason for it coming before us for a variance. The criteria that we have for granting the variance would be contrary to the general purpose to the Code. Everything that you have there now meets Code and is appropriate. By adding this it makes a dramatic impact, which is why our job is to judge whether or not the variances are in line with the intent of the Code and the Code doesn't permit it because of the setbacks and because of the way the parcel is laid out so it is different. Thereby it has to come to us for a decision.

Mr. Kolick – We should open this up for Public Hearing.

Mr. Artman – Can I ask a general question? Is it the variance to obtain the setback that you're concerned with or is it the amount of the variances that are being asked?

Mr. Kolick – Mr. Chairman, I don't think that is for us to answer here. The Board typically would make Findings of Fact and Conclusions of Law to address all those items. That's not for you to answer. It's for you to listen to the presentation to determine what it is that they would like to do. Why don't we open up the Public Hearing and then you'll have the opportunity after the Public Hearing to make any other comments that you have.

Mr. Evans – Okay, thank you. In order to move forward with the Public Hearing I'll ask is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance?

Mr. Kolick – With that you're back on to make any other final comments that you would like.

Mr. Evans – Hearing none and seeing none I will declare the Public Hearing closed.

Mr. Baldin – I have a question. Is this the first time that Chipotle is doing something like this or do they already have others around the country? Is there anything else in the area here or is it brand new?

Mr. Artman – All the new Chipotle's will all have pick up windows for online ordering.

Mr. Baldin – So, they have some of these already?

Mr. Artman – There are a couple in Akron, there is one in Greene, Ohio. I'm not sure up in this area whether there are some or not but I know they are moving up into this area. I do know where a few are around the Akron area.

**7) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

Mr. Kolick – Mr. Chairman, for the applicant, is there no sit down in building service or is it all pickup?

Mr. Artman – There is still in building service, a small dining room and a small patio in front of the building.

Mr. Kolick – Okay.

Mr. Evans – Mr. Artman, while it has no bearing on this particular variance do you know if Chipotle is planning on then closing the one that is currently on Pearl Road?

Mr. Artman – They are closing the one in the mall regardless of whether this goes forward or not.

Mr. Evans – As I said, it has no bearing on this but it's just a question that was in my mind.

Mr. Baldin – Did they look at any other sites in the City or is this the only site they focused in on. I understand that they would want to be on a main highway. We have other vacant areas on Pearl Road.

Mr. Artman – I don't work with their real estate. I'm not positive about that.

Mr. Evans – Other questions? So, to directly answer your question about is it setback or whatever, we can only look at the proposal that you have. I think that you've heard some of our concerns that it's putting a building in front of another building and it wasn't designed that way so when we force the parking into the back even though the current tenants may say that the parking doesn't affect them the reality is that may be for the current tenants and whether or not they're correct or not, we don't know. The problem would be that it may make it more difficult to get other tenants in there because they need more parking. It's a very unusual piece of property and because of the way that it was designed many, many years ago doesn't really lend itself in many ways to being able to do additional further development. It's different from the one next door because of the way that the stores are in. I don't know if that helps answer the questions as to why we're looking at it as not necessarily fitting the criteria but that is my opinion in terms of why it's different than the Starbucks next door or any other property that we've allowed to develop like that. All right so...

Mr. Kolick – Move to a motion.

Mr. Evans – Yes, at this point...

Mr. Artman – Based on your comments in the caucus and during this meeting I would like to rescind and withdraw the application on behalf of the owner.

**7) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

Mr. Evans – That would be okay to do that because that puts you into a position to reconfigure or look at that. We appreciate that. Our job is to try and anticipate best what is to be done for the City but also City Council has the authority to override anything that we do when we grant a variance. So, that might be an additional challenge even if we were to grant an approval but I think that we can honestly answer that we agree with that and we will respect that and that will give you an opportunity to....again, we want Chipotle and you to be successful.

Mr. Artman – Yes, sir, thank you for your time.

Mr. Kolick – Thank you.

Mr. Evans – Thank you.

**8) SEAN AND TRACI GRANDAGE, OWNERS**

Requesting a 6' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to install a 255 SF Concrete Patio; property located at 19897 Kensington Court, PPN 397-28-066, zoned R1-75.

Mr. Evans – That takes us to item number (8) on the agenda, Sean and Traci Grandage. If you would come forward to the podium please. We appreciate your patience. If you would give us your name and address for the record please.

Mr. Grandage – Sean Grandage, 19897 Kensington Court, Strongsville, 44136.

Mr. Evans - We can make this short and get through it. All right, so, you are requesting a rear yard setback as indicated. We have all been out to look at it. We know what is going on. Any questions, comments or observations?

Mr. Rusnov – No.

Mr. Baldin – No.

Mr. Houlé – No.

Mr. Hayden – No.

Mr. Baldin – It's very hidden. I don't think anyone is going to see it.

**8) SEAN AND TRACI GRANDAGE, OWNERS, Cont'd**

Mr. Evans - This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who 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. Houlé – Mr. Chairman, I make a motion to request a 6’ Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36’ Rear Yard Setback and where a 30’ Rear Yard Setback is proposed in order to install a 255 SF Concrete Patio; property located at 19897 Kensington Court, PPN 397-28-066, zoned R1-75.

Mr. Rusnov - Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans - The variance has been approved. There is the same twenty day waiting period during which time City Council has the opportunity to review our decision. You’ll be notified by the Building Department when the twenty days pass. Good luck on the project. You’re all set for tonight.

Mr. Grandage – Thank you.

Mr. Baldin – We’re sorry you had to sit around so long.

Mr. Rusnov – It was the luck of the draw.

Mr. Evans – Gentlemen, thank you very much. Is there anything else to come before the Board this evening? Mr. Schonhut, we gratefully acknowledge your presence. We will stand adjourned.

Signature on File  
Mr. Evans, Chairman

Signature on File  
Kathy Zamrzla, Sec’y

September 23, 2020  
Approval date