

Planning Commission Caucus of March 24, 2010

The North Royalton Planning Commission Caucus was held on Wednesday, March 24, 2010, and started at 7:00 PM

Present: Mayor Robert Stefanik, Chairman Tony Sandora, Don Willey, Victor Bull, Michael McCarthy, City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez, Law Director Tom Kelly, Councilman, Larry Antoskiewicz, Brian Pifer, Bob Witsaman, Ivan Sajcic, Walter Dimitrijevs, Walter Dimitrijevs, Jr., Secretary Julie Broestl

Planning Commission Agenda Reviewed.

Public Hearing

Call to order.

Roll call.

Opening Ceremony – Pledge of Allegiance.

Public Hearing

Ordinance No. 10-39. An Ordinance amending the Official Zoning Map by changing the Zoning Classification of Permanent Parcel No. 485-12-016 from its present Local Business (LB) Zoning Classification to Rural Residential (RR) Zoning Classification as requested by property owner Brian Pifer, and declaring an emergency.

Brian Pifer is present.

Motion and a second to move to the regular order of business.

Roll call.

Robert Witsaman, Royal Victorian Gardens, 10911 State Road, PPN: 489-19-005. Local Business Zoning. Site Plan Approval to install removable canopy structure for an outdoor greenhouse area.

Robert Witsaman is present.

Motion and a second to move to the regular order of business.

Roll call.

Motion and a second to adjourn the caucus.

Roll call.

Regular Meeting

Call to order.

Roll call.

Approval of minutes - Motion and a second to approve the minutes of March 10, 2010.

Roll call.

Old Business

*Woodcroft Glen, Ext. of Woodcroft Trace, Final Plat 2, tabled. No action.

Need a motion and a second to approve a 90-days extension.

Roll call.

*Frank and Theresa Popovich, 9973 Sprague Road, Sprague Road Tavern.

Tabled – No action.

New Business

*Ordinance No. 10-39 – An Ordinance amending the Official Zoning Map by changing the Zoning Classification of Permanent Parcel No. 485-12-016, from its present Local Business (LB) Zoning Classification to Rural Residential (RR) Zoning Classification as requested by property owner Brian Pifer, and declaring an emergency.

Reports from Department Heads and Commission Members.

Motion and a second to refer to Council. Roll Call.

*Robert Witsaman, Royal Victorian Gardens, 10911 State Road, PPN: 489-19-005. Local Business Zoning. Site Plan approval to install removable canopy structure for outdoor greenhouse area. Motion and a second to approve. Roll Call.

Nothing under Miscellaneous

Need a motion and a second to adjourn. Roll call.

Caucus adjourned at 7:05 PM

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road on Wednesday, March 24, 2010, to conduct a Public Hearing. The Planning Commission Public Hearing was called to order by Chairman Tony Sandora at 7:30 P.M.**

Chairman Sandora: I would like to call the March 24, 2010 Planning Commission to order. This is the Public Hearing portion. Mrs. Broestl, call the roll please.

Present: Mayor Robert Stefanik, Chairman Sandora, Councilman Don Willey Mike McCarthy, Victor Bull, City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez, Law Director Thomas Kelly, Secretary Julie Broestl.

Chairman Sandora: Please stand for the opening ceremony, the Pledge of Allegiance.

Pledge of Allegiance was recited.

Public Hearing

Ordinance No. 10-39 - An Ordinance amending the Official Zoning Map by changing the zoning classification of Permanent Parcel No. 485-12-016 from its present Local Business (LB) Zoning Classification to Rural Residential (RR) Zoning Classifications as requested by property owner Brian Pifer, and Declaring An Emergency.

Chairman Sandora: Okay. Is the owner of the property here?

Mr. Pifer from the audience stated yes.

Chairman Sandora: Step up to the microphone sir, please. Please state your name and address and tell us what you would like to do.

Mr. Brian Pifer approached the microphone.

