

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

**Meeting of
June 14, 2017
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlié, Tom 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) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where a second wall sign (South) is proposed;
- b) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Menu Board and where two Drive-Thru Menu Board Ground Signs are proposed;
- c) Requesting two .6 SF Sign Face Area variances from Zoning Code Section 1272.12 (g), which permits a 3 SF Sign Face Area and where a 3.6 SF Sign Face Area is proposed in order to permit two Drive-Thru Menu Board Ground Signs; property located at 9200 Pearl Road, PPN 395-03-006, zoned Commercial Service (CS).

The Board indicated issues with the size of some of the signage that this applicant is requesting for their car wash drive thru. They discussed where each sign is on the drawings, and matched them to each part of this variance request. They specified that the canopy signs have already been approved, but the menu boards are not addressed in the City's Ordinances which is why they are requesting this variance. They mentioned that the menu sign will be facing Pearl Road. They also argued that the signage that was already approved by Tony Biondillo appeared to be large.

PUBLIC HEARINGS

2) MITCHELL'S ICE CREAM/Matt Plecnik of Dimit Architects, Rep.

Requesting an extension of the June 22, 2016 determination of the Board of Zoning and Building Code Appeals:

- a) Requesting a 52.25' variance from Zoning Code Section 1258.08, which requires a 150' Lot Width and where a 97.75' Lot Width is proposed in order to construct an Ice Cream Store;
- b) Requesting a 66' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires an 80' Front Building Setback and where a 14' Front Building Setback is proposed in order to construct an Ice Cream Store;
- c) Requesting a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Parking Setback and where a 0' Side Parking Setback is proposed in order to construct an Ice Cream Store;
- d) Requesting an 8' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback to a residential lot line and where a 2' Rear Parking Setback to a residential lot line is proposed in order to construct an Ice Cream Store;
- e) Requesting a 20 Parking Space variance from Zoning Code Section 1270.05 (c) (4), which requires 36 Parking Spaces and where 16 Parking Spaces are proposed in order to construct an Ice Cream Store; property located at 18832 Westwood Drive, PPN 396-10-016, zoned Restaurant Recreational (RS).

The Board indicated no difficulties with this variance request.

3) ANTHONY SAMARIN, II, OWNER

Requesting a 13' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 3' Setback from the right-of-way is proposed in order to construct a 6' Board on Board Fence; property located at 16650 Cypress Avenue, PPN 397-15-052, zoned R1-75.

The Board indicated no difficulties with this variance request.

4) ROBERT KEIRN, OWNER

Requesting a 757 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 1,080 SF Floor Area is proposed in order to construct an Accessory Structure; 11518 Prospect Road, PPN 392-10-011, zoned R1-75.

The Board noted that the applicant has reduced the square footage by approximately 300 SF, and he has lowered the height to 15'. They indicated that this is still twice the allowed

size for his lot size. The Board also agreed that there is no hardship that they can base granting the variance on.

5) DAVID MURNAN, JR., OWNER

Requesting a 33' variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side lot line in the front yard and where a 33' Stone Fence along the side lot line in the front yard exists; property located at 18842 Whitney Road, PPN 395-02-003, zoned R1-75.

The Board noted that this fence may stop trucks from turning around in his yard. They also mentioned that it fits into the design of the neighborhood.

6) JON HUNSICKER, OWNER

Requesting a 1,200 SF Floor Area variance from Zoning Code Section 1252.15, which permit a 400 SF Floor area and where a 1,600 SF Floor Area is proposed in order to construct a 20' x 80' Accessory Structure; property located at 10795 Prospect Road, PPN 391-25-015, zoned R1-75.

The Board indicated no hardship to base the granting of this variance request on.

7) CLARK OIL aka YEY LLC/ Eli Mahler, Representative

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or structural alteration of a nonconforming building or use except to make it a conforming building or use and the applicant is proposing the demolition of the current Gas Station/Convenience Store and construction of a new building;
- b) Requesting a .54 acre Lot Area variance from Zoning Code Section 1258.08, which requires a 1 acre minimum Lot Area and where a .46 acre Lot Area is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- c) Requesting a 35' Lot Width variance from Zoning Code Section 1258.10, which requires a minimum Lot Width of 150' and where a 115' Lot Width is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- d) Requesting a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Building Setback and where a 5' Side Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;

- e) Requesting a 5' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Building Setback and where a 5' Rear Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- f) Requesting a 10' Side Street Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' Side Street Parking Setback on a corner lot and where a 10' Side Street Parking Setback (North) is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- g) Requesting a 10' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback and where a 65' Front Parking Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; property located at 15387 Pearl Road, PPN 397-01-025, zoned General Business (GB).

The Board indicated a continued concern with the safety of the canopy, and they are waiting for a structural report on the structure. They mentioned that there is no requirement that they have a canopy. They noted that they could make this variance request contingent on the approval of the structural report from an Engineer upon the removal or the repair of the existing canopy to the satisfaction of the Building Department.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
June 14, 2017

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

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 June 14th, 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. I have minutes from our May 24th meeting. If there are no changes I will submit them as presented. We also have before us this evening an amended agenda.

Mr. Baldin – Motion to approve the amended agenda.

Mr. Houlé- Second.

