

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

**Meeting of
May 24, 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) ANTHONY SAMARIN, II, OWNER

Requesting a 15' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 1' Setback from the right-of-way is proposed in order to construct a 6' Shadow Box Fence; property located at 16650 Cypress Avenue, PPN 397-15-052, zoned R1-75.

The Board noted that this is to replace an existing board on board fence because it's falling apart. They said it's been there for at least twenty years. They mentioned that it goes right to the sidewalk. They noted that it's not grandfathered in if they replace it; only if they keep the existing one.

2) ROBERT KEIRN, OWNER

Requesting a 969 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 1,292 SF Floor Area is proposed in order to construct an Accessory Structure; property located at 11518 Prospect Road, PPN 392-10-011, zoned R1-75.

The Board noted that this is for a large garage request that is similar to the one from the last meeting. They also mentioned that he has a large yard, and that they need to let them know he'll have to put in a hard surface driveway all the way back to it. They also noted that for a 15' Setback, he'll need a separate variance. They said they'll have to have it corrected in time to get the public hearing notice sent out with correct information.

3) 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 395-02-03, zoned R1-75.

The Board noted that it's described as a fence, but it's actually a stone wall. He said that he would like to make it stone to hopefully also deter people from driving through his lawn. It is only one stone high in the front of the house, and the height builds up along the back.

4) JON HUNSICKER, OWNER

Requesting a 1,200 SF Floor Area variance from Zoning Code Section 1252.15, which permits 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 noted that they have a very large lot, and he has two garages currently on the property. They also said that he will tear the one in the back down. They also mentioned that this one is planned to be much further back. They said that no one will ever see it except the neighbor that recently got a 1,600 SF Floor area variance approved.

PUBLIC HEARINGS

5) ANTHONY JONES, OWNER

Requesting a 13' 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 install a 5' Board on Board Fence; property located at 15288 Howe Road, PPN 397-07-022, zoned R1-75.

The Board mentioned that the plan was amended since the last meeting. They mentioned that the fence will be 5' rather than 6' tall, they have cut off a corner for the neighbor's view, and it will also have a 3' Setback instead of 0' as previously requested.

6) Requesting an extension of the June 8, 2016 determination of the Board of Zoning and Building Code Appeals:

GARCIA PROSTHETICS/Ted Macosko, Architects, Inc., Representative

- a) Requesting a 15' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from the centerline of Pearl Road and where a 110' Front Building Setback from the centerline of Pearl Road is proposed in order to construct a 7,216 SF Addition;
- b) Requesting a 13' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback from the centerline of Pearl Road and where a 62' Front Parking Setback from the centerline of Pearl Road is proposed in order to construct a 7,216 SF Addition;

- c) Requesting a 22 Parking Space variance from Zoning Code Section 1270.05 (c) (1), which requires 52 Parking Spaces and where 30 Parking Spaces are proposed in order to construct a 7,216 SF Addition; property located at 8180 Pearl Road, PPN 395-05-002, zoned General Business (GB).

The Board reviewed the variance that they had granted, they saw that there were no changes being made, and noted that it is due to financing that they are held up in their project.

- 7) **Requesting an extension of the June 8, 2016 determination of the Board of Zoning and Building Code Appeals:**

**GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative**

- a) Requesting an 85' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 200' Front Building Setback from the centerline of Royalton Road and where a 115' Front Building Setback from the centerline of Royalton Road is proposed in order to construct a 2,000 SF Drive Thru Restaurant;
- b) Requesting a 35.4' Side Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Minimum Side Yard Setback (East) and where a 14.8' Side Yard Setback (East) is proposed in order to construct a 2,000 SF Drive Thru Restaurant;
- c) Requesting a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback and where a 25' Front Parking Setback is proposed in order to construct a 2,000 SF Drive Thru Restaurant;
- d) Requesting a 10' Side Parking Setback (West) 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 a 2,000 SF Drive Thru Restaurant;
- e) Requesting a 2 Parking Space variance from Zoning Code Section 1270.05 (c) (3), which requires 279 Parking Spaces and where 277 Parking Spaces are proposed in order to construct a Drive Thru 2,000 SF Restaurant; property located at 17200 Royalton Road, PPN 396-14-011, zoned Shopping Center (SC).

The Board mentioned that this is the Starbucks drive-thru that will be placed in the parking lot of the Great Escape. They mentioned that they had traffic pattern issues when they originally voted on this project. They felt visibility was an issue, and they said that the Great Escape is aware of all their concerns.

OTHER BUSINESS

- 8) **Requesting reconsideration of the Board's decision of May 24, 2017 denying the requests for the following variances:**

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 noted that there was miscommunication between Kathy and Mr. Mahler regarding their absence at the last meeting. He thought that it was off the agenda since Mr. Ali wasn't going to be accompanying him. They noted that Mr. Mahler said that he wouldn't be returning again without the owner at the last meeting. The Board said they could decide to reconsider their decision, but that wouldn't mean they would have to come up with a

different decision. They noted that in order to do so someone on the Board who voted against this at the last meeting would have to make a motion to reconsider it. They also mentioned that Mr. Ali should be in attendance at this meeting, but he was not there yet. Mr. Mahler was in attendance at the caucus, and said that he was coming. He mentioned Mr. Ali had been out of the country.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
May 24, 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 May 24th, 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 10th meeting. If there are no changes I will submit them as presented. Can I get a motion to approve Findings of Facts and Conclusions of Law?

Mr. Baldin – I make a motion to approve the Findings of Facts and Conclusions of Law on Richard and Jennifer Kern.

Mr. Houlé – Second.

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

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

Mr. Evans – The Findings of Facts and Conclusions of Law have been approved. 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) ANTHONY SAMARIN, II, OWNER

Requesting a 15' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 1' Setback from the right-of-way is proposed in order to construct a 6' Shadow Box Fence; property located at 16650 Cypress Avenue, PPN 397-15-052, zoned R1-75.

Mr. Evans – First on our agenda is Anthony Samarin, II. Please come up to the microphone and give us your name and address for the record.

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

Mr. Evans – Thank you. You are here asking for a 15' Setback variance and you want to replace a fence. Tell us more about your project, and why there is a need for a variance.

Mr. Samarin – We bought the house a bit over a year ago. We did a bunch of interior renovations on it. It was bank-owned and in pretty bad shape when we got it. We pulled all the proper permits, and did all the right work. That's all done. Now we're working on getting the outside of the house straightened up. A big part of that is that there is a dilapidated existing fence. I was looking to do a shadow box, but I'm looking to do board on board. Exactly like what's there; it's the same style. Instead of the shadow box, I'm looking to keep it in the same location that it's in and not looking to change anything other than to put up a new fence so it's not an eye sore for the neighbors. We would also like a functional fence for ourselves.

Mr. Evans – As we discussed in caucus, the situation of the existing fence doesn't necessarily lend itself to grandfathering it. So we have to look at it as a new application. The fact that there was an existing fence there does give some means of looking at it in a way that we can address it as a restoration when we look at the variance request. We always ask people to set the fence back from the sidewalk. There are a couple of safety reasons for that. Would there be anything that would prevent you from backing the fence 3' or 4' off of the sidewalk?