Mr. Pifer: Okay. My name is Brian Pifer and the address is 9675 Edgerton Road. I have submitted the application for my property to be rezoned from Local Business to Rural Residential due to the fact that its been used as a residential property for fifty or sixty years. It is the last property on the edge of the Local Business classification. Due to the new banking regulations it has created an emergency situation because the lending institutions will no longer provide a residential mortgage on any property that is zoned commercial or local business.

Chairman Sandora: Okay. Thank you. Anybody here in the audience have anything to say on this?

Councilman Larry Antoskiewicz approached the microphone.

Councilman Antoskiewicz: Larry Antoskiewicz, Councilman Ward 5. I just want to quickly say since the notices have gone out and no one has contacted me or anything else that were objecting to this. I do know that we went through a situation last year with Mr. Pifer where he did try to sell his property and he had difficulties because of the new banking regulations. If you look at the map this doesn't interfere with that corner if somebody wanted to come in and do local business.

Chairman Sandora: Thank you. Anyone on the Board at this time?

Don Willey: Mr. Chairman.

Chairman Sandora: Mr. Willey.

Don Willey: We discussed this, and Mr. Pifer was there, at the Building and Building Codes Commission the other night. We discussed the pros and the cons and got advice from the City Prosecutor, Mrs. Votary, or Assistant Law Director, and that does fit in with Rural Residential.

Again, what is happening with the financial institutions, they are scrutinizing more and more and trying to reduce their risk, and the nonconforming properties, rather commercial or residential, if they are nonconforming they don't want to take the risk should something happen with that property they could very well be stuck with a vacant lot, should it burn down or what have you. Also, we are planning on addressing that with some additional legislation. As it currently stands now, should a property be destroyed beyond 60^, in our Code, we do not have to issue a building or restructuring permit. We intend to look at that and change that also, to avoid any possible serious burden for our residents our businesses. Thank you Mr. Chairman.

Chairman Sandora: Thank you Mr. Willey.

Move by Tony Sandora, seconded by Mayor Stefanik, to refer Ordinance No. 10-39 to the regular order of business.

Chairman Sandora: It has been moved and seconded, please call the roll.

Victor Bull: Yes.
Mike McCarthy: Yes.
Don Willey: Yes.
Mayor Stefanik : Yes.
Chairman Sandora:: Yes.

Yeas – five. Nays – none.
Motion carried. (5-0)

Robert Witsaman, Royal Victorian Gardens, 10911 State Road, PPN: 489-19-005.
Local Business Zoned. Site Plan Approval to install removable canopy structure for outdoor greenhouse area.

Chairman Sandora: Thank you. The applicant is here. Could you please step up to the microphone and state your name, address, and what you are prepared to do.

Mr. Robert Witsaman approached the microphone.

Mr. Witsaman: Robert Witsaman, and I reside at 3135 Wallings Road. I also own the property at 10911 State Road. In front of you I proposed a temporary shade structure. I had to replace a temporary shad structure that I had in the same area on a pre-existing concrete pad per the original site plan. It is a detachment from the building, free standing. I am going to be using a product called griflin, it's a poly and stronger than regular poly. It has a thread in it. It is held on by clips and it is a removable top. There will be no glass, electricity, heat, it's just basically to protect plants and give me a cover. The sides will be dropping down poly so that if we get some frost in the spring those sides with roll up. If you have ever been to the location, the kind of ambience that we have is nice clean look into the garden center. It is just over ten years since I have been there. It's something that can help insure my business in bad weather situations, just to keep things pro quo. Again, it is detached. It meets the side yard setback from a residential. The minimal is 40-feet, the structure is 52-feet from the residential side. There is already an existing 10-foot fence, and the arborvitae now exceeds the fence over that. They are about 12-foot tall at this time. We have done some pruning to them so that they will be nice and fat and protect that fence. It is over an existing concrete pad. We are not changing the topography or drainage or any other issues that will arise. I think I did give you a photo. This is one too. The bottom picture will show you my intended use with plant material and shows the framing structure itself.

Mr. Witsaman approached the bench and handed the pictures to the Board.

