

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

**Meeting of  
September 9, 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) ANN HETRICK, OWNER**

Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 7' Rear Yard Setback is proposed in order to construct a 192 SF Deck; property located at 13149 Prescott Lane, PPN 398-25-057, zoned R1-100 (Cluster).

**Mr. Evans stated that the way the house is placed it leaves no option. Mr. Baldin stated that it's an odd shaped lot with woods behind it. Mr. Rusnov agreed. Mr. Houlié stated that the topography is a hardship.**

**2) BOB LATAWIEC, OWNER**

Requesting a variance from Zoning Code Section 1274.06, which prohibits enlargement or structural alteration of a non-conforming use and where the applicant is proposing the addition of a 4,000 SF and 21' height Enclosed Accessory Structure and Concrete Driveway; property located at 22939 Royalton Road, PPN 393-01-005, zoned General Industrial (GI).

**The Board stated that this lot is a nonconforming lot that is still residential although it is zoned General Industrial. The Board stated that they will ask during the meeting what the large building will be used for. The Building is located near Strongsville Excavating and they have equipment there. Mr. Baldin stated that some of the equipment might be Mr. Latawiec's. Mr. Rusnov stated the owner is attempting to clean the property up. Mr. Houlié said the building will be for storage. Mr. Rusnov stated that there are no city sewers. Mr. Baldin stated the property is very large.**

**3) JOHN BOSTIC, OWNER**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 26' Rear Yard Setback is proposed in order to construct a Roof over an existing Patio; property located at 15557 Oak Hollow, PPN 393-13-051, zoned R1-75 (Cluster).

**Mr. Evans stated that the reason for the variance is hard to describe in terms of reasons to be able to grant variances. Mr. Baldin stated that there are others in the neighborhood with these roofs over patios. Mr. Baldin stated the patio roof is rather small. Mr. Houlé and Mr. Hayden stated that there is common ground nearby. Mr. Houlé stated that the owner didn't understand that they needed to attend the meetings because the HOA told them they didn't think the City would require anything from them.**

**4) PETRO SYKYDA, OWNER**

Requesting a 10' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 65' Lot Width is proposed in order to construct a Single Family Dwelling; property located at 14363 Pearlview Road, PPN 396-17-048, zoned R1-75.

**The Board stated that this is for a new single family dwelling that the garage on the vacant lot will be demolished. The house will fit the lot. Mr. Houlé stated that the lot is deep but it's a little close to the home on the South. Mr. Kolick stated that the owner is allowed to be ten percent under so it's really a variance for 2.5' lot width.**

**5) UNICUM LLC, OWNER**

Requesting a variance from Zoning Code Section 1274.06, which prohibits enlargement or structural alteration of a non-conforming use and where the applicant is proposing two 40' x 40' Concrete Driveway Pads; property located at 19420-19450 Royalton Road, PPN 392-35-022, zoned R1-75.

**The Board stated that this is also a nonconforming use for driveway pads. This is a rental property. The gravel parking would be changed to asphalt. Mr. Evans stated that it's a good improvement and their taxes will most likely go up changing it to the hard surface. Mr. Houlé stated that it can't be seen from the street and it's heavily wooded in the back. The Board stated they had never seen this property before.**

**6) BOROWSKE BUILDERS, OWNER**

Requesting a 9.58' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 40.42' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at PPN 398-06-027, Whitney Road, zoned R1-75.

**The Board stated that this is a vacant lot that the house is designed to fit the lot. Mr. Baldin stated that it's a smaller home and it's an improvement to the vacant lot. Mr. Kolick stated that it abuts a house on West 130 Street.**

- 7) **BURGER KING/Shawn Smith with Site Enhancement Services, Representative**
- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where four (4) Wall Signs labeled Sign A1 19.6 SF (North), Sign A2 25 SF (East), Sign A3 19.6 SF (South) and Sign B 21.15 SF (North) are proposed;
  - b) Requesting a variance from Zoning Code Section 1272.09, which does not permit a Drive-Thru Menu Board Ground Sign and where one (1) 33.31 SF Drive-Thru Menu Board Ground Sign is proposed;
  - c) Requesting a variance from Zoning Code Section 1272.09, which does not permit a Canopy Sign or a Cross Bar Sign and where one (1) 23.34 SF Canopy Sign and one (1) 3.36 SF Cross Bar Sign are proposed; property located at 8300 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

**The Board stated that the four wall signs are well over what they are allowed of total square footage of 62.8. Mr. Kolick stated that you may need to grant similar variances for both Starbuck's and Burger King. Mr. Rusnov stated that this is a reoccurring problem since so many company's want more signage. Mr. Evans stated that Starbuck's dropped their signage to three signs total and they would want Burger King to do that as well and be under the 62.8 SF. Mr. Baldin stated that the signs over the entrances are too big.**

**(G) Any Other Business to Come Before the Board**

- 8) **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 Signs A (North, South, East) 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; property located at 8222 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

**The Board stated that the applicant complied with what they asked for, eliminating the cross bar and canopy signage and three signs total under the permitted square footage.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**September 9, 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 September 9, 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 22, 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) **ANN HETRICK, OWNER**

Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 7' Rear Yard Setback is proposed in order to construct a 192 SF Deck; property located at 13149 Prescott Lane, PPN 398-25-057, zoned R1-100 (Cluster).