Mr. Evans – Thank you. May I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – Thank you. 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) **BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where a second wall sign (South) is proposed;
- b) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Menu Board and where two Drive-Thru Menu Board Ground Signs are proposed;
- c) Requesting two .6 SF Sign Face Area variances from Zoning Code Section 1272.12 (g), which permits a 3 SF Sign Face Area and where a 3.6 SF Sign Face Area is proposed in order to permit two Drive-Thru Menu Board Ground Signs; property located at 9200 Pearl Road, PPN 395-03-006, zoned Commercial Service (CS).

Mr. Evans – First on the agenda tonight is Blue Falls Car Wash. Please come up to the microphone and give us your name and address for the record.

Mr. Pence – I'm Tim Pence from Archer Signs. The address is 1917 Henry Ave. SW, Canton, Ohio.

Mr. Evans – OK. Would you like to take us through this variance request? You heard in caucus some of our concerns.

Mr. Pence – Yes, the first item is actually noted as number 2 on the drawings that you have in front of you this evening. They are requesting a second sign on the south elevation facing Pearl Road. It would be seen by northbound traffic. Due to the design of the building, the east elevation sign would be difficult to see because of the protrusion on the elevation of the building. The second sign on the south side would be necessary.

Mr. Evans – Do you have a plan to take those trees out?

Mr. Pence – I've not seen the site so I'm not aware of trees there. Item number 3 is the menu boards. Two are being requested for obvious reasons for people who are getting their car washes so they can see what their options are and to make their payments at that time.

Mr. Kelm – My name is Wally Kelm from Blue Falls Car Wash. The whole reason for the menu board is to speed up the line. It's just like you mentioned at McDonalds if you don't see the menu, then it backs up the lines. So the menu boards are pretty necessary in this situation.

1) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative, Cont'd

Mr. Evans – Are they just set things?

Mr. Kelm – They are just set and they are illuminated, yes.

Mr. Evans – If I remember right these are about 6' tall?

Mr. Kelm – Correct.

Mr. Evans – 6' is pretty big. Do they need to be that big?

Mr. Kelm – That's the standard size. It makes it nice because when you're back in line two or three cars back you can make your selection before you get up to the front. It's all made to speed up the process.

Mr. Evans – They paying at this overhead signage? Or is it being paid later on?

Mr. Kelm – Are they what?

Mr. Evans – Are they paying at those menu board signs? Is it a cashier signs or something that you pay at?

Mr. Kelm – There are cashiers there. Like auto-tellers that they put their money into. This way when they pull up to the auto-teller they already know their selection.

Mr. Evans – OK. But they are not where these particular menu board signs are located.

Mr. Kelm – Right, they're another two or three feet ahead of these.

Mr. Evans – OK. That takes us to the next item.

Mr. Kelm – The next item is number 4. This drawing was originally submitted with bubbles on it, and speaking with Tony he considered that part of the sign. So I submitted a different drawing taking the bubbles away. That will decrease our sign area request to 3.6 SF. That is 0.6 SF over the allowable footage.

Mr. Evans – Are there actually two signs there?

Mr. Kelm – That's a double-sided sign. As your coming out of the car wash you'd see the free vacuum sign. If you're trying to go into the wrong way of the car wash you'd see the exit part of it. The side detail, that's the profile.

1) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative, Cont'd

Mr. Evans – OK. That would be it.

Mr. Kelm – Yes.

Mr. Evans – In the past when people have asked us for variances on the number of signs we have agreed to allow them to split up the total allowable square footage into the amount and size signage that they would prefer. They just couldn't go over that total allowable amount. Mr. Miller, do we know what the total allowable square footage is that they have?

Mr. Miller – Mr. Biondillo looked at these for approval, and I'm going to check it right now.

Mr. Evans – We try to work with businesses so that they can be successful in our City. We do a little horse-trading to make sure that you get what you would like, but also keep our City looking nice. So that is one of your options.

Mr. Miller – It looks like through Mr. Biondillo's calculations, the allowable figure for the wall sign is 60.75 SF.

Mr. Evans – So they are at 60.5 on the one side. That would be 67SF on the one that you're asking for the variance for.

Mr. Pence – Are you looking at drawing number one?

Mr. Houlé- Yes, drawing number one.

Mr. Pence – In conversations with Tony, he used the wrong figure for calculating that. The actual width of the building is about 45.5'. So the allowable area would be 67.25', I believe. Do you have the original submittal? There's dimensional floorplan.

Mr. Evans – No.

Mr. Pence – It's the last page, I'm sorry.

Mr. Evans – That's OK.

Mr. Kolick – Our drawings show one at 67 SF, and one at 60.5 SF. Are those the correct dimensions of the signs that you're proposing?

Mr. Kelm – Yes, the 67 SF sign is the east elevation sign, and the proposed 60.5 SF will be the south elevation.

1) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative, Cont'd

Mr. Kolick – Between now and the next meeting, if you could get together with Mr. Miller in our Building Department, and they will tell you what the total allowable wall signage is. What you may want to consider doing is making those signs smaller. If you still want to pursue the two signs, and it's a trade-off as the Chairman has been stating here, that you could split the size of the signs in exchange for getting two signs. It's something you could look at. Then let our Building Department know if you're willing to bring those down smaller. That'll still work for you, and then you could have the multiplicity of signs.

Mr. Evans – We've been inclined to use that as a means of making sure we stay as close as we can to Code.