Mr. Samarin – I actually had the opportunity to speak with Dave, one of the Board members, when he stopped by. That's one of the things that he mentioned was that having it right on the sidewalk like it is can be a safety issue. To move it in 3' off the sidewalk I don't think is an issue at all. I do have some mature and established Maple trees with some low lying branches. There's

1) **ANTHONY SAMARIN, II, OWNER, Cont'd**

Mr. Samarin continues - also smaller Maple trees as well. I could trim and clean that up though. I don't foresee there being an issue with that.

Mr. Evans – Are there questions or comments from Board members?

Mr. Rusnov – It should read that way that he's going to move it back. You're about a half a step away from a hazard with that fence if I looked correctly.

Mr. Samarin – Yes, I completely understand.

Mr. Rusnov – You try not to breathe hard around it.

Mr. Samarin – Yes. It's in bad shape.

Mr. Rusnov – OK. I'm done.

Mr. Baldin – Mr. Samarin, I appreciate your comments about that. I looked at it also, and I felt that there was a good possibility that you could push it back 2' or 3' even though the branches are there. It shouldn't hinder anything I don't think. I know its extra work on your part, but we'd certainly appreciate that. Thank you.

Mr. Samarin – No problem. Yes.

Mr. Evans – So we'll make that adjustment to the notice that will go out. So what happens is that you'll have a public hearing on June 14, and for that meeting all the neighbors within 500' of you will receive a notice that states what is in the agenda including the changes we are making tonight. If you have inquisitive neighbors, you may want to talk with them in person so they understand better what you're doing before the hearing. Then at the public hearing, the public will have the opportunity to address the Board with any comments or concerns. Then we will make a decision that night. You are all set.

Mr. Samarin – Thanks. OK.

Mr. Evans – You could always stay because our meetings are so exiting, but you don't have to. You're free to go.

Mr. Samarin – Thanks everybody, I appreciate it.

2) **ROBERT KEIRN, OWNER**

Requesting a 969 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 1,292 SF Floor Area is proposed in order to construct an Accessory Structure; property located at 11518 Prospect Road, PPN 392-10-011, zoned R1-75.

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

Mr. Keirn – My name is Robert Keirn. 11518 Prospect Road is my address.

Mr. Evans – Thank you. You are looking to build a garage that is larger than what you're allowed. So 323 SF is what you are allowed, and you're requesting almost 1000 SF additional. Can you explain to us your reasons for trying to do that; I know you filled out the application and stated that you have lawn equipment, camper, and cars that you'd like to fit inside it. Please tell us more.

Mr. Keirn – I have two Mustangs. I have a camper, and a riding lawn mower. That all gets crammed elsewhere. One of them is actually not even on site. Basically, I just need more room for storage. I'd also work on my own cars in this garage as well.

Mr. Evans – The first question I'll ask is do you intend to run a business out of this structure?

Mr. Keirn – No. I do not intend on running a business.

Mr. Evans – Just so you understand, when we grant variances the variance stays with that property. Let's say that you decide a few years from now that you want a bigger piece of property and settle down in Medina or wherever. Then someone's looking to buy this property, and they're thinking that the building would be great for a car-repair shop, woodshop, or whatever else. Even if you don't intend on doing that, we have to consider that when we grant variances.

Mr. Keirn – Understandable.

Mr. Evans – That's why we're very judicious about the size of the buildings. For your lot, it's about 80 SF wide. Then half of the lot would be taken up by this building that you're proposing. It would be very big, it'll look very big, and the neighbors are going to see how big it is. So we have concerns about that. In the information you provided you have 15.6' as the height of the building.

Mr. Keirn – That drawing is just something that represents what I'm looking to build. It's not exact.

Mr. Evans – But you understand that 15' height is very tall.

2) **ROBERT KEIRN, OWNER, Cont'd**

Mr. Keirn – Right, I plan on staying under 15'. Once this goes through, I'm going to have someone come up with full-blown drawings and everything. I'll get a full plan.

Mr. Evans – Then you understand that you also have to have a hard surface driveway that goes all the way back there?

Mr. Keirn – Correct. The drawing that I provided has a sketch of concrete going as a slab and an extension to the slab on the side of my existing garage.

Mr. Evans – OK. Questions or comments from Board members?

Mr. Baldin – Would you think about and could you live with something smaller?

Mr. Keirn – Yes, I can consider that for sure.

Mr. Baldin – Keep that in mind when you come for the next meeting.

Mr. Keirn – Will do.

Mr. Evans – Part of that is that the reason we're here is to look at each individual circumstance. As we have talked about many times before you have equipment that you want to put into your garage. We've had people tell us that they are going to get everything that is on their property like campers, motorbikes, lawn equipment, boats, bikes, snow blowers, water skis and everything else into their huge new garage. The problem is that no matter how big the storage is, people can always find a way to fill it up. Then they start littering up the yard again. We know that it's all good intentions, but it just doesn't always work out that way. Personally I think that 1250 SF on a lot your size is much too big. So you're welcome to request anything you want, and we will be very judicious should you choose to downsize. I think that'll be to your advantage. All of us will be out to take a look at it.

Mr. Keirn – When is a proper time to come up with the downsized plans? Is that something I bring up now?

Mr. Kolick – The quicker you can do it the better off you are. If you can get a site plan over to the City then when the notice goes out to the neighbors it'll reflect the smaller size. Then it'll be maybe less likely to raise eyebrows. We can consider it all the way to the night of the meeting. It's probably to your benefit to get a revised drawing up to the Building Department as quickly as you can. Figure out what you can live with on that site.

Mr. Keirn – OK.

2) **ROBERT KEIRN, OWNER, Cont'd**

Mr. Evans – A week from now we will send a letter out to people within 500' of your property. If it has the 1292 SF on it, people are going to look at it sideways I think. It may be something that if you're contemplating what we've suggested, then you should contact the Building Department. Let them know that you've rethought the plans, and here's what I'd rather propose.

Mr. Baldin – I would like to make a comment. He does have a fairly large yard, and it is fenced in so it's going to be a bit by itself. Still though, see what else you can live with.

Mr. Keirn – OK.

Mr. Baldin – Thank you.

Mr. Keirn – What I found was a print that I could basically buy. That's something that I would like to have it resemble, but it doesn't have to be 100% like that.

Mr. Evans – Questions? OK. Your public hearing is June 14. The letter will go out a week from now. I'll see you after then.

Mr. Keirn – Thank you very much.

Mr. Evans – Thank you.

3) **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 395-02-03, zoned R1-75.

Mr. Evans – Number three on the agenda is David Murnan, Jr. Please come up to the microphone and give us your name and address for the record.

Mr. Murnan – My name is Dave Murnan, 18842 Whitney Road.

Mr. Evans – Thank you, and you are looking for a variance to put in a stone wall in front of your residence. You furnished us with a letter that describes a number of situations. In caucus you heard a couple of comments about where it might be and how it might be constructed. Obviously what I indicated first to everyone else is that notice is going to go out to all the neighbors within 500'. You may want to preempt that by letting the neighbors know that you applied for the variance and why. I say this because the description doesn't say a whole lot about what we're doing and why. Are there other alternatives that you've considered? One of the reasons we exist

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

Mr. Evans continues - to grant variances, but we also want to be judicious on how we grant variances. That's why we ask if there are alternatives. If so, were they not successful?