Mr. Evans – All right. Our Public Hearings are on the agenda. I should let you know up front that all of the Board members have been out to visit each of the properties that are in question. We have seen them and someone may or may not have been home. Oftentimes we go at off hours but

1) **ANN HETRICK, OWNER, Cont'd**

**Mr. Evans continues** - we have been out to visit all of the properties. Item number (1) on our agenda is Ann Hetrick on Prescott Lane. Do we have a representative here? If you would come forward please to the microphone. We will ask for your name and address for the record, sir?

Mr. Herb – Jason Herb, 2921 Center Road, Brunswick, Ohio 44212 with Klassic Decks.

Mr. Evans – Thank you. You are representing the owner who is also here. If you could give us some information about the deck from the contractors standpoint.

Mr. Herb – My understanding is that there is a separation between the rear property line with accessory structures or decks. In this case the angle of the rear property line is not parallel to the back of the house. It kind of tapers to the left side of the property and at that point the proposed deck is 7' away from the rear property line. We have sized the deck at the smallest size that we feel is comfortable and make it usable. We are not proposing any stairs off the deck, just a basic deck with access from the back of the house.

Mr. Rusnov – In other words, there is a topographical issue because of the way the lot is designed.

Mr. Herb – Correct.

Mr. Rusnov – That pretty much sums it up, correct?

Mr. Evans – We do have a letter from the homeowner's association that indicates that they have no problem with it. I believe Ms. Hetrick that you were going to bring us an original. If you have that you can give that to our secretary for the record.

Mr. Herb – Kathy, can you send this back to me?

Mr. Kolick – Just bring it up.

Mr. Evans – Kathy will send you a copy. All right, basically the back of the house is the only place that you could put the deck.

Mr. Herb – Yes, the back egress is the back of the house.

Mr. Evans – Okay, other questions or comments?

Mr. Baldin – It's an odd shaped lot fenced in with woods behind the place. I don't really see a problem there. It's a nice addition.

Mr. Evans – Anything else, gentlemen?

1) **ANN HETRICK, OWNER, Cont'd**

Mr. Houlé – The geography is an issue.

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? Ms. Hetrick and Mr. Herb, if you could have a seat while this gentleman speaks.

Mr. Shumaker – My name is Paul Shumaker. I live at 13189 Prescott Lane, which is about three doors down. I have never met Ms. Hetrick. This is the first notice that we had so where is the deck?

Mr. Herb – This is the back of the house (indicating to a plan). This would be the left side of the rear elevation. This is 12' and 16'.

Mr. Baldin – Please speak into the microphone.

Mr. Herb – If you're looking at this from the back of the house it would be in this back left corner.

Mr. Shumaker – The only comment I have is I live about three doors down. There are two empty lots next to mine, which have not been built on yet. When we bought the property we paid a premium for the lots facing the Cleveland Metroparks wooded area. One of the issues is that Pulte pushed the houses back all the way back to the building line, which puts the new homeowner's in this position. What I'm concerned about is changing the character of the neighborhood because what is great about these walk out lots is you can look at the woods. That is why we paid a premium for the lot and here we have a situation that I haven't even seen this plan yet. I checked with Marty Zanotti, who is Chairman of the Architectural Review Board for our development. I don't know if the variance request goes before our Architectural Review Board or after. I haven't seen the plan yet. The question that I have is can the deck be built in a way that is smaller? The deck is still useful. My deck is approximately the same size and it is relatively useful. Sure, I would love it to go all the way back to the property line but that destroys the way that we look at into the back yards.

Mr. Evans – The reasons that the variance is required here is because of the angle of the back property line.

Mr. Shumaker – I think that is because the builder of house took liberties with as far back as the building line. I'm concerned about setting a precedent and what Marty told me in his email is that the review committee probably would not be granting that because he is concerned about setting a precedent, which is what I'm concerned about. Not so much this property owner and this 3' reduction. This does run with the land so once this variance is granted it is granted with the land.

Mr. Evans – It is granted only to this particular property.