Mr. Rusnov – You might want to consider the south elevation with the trees. We would prefer that you leave the trees. If it's heavily wooded on that south elevation you're going to have great difficulty seeing. Maybe that's something you'd like to consider. Then you stated about the east elevation because of the protrusion. That's another thing you might want to consider.

Mr. Timino – Pat Timino, 14575 Lorain Ave., Cleveland. I've been on this site, but I'm not really sure if the trees are on this property. I think that may be the neighboring property.

Mr. Rusnov – I think that's part of the State of Ohio right of way. So you can't touch the trees.

Mr. Timino – That's correct. I was not aware that any of those trees were going to be cut down.

Mr. Rusnov – OK. Well it's a fact that you might want to consider, and if it helps get you within Code I'd give it some serious consideration.

Mr. Timino – OK. Thank you.

Mr. Evans – My guess would be that the trees are on the State of Ohio right of way. If that's the case, that's going to completely block that sign. That's just the reality because you're coming up the rise on Pearl Road. Those trees are older because that's where Quality Catering was, and they existed for a long time. That might prohibit the visibility of the sign there.

Mr. Timino – I think the other reason that we wanted it too was because the building is going to sit at an angle so when you're coming down Pearl you won't see this sign on the east, but you'll still see it though. That was another one of our concerns. You won't see it until your past it basically.

1) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative, Cont'd

Mr. Rusnov – We're confused. If you're not going to be able to see it, then why put it up?

Mr. Houlé –It's for the people coming south bound.

Mr. Rusnov – OK.

Mr. Pence – OK. So this is Pearl Road. So you can see the building is angled here. If you're coming up this way, this sign here would be difficult to view. For that reason is why we have this bump out here because it would obstruct it a little bit. That was what Wally here was trying to explain. Pearl here isn't really north and south is it?

Mr. Rusnov – Yes.

Mr. Pence – Is it angled toward the east?

Mr. Smeader – Northeast and Southwest.

Mr. Baldin – That's a really odd shaped lot, right? Just looking at it the other day, it's not just a regular perpendicular type lot. It looks like it's an angled lot.

Mr. Pence – Yes.

Mr. Evans – Board members will also remember that we turned down McDonald's who wanted a sign on that side of the building for the same reasons that you're expressing. We said it would be blocked if there was ever any additional development.

Mr. Rusnov – Just give it some consideration.

Mr. Baldin – Your design of the building with that bump out was probably on purpose so that'll stick out a little bit more and you could try and put it on that? Was that where the sign will be on the southside? Where the building bumps out?

Mr. Pence – This building design is actually from a company in Michigan, Tommy Car Wash. We buy this building structure from them. That area where it bumps out is actually part of the equipment room.

Mr. Baldin – OK.

Mr. Evans – I'm assuming that you have an option on the lot, or do you actually have Engineers working on the lot for development? The reason I'm asking that is because I was going to ask if we could get the front corners of that building staked out for us to see

1) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative, Cont'd

Mr. Evans continues - when we go look at the property. But obviously, if you have an option on the lot you may not be able to do that.

Mr. Pence – It was my understanding that the Contractor was trying to mobilize this week. I think I recall him mentioning staking it out.

Mr. Evans – OK.

Mr. Pence – So I think that'll be happening really soon.

Mr. Kolick – They are far enough along that you should be able to get your surveyor to stake out the four corners of the building. That way the Board members can get some idea of where it is in relation to Pearl Road, and so they know where the sightlines are coming north on Pearl. So please stake out at least the four corners.

Mr. Evans – The four corners are probably not what we need. We are looking at the six corners on the front. If you look at your elevation your bumped-out area has three corners on it, plus the interior, and also where the backside of that is. So that's what will concern us; not the back of the building. Just that front line is necessary, that's where it'll be helpful.

Mr. Pence – I'm assuming you're referring to this whole area.

Mr. Evans – Yes, and out to that front corner that is at the McDonald's side there.

Mr. Pence – Right here. OK. I'll speak with them tomorrow and see how soon we can get that taken care of.

Mr. Evans – That would be helpful. Is there anything else from the Board?

Mr. Kolick – As long as he's staking it out, it may also be helpful to the commission if you could stake out where the canopy signage is going to be, and the menu boards so they'll get some idea about where that's going to be as well.

Mr. Baldin – You read my mind.

Mr. Evans – There's one other thing too, on our drawings it says that the ground sign or the monument sign which is also going to be facing the north bound traffic on Pearl, I'd be curious to see where that ground sign is proposed at in actuality. I say this because I believe that it may have the same effect as a sign on the side of the building for visibility purposes. Again, part of our goal is for every business to be successful but within moderation in

1) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative, Cont'd

Mr. Evans continues - figuring out how to do that the right way. I don't think it would be too smart on our part if we allow a large monument sign, and then also another sign that is 5' by 11' up on the building. Is there anything else from the Board members?

Mr. Baldin – I think you covered it very well.

Mr. Rusnov – That's it.

Mr. Evans – OK. That will put you back here on June 28th for your public hearing. You're welcome to stay for the rest of the meeting, but it's not necessary.

Mr. Pence – Thank you.

PUBLIC HEARINGS

2) MITCHELL'S ICE CREAM/Matt Plecnik of Dimit Architects, Rep.