Mr. Murnan – We haven't even considered any other way to more or less protect our property. The stone wall follows our property line. It's only 12" high in the front, and it doesn't get any higher than 30" in the back. It's wide block 12" by 16". It's buried correctly into the ground. It's dug down with 12" with 12" of gravel. So it'll be set properly where it belongs. The problem in the past is that we have a duplex next door, and these neighbors through the years change over and change over. There are all different kinds of people, but they don't respect that property let alone ours. They'll drive through their yard about 10' or 12' from the property line to our driveway, and then go out our driveway. Not only that, but they think because it's easier to go down our driveway to get to their backyard, they just take advantage of that and do it with no permission. Sometimes we're not home so they get away with murder. We got in a situation where they were roofing their house, and set their shingles in our driveway and my wife backed into them. They weren't where they belong. I have no choice about who comes and goes from their property over the years. It's changed a lot through the years because it used to be an elderly couple that owned it when we first bought the place. Now both sides are rental. We've seen them come and go, and it changes fast through the years.

Mr. Evans – How long have you lived there?

Mr. Murnan – I've lived on that property for 37 years.

Mr. Houlé – The variance is only for the first 33'. Is it possible that the stone would just be the 12" or so for the first 33', and then go up higher to protect your backyard more than the front? You said that the issue was more for stone in the front yard?

Mr. Murnan – It's not impossible, but I don't see the reasoning for it. It's not high enough that you can't see over it or anything. 30" is going to do the same thing that it would do at 12", but why? Why not make it decorative, and bring it up so it does look like something other than 12" sitting on the ground?

Mr. Houlé – I think the reason you want the fence in the front is to prohibit cars from going over it. Wouldn't the 12" be sufficient? Yet then it'll still maintain the integrity of the front yard.

Mr. Murnan – It does, but it takes away the whole idea of doing something like this. It needs that little step-up to look like something.

Mr. Houlé – I don't know where it tapers up, but I'm just wondering if you could maintain that all the way through to 33".

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

Mr. Murnan – I can, but I don't see the reason why. I think you'd be surprised how many people stop and comment on our property. How things are done around that house, just now with the sandstone there we've had people wanting to know where we bought the sandstone. They want to know about a contractor and who could put it in for them. It's what we want. It's something that needs to be done as well to protect our property.

Mr. Houlé – It is attractive.

Mr. Evans – Am I to understand that the stone wall exists?

Mr. Rusnov – Yes.

Mr. Houlé – Yes it's up.

Mr. Evans – OK.

Mr. Murnan – It's visible; it's there.

Mr. Evans – Alright, I'm sorry.

Mr. Baldin – Sir, I think you have a very nice and attractive piece of property there. I can't see that they could build anything to the other side of you because there's only some woods and then it drops off to ravine maybe back there?

Mr. Murnan – Yes.

Mr. Baldin – OK. I think it's very attractive what you have in there, but is that step-back all the way? I didn't go all the way back there. What is it right now in the front? 12"? A block and a half?

Mr. Murnan – 12" going up to 30".

Mr. Baldin – How far back was it when you started going up higher?

Mr. Murnan – I'd say about 20'. Then it starts stepping up.

Mr. Baldin – I think it looks attractive as it is. I don't really have a problem with it. I think you have a nice piece of property.

Mr. Murnan – Thank you.

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

Mr. Evans – All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on June 14th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Murnan – Very good, thank you.

4) JON HUNSICKER, OWNER

Requesting a 1,200 SF Floor Area variance from Zoning Code Section 1252.15, which permits 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 our 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.

Mr. Evans – Thank you. You are also looking for a garage.

Mr. Hunsicker – For a storage building, yes.

Mr. Evans – You're looking for a variance for 1200 SF where 400 SF is allowed. If I understand your application correctly then you also have antique and classic cars?

Mr. Hunsicker – Correct.

Mr. Evans – Do you have any stored off site?

Mr. Hunsicker – I have all but two of them on site. Two of them are in storage off of site. What I'd like to do is make a storage area so I can get them all under cover. I want to have protection for them not only from the weather, but also from vandals and getting stolen.

Mr. Evans – You are not intending on running a business or anything of that sort out of it right?

Mr. Hunsicker – No. This is strictly storage. Whatever maintenance might be required for washing it down or whatever, but not a business.

4) JON HUNSICKER, OWNER, Cont'd

Mr. Evans – I think Mr. Houlé mentioned that you store an older vehicle.

Mr. Hunsicker – Yes, I just recently found a 1929 Chevrolet sedan with only 81,000 miles. I'm proven to be only the third owner. It was too good of a situation to pass up. I put it in my regular garage so now one of my other cars has to sit out.

Mr. Evans – Are there any questions?

Mr. Rusnov – This would require a hard surface driveway wouldn't it?

Mr. Hunsicker – Yes.

Mr. Rusnov – OK.

Mr. Baldin – The garage that you have there now is a very large garage.

Mr. Hunsicker – Correct.

Mr. Baldin – Right. Then you have a backdoor garage door so you can drive through to get to the other shed that you have behind the house now, correct?

Mr. Hunsicker – Yes.

Mr. Baldin – I understand that you are planning to take that second shed down or the first shed? I'm talking about the accessory building that is out there now.

Mr. Hunsicker – The one that is up there now is a 20' by 20'. It has a wood floor. I don't want to put a vehicle or vehicles in it. It's too small anyway.

Mr. Baldin – You're going to tear it down?

Mr. Hunsicker – It'll be taken down and a new driveway put from the back of my existing garage to the new one. I've moved the location of the new building back far enough that it's level, and there's a big Oak tree that I don't want to disturb.

Mr. Baldin – In other words, you'll come out the back of your existing garage, put 20-30' of concrete to the new facility that you'd like to build with a concrete floor. Pretty much it's in line with the existing garage?

4) JON HUNSICKER, OWNER, Cont'd

Mr. Hunsicker – That's the reason for the 20' because with 20' wide, I can get eight cars in that building. Plus I can fit some of the lawn equipment I have in the existing 20' by 20'. It would be strictly storage.

Mr. Baldin – Thank you for that information, but keep in mind that the size is very large for when you come back to see us again.

Mr. Hunsicker – OK.

Mr. Baldin – No further questions at this time.

Mr. Evans – I'm just going to echo what Mr. Baldin said that it's a very large garage. One of our problems is that we keep getting asked for larger and larger buildings in this City. Have you been in Strongsville for a while?

Mr. Hunsicker – Since '83.

Mr. Evans – You might want to think about what else you can live with as far as downsizing this structure.

Mr. Hunsicker – I had originally planned on requesting a 20' by 60'. Then I realized that it wouldn't hold my vehicles. The location on the property is such that it's not visible from the street or even from the neighbors. Keeping it in line with the existing garage, it's not something that will take up the space.

