

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

**Meeting of
August 9, 2017
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlié, Thomas Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Michael Miller

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

- 1) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq., Representative**
 - a) Requesting a 9.4' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Side Yard Building Setback and where a 40.6' Side Yard Building Setback is proposed;
 - b) Requesting a 36.2' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Rear Yard Building Setback and where a 13.8' Rear Yard Building Setback is proposed;
 - c) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback is proposed;
 - d) Requesting a 10' Rear Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Parking Setback and where a 0' Rear Yard Parking Setback is proposed;
 - e) Requesting an 11,478.5 SF Building Ground Coverage variance from Zoning Code Section 1258.09, which permits a 30,412.5 SF Building Ground Coverage and where a 41,891 SF Building Ground Coverage is proposed;
 - f) Requesting a 32.2 Acre Lot Area variance from Zoning Code Section 1258.08, which requires a 35 Acre Minimum Lot Area and where a 2.8 Acre Lot Area is proposed;
 - g) Requesting a variance to permit off-site parking where onsite parking is required in order to permit a Lot Split and Consolidation, PPN 396-24-011 and 396-24-013, zoned Shopping Center (SC) and General Business (GB).

The Board indicated that this is currently Southpark's property, and discussed that the Clinic may obtain ownership over this parcel. They debated the legalities of ownership, and

concluded to discuss it on the floor with the applicant. They noted that they will need Covenants and Deed Restrictions because they share utilities and parking including ingress and egress from the site. They also stated that they are aware that they are not allowed signage on or passage through to Howe Road, and it will have to be stipulated if they grant the variances. They also considered that there will be plenty of green space for landscaping around the building.

2) MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative

- a) Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (South) and where a second wall sign (South) is proposed;
- b) Requesting a 36 SF Wall Sign Face Area variance from Zoning Code Section 1272.12 (c), which permits a 105 SF Wall Sign Face Area and where a 141 SF Wall Sign Face Area is proposed; property located at 18832 Westwood Drive, PPN 396-10-016, zoned Restaurant-Recreational Services (R-RS).

The Board stated that they thought they were asking for too large a sign, and that the lettering is also far too large. They concluded that they will stick to the formula they have been using with all the new businesses which is that signage can be broken up into more than one sign as long as it's less than the total square footage allowed for signage by the City Ordinances.

3) SOLAR SUPPLY CENTER/Mark Uffman, Representative

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (West) and where a second wall sign of 40 SF (North) is proposed; property located at 8367 Pearl Road, PPN 395-08-017 zoned General Business (GB).

The Board stated that this business is not visible from the street, but also considered that they don't want signage on every side of buildings in Strongsville because it gets out of control. They concluded that like item number two, they will stick with their current, working formula for signage.

4) CENTERLINE CARSTAR COLLISION/Paul Struhar, Representative

- a) Requesting a 25' Parking Setback variance from Zoning Code Section 1262.07, which requires a 25' Parking Setback from the front lot line and where a 0' Parking Setback is proposed;
- b) Requesting a variance from Zoning Code Section 1270.07, which requires off premises parking to be located on a parcel under the same ownership as the use to which they are accessory and the applicant is proposing 14 additional parking

spaces in the City's public right-of-way; property located at 8000 Pearl Road, PPN 395-05-016, zoned Commercial Service (CS).

The Board noted that this is for a front parking lot. They also debated why they can't just use the parking that they are using on the lot. They specified that the parking lot is for customers to pick up their completed cars.

PUBLIC HEARINGS

5) JONATHAN HAMMER AND MAEGAN PERRI, OWNER

Requesting a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 576 SF Unenclosed Patio 7' into the side yard; property located at 16940 Howe Road, PPN 397-15-001, zoned R1-75.

The Board discussed if there was a topographical issue that makes this variance necessary. They noted that the house takes up a lot of the 75' width of the lot. They examined what their yard would look like if they did not approve the variance because they specified that the patio would be very narrow. They concluded that the situation of the house on the property may be the reason for them to grant the variance. They also noted that because the yard is also fully fenced it won't be seen from the street.

6) CLAUDIO GAGLIARDI, OWNER

- a) Requesting a 20' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Side Yard Building Setback adjacent to a Residential District and where a 10' Side Yard Building Setback adjacent to a Residential District is proposed;
- b) Requesting a 20' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Rear Yard Building Setback adjacent to a Residential District and where a 10' Rear Yard Building Setback adjacent to a Residential District is proposed;
- c) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stone driveway and where a gravel driveway is proposed;
- d) Requesting a variance from Zoning Code Section 1258.11 (b) (4), which requires that all areas which adjoin a Residential District be shielded with a solid masonry wall and where the applicant is proposing no masonry wall in order to construct a

1,500 SF Pole Barn; property located at 17043 Whitney Road, PPN 395-20-004, zoned General Business (GB).

The Board stated they told the applicant at the last meeting that they may grant the variance requests if he were to put up a masonry wall across the back of his property near the apartments. They also examined whether he's over the limit on how many sheds and other miscellaneous structures he's allowed to have on the property in an industrial zoned area. They also specified that he said at the last meeting that he planned to remove one of the storage structures. They also insisted they need to be consistent with other variance request approvals they have done in the past, but they debated if the parking area could be gravel for the large trucks to drive on all the time. They concluded that the driveway must be concrete, they also debated where the driveway should be located.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
August 9, 2017

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this August 9th, 2017 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. Thank you, this evening we have minutes from our July 26th meeting. If there are no changes I will submit them as presented. We ask that each of the individuals come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. Anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

NEW APPLICATIONS

1) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq., Representative**

- a) Requesting a 9.4' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Side Yard Building Setback and where a 40.6' Side Yard Building Setback is proposed;
- b) Requesting a 36.2' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Rear Yard Building Setback and where a 13.8' Rear Yard Building Setback is proposed;
- c) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback is proposed;
- d) Requesting a 10' Rear Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Parking Setback and where a 0' Rear Yard Parking Setback is proposed;
- e) Requesting an 11,478.5 SF Building Ground Coverage variance from Zoning Code Section 1258.09, which permits a 30,412.5 SF Building Ground Coverage and where a 41,891 SF Building Ground Coverage is proposed;
- f) Requesting a 32.2 Acre Lot Area variance from Zoning Code Section 1258.08, which requires a 35 Acre Minimum Lot Area and where a 2.8 Acre Lot Area is proposed;
- g) Requesting a variance to permit off-site parking where onsite parking is required in order to permit a Lot Split and Consolidation, PPN 396-24-011 and 396-24-013, zoned Shopping Center (SC) and General Business (GB).

Mr. Evans – First on our agenda is Cleveland Clinic and Southpark Mall. If we could have a representative from Cleveland Clinic please step forward to the microphone and give us your name and address for the record.