Requesting an extension of the June 22, 2016 determination of the Board of Zoning and Building Code Appeals:

- a) Requesting a 52.25' variance from Zoning Code Section 1258.08, which requires a 150' Lot Width and where a 97.75' Lot Width is proposed in order to construct an Ice Cream Store;
- b) Requesting a 66' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires an 80' Front Building Setback and where a 14' Front Building Setback is proposed in order to construct an Ice Cream Store;
- c) Requesting a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Parking Setback and where a 0' Side Parking Setback is proposed in order to construct an Ice Cream Store;
- d) Requesting an 8' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback to a residential lot line and where a 2' Rear Parking Setback to a residential lot line is proposed in order to construct an Ice Cream Store;

2) **MITCHELL'S ICE CREAM/Matt Plecnik of Dimit Architects, Rep.,
Cont'd**

- e) Requesting a 20 Parking Space variance from Zoning Code Section 1270.05 (c) (4), which requires 36 Parking Spaces and where 16 Parking Spaces are proposed in order to construct an Ice Cream Store; property located at 18832 Westwood Drive, PPN 396-10-016, zoned Restaurant Recreational (RS).

Mr. Evans – We then move to public hearings. Item number two on the agenda is Mitchell's Ice Cream. Please come up to the microphone and give us your name and address for the record.

Mr. Mitchell – Hello, Mike Mitchell, 1867 West 25th St., Cleveland, Ohio.

Mr. Plecnik – Matt Plecnik, Dimit Architects, 29241 Beechwood Dr., Wickliffe, Ohio.

Mr. Evans – OK. Mr. Mitchell, since you're standing at the microphone first, would you like to take us through what going on? We know that this is a project that has been out there for a little bit. You've gotten ground up by town council so we know that everyone has looked at this every which way. So tell us what the variances are for and why you need them for this project.

Mr. Mitchell – To be honest with you, I haven't even looked at this in a long time. It's just the same stuff that we talked about earlier.

Mr. Evans – Give us an overview of the project.

Mr. Mitchell – We're interested in building an ice cream shop on the property right outside these doors. That would be relatively close to Westwood. It would have a patio in front. It would have ample seating inside. It would have a small parking lot that would be dedicated to Mitchell's behind the building and then it would share a lot of other parking with the neighboring shopping center. We have an easement that will allow us to do that. We really just look forward to making this space meld with the lawn area and the gazebo. We envision people of all ages and interest playing on the lawn and eating ice cream together for special occasions. That's the basic idea.

Mr. Evans – OK. I know that we have as we worked on the development of Westwood Commons, and as we worked on Architectural Justice, all of these things were considered because we knew that this was coming down the pike. We're glad to see that you're moving forward with it. The 20 space parking variance is probably the biggest concern that this Board has. So tell us a little bit, I know that you've worked with Mr. Catan and the others as to how the parking will work. Give us an idea of what's in place to mitigate that 20 space parking variance.

Mr. Mitchell – Well, there's public parking on the street right in front. Those are those angled spots right on the street. I think there's 21 spaces there. That's the number that sticks in my

2) MITCHELL'S ICE CREAM/Matt Plecnik of Dimit Architects, Rep., Cont'd

Mr. Mitchell continues - head, but I'm not sure. Then there's the easement that we have with our neighbor for all their parking to be available for our customers, employees, and so forth at any hour of the day for any reason. So we feel confident that there won't be a parking problem. We've been at this for 18 years, and we've gotten a pretty good understanding of what our requirements are. They are a little different from other businesses because not all, but most of our demand is after dinner. That works well with shared parking because the other businesses use the parking more during the day. It's complementary.

Mr. Evans – We know that you're not a full menu. The ice cream turn-around time for seating is much less than a restaurant. Is there seating inside the building?

Mr. Mitchell – Yes there is.

Mr. Evans – How many seats are there?

Mr. Mitchell – The patio seats 70, and the inside seats...

Mr. Evans – I know the plan like the Ohio City location is that people are going to go to Square 22 and then come here, or they're going to Tom & Chee's and then they'll come here, they'll be on the square and then go there so many will already be parked. That's part of the reason we looked at the variances when we did them for Westwood Commons and did them the way we did.

Mr. Mitchell – We expect quite a bit of people to walk and bike to the location. That's something that we typically see. This location I think lends itself to that. There are 80 seats, by the way.

Mr. Evans – Gentlemen, questions?

Mr. Rusnov – No.

Mr. Baldin – Mr. Mitchell what is your timeline now?

Mr. Mitchell – We're ready to go. We hired our general contractor with Infinity Construction. We're ready to get this off the ground.

Mr. Baldin – By summer or fall you'll be open?

Mr. Mitchell – I'd say by fall. I think it's a four month build out.

Mr. Baldin – Very good.

2) **MITCHELL'S ICE CREAM/Matt Plecnik of Dimit Architects, Rep., Cont'd**

Mr. Kolick – Mr. Mitchell also be aware of your Planning Commission approval that is good for a year so just take a look at it to make sure that does not need to be renewed or if you can get within the time process. I just don't want you to lose that aspect of this either.

Mr. Mitchell – Thank you. Does that mean the building needs to be completed within that year or what?

Mr. Kolick – No, you pull the permit, and then I think there's additional six months. You may be OK with Planning, but take a look at it. OK?

Mr. Mitchell – Thank you for that suggestion.

Mr. Evans – Do they need cross-easements?

Mr. Kolick – Those are already in place.