Mr. Witsaman: Because it was a used structure, it took me a little bit to find an architect to do the drawing because all these guys know about the new stuff and too young to know some of the better stuff. It will be a steel angle structure, and it is not aluminum. It is much stronger. It got a little taller than I thought it was going to get. Again, because I had a pre-existing structure there

I was replacing it and it was larger in length. I apologize, because I have done everything on the property with permits and I didn't mean to come in with this little bit.

Chairman Sandora: How tall is this?

Mr. Witsaman: The sides are ten feet and probably another six foot over the top.

Chairman Sandora: So, about 17-foot tall?

Mr. Witsaman: Yes. It is behind the existing building also.

Chairman Sandora: Alright. I'll open it up to the public discussion. Anybody here? Come up to the microphone and state your name and address for the record.

Mr. Walter Dimitrijevs approached the microphone.

Mr. Dimitrijevs: Walter Dimitrijevs, I reside at 10801 State Road, north of Witsaman's business. Witsaman has his business 9-foot from my residential property. Now, he is putting another addition to it. I would be against that because he says how high it is, it is above his house roof right now. I have pictures right here. We have water problems. He started with a small business and kept on adding more, more and more. As you have in the zoning this is suppose to be 40-feet from residential properties, and he is only 9-feet. I am against that addition already building there because it is 9-foot only. He says detached, and these pictures show that he is maybe an inch or two away from his existing house. Therefore, it is close.

Chairman Sandora: It is not attached but an inch or two away from the house.

Mr. Dimitrijevs: How far?

Chairman Sandora: What did you say?

Mr. Dimitrijevs: As the picture shows he just said, I'm sorry, I need some water.

Mark Schmitzer handed Mr. Dimitrijevs bottled water.

Mr. Dimitrijevs: Thank you. As he says it's not attached but it is so close to it that the building is right at the house. So, anything that happens in that house that will go in that building and he is only 9-feet away from my property. Therefore, I object to that building. He bought the land, property, to the south of his existing house, he could put that building there. But I object putting one next to the house. And we have water problems that always have been and still are and also obstructing our view as we exit our driveway. He puts all kinds of balloons out there that obstructs our view to the road and a lot of times heavy trucks come in, the trailers delivering, and block up the road so many times, in fact one fell in a ditch and tied up the traffic for quite awhile. Thank you.

Chairman Sandora: Thank you sir. Anybody else? Step up to the microphone please and your name and address for the record please.

Mr. Ivan Sajcic approached the microphone.

Mr. Sajcic: Ivan Sajcic, 10812 State Road. Right across the street from Witsaman's property. Every day I look out from my house the only thing I see is his property. So, you can picture this, everyday you look out your living room is his landscape business, his property. I see the structure the height of the structure. What he is proposing, I seen it the day he was putting it up, last year. We are going backwards on this whole thing. I've been in the construction world for years. I've been in this kind of meetings plenty of times. The street in the back of my property, I had to take four months to just get approved to try to please the neighbors in the back because they wanted to live in a cul-de-sac, and I said I don't care. I spent the money and time and here 35-years ago when I moved in that was a single house with it designated zoned for light commercial. Through the years we get this big business in front that is not fitting in right. My

feeling against Mr. Witsaman is friendly. I am not wishing him any harm. I wish for him to succeed. We are on talking terms. We have concerns for each other, like his property and I can see everyone coming and going, but the issue is the fit of this business and the traffic and the way things are that just keep growing and growing, and trucks coming in. I ask you a question, I don't know, the engineer, when they approved his apron. His apron is so narrow that the 60-foot semis and has 30-foot of State Road to maneuver in his property is a challenge for any driver. Every season, and I will show you in my pictures, I get ruts in front of my house. Here is the first one this year and it is still there because it is only March. The wheels, especially when they come forward, those rigs don't feel anything, they go. On Friday, I was watching a rig pulling in and I watched the rig hit my mailbox and turn it sideways. I have no other resource or recourse to get this thing adhered to, except to come to this meeting. I see if we could have a solution to this problem. And the same thing in the front, I am sorry Bob, but that Royal Garden sign, last fall, pulling the weeds out yourself, take care of it. Be a Royal Garden and the pride of the City. I don't know how else to put it. I am not against him, I am just sad and upset over it that we live in a neighborhood and being across the street and seeing this everyday. That is my picture everyday. When deliveries come in, and I know that they are not his trucks, I know that the responsibility is the driver who is driving, but the situation for them to maneuver to alleviate that problem has to be addressed. I wrote a letter and I submitted it. You all have copies of it. The traffic. The buffer. I saw the structure going up. I know he has to go to Planning Commission and Zoning and this is suppose to be light commercial and suddenly we have all this years later. I don't have ill feelings against Bob, just wished that we could have some kind of resolution to this problem.