Mr. Fisher – Kenneth Fisher, Attorney. My address is 2100 Terminal Tower, 50 Public Square, Cleveland. For the record though, I'm not here on behalf of the Cleveland Clinic. I'm here on behalf of Southpark Mall, LLC. That's my client.

Mr. Evans – OK. Very good. Thank you. If you could please tell us about this request for the seven items before us tonight. I'm sure they are all interconnected, so take us through the plans.

1) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq.,
Representative, Cont'd**

Mr. Fisher – In terms of the overview, the underlying reason for the request for the seven variances is to allow a lot split and consolidation plat to be considered an approved by the Planning Commission with the property being quit-claimed from Southpark Mall, LLC to a new related entity called Southpark Clinic Owner, LLC. That appears on the lot split and consolidation plat. The parent mall parcel which would be permanent parcel number PPN 396-24-011, would be split. That's a huge parcel which I think was referred in the caucus earlier. It's to allow frontage on Howe Road. Then this parcel, 396-24-013, which is an existing Southpark Mall, LLC parcel is land-leased to the Cleveland Clinic. The land lease would stay in place. It would be enlarged with frontage on Howe Road with no curb cut with no ingress or egress whatsoever from Howe Road. There would also be no separate signage whatsoever. The purpose of this is to allow Southpark Mall LLC to refinance this parcel 396-24-013 with the land-lease in place. This will be very helpful and beneficial to the mall. The variances that are delineated were all identified through interaction with your City Planner, George Smerigan. It's to create a stand-alone parcel with reciprocal easement agreements in place pursuant to Law Director Kolick's requirements. That has been presented in draft to him. I also have some copies of the reciprocal easement agreement here with me tonight. That has also been submitted to Mr. Kolick. The variances are necessary to allow this parcel to stand-alone although it will stay as part of the mall footprint. It will be owned by a separate related entity, but still part of Southpark Mall, LLC, and also part of the shopping center district. They will follow all rules and regulations which are stringent in the mall district.

Mr. Kolick – I think you explained to me before the meeting that there is no intent to transfer this parcel itself over to the Cleveland Clinic. Is that correct?

Mr. Fisher – There's zero intent. I know I'm listed as a lawyer for the Cleveland Clinic, but I am not. I'm here on behalf of Southpark Mall, LLC. I've had no conversation at all with the Cleveland Clinic. This is being directed through my client, and I'm involved with attorneys that are out of state that are also involved in the refinancing. That's my purpose, and I just wanted to make that very clear. It's about refinancing. They are not selling this parcel. It's part of the mall, and it will stay part of the mall.

Mr. Evans – OK. Mr. Fisher, I'm not in the legal world, I'm in the financial world. So I'm curious as to why it would be an impediment for them to do any refinancing of the mall property that they have to break this particular piece out.

Mr. Fisher – So I'm not very involved with the lender, but I can assure you that the client would not have gone to the trouble they have gone to if there was any other way other than to create a separate parcel to allow this land lease to be refinanced. As you know it's a very large complex, and it's on the duplicate for substantial dollars, so they are doing fine but it's a tough environment for regional malls. There was an article in the NY Times last week that in the next 5 years 20% - 25% of the regional malls will close. I work with Mr. Kolick and his partner on Real Estate tax

1) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq.,
Representative, Cont'd**

Mr. Fisher continues - evaluation cases because I deal with those on a regular basis. So I know that it's a tough market right now for regional malls. We're doing fine here, it's a great location, and it's a great community, but it's not the best environment especially for the in line stores. So this is a way that they can continue to keep the mall at the high level that it is. They are looking for a way to get money that can be spent to keep the property up to date, etc.

Mr. Evans – You're indicating that at this time you're not aware that there is any plan to sell the parcel to the Clinic. You're saying that the ownership would be maintained by the Southpark Clinic Owner, LLC.

Mr. Fisher – Yes, I deal with out of state businesses, but I've represented Southpark Mall, LLC in the past in front of this City before. I have an ongoing relationship with them, and I can tell you that I'm working with out of state lawyers strictly on the refinancing. The land lease is valuable to them when it's refinanced.

Mr. Evans – Are there other questions?

Mr. Rusnov – From what I understand, is it feasible that this could be a safety valve in case there are massive mall failures throughout the country to open the door for maybe a future campus or something like that for the Clinic or for another healthcare provider?

Mr. Fisher – That's a good question Mr. Rusnov. Starwood Capitals portfolio is substantial. They have regional malls all over the county. I think they are very stable, and I certainly wouldn't want to suggest even indirectly that they are having any major issues.

Mr. Rusnov – It was not meant to be a negative comment. What I was contemplating was that if someone was thinking into the future, might be considering as a safety valve to protect their investment and the property in general. But who knows?

Mr. Fisher – I'm not at that level.

Mr. Rusnov – That was my one good idea for the year. I'm done.

Mr. Fisher – I will be honest, that's above my level of involvement.

Mr. Rusnov – I was just curious. You know?

Mr. Fisher – I'm just the zoning guy. I don't have an answer for that, but I can assure you that what this is about is exactly what I'm representing to you.

1) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq.,
Representative, Cont'd**

Mr. Rusnov – So take it at face value.

Mr. Fisher – Yes. I get called all the time from lawyers that are working with the lenders asking when this is going to be done. I tell them it's a process. We went to Planning Commission where we were denied, and now we're here on the variance requests which George has delineated. We worked with him to come up with the list. I know it's seven. You can make the arguments on hardship, but again I think you've heard that already from me laying it out for you. We're a major property owner and employer in the City, and they are asking the City hand in hand for some assistance tonight. Nothing will change. There will be no additional signage or curb cuts on Howe Road. It's a reciprocal easement for all parking. It's hand in hand, I don't know how else to explain it.

Mr. Evans – OK. Are there any other questions?

Mr. Rusnov – Nothing.

Mr. Baldin – Let me ask one question. If I understand this correctly Starwood Organization owns Southpark Mall, and the Southpark Mall, LLC owns that land, and Southpark Mall, LLC owns the land that the Clinic is on as well?

Mr. Fisher – Correct.

Mr. Baldin – They are just looking to refinance that particular parcel of land.

Mr. Fisher – Yes, because the land lease is so valuable.

Mr. Baldin – Thank you.

Mr. Fisher – That's it.

Mr. Smeader – The building is located according to this on 2.8 acres, is that correct?

Mr. Fisher – Yes, the building is 41,891 sq. ft., and I'm assuming the survey is accurate.

Mr. Smeader – Then you want to add an additional 2.8 acres for the purposes of refinancing the property. Is that correct?

1) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq.,
Representative, Cont'd**

Mr. Fisher – We have to do that in order to create frontage, and working with the City and specifically with Mr. Kolick, and at that point George Smerigan, that was one of his requires a in conversations that were ongoing that there would be frontage on Howe Road although no curb cut. So in order to do that it had to be squared because otherwise it doesn't look right.

Mr. Smeader – Right, but essentially you're going to be refinancing the existing building, and 5.6 acres, give or take?

Mr. Fisher – Yes, but the value is obviously in the land lease.

Mr. Smeader – Right, it increases net operating income, and therefore the value.

Mr. Fisher – Exactly.

Mr. Kolick – Just so the numbers are straight, this is zoned shopping center that requirement minimum of 35 acres. They are cutting out a 2.8 acre parcel, and that's all this parcel will be. It won't be 5.6 acres. It'll be 2.8 acres cut out, but they need the 32.2' acre variance because they are in a shopping center zone that requires 35 acres. So the entire parcel they're cutting out with the Clinic building and the land going out to Howe will be 2.8 acres when they are done.

Mr. Smeader – Total? So what was the original? Was that just based on the footprint?

Mr. Kolick – It was part of the original overall mall 186 acres.

Mr. Fisher – It was 121,650 SF so that is what?

Mr. Smeader – That's the 2.79 acres.

Mr. Fisher – That's what that would be.

Mr. Kolick – There's a smaller piece that is zoned right off of Howe now zoned GB. So they are consolidated that piece with the shopping center, and then cutting out a 2.8 acres piece total to refinance.

Mr. Smeader – Total, OK.

Mr. Baldin – It's squared off.

Mr. Fisher – That's exactly what's happening, they're squaring it off, but without a curb cut. I want that to be very clear. There's no change of use at all there.

1) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq., Representative, Cont'd**

Mr. Evans – OK. There will be a public hearing on August 23rd. We'll invite you back at that time. In the meantime everyone within 500' will be notified of your request. In this case that doesn't amount to a whole lot, but we'll invite you back at that time.

Mr. Fisher – You can't do the public hearing tonight? No, no, I understand.

2) **MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative**

- a) Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (South) and where a second wall sign (South) is proposed;
- b) Requesting a 36 SF Wall Sign Face Area variance from Zoning Code Section 1272.12 (c), which permits a 105 SF Wall Sign Face Area and where a 141 SF Wall Sign Face Area is proposed; property located at 18832 Westwood Drive, PPN 396-10-016, zoned Restaurant-Recreational Services (R-RS).

Mr. Evans – Item number two on our agenda is Mitchell's Ice Cream with James Vacey of Signature sign as their representative. If you could please come up to the microphone please? Please give your name and address if you plan to speak tonight.

Mr. Vacey – Good evening. My name is James Vacey with Signature Sign Co, 1776 East 43rd St., Cleveland, Ohio. Before we get started, there was mention that people didn't have the drawings. I have some larger prints, I have four sets if I can pass them out for you to see.

Mr. Evans- That's fine, thank you.

Mr. Mitchell – Hello, my name is Mike Mitchell with Mitchell's Ice Cream. 1867 W. 125th St., Cleveland 44113.

Mr. Evans – Thank you Mr. Mitchell. I'll give those plans to our Secretary.

Mr. Mitchell – Thank you very much for hearing this variance request for us. I'm not a developer, I'm an ice cream guy. I make ice cream during the day, so for me this is a new process where we had presented this building design to the City for their input from the Mayor on down a year and a half ago. There was a lot of input about coloring and other style features. We took that input and we made it acceptable to the City in those different ways. What's being called signage on this building since day one has been on the building. The reason for this is because we don't view the words Ice Cream as signage per say. There was a discussion about big lots with the big letters. For us this is an architectural feature around which the whole building design was created. So if you look at the building design, there's a metal shelf that the letters Ice Cream sit on, and above it

2) **MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative, Cont'd**

Mr. Mitchell continues - is a sloped top part of the roof. It's in front of windows too. It's all done as an architectural feature without any regard to commercial value of any sort. This is just something that we think makes this building special. I think we have a shot of making the neatest ice cream shops in the world right here outside our door here. It's sort of tongue in cheek because of the words Ice Cream because kids growing up and riding their bikes past there will see the words Ice Cream. As it was said during the caucus, we don't really need to broadcast that we're here. We'll be in a great location, and we don't have to broadcast anything commercially, this is all just for the sake of the building being the neatest ice cream shop that we could come up with. So we don't view it as signage, at least not the words Ice Cream for sure. The Mitchell's logo is signage, but they really seem to go together on the building so that's why we have them designed in a way that we think makes the most attractive building. It's not necessarily to make it the most commercially loud building around or anything of that sort. So going back to me not being a real estate developer, and just an ice cream guy, it was always assumed by me that the design that we got all this input back from the different people in the City like the Mayor, Building Commissioner, the Architectural Review Board, etc., that the signage was approved as part of the building design. That is what it always was to me. It wasn't until fairly recently that we realized that the signage has to be approved separately. So for us, we're supposed to start construction on Monday, and for us to have the signage to be changed like this requires a building redesign because I don't think you can just take what is being called signage off this building because we feel it's an integral part of the design. The design is created around those words Ice Cream particularly. I feel like if we have to take them off, it'll require us to go back to the drawing board. We've already entered a contract with Infinity Construction, and everything is all geared up and ready to go otherwise. I don't know how we'd deal with that, we haven't even had that discussion with the architects who are here tonight. We'd have to go back to the drawing board, and figure out how we can make this building work again design wise. I wake up every day trying to do something special. It's not about business per say, it's about having a role in the community and a life with children and families in our community that we're very proud of. My brother and I as you know own Mitchell's Ice Cream, and that's what drives us every day. We just want to do something really special starting with the architecture, and then the ice cream inside, and this place we can create. We think being on the commons there, since it's not a street, we feel like it's the right presence there. We felt like it was the best we could come up with on that space. That will forever be an open space, and we want to be a contributor to that space. We want to animate it by bringing people to it every night of the year. So this will be part of the City center in that special way. Sincerely, this is what we believe that this is the right architecture for this building for this spot. I heard some different things during the caucus and I respect sign limitations. It just never occurred to us that this was what we were up against when we were designing this. Listening to the feedback we were getting from the City at all different levels along the way for the last year and a half, we didn't think that this was an issue. Here we are about to start Monday finally. It's been a long time coming. I welcome your feedback and questions.