Mr. Evans – The Zoning Code does take into account the size of the lot that you have. That's why you're permitted to have 400 SF as an accessory building. So you're looking for one that is four times that size. When we grant variances, the other thing that happens is that we have City Council to report to, and sometimes they are not as favorable when looking over what we've granted. When we grant something four times what they think is appropriate because that's what the legislation is, they often times see us as being legislators instead of being exception makers. Anyway that is part of the reason we have to be careful about what we do and how we do it.

Mr. Hunsicker – Certainly. I realize there are grandfather laws, but about four properties north of me are several large out-buildings. They were probably put up before the current code.

Mr. Evans – At least one or two of those had variances, but I think the largest of those is 1200 SF. We have a lot of big buildings that have gone up in recent years.

4) JON HUNSICKER, OWNER, Cont'd

Mr. Hunsicker – That's understandable. The only thing I'd say is that if I reduce the size of it, then I generate further problems. For me to say I'd consider a smaller size, I hesitate at that. I would request that it be considered by location on the property and who it will affect in the neighborhood.

Mr. Evans – We will do that, and again all of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on June 14th. OK?

Mr. Baldin – One of the criteria which our astute Chairman didn't mention to you is hardships. There are certain criteria of hardships. I don't see where a hardship falls into this. So that is something else that you need to think about with what you're requesting.

Mr. Hunsicker – The only hardship I can see is that I lost my wife three years ago, and my cars have become sort of a keeping-busy part of my life. I've also developed some physical problems that have caused me to have to hire outside people for outside maintenance. If I have to go to a smaller size then it keeps the same problems. I'm trying to eliminate the problems. I had at one time considered moving to a larger piece of property outside of the county so I could have a larger building. I'm at an age though where I'm physically not able to do it. So we've been here since '83. We have a nice piece of property.

Mr. Baldin – You do have a nice piece of property. It's huge.

Mr. Hunsicker – It's a nice area. So this is one way of keeping it within the confines of the community, and yet solve a problem that I have. Unless someone tells me not to buy anymore.

Mr. Baldin – It's a hobby, and I can see that it's taken up your time after the loss of your wife, and I'm sorry to hear that. Again though, we have to go by the Codes and what we have to work with here.

Mr. Hunsicker – I understand all that. I'm not arguing that. I just wanted to fill in all the blanks.

Mr. Evans – We appreciate that. We will invite you back on June 14th then.

Mr. Hunsicker – Thank you very much.

Mr. Evans – Thank you.

PUBLIC HEARINGS

5) ANTHONY JONES, OWNER

Requesting a 13' 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 install a 5' Board on Board Fence; property located at 15288 Howe Road, PPN 397-07-022, zoned R1-75.

Mr. Evans – Our first public hearing tonight is Anthony Jones. Please come up to the microphone and give us your name and address for the record.

Mr. Jones – I'm Anthony Jones, 15288 Howe Road.

Mr. Evans – OK. You have requested to put in a fence in your backyard. We gave you several things to contemplate and consider. You've resubmitted a drawing to us and among other things you agreed to step the fence off the sidewalk further, and also agreed to cut the corner of the fence as we had suggested. You also dropped it down to a 5' board on board fence. We know that. We know it's a busy corner there and there's traffic. All of us have been out to take a look at it, and many of us drive by it on a daily basis. Gentlemen, do you have comments?

Mr. Baldin – No comment.

Mr. Houlé – Did you decide on board on board then?

Mr. Jones – I would like to. My wife and I did consider doing white vinyl, but we would like a privacy fence so we'd like to have more of an organic look. We just think that vinyl is ugly. The plan is to install the fence as pressure-treated Pine, and then we'll stain it the next year after it's had a chance to dry out a little bit.

Mr. Houlé – Thank you.

Mr. Baldin – Sounds good.

Mr. Evans – Anything else?

Mr. Rusnov – No.

Mr. Smeader – No.

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 will now entertain a motion.

5) **ANTHONY JONES, OWNER, Cont'd**

Mr. Rusnov - I make a motion to approve a request for a 13' 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 install a 5' Board on Board Fence; property located at 15288 Howe Road, PPN 397-07-022, 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 approved 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 all set. Thank you.

Mr. Jones – Thank you.

6) Requesting an extension of the June 8, 2016 determination of the Board of Zoning and Building Code Appeals:

GARCIA PROSTHETICS/Ted Macosko, Architects, Inc., Representative

- a) Requesting a 15' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from the centerline of Pearl Road and where a 110' Front Building Setback from the centerline of Pearl Road is proposed in order to construct a 7,216 SF Addition;
- b) Requesting a 13' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback from the centerline of Pearl Road and where a 62' Front Parking Setback from the centerline of Pearl Road is proposed in order to construct a 7,216 SF Addition;
- c) Requesting a 22 Parking Space variance from Zoning Code Section 1270.05 (c) (1), which requires 52 Parking Spaces and where 30 Parking Spaces are proposed in order to construct a 7,216 SF Addition; property located at 8180 Pearl Road, PPN 395-05-002, zoned General Business (GB).

Mr. Evans – Next on the agenda tonight is Garcia Prosthetics with architect Ted Macosko as their represent. Please come up to the microphone and give us your name and address for the record.

Mr. Macosko – Ted Macosko, Architect, 24 Glen Oaks Lane, Berea, Ohio.

6) GARCIA PROSTHETICS/Ted Macosko, Architects, Inc., Representative, Cont'd

Mr. Evans – Thank you. We granted this variance back in June a year ago. We know that some site work has been done. Is the applicant still intending on moving forward with the building?

Mr. Macosko – Absolutely. Construction drawings are done. It was delayed due to financing and getting everything in order. Prices of moving dirt sky rocketed in trying to maintain that, but it's going to get done very soon.

Mr. Evans – We're glad that he's expanding. We had talked about this at length when we granted the variance. So gentlemen, do you have anything we need to discuss?

Mr. Rusnov – This is exactly as it was previously approved.

Mr. Macosko – Correct.

Mr. Evans – Yes, nothing has changed.

Mr. Baldin – No questions.

Mr. Evans – OK. Mr. Kolick we don't have to go through public hearing again I believe.

Mr. Kolick – No, it is a public hearing.

Mr. Evans – OK. So it's a public hearing then. Is there anyone who would like to speak for the granting of this variance? Is there anyone who would like to speak against the granting of the variance? Hearing none and seeing none, I will then entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 15' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from the centerline of Pearl Road and where a 110' Front Building Setback from the centerline of Pearl Road is proposed in order to construct a 7,216 SF Addition; also to approve a request for a 13' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback from the centerline of Pearl Road and where a 62' Front Parking Setback from the centerline of Pearl Road is proposed in order to construct a 7,216 SF Addition; also to approve a request for a 22 Parking Space variance from Zoning Code Section 1270.05 (c) (1), which requires 52 Parking Spaces and where 30 Parking Spaces are proposed in order to construct a 7,216 SF Addition; property located at 8180 Pearl Road, PPN 395-05-002, zoned General Business (GB).

Mr. Smeader – Mr. Chairman this is an extension of the June 8th, 2016 determination of the Board of Zoning and Building Code of Appeals. I second.

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

6) GARCIA PROSTHETICS/Ted Macosko, Architects, Inc., Representative, Cont'd

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – Mr. Kolick do we have 20 day on this then too?