1) **ANN HETRICK, OWNER, Cont'd**

Mr. Shumaker – Absolutely. Like is said, there are two lots next to me on either side and lots down the street still on this side of the street and we don't want to set a precedent where they are pushing their setback beyond the 10'. If there is a way that you can accommodate the deck by making it wider but it looks like you're right up against the side yard.

Mr. Herb – This is the door that you exit the house from so it has to be pushed over to this side so that door gives you access to the back.

Mr. Evans – Mr. Shumaker, if you want, this may give you a better idea of what they are proposing. The Homeowner's Association and I'm not sure if there is a separate association for clusters, we have the approval and it indicates that they have to meet the setback requirements so they did not pass judgement on the variance request. I'm guessing that they chose not to because they would have been notified the same way as the building permit. So, we have their approval for the design of it but not necessarily for the variance. We are assuming that because they are notified the same way and they chose not to comment on the variance then.

Mr. Shumaker – I don't know that. Heather Campbell is no longer with Associated Properties. Marty Zanotti sent an email to my wife yesterday saying that he would not be inclined to approve the variance because of the precedent it would set and some of the remaining lots have small back yards, which is my concern as well.

Mr. Evans – Apparently he doesn't understand that they are looked at on a case by case basis. It's not a blanket variance for the whole community.

Mr. Shumaker – I understand that. I hadn't seen the plan until I got here today. I would concede it's not a substantial variance but it does affect the character of the neighborhood, at least in my opinion. I don't want to set a precedent of the rest of the lots that are undeveloped.

Mr. Kolick – It does butt up against common property so the HOA would have been informed of the variance. Everyone within 500' would have received notice.

Mr. Evans – Any other questions or comments? Is there anyone else who wishes to speak against the granting of the variance? Hearing none and seeing none, then I would declare the Public Hearing closed. Ms. Hetrick, do want to come back up to the podium and I will ask for your name and address. I know that you were sworn in.

Ms. Hetrick – Ann Hetrick, 13149 Prescott Lane, Strongsville.

Mr. Evans – Thank you, the deck that you're proposing is 10' wide?

Ms. Hetrick – The deck is 10'. He said anything else would be a waste of money. I gave up stairs. I have three dogs that I would love to let outside that door but I said okay, no stairs. I'm trying to

1) **ANN HETRICK, OWNER, Cont'd**

**Ms. Hetrick continues** - be cooperative. I want the neighborhood to remain as nice as it is and so, whatever is going to...I trust these builders for Pulte. They have built every deck, pretty much, in that neighborhood. I think the aesthetics will be good. I'm not trying to change the aesthetics there. I'm just trying to have a deck that is going to look right and can be useable. That is all.

Mr. Evans – All right. Any other questions? So, thank you, I appreciate that. Then I will entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 7' Rear Yard Setback is proposed in order to construct a 192 SF Deck; property located at 13149 Prescott Lane, PPN 398-25-057, zoned R1-100 (Cluster).

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

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 at the conclusion of the twenty days. If City Council does not object you may move forward with the project. You are welcome to stay for the remainder of the meeting or you may leave. You're all set for tonight.

Ms. Hetrick – Thank you so much. I appreciate your time.

2) **BOB LATAWIEC, OWNER**

Requesting a variance from Zoning Code Section 1274.06, which prohibits enlargement or structural alteration of a non-conforming use and where the applicant is proposing the addition of a 4,000 SF and 21' height Enclosed Accessory Structure and Concrete Driveway; property located at 22939 Royalton Road, PPN 393-01-005, zoned General Industrial (GI).

Mr. Evans – Item number (2) on the agenda is Latawiec. If you would come forward please and give us your name and address.

Mr. Latawiec – Robert J. Latawiec, 22939 Royalton Road.



2) **BOB LATAWIEC, OWNER, Cont'd**

Mr. Evans – Thank you, Mr. Latawiec. We talked in caucus about the 4000 SF building because that is a substantial sized building We know that you have things going on the property there so if you could tell us about why it is that you need this additional building.

Mr. Latawiec – I collect a whole bunch of cars. I have probably nine cars in inside storage and a motor home I have to put inside. I live on Route 82 next to Vitalia. I sold that property and I'm moving down to Marks Road and Route 82. I had enough room to store some stuff next to Vitalia but right now I don't.

Mr. Evans – So, other than the cars are you going to be storing other equipment because there is a lot of other equipment on the lot.

Mr. Latawiec – That is TV Trucking. He took some awnings off the house and stuff. It not my property.

Mr. Evans – Questions from Board members?

Mr. Baldin – Some of the equipment that we saw there like the shooting boom and forklift, and the other things, that is not going to be stored in your building? That's not your stuff?

Mr. Latawiec – That's not my stuff.

Mr. Rusnov – That is not his stuff, that's what I'm understanding.