2) **MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative, Cont'd**

Mr. Evans – Mr. Mitchell, as Chairman of this particular Board, I know that we have granted quite a number of variances to make this happen. I know you've gone through a very long, and arduous process, but I take exception to the fact that you're architects who are in the business knew very well through every point of this what signage was permitted in this City. If they didn't, I would say that you should probably fire them. Mr. Kolick is kicking me right now for saying something like that, but they are professionals and they are supposed to know what they're doing. We get architectural drawings all the time for presentations that have many different things on it. If this was what your intent was all along, then the architects failed you miserably. We didn't change anything for your building. This has been in place for a long, long time. While we welcome you to this community, if we were to put up a sign of that dimension everyone in this City is going to say they want one of those. Whether it says Ice Cream or Mitchell's, it says what your business is about. Therefore it is a sign that is indigenous to the business that you are carry on. I hope I've made my point to the architects that are working for you that represent you because that's my estimation and my opinion of where the problem is. It's not with this Board who has to make a decision on this. It's with the architects that presented it that way.

Mr. Rusnov – And all the other buildings throughout that area have conformed to the signage requirements that we've suggested for these signage variances to be approved. Square 22, and all of them. The only one that had a little difficulty was the Spa. Everyone else has conformed. This sign is 35.9' long by 3.5' high. Half of this town is expecting this. You wouldn't even need a sign. We already know where you're at. Basically that is it. Everyone else has conformed, and the architects were aware or should have been aware of what the signage requirements were.

Mr. Mitchell – OK.

Mr. Baldin – I personally don't have a problem with your logo. It's rather large, but you're requesting the second sign. To get the Ice Cream sign, it's huge. You made comment that you'd have to go back to the drawing boards to make it fit, I just don't understand that. Ice Cream, just shorten it and bring it in a little bit. That doesn't sit with me that it would take you back to the drawing board. I don't think it's such a drastic problem to just shorten those words.

Mr. Rusnov – To conform to the Code.

Mr. Evans – Right. We're being very critical, but our problem again is that every precedent that we set, every inch that we give, whether it's a multiple sign, and you see other ones in the agenda tonight that all want additional signage as well; everyone thinks that's going to solve all their problems that they may have with the business. It doesn't necessarily do that. What it does is require us to change something and every time we legislate changes, Council, who puts these requirements out there, comes to us and asks us what we were thinking. They ask how we could possibly allow it because then everyone is going to look at that, and want the same thing. There are places where variances are permitted, and you are certainly allowed to ask for whatever you

2) **MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative, Cont'd**

Mr. Evans continues - want, but again we've done a lot of variances that have made sense. We've done a lot of things to make this happen which we think is appropriate, but for that signage to be there as shown here is impossible. If people looked at this and said it was an architectural rendering then that's not what they think they're going to do because the architects have surely known and researched what the requirements are for signage in this City. Again it's nothing about you. You pay professionals to do what you don't do because you're in the ice cream business. You do that extraordinarily well as everyone on this Board will testify to. You're ice cream is unbelievable, and I say that under oath. When we look at the signage though that takes us into another dimension that gives us great pause and concern. Again, it may be an architectural element, but it is also signage. If it said Strongsville across the front of it, we'd probably say the same thing but that certainly wouldn't be related to the business inside. So those are the concerns that we have. We will entertain the motion. I have no idea how the administration feels about it because they have certainly looked at the signage and the different renderings along the way. I'm disappointed too that no one said anything to you about this. They are looking at it as being a rendering, and not as a final product. The architects are the ones that know better. They should know what they're doing. That's where the problem lies.

Mr. Kolick – I've been to every Planning Commission meeting that you've been at. I've been to every BZA meeting that you've been at. They were always very explicit in saying that signage is not being acted on by this Board this evening. That was told right from the start from the Planning Commission on. They were acting on the building. They were not acting on the signage. It was always contemplated that you were coming back to the City with a final signage plan. That is the way the City viewed it, so it's not like they were misleading you saying that they liked this signage. I think Planning Commission was very clear that they are not dealing with any signage here, we're dealing with the building, the placement, the landscaping, driveways, etc. It isn't until you officially present the signage that goes to ARB and then we determined that it needed to come here.

Mr. Mitchell – Forgive me if I implied that you guys haven't been fair to me in any way. That's not what I meant to say at all.

Mr. Baldin – One other comment I have for Mr. Mitchell, looking at your rendering here, I think it's a gorgeous building. I like the design of it. It's just the words Ice Cream that is just so overbearing for the building. Even looking at it from a long distance from here. That's my personal opinion.

Mr. Smeader – I would suggest that you are in the enviable position that many if not most of the people who have spent any amount of time in NE Ohio that if they hear the name Mitchell's they automatically think of ice cream. I don't think you need anything this large to jump out at them.

Mr. Mitchell – Thank you. You've all been very kind with your comments about it.

2) **MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative, Cont'd**

Mr. Evans – We understand that it's an architectural element, but it's unfortunately also considered signage. So the public hearing for this will be August 23rd. After hearing our comments tonight, perhaps you'll wish to come up with a Plan B. You may want to talk with the architects and see what could be an architectural element that doesn't necessarily have that size or dimension to it. Mr. Baldin expressed, and I think we've talked in caucus about it that the logo as being a second sign on the building is not an issue for us. We recognize the need for that. It's the letters which I understand are an architectural element because my son's an architect in NY, and I know what he does as architectural elements. I look at him and say, huh? But I get it. That's what architects do. In this case, we have to consider this as signage, and that's when it's a potential issue. I would not want to hold your project up, but we do have to wait until August 23rd to be able to resolve it. If you choose to have a Plan B and it suits what you're trying to do, you may want to get it to the Building Department to ease that through. Mr. Baldin and Mr. Rusnov mentioned that in this particular development which Mr. Catanzerite has done, we've worked with all the businesses to dimension signage such that we would allow multiple signs that utilize the square footage of whatever was allowed. So we carved up what was allowed in order to do that. Your particular situation may not be quite the same in square footage usage, but again what we're looking at is the 3.5' height by 39' wide signage request. Everyone in this town is going to see it, not just because it's going to be very visible, but because they're all going to be there. So everyone will say they want one of those enormous signs. So we'll invite you back here then on August 23rd then and we'll go from there.

Mr. Mitchell – Can I ask you a quick question? So it seems like you're OK with the logo and the words ice cream, is that fair to say?

Mr. Rusnov – You don't need the sign that is 39' long.

Mr. Mitchell – Got you there. So the words Ice Cream, if we shrink those down, that's something that is approvable by you?

Mr. Rusnov – If they conform to the Code.

Mr. Baldin – I think that's what we're trying to convey that message to you.

Mr. Rusnov – If you conform to the Code, you don't have to come back here.

Mr. Houle – No, he still needs to do multiple signage.

Mr. Rusnov – Oh right.

Mr. Mitchell – If we shrink the size of the words Ice Cream, but keep the two signs that's something that you'll approve?

2) **MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative, Cont'd**

Mr. Smeader – As long as the total square footage conforms to the Code.