Mr. Kolick – Yes.

Mr. Evans – OK. So 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. I assume that everything you have to do with Planning is done then, right?

Mr. Kolick – No. Talk to our Planning Commission's secretary. I don't know where you are at in the process from that approval because that approval also lasted a year. So depending on when that was approved will depend on whether you have to go back to Planning or not.

Mr. Macosko – I'll talk to her and ask her what she's doing. She reminded that I need to go to ARB, I didn't know that. I'm on next week's schedule for that.

Mr. Evans – OK.

Mr. Macosko – OK. See you then. Thank you.

Mr. Evans – Yes, thank you very much Mr. Macosko.

7) Requesting an extension of the June 8, 2016 determination of the Board of Zoning and Building Code Appeals:

**GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative**

- a) Requesting an 85' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 200' Front Building Setback from the centerline of Royalton Road and where a 115' Front Building Setback from the centerline of Royalton Road is proposed in order to construct a 2,000 SF Drive Thru Restaurant;
- b) Requesting a 35.4' Side Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Minimum Side Yard Setback (East) and where a 14.8' Side Yard Setback (East) is proposed in order to construct a 2,000 SF Drive Thru Restaurant;

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

- c) Requesting a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback and where a 25' Front Parking Setback is proposed in order to construct a 2,000 SF Drive Thru Restaurant;
- d) Requesting a 10' Side Parking Setback (West) 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 a 2,000 SF Drive Thru Restaurant;
- e) Requesting a 2 Parking Space variance from Zoning Code Section 1270.05 (c) (3), which requires 279 Parking Spaces and where 277 Parking Spaces are proposed in order to construct a Drive Thru 2,000 SF Restaurant; property located at 17200 Royalton Road, PPN 396-14-011, zoned Shopping Center (SC).

Mr. Evans – Next on the agenda is Great Escape Out lot Building with Dan Neff & Associates. Please come up to the microphone and give us your name and address for the record after you put up those drawings.

Mr. Neff – Dan Neff, Neff & Associates, 6405 York Road, Parma Heights, Ohio.

Mr. Evans – At that same meeting on June 8th of 2016 the Board approved a variance for the construction of an out-building in the Great Escape out-lot. Remind us about the building purposes here, and what steps have been taken along the way to make this happen.

Mr. Neff – Yes I will. For clarification it is a Starbucks as you suspected. They have finished the leasing on this building that we proposed before was a 2400 SF. We worked over the year with Starbucks and their team. They've agreed to go to the 2000 SF building that we had proposed. It's set approximately 115' off the center line. We're asking for a variance on that. There's a utility easement directly behind the building right now. It's approximately 10' in front of the Verizon building. It does have a little outdoor seating area. The other variance is a parking setback variance. It's the existing parking lot that we're utilizing. We're not extending any closer to State Route 82. It lines up with the parking. The side buildings link because the lots are all contiguous, there's a variance for that. The other variance is for the overall complex. We're requesting a 2 parking space variance, same as we had asked for in June of 2016.

Mr. Evans – So nothing has changed since the time we granted the variances. At that time, Board members will remember that we had lengthy discussions about traffic, and the layout, and all the other pieces parts of this, and after all those discussions this is what we were comfortable with. Are there any questions?

Mr. Rusnov – None.

Mr. Smeader – No.

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

Mr. Baldin – No questions.

Mr. Evans – OK. So it's a public hearing then. Is there anyone who would like to speak for the granting of this variance? Is there anyone who would like to speak against the granting of the variance? Alright, if you could come to the microphone and give us your name and address for the record please.

Ms. Petersen – Good evening. My name is Kathy Petersen. I live at 17275 Iyami Ct. I live right off of Falling Water near this project.

Mr. Evans – OK.

Ms. Petersen – I'm speaking for some of our residents. I just found out about this myself. Thank you for your letter. If you hadn't sent us that letter regarding this meeting, I wouldn't know about it. I'm sorry to say that a lot of other people wouldn't have known about it either. I had a communication from Mr. Duke Southworth. He investigated that it was advertised properly in the newspaper, but I'm finding that nobody saw it in the newspaper. I buy the weekly one. I didn't see it in there. I spoke to as many residents on my street that I could get to today because last night I spoke with our Ward One Councilman, Mike Daymut, and asked why he voted for this to pass without representing his constituency. I feel that way, and it's the way some of the other people on my street as well. He told me that in his different events that he has attended most people he spoke with were in favor of it. He asked if I had spoken with people who were for it. I spoke to 10 people today, and 9 of whom are against it, and one is indifferent. I can't speak for the other streets near me, but I'm sure there is similar feelings. We also agree with the three gentlemen who voted against this. The three Councilmen, I mean. They were concerned with the traffic problems, and what they're calling the sight lines from Rt. 82. It hides the Great Escape. My concern is that I've already seen a major increase in traffic. People cutting through on Falling Water to get to the little road near Goddard School to get to Costco and avoid the traffic on Rt. 82. There's also a for sale sign right there that means that someone else is selling land and wants to build something else there too by Goddard. So of course there's a concern for how much more traffic there will be. One of my neighbors was concerned because he said on the north side of 82 from Pearl to I-71, there is only one residential street, ours, and Falling Water. That is going to direct more traffic to that one residential street. I know Mr. Southworth said that the police said they were fixing the situation. I drive there in morning and evening rush hour, and I'm wondering if they really looked at it at that time of day. When people are trying to turn left into that Falling Water left turn lane, it's a very short lane, and people are in that lane backing into the thru traffic lane because they're waiting for the light. I think that's a traffic accident waiting to happen. The other things we're worried about is what other venues were considered for this. There are other areas that don't have congestion like that little plaza has. We feel like this was all happening and no one knew about it. I told them I'd come and speak for us tonight. I appreciate your consideration for this. We're

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

Mr. Petersen continues - very concerned, and why they'd want to cram that into that little parking lot of all places is beyond my imagination. Thank you.

Mr. Evans – Ms. Petersen, let me tell you that a year ago things were properly done. We sent letters within 500' of this property. So it was the same process last year.

Ms. Petersen – You did. The Zoning Board, right?

Mr. Evans – The Board of Zoning Appeals. Right.

Ms. Petersen – Right.

Mr. Evans – Everyone was notified back then. We had no one that came to the public hearing at that time. Most of us on this Board were skeptical when we first looked at the plans. We had reservations about it. We spent a lot of time looking at them. You know Panera Bread is there. They do a fairly busy turnover of people in the morning.

Ms. Petersen – They're farther down.