Mr. Baldin – When you put this facility in you realize that you have to put in a hard surface? You have to clean up the property?

Mr. Latawiec – I do.

Mr. Rusnov – It's zoned General Industrial so somewhere down the road this could be industrial property if it gets sewers.

Mr. Evans – Other questions or comments? 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, requesting a variance from Zoning Code Section 1274.06, which prohibits enlargement or structural alteration of a non-conforming use and where the applicant is proposing the addition of a 4,000 SF and 21' height Enclosed Accessory Structure and Concrete

2) **BOB LATAWIEC, OWNER, Cont'd**

Mr. Evans continues - Driveway; property located at 22939 Royalton Road, PPN 393-01-005, zoned General Industrial (GI) be approved.

Mr. Hayden - Second.

Mr. Evans – Thank you, Mr. Rusnov, 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 variance has been granted. 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. Mr. Kolick, are there other steps for the applicant?

Mr. Kolick – Yes, he needs to speak with the Engineering Department.

Mr. Evans – You are set for tonight.

3) **JOHN BOSTIC, OWNER**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 26' Rear Yard Setback is proposed in order to construct a Roof over an existing Patio; property located at 15557 Oak Hollow, PPN 393-13-051, zoned R1-75 (Cluster).

Mr. Evans – Item number (3) on our agenda is Bostic on Oak Hollow. If you will come forward please and give us your name and address for the record please.

Mr. Nagy – Josh Nagy, 599 Marks Road, Valley City, Ohio.

Mr. Evans – Mr. Nagy, we have a request here for a 10' Rear Yard Setback to put a roof over an existing patio. Tell us about the project and why it's necessary and the details of the project.

Mr. Nagy – Just looking to do a covered patio to use it for grilling aspects during the winter months and to add space for equipment for cooking. The pad is existing. It was there when the home was built but there was never a permit pulled for it. That is why we are requesting this. The pad is there now. So, we're just trying to cover it.

Mr. Evans – The roof if it's approved will conform to all the Codes so if footers need to be put in for it that is part of the project.

**3) JOHN BOSTIC, OWNER, Cont'd**

Mr. Nagy – Correct. We have it all spelled out and the lead carpenter did the drawings that you have a copy of. If there is any additional information needed we can provide that. The holes are 18” x 48” concrete pier foundation for the 6’ x 6’ posts it will be sitting on. We might have to cut into the 12’ x 12’ slab in the corners.

Mr. Evans – All right. We do have an HOA approval from the Architectural Review Board. Questions from the Board members, comments or observations?

Mr. Houlé – There is common ground behind their house and also to the side of the lot too. It will be pretty much invisible on those angles.

Mr. Evans – Thank you.

Mr. Baldin – I don’t’ really see a problem. There are some similar things in the neighborhood that he is looking for. It will be a nice addition.

Mr. Evans – Anything else? 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. Hayden - Requesting a 10’ Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36’ Rear Yard Setback and where a 26’ Rear Yard Setback is proposed in order to construct a Roof over an existing Patio; property located at 15557 Oak Hollow, PPN 393-13-051, zoned R1-75 (Cluster) be approved.

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans - The variance has been granted. 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 at the conclusion of the twenty days if City Council does not object and you’re all set for tonight.

Mr. Nagy – Thank you.

4) **PETRO SYKYDA, OWNER**

Requesting a 10' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 65' Lot Width is proposed in order to construct a Single Family Dwelling; property located at 14363 Pearlview Road, PPN 396-17-048, zoned R1-75.

Mr. Evans – Item number (4) on our agenda is next. If someone is here to represent, if you could come forward please and state your name and address for the record.

Mr. Sykyda – Petro Sykyda, 2575 Crane Creek Parkway, Brecksville, Ohio.

Mr. Evans - Okay, you are asking for a 10' Lot Width variance. The property is 65' wide and the Code says 75' wide. You're planning on building a house on there. Are you building it yourself or is someone else building it?

Mr. Sykyda – I am building it.

Mr. Evans – There is a garage on the property now. Is that going to come down then?

Mr. Sykyda – Yes, we will remove the garage.

Mr. Rusnov – Mr. Chairman, this property was platted during different circumstances and different Zoning Codes. It's the older section of town and one of the last lots left there and it would be an improvement for the street.

Mr. Evans – Thank you, Mr. Rusnov. Any other comments or observations?

Mr. Baldin – I concur with Mr. Rusnov.

Mr. Rusnov – And the house is going to fit the lot, correct?

Mr. Evans – Yes, you will not require any other variances?

Mr. Sykyda – Yes.