Mr. Evans – Good, I thought so. Alright. When we considered this entire project these are parking setback variances and things like that, we knew that these were coming so it's not a big surprise to us. It's within the context of the project that we looked at already. 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 52.25' variance from Zoning Code Section 1258.08, which requires a 150' Lot Width and where a 97.75' Lot Width is proposed in order to construct an Ice Cream Store; also to approve a request for a 66' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires an 80' Front Building Setback and where a 14' Front Building Setback is proposed in order to construct an Ice Cream Store; also to approve a request for a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Parking Setback and where a 0' Side Parking Setback is proposed in order to construct an Ice Cream Store; also to approve a request for an 8' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback to a residential lot line and where a 2' Rear Parking Setback to a residential lot line is proposed in order to construct an Ice Cream Store; also to approve a request for a 20 Parking Space variance from Zoning Code Section 1270.05 (c) (4), which requires 36 Parking Spaces and where 16 Parking Spaces are proposed in order to construct an Ice Cream Store; property located at 18832 Westwood Drive, PPN 396-10-016, zoned Restaurant Recreational (RS).

Mr. Smeader – Second.

2) **MITCHELL'S ICE CREAM/Matt Plecnik of Dimit Architects, Rep., Cont'd**

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 variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. You are free to go. You may need to go back to Planning, right?

Mr. Kolick – Just check with Planning.

Mr. Mitchell – I'll double check. Thank you.

3) **ANTHONY SAMARIN, II, OWNER**

Requesting a 13' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 3' Setback from the right-of-way is proposed in order to construct a 6' Board on Board Fence; property located at 16650 Cypress Avenue, PPN 397-15-052, zoned R1-75.

Mr. Evans – Item number three on the agenda is Anthony Samarin. Please come up to the microphone and give us your name and address for the record.

Mr. Samarin – Anthony Samarin, 16650 Cypress Ave. in Strongsville.

Mr. Evans – Thank you Mr. Samarin, you came before us before and nothing has changed on your request. Please just describe why you're requesting the variance.

Mr. Samarin – Primarily the cause and concern was that the fence was right on the sidewalk. The fence was already existing. I was planning on building it exactly how it was, but coming to the Board the last meeting we agreed that if I get it off the sidewalk three foot then that would work for me. I understand the safety concern there. It's not an issue so that's how we're planning on moving forward.

Mr. Evans – Good. Excellent. Are there questions from Board Members?

Mr. Rusnov – No.

Mr. Baldin – No questions.

Mr. Smeader – No questions.

3) ANTHONY SAMARIN, II, OWNER, Cont'd

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

Mr. Rusnov – I make a motion to approve a request for a 13' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 3' Setback from the right-of-way is proposed in order to construct a 6' Board on Board Fence; property located at 16650 Cypress Avenue, PPN 397-15-052, zoned R1-75.

Mr. Smeader – Second.

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. Samarin – Great. Thank you very much.

Mr. Evans – Thank you.

4) ROBERT KEIRN, OWNER

Requesting a 757 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 1,080 SF Floor Area is proposed in order to construct an Accessory Structure; 11518 Prospect Road, PPN 392-10-011, zoned R1-75.

Mr. Evans – Item number four on our agenda is Robert Keirn. Please come up to the microphone and give us your name and address for the record.

Mr. Keirn – Robert Keirn, 11518 Prospect Road, Strongsville.

Mr. Evans – Thank you Mr. Keirn. At the last meeting you spoke about the need for a new structure. You heard us in caucus talking about the fact that you're permitted 323 SF and you're looking at about 3 times that allowed square footage. We talked in caucus about the reasons given to us for granting variances. Council sometimes frowns on these variances we approve and allowing one that is three times what is allowable will probably raise eyebrows. So we will

4) ROBERT KEIRN, OWNER, Cont'd

Mr. Evans continues - entertain any request that you make. You could make it for five times and we'd consider the request. You heard our concerns in there though. So is there a possibility that you could yet modify this request? We know you did once, and we appreciate that. We're still at three times what's allowable. So the question is, is there a way for you to accomplish what you want or need with modifying it even further?

Mr. Keirn – It's always a possibility. When I look at what I'm trying to do, and what I see myself obtaining in the future, going smaller is just going to push that further down the road. Does it pay to build something that is smaller or move somewhere where I'm able to have said garage or building.

Mr. Evans – It's not that we want to discourage people from living here, please understand that the Code is set based on the size of lots and things like that. In many areas of our City we have unusual lots because they're very deep, but only so wide. When we allow buildings like this they stand out. When everyone sees them, then they all want one. So then they tend to get bigger and bigger. That's why we have to form some form of method of containing the size or we'd have all really huge buildings throughout the City for people with car collections and things like that. Board members, do you have anything to add or ask?

Mr. Baldin – You heard what we said in caucus, and you recall what we said the last time you were here.

Mr. Keirn – Sure do.

Mr. Baldin – I have another gentlemen right now about the size of his lot, and what he can put on it. He wants to put a pole barn on it. He does the same thing you're doing. There's a half a dozen people in this town that do that.

Mr. Keirn – I understand.

Mr. Baldin – We've turned some down completely in the past, but you have to be reasonable about the fact that there's only so much land. I don't know how long you've lived there.

Mr. Keirn – Three years.