Chairman Sandora: Did you have ruts in front of your yard last year?

Mr. Sajcic: Every year since they operated. Matter of fact, the worst was two years ago, there was a main break in the water, right across the street, the water department dug it up and they fixed it. This is a soft spot because they dug into the edge of the water.

Chairman Sandora: On your side?

Mr. Sajcic: Yes. And what happens now is even more softer there and now more vulnerable to this. You can see in the picture. You need one rig there and you will see it. Cutting the grass and taking care of my brother, who lives next store, part of it is on his area there. He works nights.

Chairman Sandora: Who repaired the damage the last time you had problems?

Mr. Sajcic: I repaired it. I fixed it and cut the grass as much as I can. Sometimes I have to go around it. But that is what I have to do. We had a conversation and I asked him how far are they going to go with this? We will fix it and the fixing never came, and these rigs keep on coming. This is my concern.

Chairman Sandora: We understand. We understand. But you have to also understand that it is a commercial business there.

Mr. Sajcic: Of course.

Chairman Sandora: Okay. And it is zoned light commercial business, though he has a right to operate the business there. He has to be a good neighbor also. Okay. We understand that. But, again, it is a commercial business and for whatever reason, it is going to remain there and stay there, so there is not a whole lot that can be done. There are things that probably could be done, but it is still a business.

Mr. Sajcic: I fully understand. I am not complaining about the business. You understand? The only thing is the way it looks, the way it operates, as far as us neighbors, across the street and Walter next store, we live adjacent to it and we are forced to live there. I don't understand it. If he were to have this in front of him and decided to expand and grow to the point that would be difficult, Wallings is a narrow street, and semis turn and have a hard time. I don't have a solution for it, but I am just expressing my concerns.

Chairman Sandora: We appreciate it believe me. Thank you. Anyone else?

Mr. Bob Witsaman from the floor asked if he could make a reply to some of the issues.

Chairman Sandora: Yes. Come back up.

Mr. Witsaman: What I would like to say to you Mr. Dimitrijevs, originally, when the site plan and building that there is a variance on my building per the original site plan when we proposed this 12-years ago. Just in the last four months, I did put the siding on your side of the building finally. I got rid of the ugly brown, I did that without anybody asking. I tried to clean it up and I did that. The site plan, as it was proposed and is still today, all the drainage from all the properties that I own are all contained within the sewer system that I have existing. One of the reasons for the upper property was to prevent flooding that I was getting three and four years ago in bad storms. The fix it, we have so far, has eliminated even flooding on my own property, all the water stays on my own property. Again, there is the fence. The balloons in the front landscape, we solved that. We haven't had balloons and blow ups in the front. We have had them on the parking lot in the corner by the building. I don't put them out front anymore, after that concern was raised two years. We keep them in the corner and make a little Halloween and Christmas display right up against the building now. We have done some repairs to the lattice work around the building and this summer we are going to have it all stained, cleaned and stained. We can only do so much with the existing structure. We put a new roof on it a couple of years ago. Its green, and much better than the old roof, I hope. At least we have done some improvements to the property. One of the things we are doing this year in the front is a cutting garden. I tore up everything up front. I rototilled and put some gravel pads, and have a variety of flowers and different things. We have gone a long way as cleaning that all up. The road is narrow. I try to back in all semis to get them on a angle to avoid front damage to your property. The one truck this week, I wasn't there, and I saw the rut. He had some water department, I think it's your brother in-law, or brother, had the sewer dug up for a long time over there. We have fixed, I think once we had to fix the rut over there. This new one that just popped up. In his letter he brought concerns as far as widening the apron. I think with minimal variation, and now that I own the property to the south, I would be more than happy to do that. I don't think that we would have to much of a problem and maybe just revising a little bit of the site plan. I would have to get together with the Engineer on that. I would be more than happy to make that apron wider because it will assist in all those trucks getting in. I do agree. I was working within the limitations of the property that I owned at the time. The apron size that I have was right up to the property line. I can expand that at least three or four feet to make it much easier and eliminate it. If it would be possible for the City to assist us a little bit, it probably wouldn't hurt. I would even dig it out to berm the other side of the road a little bit more, because we have open ditches over there. I have ditches in front of my property. I would be more than will to this summer, again maybe with the Engineer, work on this. The existing site plan improvements for that property there, I just have to cut the drain tile across the parking lot instead of going up that entire side and bring that apron over and I think we can work that out very simply. I guess that is it. With all the concerns they had. Hopefully we could just put it all to bed and just get on.