Mr. Evans – Thank you. 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. Hayden - Requesting a 10' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 65' Lot Width is proposed in order to construct a

**4) PETRO SYKYDA, OWNER, Cont'd**

**Mr. Hayden continues** - Single Family Dwelling; property located at 14363 Pearlview Road, PPN 396-17-048, zoned R1-75 be approved.

Mr. Houlé -Second.

Mr. Evans – Thank you, Mr. Hayden, for the motion and Mr. Houlé for the second.

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans - The variance has been granted. 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 at the conclusion of the twenty days if City Council does not object and you're all set for tonight.

**5) UNICUM LLC, OWNER**

Requesting a variance from Zoning Code Section 1274.06, which prohibits enlargement or structural alteration of a non-conforming use and where the applicant is proposing two 40' x 40' Concrete Driveway Pads; property located at 19420-19450 Royalton Road, PPN 392-35-022, zoned R1-75.

Mr. Evans – Item number (5) on our agenda Unicum on Royalton Road. Do we have a representative here? If you would be so kind to come forward and state your name and address for the record?

Ms. Bagi – My name is Helen Bagi. The location of the property is 19420-19450 Royalton Road. My address is 6751 West Plaza Drive, Unit 100, North Ridgeville, Ohio 44039.

Mr. Evans – Thank you. You are asking for permission in a non-conforming area to install two 40' x 40' concrete slabs. They are stone right now.

Ms. Bagi – We purchased the property in 1978 and it transferred and it's really under our ownership. The driveway is blacktop and it goes all the way to the garages. In front of the garage we have stone and originally we would have liked to have asphalt over blacktop in order to be uniform and it would look appealing. We were informed that is not allowed.

Mr. Evans – Black top is not a surface that we permit.

**5) UNICUM LLC, OWNER, Cont'd**

Ms. Bagi – So, at that point we looked for a contractor to give us an estimate with regular asphalt and then he asked for the permit and was told he couldn't do that and we had to ask for a variance because the property is zoned for single family use.

Mr. Evans – That all makes sense. Questions or comments?

Mr. Rusnov – It would be an improvement to the property and it's not visible from the street and the zoning code has probably changed a few times since it was built. So, it's now a nonconforming use. You're conforming to everything that they are telling you at the Building Department, correct?

Ms. Bagi – Exactly.

Mr. Evans – Any other comments? 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? If you will come forward please and state your name and address for the record? Ma'am if you will step aside for a few moments.

Mr. Gregg – Ken Gregg, 22359 Yarrow Trail, Strongsville.

Mr. Evans – Okay.

Mr. Gregg – I have a property on Westwood and my concern is a lot of water runoff with this extra concrete surface. The pad will be put in to comply with the Building Code. Does that entail water control?

Mr. Evans – It should. I will ask our Building Department representative. Brian, would you care to comment on that?

Mr. Roenigk – In general, for a concrete pad we would not discuss this with the Engineering Department; however, if it's part of the variance then we would ask the Engineering Department first.

Mr. Evans – Mr. Gregg, is that already a problem back there or are you anticipating that there might be. Forty feet by forty feet is not a really big concrete pad.

Mr. Gregg – But there are two.

Mr. Evans – It seems like it is an intermittent problem and I'm sensitive to it and if it was a house there would be gutters and the water would be taken out to the sewer. Then I wouldn't be here. But I don't know what the topography is of that lot, if it flows to some creek nearby or does it flow to Pearl Road.

**5) UNICUM LLC, OWNER, Cont'd**

Mr. Kolick – Mr. Chairman, for the applicant, you say that it is an intermittent problem so are you having problems in your back yard now?

Mr. Gregg – Am I having problems? Kind of. I've had to put in some water catching in the back yard to intercept the water so I guess I just don't want more water.

Mr. Rusnov – Where is the water coming from?

Mr. Gregg – It comes from the west and southwest.

Mr. Rusnov – Where is the property located on Royalton Road?

Mr. Gregg – This one is on Westwood Drive.

Mr. Rusnov – The property that you gave direction to that were problems; what direction is the problem?

Mr. Gregg – It might just be the lay of the land all the water coming from properties that abut Royalton Road.

Mr. Baldin – What is your address again, sir?

Mr. Gregg – I don't live at the property?

Mr. Baldin – Where do you live?

Mr. Gregg – On Yarrow in Strongsville.

Mr. Baldin – Where is that in relation to this property?

Mr. Evans – It's not. He owns a property on Westwood.

Mr. Gregg – You asked me where I live.

Mr. Baldin – So, you're concerned about the runoff that may go all the way down to Westwood.

Mr. Gregg – Yes, through the back yards.

Mr. Baldin – I'm trying to understand.

**5) UNICUM LLC, OWNER, Cont'd**

Mr. Kolick – Brian, about how far are these pads to the rear of the lot because I think they are a long distance, right?