Mr. Baldin – You know what you're doing, but it's hard for me to fathom that. I have a nice corner lot, and I have a shed on my lot. I would like to have it a little bit bigger, but I follow the guidelines. I just have a problem with the size. If you think you can tone this down a little bit more, I might be more lenient personally.

Mr. Rusnov – You can table it for further consideration.

4) ROBERT KEIRN, OWNER, Cont'd

Mr. Evans – If that's your choice, you could do that and study a little bit more. You can think about it. You can also say that this is what you want, and we would act on it tonight.

Mr. Keirn – I don't know what size I could go down to. Hearing the caucus last time, I heard 1200 SF got approved the prior time.

Mr. Evans – It did, and again that requirement was 800 SF allowed, and we went to 1200 SF. It's a much bigger lot, and it's a different circumstance. The Code looks at the square footage of the lot, and then determines the size of an accessory building by that. So 1200 SF was requested at 2400 SF and we chopped it in half. It was only one and a half times what was permitted. It's a little different in that circumstance.

Mr. Keirn – Understandable. What if I cut it down to 200 SF or whatever?

Mr. Evans – We appreciate the fact that you considered that. It may not just get us to the finish line.

Mr. Keirn – If I want to cut down, and I decide that's a go do I resubmit for another permit?

Mr. Evans – If that were your choice, then tabling it would put a stay on everything. It would hold it up so you have time to consider it. It would come back no earlier than the June 28th meeting. That's our next meeting. If you proposed a smaller size, then you'd have to get that, just like you did with the one we have today, up to the Building Department. Then we'd act on it on June 28th. Before you table it, I'd want to do the public hearing so we have that out of the way first. Then if that's your choice, we'll already have that part already done for the next meeting.

Mr. Baldin – You have another option tonight to say that you want to make it 10' by 20' instead. Then we'll act on that number instead. Correct?

Mr. Evans – Yes.

Mr. Keirn – I think I'll take my time on this one.

Mr. Evans – OK. 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'll consider this public hearing closed. If you so wanted, you could table this to allow you the time to consider what you'd like to do.

Mr. Keirn – I'll table this tonight.

4) ROBERT KEIRN, OWNER, Cont'd

Mr. Evans – OK. Bring your decision to the Building Department and we'll vote on it on June 28th. It'll have a 20 day waiting period if it's approved here so you don't want to delay the process too long. Building season in this climate is less than in other places. It's in your court now to let them know when and how you'd like to proceed, and then we'll get you back on the agenda.

Mr. Keirn – Sounds good. Thank you very much.

Mr. Evans – Thank you.

5) DAVID MURNAN, JR., OWNER

Requesting a 33' variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side lot line in the front yard and where a 33' Stone Fence along the side lot line in the front yard exists; property located at 18842 Whitney Road, PPN 395-02-003, zoned R1-75.

Mr. Evans – Item number five on our agenda is David Murnan. Please come up to the microphone and give us your name and address for the record.

Mr. Murnan – Dave Murnan, 18842 Whitney Road, Strongsville.

Mr. Evans – Thank you. So you're here before us and you spoke to us about the stone fence. We've all been out to look at it. We all agreed in caucus that it's a very nice fence. It just doesn't happen to fit the Code. We talked about the fact that it's not an eyesore or anything. It fits very well with the area and everything. From our viewpoint it's not a bad situation. You did do it, and then are appearing before us after the fact so that's one of those things we frown upon. We'd prefer to do things ahead of time. We often do things after the fact as well though. Mr. Rusnov?

Mr. Rusnov – We're all considering your points. The neighbors, the trucks, how it fits with the house, and we've discussed this at great length. OK?

Mr. Murnan – OK. Very good.

Mr. Evans – Other comments?

Mr. Baldin – No. I think you two have covered it very well.

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

5) DAVID MURNAN, JR., OWNER, Cont'd

Mr. Rusnov – I make a motion to approve a request for a 33' variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side lot line in the front yard and where a 33' Stone Fence along the side lot line in the front yard exists; property located at 18842 Whitney Road, PPN 395-02-003, zoned R1-75.

Mr. Smeader – Second.

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. Then we still pull the permit even though its existing, is that correct Mr. Miller?

Mr. Rusnov – I take it we're not allowed to drive through your front yard?

Mr. Murnan – You'd better not!

Mr. Evans – Alright then you're all set.

Mr. Murnan – Thank you.

6) JON HUNSICKER, OWNER

Requesting a 1,200 SF Floor Area variance from Zoning Code Section 1252.15, which permit a 400 SF Floor area and where a 1,600 SF Floor Area is proposed in order to construct a 20' x 80' Accessory Structure; property located at 10795 Prospect Road, PPN 391-25-015, zoned R1-75.

Mr. Evans – Next on the agenda is Jon Hunsicker. Please come up to the microphone and give us your name and address for the record.

Mr. Hunsicker – My name is Jon Hunsicker. I live at 10795 Prospect Road, 44149.

Mr. Evans – Thank you. You described at the last meeting your passion for collecting cars, and how it's replaced certain things in your life. Being a long-time Strongsville resident we certainly honor that situation. You heard us in caucus and you've heard us out here talking about how with a 400 SF permitted size, 1600 SF is just a little big. We'll honor that request if that is indeed where you wish to stay. We do however ask that you might think about whether a smaller structure could

6) JON HUNSICKER, OWNER, Cont'd

Mr. Evans continues - work for you. That would make it much easier for us to grant it. Council doesn't like it when we approve variances for four times what's allowed. It just doesn't sit well with them. So we understand your needs with the collection that you have. We know you're storing those off-site right now. That would be something that we'll ask you to consider though, just as we did with the other applicant tonight. Before you respond on that, is there anything else from these gentlemen?