Mr. Kolick – The Board would need to see it. If you have ideas, you can present it. They need to see what you're submitting because we still have a public hearing. There could be public comments on things so we can't in advance approve something for you, but it can look more favorably if the overall square footage of the signage conforms to the Code.

Mr. Mitchell – I get it. We want to give you something that you can say yes to.

Mr. Rusnov – Bottom line is, please consider what we've said. Mr. Smeader said that you don't even need the Ice Cream signage. We had this discussion before. So the complete elimination of those words I don't think would cause anyone to stumble in there and think it's a swap shop.

Mr. Evans – By the same token, we all understand that as an architectural element, the words Ice Cream do represent the way they've done it at other Mitchell's. So it's not only that we ask for the elimination of Ice Cream, but that we might allow it if it conforms to the overall allowable square footage allowed by the Code. If it was shrunk down and it met with Code, having the multiple signs might not be an issue for us. That's what we're driving towards. We cannot approve it until we see what you're proposing, but the reason this Board exists is to look at exceptional circumstances and make judgements based on that. Unfortunately exceptional circumstances lead to precedent and then we have to live with those, so that's why we have to be very judicious in what we look at and grant.

Mr. Mitchell – I respect that and I appreciate your helpful comments. We'll be back with something that we believe is what you guys just said you could say yes to on the 23rd.

Mr. Kolick – If you can get it to the Building Department earlier rather than the night of the meeting it will be helpful. Then they can do calculations about what variances you would still require with the change of the signage. You can hopefully have a drawing done to present to the Building Department, and then they can bring it to the Board's attention. Then we'll all know what we're talking about at the meeting.

Mr. Mitchell – We will do that. Thank you all.

Mr. Kolick – Thank you.

Mr. Evans – Thank you, we'll see you August 23rd.

3) SOLAR SUPPLY CENTER/Mark Uffman, Representative

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (West) and where a second wall sign of 40 SF (North) is proposed; property located at 8367 Pearl Road, PPN 395-08-017 zoned General Business (GB).

Mr. Evans – Alright, item number three on our agenda this evening is Solar Supply Center with Mark Uffman. Please come up to the microphone and give us your name and address for the record.

Mr. Uffman – My name is Mark Uffman, my address is 6223 Stumph Road, Parma Heights, Ohio 44130.

Mr. Evans – OK. You are asking for a second wall sign. You are now in a parade of signs here tonight. So you've heard what we said in caucus. You've heard what we've said here. We're not disposed to do a lot of second signs. There are times when they are needed. For instance down the road from you at O'Charley's, McDonald's, and Blue Falls Car Wash, and wherever else we thought there were circumstances that warranted that. You are hidden behind a building, but that building was there when you signed the lease. The second sign on the driveway may or may not help you because people are already turning into there to go to Walmart or Home Depot or Lowes. There is no cross means for them to decide that they wanted to go to that building, so a right turn doesn't happen there. So it would be strictly for visibility. Under those circumstances where we have in the past allowed a second sign, most of the time we have done so where someone did it within the confines of what they were allowed. In this case, that would appear to be 61.5 SF. Thank you, Mr. Miller. So within the 61.5 SF, we might be more disposed to do a second sign. That would be taking 61.5 SF and dividing it up into two, whether it's 50/50 or 40/60 or whatever you might want. That would be probably something that we would tell you might get you a lot farther along in our consideration.

Mr. Uffman – I agree. What a lot of people don't know is that because we're a supply center and we grew enormously through Parma Heights, and we were excited to get to the vibrant community of Strongsville. We spend well over \$200,000 a year at Home Depot. They know us by name at the Pro Counter. Quite a few of our contractors that we do sell to do enter through what used to be the bridal shop. We have a roll top door and an entry door there, and about 20% of our traffic is by there, either materials being dropped off that we're purchasing or customers who are purchasing from us. In fact, if you've seen how busy that parking lot gets at the Brew Kettle on a Tuesday night let alone a Friday night, we've forbade our employees from parking there any time because of that. Sadly for 14 years I drove by there to Whitney Road to my cousins, and didn't know there was an Entenmann's right there until we went and looked at that parcel and said we loved it. I looked at the blacked out sign that said Entenmann's. I said, there was an Entenmann's here! I never knew it. I drove up that driveway to Home Depot or Lowes or Walmart many, many, many times and never knew it. We're growing a debt-free business. We have a very good reputation in NE Ohio. I don't want to over-sell it, and I did not want to follow someone who was

3) SOLAR SUPPLY CENTER/Mark Uffman, Representative, Cont'd

Mr. Uffman continues - blatantly and in your words grossly over-sized, so I brain-stormed and I liked the fact that we asked everybody what we should do. Even our customers who are now coming to Strongsville said, we can't see you. There's no sign there now, but they say they couldn't see us at all even when looking. I was going to go back to the drawing board this evening and shrink down the sign. If you look at section A of the paperwork, it has our logo and it has the words Solar Windows. Remove that, make it a 4' x 4' sign, which is 16 SF, and then go with a 40 SF or so sign on the side. Let's face it, people don't know what Solar Windows are. Solar Windows and More on that side sign does say what we do. Kitchen tile, glass block, roofing, siding, and it has that tastefully done. I would hope that you would take that into consideration if we would go with shrinking the smaller sign. Most people are going to miss that one anyway unless they're going to the Brew Kettle. Then we'll get that traffic where so many people go to Home Depot, and they'll then be able to see us, plus others in the community.

Mr. Evans – You're working with a sign company if I remember correctly?

Mr. Uffman – Correct.

Mr. Evans – OK. What I would suggest is that you would want to have the sign company do a representation of the two that you're talking about so we can see it with the dimensions on there. That's helpful for us to be able to approve it when it's in that format. I think you get the general gist of what we're saying.

Mr. Uffman – I do.

Mr. Evans – Are there questions from the Board?

Mr. Rusnov – No, you're right on.

Mr. Uffman – Excellent. Thank you sir.

Mr. Baldin – Yes.

Mr. Evans – We'll invite you back on August 23rd, and there will be a notice that goes out to everyone within 500 feet of your property. In this case that is pretty much commercial. As Mr. Kolick said on the other one, if you can get those to us ahead of time that makes it much easier for us. We don't like pop-quizzes.

Mr. Uffman – Exactly, I want to make your job as easy as possible.

Mr. Evans – Yes, thank you.

4) CENTERLINE CARSTAR COLLISION/Paul Struhar, Representative

- a) Requesting a 25' Parking Setback variance from Zoning Code Section 1262.07, which requires a 25' Parking Setback from the front lot line and where a 0' Parking Setback is proposed;
- b) Requesting a variance from Zoning Code Section 1270.07, which requires off premises parking to be located on a parcel under the same ownership as the use to which they are accessory and the applicant is proposing 14 additional parking spaces in the City's public right-of-way; property located at 8000 Pearl Road, PPN 395-05-016, zoned Commercial Service (CS).