Mr. Roenigk – I do not have a measurement but I visited this site and it seemed to be an extremely deep rear lot.

Mr. Kolick – Over one hundred feet, right?

Mr. Roenigk – Very close to that number?

Mr. Kolick – Mr. Chairman, we can make sure and Brian will check with the Engineering Department to make sure that no runoff is going to be leaving the boundaries of this particular parcel now that he brought it to our attention so we will send it to the Engineering Department to make that determination.

Mr. Gregg – Thank you.

Mr. Evans – Okay, you're welcome. Ms. Bagi, if you will come back to the podium. Is there anyone else who wishes to speak against the granting of the variance? So, hearing none and seeing none, do you understand that we're going to have our Engineering Department review the plan to make sure that these two pads, if the variance is granted, will not be putting water back towards Westwood there?

Ms. Bagi – Yes.

Mr. Evans – Any other questions, gentlemen? If not I will declare the Public Hearing closed and entertain a motion.

Mr. Baldin – Mr. Chairman, requesting a variance from Zoning Code Section 1274.06, which prohibits enlargement or structural alteration of a non-conforming use and where the applicant is proposing two 40' x 40' Concrete Driveway Pads; property located at 19420-19450 Royalton Road, PPN 392-35-022, zoned R1-75 be approved.

Mr. Kolick – Mr. Chairman, I suggest contingent upon the Engineering Department confirming that this is not going to create any water problem.

Mr. Evans – Mr. Baldin, are you agreeable?

Mr. Baldin – I agree.

Mr. Evans – Thank you. I will entertain a second to the amended motion.



5) **UNICUM LLC, OWNER, Cont'd**

Mr. Rusnov - Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – The variance has been granted. 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 at the conclusion of the twenty days if City Council does not object and we will have the Engineering Department take a look at that to see if there is anything else necessary to prevent any water runoff to the back there.

6) **BOROWSKE BUILDERS, OWNER**

Requesting a 9.58' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 40.42' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at PPN 398-06-027, Whitney Road, zoned R1-75.

Mr. Evans – That brings us to Borowske Builders, which is number (6) on the agenda. Do we have a representative here?

Ms. Zamrzla – I don't believe that we do.

Mr. Evans – I don't think that we do either. All right, we will come back to them in a moment.

Ms. Zamrzla – I texted the applicant.

7) **BURGER KING/Shawn Smith with Site Enhancement Services, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where four (4) Wall Signs labeled Sign A1 19.6 SF (North), Sign A2 25 SF (East), Sign A3 19.6 SF (South) and Sign B 21.15 SF (North) are proposed;
- b) Requesting a variance from Zoning Code Section 1272.09, which does not permit a Drive-Thru Menu Board Ground Sign and where one (1) 33.31 SF Drive-Thru Menu Board Ground Sign is proposed;

**7) BURGER KING/Shawn Smith with Site Enhancement Services, Representative, Cont'd**

- c) Requesting a variance from Zoning Code Section 1272.09, which does not permit a Canopy Sign or a Cross Bar Sign and where one (1) 23.34 SF Canopy Sign and one (1) 3.36 SF Cross Bar Sign are proposed; property located at 8300 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

Mr. Evans – Item number (7) is on Pearl Road and the representative is from Site Enhancement Services. If you will come up to the podium and state your name and address for the record.

Mr. Smith – Sure, my name is Shawn Smith and my address is 6001 Nimitz Parkway, South Bend, Indiana 46628.

Mr. Evans – All right. So, you are here asking for a number of variances for the new Burger King on Pearl Road there. Let me also just introduce our comments by saying that that is in the same WXZ development there as Starbucks. Starbucks was at our last meeting and we beat them up and they came back to us and chose to heed our request and understood that we were not in favor of having signage in every shape and dimension. So, what Starbucks did is they removed their request for the cross bar and canopy sign and they reduced the number of signs on the building to three from four requested. I have driven by the Burger King that is under construction and I noticed that the medallions for the signs are already in and wired. I know that you are planning on having what you have requested tonight for the meeting and I also recognize that since Site Enhancements is not Burger King or the franchisee that you may not be able to make decisions about what you're proposing. Let me explain that what Starbucks did at our request and when new buildings come to us that are being built in the City, they want to put as much signage as possible as big and bright as possible and changeable copy and all those wonderful things that can be done by sign companies. What we have chosen to do is say to places like Culver's and Starbuck's and others that want signage on every size, shape and wall is that if you choose to do multiple signs then we would require that you do it within the allowable square footage. So, for Culver's and Starbuck's we determined what the allowable square footage was and if they wanted three signs then they would have to stay within that allowable square footage that is allowed. So, you're going to hear on our next item that they are allowed to have 46.88 square feet of signage and they came up with three signs and came in at 46.3 square feet which is .5 square footage less than what is allowed. They looked at what we said and we want every business to be successful in the City. Lord knows that we have been waiting a long time for the Siesta Motel to go away and Burger King and Starbuck's to be built. It is a wonderful location but the reality is that you're going to have a monument sign out front and having signs on every side of the building. They are big and stand out and everything. We were successful in convincing Starbuck's that we think that it could be a little bit smaller. We are going to do the same admonishment to you that the cross bar sign, the canopy sign and everything, you may ask for whatever you wish and we can separate the variances to A, B and C in order to act on them accordingly or you might take the route of what Starbuck's did, which was saying, Okay, we hear what you said. If we can get three signs within the square footage that is allowed then at that point I would like to go back to my client and they are back