Chairman Sandora: Just one question. To be a good a neighbor, okay, and I know it's not your felt with the semis and I know that they are hard to pull in there, but the semis do do damage on the other side. You should probably iron that out right away so that the problem doesn't just multiply and continue.

Mr. Witsaman: I agree. Again, there has been a lot of animosity and some of it is just tit for tat. That is why I through the siding on the side of the building and I am trying to get away from doing that. The one rut this week will be taken care of. I will disagree with one thing, none of them have taken your mailbox out. That I know. Otherwise I would have put it up right away. I try to watch them and direct them and help them and help them as much as I can. I can only do so much. I yell at these truck drivers. A couple of them are already mad at me this year.

Chairman Sandora: We are here tonight for this canopy. This other thing is another issue. We will address that apron at another time.

Mr. Witsaman: It is going to take a while to do it and I don't want it to fall apart right after I do it.

Chairman Sandora: Anybody else have something to say? Come up here to the microphone and state your name again.

Mr. Dimitrijevs: Walter Dimitrijevs, I reside at 10801 State Road, It appears to me that Mr. Witsaman, whatever the operation he does on his own without getting any permits and starting to do whatever he wants to do, and this is where we end up with getting water or block our view for us. I don't know why his intentions are that way, but it is hard on us because with the water and he had a sprinkler system set up right on the fence and we were getting the over spray and sometimes our grandchildren would be playing in the yard or sitting on the patio and the wind factor would blow the water on my patio, which his operation is only 9-foot away from our property. So, I hope you will consider this and look into this building that he is adding to something that we are having problems with already. So, I would like to object to it and let him build on the lot that he bought. Your rules are 40-feet away, plus the buffer zone, he has a ten foot buffer zone, but the house is 9-foot only from the property.

Chairman Sandora: But he did receive a variance for that, when that application came back about ten or twelve years ago, whenever that happened. That home was there and it was 9-feet away from there at that time. That has long, long, passed.

Mr. Dimitrijevs: Alright. Now how about the addition he is putting up or adding to that. There is a problem already there and we are going to add more to it?

Chairman Sandora: The Engineer. Well, this is the Public Hearing portion.

Mr. Dimitrijevs: Can I have back those pictures.

Chairman Sandora: Sure.

The pictures were handed back to Mr. Dimitrijevs.

Chairman Sandora: Do you have them all?

Don Willey: I think he had three packets.

Chairman Sandora: Anyone else?

Mr. Ivan Sajcic approached the microphone.

Chairman Sandora: Step up to the microphone and state your name.

Mr. Sajcic: Ivan Sajcic, 10812 State Road. Mr. Witsaman mentioned the mailbox. I didn't let the mailbox lay there, I picked it up and put it in the spot. I was watching the truck maneuver it and he turned and hit the box. It is just please make it as you stated it friendly. I don't mean harm. I look out there and I want to see more goodness and no weeds. Last Holidays we had all the blow ups out front and down the road or berm.

Mr. Witsaman: Not this year.

Mr. Sajcic: Of course not this year, we haven't had any holidays yet. But Easter is coming up.

Mr. Witsman: They are all in the parking lot now.