Mr. Rusnov – No.

Mr. Baldin – I think you said it appropriately. This would be the third time you've been in front of us?

Mr. Hunsicker – Second. That was for something else.

Mr. Evans – You have a nice property. None of us take issue with that. We understand the need and unfortunately we have our limitations on what we can approve without getting our hands slapped. The question is, is 1600 SF the number you'd like to work with or is there a possibility that you could go smaller?

Mr. Hunsicker – Yes.

Mr. Evans – Alright. Anything else from anyone?

Mr. Rusnov – No.

Mr. Evans – Alright. 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. Please come up to the microphone and give us your name and address for the record.

Mr. Dora – David Dora, 20904 Albion Road, Strongsville. I live to the south of Jon. I'd be the only person it would impact. I won't be able to see the treehouse, but I'm fine with it. That's all I wanted to say.

Mr. Evans – Thank you. Is anyone else 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 1,200 SF Floor Area variance from Zoning Code Section 1252.15, which permit a 400 SF Floor area and where a 1,600 SF Floor Area is proposed in order to construct a 20' x 80' Accessory Structure; property located at 10795 Prospect Road, PPN 391-25-015, zoned R1-75.

6) JON HUNSICKER, OWNER, Cont'd

Mr. Smeader – Second.

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

ROLL CALL:	BALDIN – NO	MOTION DENIED
	RUSNOV – NO	
	HOULÉ – NO	
	EVANS – YES	
	SMEADER – NO	

Mr. Evans – The variance has been denied by this Board. You may after six months come back and propose an alternative if you wish. It would need to be different in some manner or fashion. Again the Board in terms of following the guidelines believes we have done that. We regret that we've had to turn it down based on those requirements of the City.

Mr. Hunsicker – Thank you.

Mr. Evans – Alright, thank you.

7) CLARK OIL aka YEY LLC/ Eli Mahler, Representative

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or structural alteration of a nonconforming building or use except to make it a conforming building or use and the applicant is proposing the demolition of the current Gas Station/Convenience Store and construction of a new building;
- b) Requesting a .54 acre Lot Area variance from Zoning Code Section 1258.08, which requires a 1 acre minimum Lot Area and where a .46 acre Lot Area is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- c) Requesting a 35' Lot Width variance from Zoning Code Section 1258.10, which requires a minimum Lot Width of 150' and where a 115' Lot Width is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- d) Requesting a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Building Setback and where a 5' Side Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;

7) CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd

- e) Requesting a 5' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Building Setback and where a 5' Rear Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- f) Requesting a 10' Side Street Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' Side Street Parking Setback on a corner lot and where a 10' Side Street Parking Setback (North) is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store;
- g) Requesting a 10' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback and where a 65' Front Parking Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; property located at 15387 Pearl Road, PPN 397-01-025, zoned General Business (GB).

Mr. Evans – Alright, item number seven on our agenda is Clark Oil. Mr. Mahler and Mr. Ali, if you'd be so kind to come forward and give your names and addresses for the record please.

Mr. Ali – Mike Ali, 13856 Trenton Oval, Strongsville.

Mr. Mahler – Eli Mahler, 3947 West Ash Lane, Orange Village, Ohio.

Mr. Evans – OK. Mr. Ali, I forgot one thing, we do need to swear you in because you came in after the fact.

Mr. Kolick then stated the oath to Mr. Ali.

Mr. Evans – Now that's out of the way. OK. We acted, we withdrew, we postponed, and so here we are looking at the situation here. Mr. Ali, you didn't have the benefit of hearing what we said in caucus. We talked about our concerns that the Engineering report that we have said that certain things needed to be done. Those things couldn't be accomplished because of the deterioration of the pylons. One of them you put concrete around which may or may not solve the problem, but what we would need to do because that's a big concern of ours is that we'd need to have an Engineer's report that tells us that those repairs that you made have corrected the problem. If it says that other repairs need to be made, then we'd need you to get those taken care of as well. We feel that the canopy needs to be

7) CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd

Mr. Evans continues - made safe in order for us to do the other variances. We still want to move forward with this project because we think that your design for the corner is a good one. We think it's a benefit to the City. Our problem is that if we allowed the canopy to stay as it is then someone may get injured got injured. If we approve it with this condition existing, then that's on us. Where are you at right now? What do you think you want to do? Mr. Mahler, maybe you have the technical answer for us.

Mr. Mahler – Yes, well listening in caucus the first report had welding on the columns which would create a problem because of a gas pump. There was an addendum to that by Isaac Lewins office, which I'm sure the Building Commission is aware of who he is. I have copies of this revision.

Mr. Miller – Our department is not in receipt of that addendum.

Mr. Mahler – I'm aware of that.

Mr. Miller – Those would have to be submitted to our department, not here.

Mr. Evans – They can be submitted here, but we can't review them tonight.

Mr. Mahler – I at least would like you to look at this.

Mr. Evans – The report is submitted, so it exists.

Mr. Ali – Tony, who is the Commissioner I believe, he had a copy of this. We spoke about it, he had a copy, and he agreed to it. That was months ago, not just now. That's what I said the last time I was in here. He had a copy of the Engineering Report, and a copy of this.