Mr. Evans – Item number four on our agenda is Centerline Carstar Collision. Mr. Struhar, if you'd please come to the microphone and give us your name and address for the record.

Mr. Struhar – Paul Struhar, 8000 Pearl Road, Strongsville, Ohio.

Mr. Evans – Thank you. You are asking for two variances. In caucus we talked a little bit about the area that is to the north of the new building which butts up to the creek there. I haven't gone back and looked at it yet, but I drive by it pretty much every day. I'm relatively familiar with it, and other Board members have already looked at it. The question would be why along Pearl Road? Could you not utilize the area over against the creek on the north side of the building?

Mr. Struhar – The gravel area on the north side I think is pretty much where Enterprise stages cars until customers show up because they'll bring cars down an hour or so before they get there.

Mr. Evans – OK.

Mr. Struhar – It's a long way from the office first of all, parking out in front as a get-ready, completed car area where people can easily pull out. In front of our main office we have eight parking spaces back to back. Most people don't even realize that they're back to back. I have three other spaces in front of the new addition, but that's it. We process and deliver anywhere from 10 to 15 cars a day. We've got rental cars coming back so that's 10-15 more cars a day showing up because most of them are loaner cars of some sort. First of all, I don't want someone to get hurt in front of the building because I have estimators going out to look at cars that are damaged, I have people coming to pick up cars, I have people dropping off cars, I have people dropping off cars at all different times of the day. We're just really in need of some parking. So to have that area designated strictly for Get-Ready customer pick-up, we'll have the cars backed in so they can easily get in the car and pull out instead of backing out. They've already been there for an accident, we don't want one on the property. It'll make it much more easy and convenient.

Mr. Evans – How many parking spaces are across the front there? 14?

4) CENTERLINE CARSTAR COLLISION/Paul Struhar, Representative, Cont'd

Mr. Struhar – 14.

Mr. Evans – Is that enough to accommodate all that?

Mr. Struhar – That will be fine.

Mr. Evans – OK. Are there other questions?

Mr. Rusnov – No.

Mr. Houlé – That helps me a lot because those were questions that I had.

Mr. Struhar – It's really tight there when you're driving around the building. It's only about 15'.

Mr. Houlé - There was a big pick-up truck there and there was still plenty of room on the gravel, not even on the concrete so I think there's plenty of room there to park also. I understand what you mean though because the day I went there were only a couple of vehicles and that was it. There were empty spots everywhere else, but that must have been just a slow day.

Mr. Struhar – Yes. Wednesday is not a super busy day. The beginning of the week lots comes in, and then Thursday and Friday are pretty busy.

Mr. Baldin – The gravel that is there to the north, is that your property?

Mr. Struhar – Right.

Mr. Baldin – You just left it gravel. You didn't want to put a hard surface there?

Mr. Struhar – That was left-over from the car wash, and so is the blacktop. Down the road, hopefully next year, I'm hoping to replace that blacktop because it's pretty rough. We've had it sealed and patched, and I've tried to keep it looking nice.

Mr. Baldin – I was just surprised to see the gravel.

Mr. Struhar – Yes, that's from our car wash days.

Mr. Baldin – You've done a lot. It's a tight lot as I mentioned in caucus. You've really cleaned that place up. You've made it look pretty good. It's very tight though, and I can see where you'd need some additional parking. There's no doubt about that.

Mr. Struhar – Yes that would be a big help.

4) CENTERLINE CARSTAR COLLISION/Paul Struhar, Representative, Cont'd

Mr. Kolick – As I mentioned in caucus, and I know Mr. Struhar is aware of this since this would be on the City right-of-way there will be a license agreement that will be required. If you contact our Law Department, the Law Director will give you a copy of the initial draft of that agreement so you can have it to look over. If this Board were to grant this, you would already have it in place, and they wouldn't have to require that it be signed. At least you'll know the Terms and Conditions of it.

Mr. Struhar – What exactly should I do?

Mr. Kolick – Contact the Law Department and ask for the Secretary, her name is Nancy Sikorski, and she can send you a draft copy of that license agreement so you'll have it in hand.

Mr. Evans – You need to have your attorneys or whomever look at it because that would need to be executed as a follow-up step if we were to grant the variance.

Mr. Struhar – OK.

Mr. Evans – OK. August 23rd is the public hearing on that, and we'll invite you back at that time.

Mr. Struhar – I'm out of town at a business conference then. I'm not sure if I have anyone to represent me at that meeting. I could ask my son if he could.

Mr. Evans – We could put it on for the first meeting of September.

Mr. Struhar – I'm waiting to hear from my Engineer because he needs to talk with his staff.

Mr. Evans – Just let Kathy know if you can attend. If not, then we'll roll it back to the first meeting in September. That's not an issue for us.

Mr. Struhar – OK.

Mr. Evans – Thank you.

PUBLIC HEARINGS

5) JONATHAN HAMMER AND MAEGAN PERRI, OWNER

Requesting a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 576 SF Unenclosed Patio 7' into the side yard; property located at 16940 Howe Road, PPN 397-15-001, zoned R1-75.

Mr. Evans – OK. Our public hearings tonight start with item number five on our agenda. Hammer and Perri, if you would come to the microphone please and give your name and address for the record.

Mr. Hammer – Jonathan Hammer, 16940 Howe Road, Strongsville, 44136.

Mr. Evans – Thank you. You are asking for a seven foot variance. We spoke in caucus about this, and you did a presentation. We have your drawing and everything. Tell us again why you need the 24' by 24' and why the long and narrow patio wouldn't be advantageous for the patio.

Mr. Hammer – We're pretty much replacing what's already there. We're adding on only slightly to it. Also it goes out from where the patio door leads out to it. It doesn't go along the side of my house.

Mr. Evans – We've all been there, does anyone have questions or comments?

Mr. Baldin – I don't have a problem with it.

Mr. Rusnov – No questions.

Mr. Houlé – Thanks for letting us go inside there because it does paint a different picture when you're inside that fence. I understand much better what you're needs are.

Mr. Hammer – Sure.

Mr. Evans – As we noted in caucus, one of the reasons we have for granting variances is topographical and other considerations that are related. In this case, the 75' width of the lot, and how the house is positioned, and where the garage is position, it doesn't lend itself to a patio there that would be easily within the confines of the Code. So as we talked about in caucus it does sort of render itself to be an exceptional circumstance where it warrants our consideration for granting the variance. There's nothing else?

Mr. Rusnov – No.