Chairman Sandora: Okay guys. We can not go back and forth on this. Address the Board.

Mr. Sajcic: That are the minor things. I see this structure and putting up more structure and this is, of course, higher than his house. I was in construction. Permits, Board meetings, this is the

first place to come to before starting a commercial project and as far as easements go, or whatever, and you go to Boards, step by step. I don't know why this has to go backwards. This is creating ill will. This adding on and I wonder if this adding on more water problems. It is hard to satisfy everybody. I just have these concerns and hope that the Board will recognize this. Thank you.

Chairman Sandora: Anyone else?

Moved by Chairman Sandora, seconded by Victor Bull, to refer to the regular order of business.

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, could you please call the roll.

Mike McCarthy: Yes.

Victor Bull: Yes.

Mayor Stefanik: Yes.

Don Willey: Yes.

Chairman Sandora: Yes.

Yeas – all. Nays – none.

Motion carried. (5-0)

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road on Wednesday, March 24, 2010,.** The **Planning Commission Meeting** was called to order by **Chairman Tony Sandora** at **7:48 P.M.**

Chairman Sandora: I would like to call the March 24, 2010 Planning Commission to order. Mrs. Broestl, call the roll please.

Present: Mayor Robert Stefanik, Chairman Sandora, Councilman Don Willey Mike McCarthy, Victor Bull, City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez, Law Director Thomas Kelly, Secretary Julie Broestl.

Moved by Don Willey, seconded by Victor Bull to approve the **Planning Commission minutes of March 10, 2010.**

Chairman Sandora: It has been moved and seconded to approve the Planning Commission minutes of March 10, 2010. Mrs. Broestl, please call the roll.

Don Willey: Yes.
Mike McCarthy: Yes.
Victor Bull: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.
Motion carried. (5-0)
Minutes approved.

Old Business:

Woodcroft Glen is tabled there will be no action. I need a motion to request a 90-day extension.

Chairman Sandora: Can I have a motion and a second for a 90-day extension.

Moved by Mayor Stefanik, seconded by Victor Bull to approve a 90-day extension to table Woodcroft Glen.

Chairman Sandora: I have a motion and a second for a **90-day extension for Woodcroft Glen.** Mrs. Broestl, please call the roll.

Mayor Stefanik: Yes.
Victor Bull: Yes.
Mike McCarthy: Yes.
Don Willey: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.
Motion carried. (5-0)

Frank and Theresa Popovich, 9973 Sprague Road, Sprague Road Tavern is tabled and no action.

New Business:

Ordinance No. 10-39 - An Ordinance amending the Official Zoning Map by changing the zoning classification of Permanent Parcel No. 485-12-016 from its present Local Business (LB) Zoning Classification to Rural Residential (RR) Zoning Classifications as requested by property owner Brian Pifer, and Declaring An Emergency.

Chairman Sandora: Could the applicant please step forward again please. Is there anything else you would like to add. State your name and address for the record.

Mr. Brian Pifer approached the microphone.

Mr. Pifer: My name is Brian Pifer. 9675 Edgerton Road. I really don't have anything else to add beyond what I have already provided earlier.

Chairman Sandora: Mr. Schmitzer, do you have anything else to add?

Marc Schmitzer: Mr. Chairman. In reviewing the application a couple minor discrepancies, nothing that would effect the classification changing from Local Business to Rural Residential. Some of those items are a discrepancy in the acreage of the lot, what was listed at the county auditor's web site vs. what was provided in the application. I would just like to see if we could get that clarified even for our records.

Chairman Sandora: How would you get that clarified?

Mr. Pifer: In the application that I submitted, the legal description does in fact have different measurements than the Cuyahoga County Auditors web site. Which I think would be more accurate than their web site. In those measurements coincide with the diagrams that were provided in my application. So, according to the legal description 112-feet wide by 200-feet deep.

Don Willey: Mr. Chairman.

Chairman Sandora: Mr. Willey.

Don Willey: If you get a copy of the legal description and forward it to the County Auditor's office. You are correct. The official size of that lot is based on your legal description. Outside of getting another survey the County Auditor should make that correction for you.