Mr. Evans – There's a bank of stores that are behind Panera there. You know that the Great Escape isn't open in the morning. Men's Warehouse isn't open in the morning. Verizon isn't open in the morning. So in terms of traffic patterns, when we went out and looked at it at various times in the morning, and there was not a lot of traffic there. Trivs isn't open in the morning either. There's traffic that goes back into the Goddard School. There's traffic that goes through to the back because Costco is open in the morning, and can be very busy then. Whether that is for gas or whatever else is in there. From our overall estimation as we made a decision a year ago in granting the variance to put the building there, we didn't feel like there would be a traffic impact in the morning because the stores use the parking lot at different times. We were concerned about visibility for the Great Escape, and they didn't seem to have a problem with that. That would appear to be the same case now because they're still the tenant there. They feel like their building is big enough so they won't have a problem. It's not going to block any of the others that are there. Great Escape seems to be doing well enough as a business that they don't have an apparent concern about right now. I know that several of the stores like the Family Christian Store and Play It Again Sports have both moved from there. The Family Christian Store was not a decision that had anything to do with that location. They closed 12 locations in NE Ohio. They were owned by one person and they all closed. Play It Again Sports was a decision for other reasons as well. So those weren't because of what was proposed for this out lot or traffic. They left for different reasons. So from the standpoint of this Board, and I will welcome my colleagues to join in as well since we looked at it. We did not have a concern for the traffic situation when we granted the variance a year ago. I understand that there will be more traffic in there, but there wasn't that much traffic in

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

Mr. Evans continues - the morning. There weren't stores in there that had that much traffic at that time of day. Starbucks tends to slow down as the day goes on, and we felt that it was an appropriate place to put it.

Mr. Rusnov – We went through this once before. To say we were skeptical is an understatement. We explored all the possibilities, and we placed reliance on experts in this case, the Police. They have a detail of people that as part of their duties is to make sure that this is safe. Goddard School is there on Falling Water. There's another entrance to this Starbucks location, closer to Panera where there's a street light. We've covered these bases, and this is the first time we've heard one complaint, and it's been a year.

Ms. Petersen – I understand that, and I wrote to my Councilman last year expressing my negativity about it. I never heard a reply from any of the four plus mine that I wrote to. This time I wrote again shocked because I didn't even know this was going on. There has to be a better way to inform the people who live near this than the newspapers, because hardly anyone sees those.

Mr. Rusnov – You forgot about the letter notification.

Ms. Petersen – I didn't get any letter from the City Council.

Mr. Rusnov – Not City Council. From us.

Ms. Petersen – I got your letter, and it was the first I knew of this that they had passed four to three for this project. That was the first I heard of it. I'm sad to say I'm not the only one.

Mr. Rusnov – All the policies and procedures were followed on our part.

Ms. Petersen – I compliment that you sent this letter. That is what informed us.

Mr. Rusnov – You're the only person that we've heard from in almost a year on this. At the other meetings all we heard were crickets chirping from the audience.

Ms. Petersen – I don't know of any other public hearings. This is the first public hearing I've heard about. I don't want to argue with you. That's how it is with me and many on my street.

Mr. Kolick – Ms. Petersen, we had the public hearing and all the notices went out in June of 2016. They went out to everyone at that point.

Ms. Petersen – Yes, I have that letter right here. I'm sending a copy to my Councilman.

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

Mr. Kolick – What I'm saying is that those hearing notices went out then just like they did now. As Mr. Rusnov has indicated, you're the only one who has come up to any of our meetings. All these notices went out and no one ever complained about this.

Ms. Petersen – I'm speaking for the people I live by.

Mr. Kolick – Understandable. That's fine.

Ms. Petersen – I'm sure if I had time to go the other streets I'd get you the same response out of most of the people. I think you should be aware that there is a flaw in your notifications. Not yours because I got your letter. I mean the City Council's notification system that there's a flaw. People don't see it in the newspaper anymore.

Ms. Zamrzla – Mr. Chairman, may I respond to something that Ms. Petersen has said?

Mr. Evans – Yes.

Ms. Zamrzla – City Council and Planning Commission and this Board all have to advertise all our meetings by placing them in different locations around the City. So there is a table out in the hallway, and there's a table in the Post Office, and there's a wall at the library. There's also the City building out on Foltz. All of those locations have an agenda for our meetings. Every time there is a City meeting which is generally every week or every two weeks. So you can see at any time what will be on the agenda and what types of projects are being discussed. It's also on the City's website which is Strongsville.org. So you'd be inundated with information if you had the opportunity to visit any of those sites and look at the agendas.

Ms. Petersen – I do visit the library, and I've never noticed it.

Ms. Zamrzla – There's a big bulletin board by the ladies room.

Ms. Petersen – I look there every time. I never noticed it.

Ms. Zamrzla – City Council's agendas are there as well as the BZA agendas and also the Planning Commission's agendas.

Ms. Petersen – Well I'll tell everybody.

Ms. Zamrzla – Yes, if you could spread the word that would be great.

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

Ms. Peterson – I think the random chance of seeing it is iffy. It's better to get a letter like you sent us.

Mr. Evans – Right, but I do want you to be aware of the fact that as Mr. Rusnov said, we did consider traffic. That was a very important part of the consideration of this Board a year ago. I recognize that nowhere in this City do we have an absence of traffic.

Ms. Petersen – Right.

Mr. Evans – We are a traffic mecca. We've got a mall, and we have many other places that people want to go. When we looked at this location, we did not know that it was going to be a Starbucks. We assumed that it would be because we knew that the discussions that were going on were the Starbucks people. It could have been Dunkin' Donuts or anything else, but we believed it was going to be a Starbucks. It was with that belief, we considered the traffic patterns and the things that might happen at the plaza there. While no one wants additional traffic in their neighborhood, it was our feeling that this would not bring additional traffic into the Falling Water neighborhood. It might be Falling Water residents that might go here for their coffee, but we didn't feel it was going to create a problem within the plaza. We think that the way this is laid out it'll drive traffic in through that pattern, and not expel it out onto Falling Water. That was the approach we took when we approved the original variance.

Ms. Petersen – I appreciate that. I understand that you're saying that there's not a lot of traffic in the plaza, and what I'm saying is that there will be a heck of a lot coming in there at that light, turning into and turning out of the plaza and going to 71 to go to work. That is our concern.

Mr. Evans – When we talked to the Police Department when we made that original decision, they will continue to monitor that. If the cycles of the lights need to be changed in order to accommodate additional traffic, then that's something that our Engineering Department is well equipped to do. Again those are things that can happen if they need to in order to accommodate that. We recognize as you said that there is a for sale sign or property near the Goddard School there. Everyone has the right to develop their property. Our job is to make sure that there is not a negative impact. It can't just be how we feel it might turn out.

Ms. Petersen – Right.

Mr. Evans – Then we wouldn't want anyone to do anything, and even the mall wouldn't have been built either. The mall has become something that is good for the City in many different ways. Everyone sees things differently, and our job is to try and make sure we're looking at the best interests for everybody.

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

Ms. Petersen – I have nothing against Starbucks. I like Starbucks. I drink it. My concern is the location, and it's the concern of many other people. I appreciate you listening to my thoughts. I figure there's probably nothing we can do, but I wanted the people on my street to have a voice. Thank you.

Mr. Evans – We appreciate that, and we appreciate you coming here tonight. Is there anything else from the Board? OK. Is there anyone else who would like to speak against the granting of the variance? Mr. Neff, I don't know if you want to say anything.