**7) BURGER KING/Shawn Smith with Site Enhancement Services, Representative, Cont'd**

**Mr. Evans continues** - tonight with a revised plan for three signs and having the menu boards because the menu boards, we know that we don't have in our Ordinances. We want drive thru's to be successful, they are a necessity, especially with COVID 19. That is the lay of the land. Gentlemen, did I miss anything?

Mr. Rusnov – What he is trying to tell is you if you can conform to the size and go back to the powers that be and sway this it would be a little bit more agreeable for us.

Mr. Smith – Okay.

Mr. Rusnov – Every new company comes in and, as Mr. Chairman said, they want as many signs as possible; and I agree with you, I was happy to see the motel go.

Mr. Smith – Since I represent them I can make that decision moving forward.

Mr. Evans – Basically, 62.8 square feet is the allowable total square footage for signage on the building and if what you were to say tonight is you already have the monument sign that is approved. So, if you said we want the three signs on the three sides of the building, which is what Starbuck's entertained then we would get the three signs within the 46.88 square feet and you are saying that you want to do three within the 62.8.

Mr. Smith – For clarification, A and B, the canopy sign, Home of the Whopper, which is usually the emblem and Home of the Whopper on the front elevation. So, if we say that we could do it with three signs is that a variance for having two signs on one said elevation or could we propose A, B and A2 or does it matter on the quantity or the locations as long as we stay within the 62.8 square feet.

Mr. Evans – It does matter in terms of where they're going. For our purposes, how you determine how you want to do that, that is up to you. We are going to ask you to tell us that tonight because we do need to know that in terms of doing the variance but Mr. Kolick, am I correct that we're not going to have drawings in hand to support that?

Mr. Kolick – If we have it explained on the record and Brian understands what they're doing with it, if you want to modify it tonight to get an approval or to at least lower the amount to have more opportunity to see an approval.

Mr. Evans – We recognize that Home of the Whopper is an advertising term that is very near and dear to Burger King. So, within that 62.8 square feet you would be configuring and saying you want one on the south and one on the north side and Home of the Whopper or just Burger King or however you want to sort of do that. It's going to be up to you to make it work and get the drawings

**7) BURGER KING/Shawn Smith with Site Enhancement Services, Representative, Cont'd**

**Mr. Evans continues** - up to the City. The same twenty day waiting period applies and you have to go to Architectural Review for this.

Mr. Kolick – Yes.

Mr. Evans – What we are trying to do is we understand that you want to open and we don't want to think we people at BZA are difficult but we have to live with what we do. That is why Starbuck's is back here tonight.

Mr. Smith – If we did sign A1, B and A2 that would be 19.6 square feet over the front elevation. A2 would be facing Pearl Road and then B would be Home of the Whopper. That puts us at 65.7 square feet. That is still 3.some odd square feet over. So, if we did a 5' x 5'...

Mr. Evans – What happens is yes, when you work with us it's the box that includes it.

Mr. Smith – If we could do a method of measurement then we would probably be within the allotment instead of doing the square because we would lose square footage on the corners of the oval.

Mr. Evans – That is correct but that is the wrdinance and we understand that and for our purposes to be honest between the monument sign and the other signs, all you have to say is, We're next to Starbuck's, which will bring people to you. It's not that you're going to have to have signs that you can see from the Goodyear Blimp or the airport. People will find you. We did the same thing with them. They wanted signage and we said, all you need to do is open the doors and there will be a line of people because that area is tremendously underserved because there are a lot of apartments and the Burger King that was down the road has been closed and everyone drives to Brunswick or Middleburg Heights and it's a pain in the butt so I'm sure they are going to be successful even if there were no signs. We are trying to keep within that so we recognize that the box is unusable because of the corners but that's the way it has to work.

Mr. Smith – I understand that. So, what I would do it maintain the 68 square feet with the three signs I would want A1 and A2 and B and we will get it down to the 62.8 square feet. I was in your caucus.