Mr. Rusnov – This is the concrete pylon?

Mr. Ali – The column.

Mr. Rusnov – The column.

Mr. Evans – That was put in.

Mr. Rusnov – That's great. Is there an Engineers report with this?

Mr. Ali – This is the Engineers report, and this came with it.

7) **CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd**

Mr. Miller – Mr. Mahler for the Building Department to accept this it would have to have his seal on it.

Mr. Rusnov – And be original.

Mr. Miller – Just so you understand that this is the procedure. It does have to have an Engineers seal on it.

Mr. Evans – OK. My question for the both of you is can we get an official copy from the Engineer?

Mr. Mahler – I'm sure we can.

Mr. Evans – OK. That's fine.

Mr. Mahler – I wasn't aware of some of this until tonight.

Mr. Evans – That's OK.

Mr. Rusnov – The bottom line is that if you get the Engineer who did this; if encasing these things in concrete will make it safe so it doesn't come down on anyone, then he should be able to put that in writing. All the other stuff we're willing to work with you on. This is the major issue that's the hold-up at this point in time. For us, we'd be very reluctant to accept this thing the way it is without major repairs to make sure this doesn't come down and hurt somebody. That includes you!

Mr. Ali – That's true, and that's why we've hired Engineers.

Mr. Rusnov – OK.

Mr. Evans – If in fact that report does exist, then we spoke in caucus about the fact that we could condition it upon receipt of the Engineer's report that will satisfy the Building Department. This would be presented then, and we'd get the official sealed copy from the Engineer who worked for Mr. Ali, then at that point it would resolve that issue. If we made tonight's actions subject to the receipt and approval by the Building Department.

Mr. Rusnov – We'll be very specific on that.

Mr. Evans – Oh I know.

Mr. Rusnov – OK.

7) **CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd**

Mr. Evans – That would then address the issues that we have.

Mr. Rusnov – Which is the only hold up at this point.

Mr. Evans – Right, because we didn't know that there was an addendum issued by the Engineer. Knowing that there is, then that means it would have to be approvable by the Building Department, and it would have to have the Engineers seal on the report.

Mr. Rusnov – And be signed by him.

Mr. Evans – Right. We'll need the original. Are there any other questions?

Mr. Baldin – Mr. Ali, I just think you keep hearing everything we keep saying here and I just hope we can get to the bottom of this and get it going. We all want to see that corner cleaned up, and so do you. You want to continue and improve your business, and make more money. So let's try and work together to get this resolved.

Mr. Evans – So Mr. Mahler I'm correct in thinking that we can get a copy with the Engineers seal and signature?

Mr. Mahler – I've known Isaac for 20 years, and I wasn't even aware of that report or the addendum but we will get the proper report submitted..

Mr. Evans – That's OK.

Mr. Mahler – It's being taken care of.

Mr. Evans – As long as we know that. I will now entertain a motion.

Mr. Houlé – I make a motion to approve a request for a variance from Zoning Code Section 1274.06, which prohibits the enlargement or structural alteration of a nonconforming building or use except to make it a conforming building or use and the applicant is proposing the demolition of the current Gas Station/Convenience Store and construction of a new building; also to approve a request for a .54 acre Lot Area variance from Zoning Code Section 1258.08, which requires a 1 acre minimum Lot Area and where a .46 acre Lot Area is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; also to approve a request for a 35' Lot Width variance from Zoning Code Section 1258.10, which requires a minimum Lot Width of 150' and where a 115' Lot Width is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; also to approve a request for a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Building Setback and where a 5' Side Yard Building Setback is proposed

7) CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd

Mr. Houlé continues - in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; also to approve a request for a 5' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Building Setback and where a 5' Rear Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; also to approve a request for a 10' Side Street Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' Side Street Parking Setback on a corner lot and where a 10' Side Street Parking Setback (North) is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; also to approve a request for a 10' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback and where a 65' Front Parking Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,500 SF Gas Station/Convenience Store; property located at 15387 Pearl Road, PPN 397-01-025, zoned General Business (GB), subject to receipt of a proper signed and sealed Engineer's report to the satisfaction of the Building Department showing that the canopy is structurally safe or will be repaired to be safe and meeting all of the requirements of the City's Codes.

Mr. Baldin – Second.

Mr. Evans – We have a motion and a second.

Mr. Ali – Just one question? He's not asking for another Engineer is he?

Mr. Evans – We are asking for the Engineering report so we have that, then the Building Department will look at it, if they agree that this will solve the problem and make it safe, then we're all done.

Mr. Ali – OK. I understand.

Mr. Evans - Then may I have a roll call please?

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. Please have the Engineer get the proper report into the Building Department as soon as possible so we can keep this whole thing moving along. Then you are all set.

Mr. Kolick – Mr. Ali, as you know you need to get back before the Planning Commission yet. So during this 20 day waiting period, you could get back before the ARB to get their approval in place, and then you'll have to wait 20 days before you can get on the Planning Commission agenda. Please get together with the Building Department to get this all squared away for this canopy. OK?

7) **CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd**

Mr. Ali – I'll have it for you in less than a week. A couple of days or something. Thank you.

Mr. Evans – Thank you. Is there anything else to come before the Board? OK. Then we will stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>June 28, 2017</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date