Mr. Neff – If I could, I'd like to state the reason that we're here. After we met with this Board back in June last year we spent a lot of time working through the final details with the leasing and all that with Starbucks. We went through Planning Commission earlier this year, and we received Council's approval. We're looking to close the financing on the first of June. Shortly after that they'll be starting construction. That's the reason we're asking for the extension. By the way, I did speak to Councilman Daymut this evening and if it would please the City, we could discuss adding additional way signing to encourage people to go out onto 82. It's not an issue.

Mr. Evans – OK. That would be excellent. We'll make note of it and put it on the drawing. Hearing none and seeing none I will consider the public hearing closed. Ms. Petersen, I want you to understand that this is a process that has been going on for a while, and it's an ongoing process. There will be some more steps along the way, and as Mr. Neff said, as the developer they'll try to work as best that they can to ensure that there is no adverse impact either. I know you're going to go back and tell people, and they're going to say that they wouldn't listen to us. We do listen, and again these are the same concerns that we had already, and we feel that we've worked through them. At least that was the case last year. That brings it again to the point of consideration now. With that, I will then entertain a motion.

Mr. Rusnov – I make a motion to approve an 85' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 200' Front Building Setback from the centerline of Royalton Road and where a 115' Front Building Setback from the centerline of Royalton Road is proposed in order to construct a 2,000 SF Drive Thru Restaurant; also to approve a request for a 35.4' Side Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Minimum Side Yard Setback (East) and where a 14.8' Side Yard Setback (East) is proposed in order to construct a 2,000 SF Drive Thru Restaurant; also to approve a request for a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback and where a 25' Front Parking Setback is proposed in order to construct a 2,000 SF Drive Thru Restaurant; also to approve a request for a 10' Side Parking Setback (West) 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 a 2,000 SF Drive Thru Restaurant; also to approve a request for a 2 Parking Space variance from Zoning Code Section 1270.05 (c) (3), which

7) **GREAT ESCAPE OUTLOT BUILDING/Dan Neff with Neff & Associates,
Representative, Cont'd**

Mr. Rusnov continues - requires 279 Parking Spaces and where 277 Parking Spaces are proposed in order to construct a Drive Thru 2,000 SF Restaurant; property located at 17200 Royalton Road, PPN 396-14-011, zoned Shopping Center (SC).

Mr. Evans – Mr. Smeader before you second, Mr. Kolick reminded me that our original variance was granted and conditioned that there is no direct driveway access permitted to Route 82, and that no additional ground signs were permitted on Route 82. I'm assuming that you'd want to include those stipulations in your motion.

Mr. Rusnov – Yes I would.

Mr. Evans – I thought so, I'd also like to make sure that Ms. Petersen understands that this is exactly the same motion as what we approved a year ago. Nothing has changed. OK. Go ahead Mr. Smeader.

Mr. Smeader – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – OK. So the extension 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. We appreciate the presentation, and making the note about the traffic signage. Mr. Kolick do they have additional steps?

Mr. Kolick - Again, you'll need to check and see if your Planning Commission approval is still valid. I don't know when it was granted. That's all. You can touch base with Carol.

Mr. Neff – We're in good shape on that. We expect to be submitting the final building plans within the next week or so. Financing is supposed to close the first of June.

Mr. Kolick – Very good.

Mr. Evans – Thank you. Ms. Petersen again I thank you for coming. I want to make sure that you understand that we did take your feelings and comments in to consideration. Hopefully we'll be correct with the variance we've granted for this project to continue. Thank you.

OTHER BUSINESS

8) Requesting reconsideration of the Board's decision of May 24, 2017 denying the requests for the following variances:

CLARK OIL aka YEEY 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).

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

Mr. Evans – Finally on the agenda this evening is Clark Oil. Mr. Mahler and Mr. Ali please come up to the microphone and give us your name and address for the record.

Mr. Mahler – Eli Mahler, 3947 W. Ash Lane, Orange Village, 44122.

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

Mr. Evans – Thank you. So the first thing we need to do Mr. Kolick is have a motion for a reconsideration before we can discuss this.

Mr. Kolick – The record should reflect that there was some miscommunication between Mr. Mahler and our secretary. Mr. Mahler thought this was not going forward, and that's why he wasn't here at the last meeting. In addition, I think Mr. Ali was out of town or something. That's the reason for the request for a reconsideration.

Mr. Evans – Right.

Mr. Baldin – I would like to make a motion to reconsider this application that is in front of us this evening for Clark Oil.

Mr. Evans – It was regarding the decision made on May 10th, 2017. Thank you Mr. Baldin.

Mr. Baldin – Correct.

Mr. Evans – We have a motion, may we have a second?

Mr. Houlé – Second.

Mr. Evans – OK. May we have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – Alright, now we're in business to reconsider this based on our communication difficulty.

Mr. Mahler – First of all I'd like to apologize to the Board and to Kathy especially for the misunderstanding. Mr. Ali was out of the country not just out of town. It just created a problem. We're here for your reconsideration and hopefully the granting of these variances. I think it'll be a nice addition to the community because you'll be getting rid of a building that I'm sure all of you would like to see taken out. The new plans will include landscaping. The trash area will be enclosed with board on board fencing. The building will be masonry accented with

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

Mr. Mahler continues - stone. The parking will be adequate because we're reconfiguring the site. There is a number of variances that we're asking for, but this establishment has been there for years. Hopefully you'll consider that. Thank you.

Mr. Evans – OK. At our last meeting on May 10th when we made the decision. There were several things that we all agree upon. One is that the renovation on that site would be welcome. We understand it's an economic proposition because gas stations don't make an awful lot of money. We realize that turning it into a convenience store has benefits that go beyond the physical appearance of it. We also discussed at the meeting whether or not the canopy was part of the project because the Building Department has looked at it, and we've looked at it. The canopy is an old one and the poles are rusted. We recognize that this is also an economic situation as well, but we feel that in order to get the project done the right way that the canopy should be a part of it. So I think that's part of the reason we did because we didn't know whether that was going to be a part of it. Having Mr. Ali here tonight makes that a very important part of our discussion.

Mr. Mahler – Right. Mr. Ali is here. I'm sure he can answer any questions that may be brought up.

Mr. Ali – As far as the canopy is concerned, we had an architect check it out last year. It was probably less than a year ago. It was safe and sound. There was nothing wrong with the canopy. It's very strong according to him. So I don't see any reason to replace it. First of all it's too much money to replace for no reason. Second of all what we can do is put new LED lights on it. We can give it a paint job. Whatever it takes to make it look good.

Mr. Evans – OK. Did the Engineer actually give you a written opinion on that Mr. Ali or was that just a conversation?

Mr. Ali – We have it written. We also have it submitted to the City because we have a different situation so they have a copy of it.

Mr. Evans – OK. I think that the majority of our concern is cosmetic. If you're going to replace the building, and make the improvements that you're talking about. We think they'd be very good. If you can make the canopy look as if it belongs with the rest of the project that would be optimal. We think that's important. If you're satisfied that your construction of the canopy is still sound, then that gets us past another of the concerns that we had.

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

Mr. Rusnov – The concern is the safety issue. We want to make sure that this thing doesn't come down. Someone needs to render an opinion concerning that whether it's an Architect or whoever you talked to. A written opinion so we have something to base this on. We need to make sure that all of the sudden the next storm that comes through here that the canopy doesn't come down on some of the people that are there. That is the original canopy.