5) JONATHAN HAMMER AND MAEGAN PERRI, OWNER, Cont'd

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

Mr. Rusnov – I make a motion to approve a request for a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 576 SF Unenclosed Patio 7' into the side yard; property located at 16940 Howe Road, PPN 397-15-001, zoned R1-75.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variance has been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed.

Mr. Hammer – Thank you very much.

Mr. Evans – All set. Thank you.

6) CLAUDIO GAGLIARDI, OWNER

- a) Requesting a 20' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Side Yard Building Setback adjacent to a Residential District and where a 10' Side Yard Building Setback adjacent to a Residential District is proposed;
- b) Requesting a 20' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Rear Yard Building Setback adjacent to a Residential District and where a 10' Rear Yard Building Setback adjacent to a Residential District is proposed;
- c) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stone driveway and where a gravel driveway is proposed;

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

- d) Requesting a variance from Zoning Code Section 1258.11 (b) (4), which requires that all areas which adjoin a Residential District be shielded with a solid masonry wall and where the applicant is proposing no masonry wall in order to construct a 1,500 SF Pole Barn; property located at 17043 Whitney Road, PPN 395-20-004, zoned General Business (GB).

Mr. Evans – Item number six on our agenda this evening is Claudio Gagliardi.

Mr. Gagliardi – Claudio Gagliardi, 6735 Canterbury Drive, Middleburg Heights, Ohio.

Mr. Evans – Hi. So you were here the last time, and we talked about a lot of things. You heard us talking in caucus about some of the alternatives. We recognize that this is a business area. You have asked for a number of variances. They are both in terms of the setback for the building. We discussed the options that we thought might be something we'd consider in terms of moving that building back into what the setback requirement is if you were to consider putting a masonry wall across the back of the property. We also talked about the hard surface driveway to the commercial there. The driveway would need to run from the front of the property back into the storage building that you're proposing. We take into account that there's a lot of other area which is storage yard, which we're inclined to perhaps allow staying at the gravel stage. Having heard those things, what would you like us to act on?

Mr. Gagliardi – As far as the masonry wall goes, I think that would be a waste of money putting that back there. You can move around a wall, and it doesn't really serve a purpose. The cost of that wall would be pretty high. It would probably be about \$14,000, and I think that money would be better used to repave from the street back at least into the yard, and have it 6" deep. We'll have it wide enough too to take heavy truck traffic going back there. Eventually maybe pave up to the front of the garage if not at the same time. Definitely we'll get rid of the trailer once the building is complete. We'll move all the contents into the building. Then we'll clean up the yard and get it all straightened out. Then we'll take it from there.

Mr. Zamrzla – Excuse me, Mr. Gagliardi, did you have some Plan B that you wanted to pass out to the Board? The applicant approached me after caucus.

Mr. Gagliardi – It depicts the other buildings that weren't on the original site plan.

Mr. Rusnov – Would the hard surface driveway to the proposed structure be required from the very front of the property all the way to the rear of the property?

Mr. Evans – I believe would be the case, and Mr. Kolick or Mr. Miller might enlighten us on that. There is no driveway there right now so I believe it would have to be the entire distance from the street back to the new building.

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Rusnov – OK.

Mr. Evans – That would be the requirement. Now are there other questions? What I'm hearing Mr. Gagliardi saying is that he doesn't feel the wall would be beneficial or that the cost of the wall would be worth constructing. We had said if a wall were constructed that we thought the building could be moved closer to the property line. So if there is no wall, then my expectation is that we would require the full setback which is 30', and that would bring that building in off the lot line by that much. The requirement would be for a hard surface to run from the street all the way back to the proposed pole-barn. That would have to be again something that we would figure out.

Mr. Baldin – Mr. Kolick, am I to understand that our Code requires a solid wall in this type in a general business district area?

Mr. Kolick – Not just because it's general business, but it's when a general business butts up to a residential district, then the Code requires a wall, unless the Planning Commission has issues from drainage concerns or something like that. We know we don't have those elements here. If you're going to permit this, then you need to act on his variance otherwise the masonry wall will be required.

Mr. Baldin – OK.

Mr. Kolick – That's what item (d) does. It's a variance so he's not required to build the wall.

Mr. Houlé – So if he didn't have variance (b) he wouldn't need the wall?

Mr. Kolick – No, he would still need the wall.

Mr. Houlé – The 20' does not matter?

Mr. Evans – Even with the 30' setback, the wall is required between them and the residential district.

Mr. Gagliardi – I think I am getting some water run-off from Cherry Tree apartments. If you look behind that fence you can see standing water that would probably cause issue with a wall. It does come onto my property so the wall would definitely stop water from flowing onto the property. It would definitely be a drainage concern in the back.

Mr. Baldin – Did I understand that you are willing to put in a solid driveway back to the building?

Mr. Gagliardi – From the street, yes.

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Baldin – All the way back.

Mr. Gagliardi – Yes.

Mr. Baldin – You are sort of not in favor of putting up the wall.

Mr. Gagliardi – Correct.

Mr. Baldin – Because of the cost?

Mr. Gagliardi – Cost, and I don't think it would serve any purpose. There's already a fence and tree line. There's a lot of space between us and the apartments over there. I think it would be an unnecessary cost. I would prefer to move the building forward than spend that kind of money on a wall behind it.

Mr. Baldin – But if I remember right from our conversation, if you move the building forward, you said you'd have a hard time making the turn-around.

Mr. Gagliardi – It would, yes.

Mr. Baldin – You'd like to have the building setback just 10' off the property, and therefore you wouldn't be able to really store a lot of equipment that people have to look at from the street. So in the fall and the winter all the leaves are going to be gone off those trees. It'll be wide open back there.

Mr. Gagliardi – You'd see the back of the new pole-barn.

Mr., Baldin – Yes, but that's not what the Code is looking for.

Mr. Evans – Are there other questions?

Mr. Houlé – By putting in the paved concrete driveway we eliminate variance (c) only?

Mr. Evans – Right.

Mr. Houlé – We've not eliminated (a), (b), or (d).

Mr. Evans – Correct.

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Kolick – I think what initiated this pole-barn is from some of the complaints we've received from outside sources. So I would think regardless of what variances you grant, it should be made subject to all storage now being within the building. That's going to have to be a given.

Mr. Gagliardi – All equipment. All storage?

Mr. Kolick – All outside storage. I'm not talking of course about your employee's cars. That's OK, but any other equipment and materials need to be inside one of these structures.

Mr. Gagliardi – Correct.

Mr. Kolick – Alright.

Mr. Evans – You talked about eliminating the trailer and getting rid of that. Are one of these garages indicated on the drawing you gave us tonight going away as well?

Mr. Gagliardi – If I pave to the new building, the 14' by 20' that you're seeing directly in front of the access driveway would probably have to go because it would be in the way of that.