Mr. Pifer I will see that that is done.

Don Willey: Thank you.

Chairman Sandora: And then you would send a copy back to our engineering department.

Mr. Pifer: Okay, as soon as they correct it, is that what you are saying?

Mark Schmitzer You are saying that what was submitted is in the application from Exsteemed is what you will be sending the auditor and that you believe it to be true and accurate.

Mr. Pifer: This was taken from the documents when I actually purchased the house.

Mark Schmitzer The only other reason I bring it up is because it does list Edgerton Road as a 49.5 foot wide right of way. We don't have any right of ways in our City that are that odd of a number. It is listed in the tax maps and the plat books received for Cuyahoga County as a 60-foot wide right of way. That is why I questioned this and then I see another. If you could just have your surveyor verify that the information provided on the application is correct. And then we can work back and forth together.

Mr. Pifer: Okay.

Mark Schmitzer: Other than that I had a couple of items on here just noting that the location of the dwelling from the side and the setback lines, those apply to a new structure going in, not to existing one. I wanted to make those noted to the Planning Commission.

Chairman Sandora: Thank you Mr. Schmitzer. Mr. Alvarez do you have anything?

Rito Alvarez: Thank you Mr. Chairman. When I did your reviewed this it came to us as a change to a R1-A, which wasn't the case. So, in my review I said that could possibly spot zoning. Since it is Rural Residential it isn't spot zoning. However, seeing this one lot, it does meet the minimum requirements for R1-A, which it is suppose to in RR. And what Mr. Willey said in Building and Building Codes they didn't have any problem and they are going to recommend approval. I would go along with that as well.

Chairman Sandora: Thank you Mr. Alvarez. Anybody on the Board have anything? Anyone in the audience on this? Can I have a motion to refer this to council for approval to Rural Residential.

Moved by Tony Sandora, seconded by Don Willey to refer the Ordinance to Council.

Chairman Sandora: I have a motion and a seconded, Mrs. Broestl please call the roll.

Victor Bull: Yes.
Mayor Stefanik: Yes.
Don Willey: Yes.
Mike McCarthy: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Ordinance approved by Planning Commission

Robert Witsaman, Royal Victorian Gardens, 10911 State Road, PPN: 489-19-005.
Local Business Zoned. Site Plan Approval to install removable canopy structure for outdoor greenhouse area.

Chairman Sandora: Mr. Witsaman, can you come up to the microphone again please. State your name and address for the record again.

Mr. Witsaman: Robert Witsaman, 10911 State Road.

Chairman Sandora: Anything else you would like to add?

Mr. Witsaman: I tried to address everything. I will be more than happy to work on the apron widening/ We were limited when we started the initial construction. The structure is behind the building and it is detached and free standing. We are not changing topography to create water issues. It is the poly top and sides. The sides are only on the two sides. The back of the property will remain open. If the Board has any questions or concerns?

Chairman Sandora: Mr. Schmitzer, we will go to your first.

Mark Schmitzer: Thank you Mr. Chairman. In reviewing the application I didn't have any commentary because when I looked at it he was putting up a structure and I looked at it from perspective storm water he is putting in an impervious area building on an impervious surface. So, he is not affecting any storm water that was currently there. I drove onto the property and looked at it and I have no issues or commentary to offer, other than what the Building Commissioner offered that we would like to see the foundations for that structure. We would like to see that license professional engineer stamp those drawings to show that they have designed those footings to withstand the loads.

Mr. Witsaman: I didn't understand what you were looking for with an engineer.

Mark Schmitzer: An architect can make it look pretty. The engineer is the one that will go and put the stamp on to say that he has designed it for certain loads.

Mr. Witsaman: For the footing of the structure.

Mark Schmitzer For the footing and I believe that the structure itself, we would accept the manufacturer itself their loads for the design of that structure. But the footings themselves need to be designed by a license professional engineer or surveyor.

Chairman Sandora: Then you are satisfied with the storm water generating anything else over there?

Mark Schmitzer There are actually three catch basins currently in the location and the water that does shed off the roof will still be tributary to those.