Mr. Ali – That's true, that's a good point. That's why we had a Mechanical Engineer take a look at it, and he inspected it.

Mr. Rusnov – Does he have a report for us?

Mr. Ali – Yes there is a report. I have a copy and so does the City.

Mr. Rusnov – OK.

Mr. Kolick – It was my understanding at the last meeting that although we'd requested a revised Structural Engineer's report, we had not received one at that time. My understanding was that in the Building Department someone actually came in there, and they were just going to weld some metal plates to the bottom. There's no doubt that canopy has structural problems. We may be in disagreement as to what needs to be done to correct it. There's rust all the way through the bottom supports Mr. Ali as you're aware. When I checked with the Building Department, they said they had requested this report but that they have not received a structural Engineer's report indicating how it's going to be corrected. So if there is something that you have given to us, please give it to us now because we don't have one at the Building Department.

Mr. Ali – I don't see how you can say that because you saw that copy yourself with your own eyes.

Mr. Kolick – I have never seen a Structural Engineer's report Mr. Ali for that canopy. I can tell you for certain that I've never seen a Structural Engineer's report for that canopy.

Mr. Ali – When we were at the liquor control meeting, you saw it with your own eyes.

Mr. Kolick – I don't know how many times I can tell you. I have never seen a Structural Engineer's report for that canopy. Mr. Miller has the Building Department received it.

Mr. Miller – To my knowledge we have not from my discussion with the Assistant Building Commissioner.

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

Mr. Ali – Tony Biondillo saw it because we had to pull a permit to repairs on the one post of the canopy that he had an issue on. We had to submit that to the Architect, and the Mechanical Engineer for that. So how can you say that no one saw it?

Mr. Kolick – Is a permit issued Mr. Miller for the canopy?

Mr. Miller – Not that I'm aware of.

Mr. Ali – I should say a verbal permit, OK'd by Tony.

Mr. Evans – The easiest way to solve that is that if you have the report from the Engineer then we need to get another copy then.

Mr. Ali – That's no problem.

Mr. Kolick – What I'd say is that we raised this last time with Mr. Mahler. We told him that we were concerned about that canopy, and that he would raise that up with you after the last meeting.

Mr. Ali – He did.

Mr. Kolick – We need to see that report.

Mr. Baldin – You should have brought one with you. You understand what we're looking into, so I don't understand why you wouldn't bring it here tonight.

Mr. Ali – I thought the issue was to replace it or to not replace it. I had no idea that you were going to talk about the structure itself. Actually I should say it's my fault. I should have brought it with me.

Mr. Rusnov – Part of the reason is that we're worried of the safety of that canopy.

Mr. Ali – I understand.

Mr. Rusnov – I don't want to base a decision on the he said/she said basis. That's not going to work. You need to have something in writing by a Structural Engineer.

Mr. Evans – Mr. Ali has said that it does exist. They did not have the benefit of reading the minutes from the last meeting. Mr. Mahler wasn't here so arguably they wouldn't have known to bring the Engineering or Structural report.

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

Mr. Rusnov – What do you guys want to do?

Mr. Evans – We could make it conditional on the report being received. Is that correct Mr. Kolick if we were to move forward?

Mr. Kolick – My suggestion is to table this, let's get the report, get a report from the Building Department about what they want to see so we're acting with full knowledge. If there is such a report and our Building Department has looked at it and they determine that the canopy is safe. Then let them tell us that as a Board so we know how to move with this thing. I don't think we should move on at this time. Mr. Ali thinks he brought it up here and says that Mr. Biondillo has it. Mr. Miller says he hasn't seen it. I know I haven't seen it so get it up to City Hall.

Mr. Ali – I don't know how you can deny having seen it. We argued about this for hours at the liquor control meeting.

Mr. Kolick – I'm not going to argue with you, but there was no Structural Engineering report introduced at the liquor control hearing. I can assure you of that.

Mr. Ali – I disagree because we have it, Tony and Keith have both seen.

Mr. Kolick – I talked with Keith Foulkes a week ago and he said that he had not yet received the report. He said they requested it, but have not yet received it. So unless something came in during the last week that I wasn't informed about.

Mr. Ali – If you can stay another 25 minutes, I'll go get a copy for you.

Mr. Rusnov – No we'll table this instead. Safety is our major concern. I haven't seen anything not that I would, and Mr. Kolick and Mr. Miller say they haven't seen it. If you have a report then produce it and then that's it.

Mr. Ali – I will. But he did see it.

Mr. Rusnov – I wasn't at any of these, but I'm concerned about the safety.

Mr. Ali – I'll have them for you.

Mr. Rusnov – I'm not doubting you, just produce it and we'll go forward from there.

Mr. Ali – That's fine with me.

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

Mr. Baldin – We're not trying to stop you from remodeling and rebuilding. I think you even brought the size down a bit per our suggestion.

Mr. Ali – Yes I did.

Mr. Baldin – That's just the big issue. Come up with a Structural Engineering Report from a certified Engineer, then when we come to the next meeting we won't have a problem.

Mr. Rusnov – Mr. Ali, this project will beautify that corner, and that's what we're looking for. We want it to be safe though.

Mr. Ali – I understand, and as far as I know he saw it when we were at a different meeting.

Mr. Rusnov – I'm not in a position to say otherwise, but as long as Mr. Kolick, Mr. Evans, Mr. Miller, and the Building Department receives something I rely on them.

Mr. Ali – No problem.

Mr. Baldin – Also you'll have to request to table this until the next meeting.

Mr. Ali – Am I requesting?

Mr. Baldin – I'm not going to request.

Mr. Rusnov – If you don't request it...

Mr. Mahler – You can write a letter to Kathy that we're requesting this to be tabled until the next meeting on June 14th. You're going to be here by yourself, Mr. Ali, because I have something scheduled on that night. You'll have to excuse me from the next meeting although I enjoy coming here.

Mr. Evans – I'm sure you do, Mr. Mahler.

Mr. Kolick – Mr. Ali can you be here for the next meeting on June 14th?

Mr. Ali – Yes, I will be here.

Mr. Evans – So Mr. Ali what we will ask you to do is to get that to the Building Department as soon as possible this week or next so we have it in place for the next meeting. I've asked if there is anything else we needed, and there shouldn't be anything else that we need. Again, we all agreed that this is a good project.

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

Mr. Ali – Thank you.

Mr. Evans – What we need to do is check to make sure all the T's are crossed and the I's are dotted. The safety is the issue.

Mr. Ali – I'm 100% sure that Tony will have a copy, and I'm 100% sure that he saw it. That's why I didn't bring it with me. I figured it's all done.

Mr. Evans – We'll get that taken care of.

Mr. Ali – Thank you. I'd also like to mention that you did a good job especially explaining to Mr. Petersen the situation. I think you did a very good job.

Mr. Evans – Thank you, and we'll see you back here on June 14th. Get that to the Building Department so it's in place and then everything can be taken care of. Is there anything else to come before the Board? OK. Then we will stand adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathryn A. Zamrzla, Sec'y

June 14, 2017

Approval Date