Mr. Evans – The menu Boards are not a problem.

Mr. Smith – The last one would be the cross bar.

Mr. Evans – And canopy sign. Once someone is there they will see the pictures of the Whopper and everything else will be sufficient and that's not even taking into account the entrance and exit

**7) BURGER KING/Shawn Smith with Site Enhancement Services, Representative, Cont'd**

Mr. Evans continues - signs that also have Burger King on them. Again, we are trying to be prudent on how we grant the variances.

Mr. Smith – I request that you would deny that.

Mr. Kolick – You would just withdraw (c).

Mr. Smith – Okay, I will withdraw (c). I was hoping that you would deny it so that I could at least say I tried to fight for it.

Mr. Evans – The minutes will reflect that we would tell you that it wouldn't have flown anyhow.

Mr. Smith – Then we will do A1, A2 and B within the 62.8 square feet allowance. And the drive thru menu boards.

Mr. Evans – All right. So, 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 entertain a motion.

Mr. Houlé – Mr. Chairman, before I do that I need some clarification. What square footage are we using?

Mr. Evans – Read A1, A2 and B without the square footages and it will total no more than 62.8. You can be creative, Mr. Houlé.

Mr. Houlé – Mr. Chairman, I make a motion to request a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three (3) Wall Signs labeled Sign A1 (North), Sign A2 (East) and Sign B (North), not to exceed 62.8 SF, are proposed and (b) requesting a variance from Zoning Code Section 1272.09, which does not permit a Drive-Thru Menu Board Ground Sign and where one (1) 33.31 SF Drive-Thru Menu Board Ground Sign is proposed; property located at 8300 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

Mr. Baldin – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – All right, Mr. Smith, we have granted that. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by

**7) BURGER KING/Shawn Smith with Site Enhancement Services, Representative, Cont'd**

**Mr. Evans continues** - the Building Department at the conclusion of the twenty days if City Council does not object. You are all set.

Mr. Kolick – You need to contact the secretary to get before the Architectural Review Board. So, you can get that taken care of during the twenty day waiting period.

Mr. Smith – Okay. Thank you. I appreciate it.

**(G) Any Other Business to Come Before the Board**

**8) 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 Signs A (North, South, East) 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; property located at 8222 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

Mr. Evans – Next is item number (8) under any other business. Would the representative for Starbuck's come forward please. We will again need your name and address for the record please.

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

Mr. Evans – Welcome back Mr. James. Thank you for hearing what we said. We have the two items, (a) and (b). You have taken our words to heart and we appreciate that. We appreciate the new drawings. Gentlemen, questions?

Mr. Rusnov – Yes, you have conformed to the size that is recommended by the City.

Mr. James - Yes, sir.

Mr. Rusnov – So, everything is in compliance as far as size is concerned.

Mr. James – We wanted to make sure everyone is happy.

Mr. Rusnov – You followed what Mr. Evans suggested and you conformed, which is a big help.

Mr. Evans – Any other comments? We already did the Public Hearing so I will entertain a motion.

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

Mr. Houlé – Mr. Chairman, I would like to make a motion to request a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three (3) Wall Signs labeled Signs A (North, South, East) are proposed not to exceed 46.37 SF are proposed and 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; property located at 8222 Pearl Road, PPN 395-05-013, zoned Motorist Service (MS).

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 – We have granted the variance. 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 at the conclusion of the twenty days if City Council does not object.

Mr. Kolick – You need to contact the secretary to get before the Architectural Review Board. So, you can get that taken care of during the twenty day waiting period.

Mr. James – Thank you.

Mr. Evans – Thank you, Mr. James. Please tell your client that we appreciate its cooperation. We wish you success with the new Starbuck's. Have a good evening. Is there any other business to come before the Board?

6) **BOROWSKE BUILDERS, OWNER**

Requesting a 9.58' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 40.42' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at PPN 398-06-027, Whitney Road, zoned R1-75.

Mr. Kolick – No one is here for number (6) but you should open the Public Hearing and then we will leave it open and tell them to come back. Because we posted it we have to have the Public Hearing.

6) **BOROWSKE BUILDERS, OWNER, Cont'd**

Mr. Evans – Okay. 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 – We will just leave the Public Hearing open to the next meeting and we won't have to advertise it because I want them to come and talk at a Public Hearing about it.

Mr. Evans – I was just going to table the item.

Mr. Kolick – We don't want to close the Public Hearing because they still need to talk. It would be different if they were here but they aren't even here.

Mr. Evans – Okay, then we will table it and leave the Public Hearing open to the next meeting. We are adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathy Zamrzla, Sec'y

October 21, 2020

Approval date