Mr. Evans – Right, that was what I was presuming.

Mr. Baldin – You have a little shed all the way in the back.

Mr. Gagliardi – The shed is right where the pole-barn is going to go. It's actually 10' and 10' off the property line.

Mr. Baldin – So that's going to have to go as well.

Mr. Gagliardi – Right, that would go also. That would show where the rear corner of the building would start.

Mr. Evans – So we'd eliminate the 14' by 20', and the 10' by 12', and the trailer.

Mr. Gagliardi – Yes,

Mr. Evans – Then all the material will go away and into the pole-barn.

Mr. Baldin – He is allowed more than one building on his property.

Mr. Evans – That's why he'd be keeping the 20' by 20' and the new pole-barn.

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Kolick – You'll still have three structures on the property. Even if he eliminates one, he still has the house, the 20' by 20', and the new pole-barn. There will still be three there.

Mr. Evans – Are there other questions?

Mr. Miller – In accordance to Chapter 14 of the Codified Ordinances, pavement in non-residential districts maybe poured in concrete or asphalt.

Mr. Evans – Oh really? The plot thickens.

Mr. Smeader – So with the reduced cost of the asphalt paving, maybe you could accommodate the construction of your wall.

Mr. Gagliardi – So what you're saying is that to get that setback I have to build the wall.

Mr. Evans – Yes, I think that would be pretty much what we said at the last meeting.

Mr. Gagliardi – So we're looking at a 6' masonry wall. At what, 8" block?

Mr. Kolick – Mike? Is there a requirement on how thick?

Mr. Miller – I would think 8" block is fine.

Mr. Gagliardi – Or filled every so many feet?

Mr. Miller – Correct, that would be correct.

Mr. Gagliardi – Alright, and what is the depth of a footer for such a wall?

Mr. Miller – 39" here in Strongsville. You'd have a 39" by 12" trench footer.

Mr. Gagliardi – OK.

Mr. Miller – Basically, and then the masonry wall.

Mr. Gagliardi – As far asphalt goes, that's out of the question. It would just require too much maintenance. There's too much heavy traffic going back there. It would just ruin the asphalt. So if there's any paving, which there will be, it'll be concrete.

Mr. Houlé – Concrete. That's your prerogative.

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Baldin – Mr. Kolick, if we granted all these variances, can we stipulate a time so he doesn't have to put it all in at one time? That might make a difference.

Mr. Kolick – We'll work with him if the weather doesn't permit it or something, then they could do it, but no I think everything would have to be done at the same time. If we get to the point where its wintertime, then we're not going to make him pave the drive in the wintertime. The Building Department will take care of that. They'll work with him given the weather.

Mr. Gagliardi – So the wall and the building would be one permit or two permits constructed both at the same time? Then we'd move stuff in there and get rid of the trailer and garage.

Mr. Kolick – You can work on the timing with the Building Department. As long as it's a reasonable time-frame they will work with you.

Mr. Houlé – It would probably be to your advantage to include everything in one permit. Why would you want to pay more building fees than you have to? As long as you're making progress the permit remains active.

Mr. Evans – Are there other questions? This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? If you'll come forward and give us your name and address for the record please.

Mr. Cvijovic – George Cvijovic, 50 Public Square Suite 1200, Cleveland, 44113. It's really not an objection, but I'm trying to understand the situation. I represent the owner for Cherry Tree and Chestnut Lake Apartments. I'm just trying to understand where you guys are at now. As a whole we didn't have an objection to the setbacks or the driveway. Our concern was the border lines, and the trees. We didn't want anything happening to the tree line. We have children that live in the apartment buildings, and we were concerned with the view. Those were our major concerns. I think if you clean up all the stuff and put it into a pole-barn it'll be a much better situation.

Mr. Evans – To sum up, we've discussed that in order for him to build the structure 10' off the property line, he'll be required to put up a masonry wall there. At this point, if he were to do that, it would mean that the trailer and shed in the back would go, as well as the 14' by 20' building would go. Then a concrete driveway would run from the front all the way back to the pole-barn. At that point, it would give him enough room for equipment to turn-around and all the materials and equipment will be put into the pole-barn. That would really clean up the area and that is what the City's objective was.

Mr. Cvijovic – Based on that, we'd have no objections at all. Thank you.

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Evans – Thank you. Is there anyone else who would wish to speak against the granting of the variance? Hearing none and seeing none I will then declare the public hearing closed.

Mr. Smeader – Will item (c) be included in this now?

Mr. Evans – As I understand it right now, Mr. Gagliardi has agreed to put in concrete that runs from the street back to the pole-barn, so that would remove item (c) from our agenda.

Mr. Gagliardi – Yes.

Mr. Smeader – Thank you.

Mr. Evans – Also item (d) is for the variance for the masonry wall, which Mr. Gagliardi has also agreed to put into place.

Mr. Rusnov – So no (c) or (d).

Mr. Evans – Item (d) has to be in there because of the address, but basically that's the only piece of (d) that would remain. That's correct. We're putting the masonry wall in, putting the building 10' off both lot lines, and we're doing the concrete driveway.

Mr. Gagliardi – Correct.

Mr. Evans – OK. We're just making sure that we have what will be read for the record is correct. Are you ready? Alright.

Mr. Rusnov - I make a motion to approve a request for a 20' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Side Yard Building Setback adjacent to a Residential District and where a 10' Side Yard Building Setback adjacent to a Residential District is proposed; also to approve a request for a 20' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Rear Yard Building Setback adjacent to a Residential District and where a 10' Rear Yard Building Setback adjacent to a Residential District is proposed in order to construct a 1,500 SF Pole Barn; property located at 17043 Whitney Road, PPN 395-20-004, zoned General Business (GB). This is subject to all storage, materials, supplies, and equipment be within the building, and a concrete driveway that runs from the street to the pole-barn, also the elimination of the 10' by 12' shed, and the 14' by 20' garage, the trailer being removed, and a masonry wall as required by the Planning Commission.

Mr. Smeader – Second.

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

6) CLAUDIO GAGLIARDI, OWNER, Cont'd

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Thank you very much for working with us.

Mr. Kolick – You need to talk with Carol and get back before the Planning Commission after the 20 days, but in the meantime you can get over the Architectural Review Board and get that out of the way.

Mr. Hammer – So I can apply for permits then? You have to get before the Planning Commission before you can get your permits. You have to wait the 20 days first so they can finalize this Board's decision. You can contact Carol Oprea now, and she'll take you through the steps.

Mr. Hammer – Thank you all very much.

Mr. Evans – Thank you.

Mr. Kolick – Thank you.

Mr. Baldin – Thanks for working with us.

Mr. Evans – Is there anything else? Is there anything else to come before the Board tonight? Then we stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>August 23, 2017</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date