Chairman Sandora: Thank you Mr. Schmitzer. Mr. Alvarez?

Rito Alvarez: Mr. Chairman. Basically, I would say what the City Engineer is saying that this is a light framed structure. The architects do draw nice drawings and accurate drawings as well, however, when you buy a product, like a pre engineered building, that manufacturer gives you the specifications and design of that structure. That is what we are really looking for. The drawings right now do not show the width of the columns and tresses that are made of what? We need all that information. Probably would be a good idea to check the footing. Again, this is a light framed structure. You can see the fabric that they are putting on there. It is not designed to be a permanent building. How long are you going to be keeping this structure up?

Mr. Witsaman: The structure itself?

Rito Alvarez: Yes.

Mr. Witsaman: Because the poly really doesn't take any snow loads, what we will do with the metal framing will stay there but the actual roof will be removed.

Rito Alvarez: The framing will stay in place but the poly will be removed.

Mr. Witsaman: Yes. This is what you call poly lock, it is like an alligator clip that runs in a channel that locks the poly down. It's safer to remove it in the winter and have them come back in the spring and put it back up. Technically, we will take it down on Thanksgiving and then put it back up on April 1. My intentions are if that building ever would burn down, it would go sideways into that hill now that I have that other property I would love to build a better building. Right now that is not in the cards. I do have enough foresight that in the future I would love to build a two story building into that hill, have a bottom and a top, and make it more accessible and get it away from the residential side of the property. If I could do that in five years believe me, I will drive a bulldozer right through it. My plans just don't stop with this structure, that is why it is temporary and I can take it down and move it back and build a better one and a more permanent one. There is an eight foot grade change between the two properties and I would love to put it into the hill and utilize the hill. I think it would be better for everybody.

Rito Alvarez: Thank you.

Chairman Sandora: Mr. Alvarez: Is the overall height of this allowable by Code?

Rito Alvarez: This really didn't give me the height on here. Basically looking at this if you said it would be 10-foot high.

Mr. Witsaman: The sides are 10-foot high. I think to the peak it is 6-feet more. So, about 16-foot high.

Audience says more than that, more than that.

Chairman Sandora: Gentlemen. Gentlemen. You have to address the Board.

Rito Alvarez: Let's say 19 to 20 feet in height.. Our Code allows 35-feet high.

Chairman Sandora: Thank you Mr. Alvarez. Anybody on the Board have anything?

Don Willey: Mr. Chairman.

Chairman Sandora: Mr. Willey.

Don Willey: I guess the product specifications would address your questions.

Rito Alvarez: Mr. Chairman. Yes. With this product, for example, it is probably sold throughout the United States and half of Canada, and it deals with different climate loadings. Ohio is a lot more severe than Florida, for example, so the product specifications would tell us. If he isn't going to have a roof in the winter time, there is no need for a design of a snow load. We start having snow in the first of November and you take it down. There are also live loads that are designed with these things. Twenty pounds per square foot is the usual. The manufacturer would let us know what the design criteria is and if it meets the Ohio Building Codes and that is what we are looking for.

Chairman Sandora: Thank you Mr. Alvarez. You know Mr. Witsaman, this is an on going thing here. It is like the Hatfields and the McCoys going on here. I think you need to sit down and work both sides. This is a two way street. They have concerns and you have concerns. You have a right to be there. You got your variances to do whatever you needed to do. But we need to work together until such a time, that you brought up over here, that your overall plans is to do something down the line, five, six years, whatever, but until that time we need to be good neighbors on both sides and keep it on that level. You are coming back before us on this other thing. We need to address that apron issue over there because that would probably help out a lot. Widen that apron so that the neighbor doesn't have that concern over there. Having said that, anyone else in the audience have something to say? Board have anything?

Moved by Chairman Sandora, seconded by Don Willey to approve the removable canopy structure for Robert Witsaman, Royal Victorian Gardens.

Chairman Sandora: It has been moved and seconded. Mrs. Broestl call the roll.

Don Willey: Yes.
Mayor Stefanik: Yes.
Victor Bull: Yes.
Mike McCarthy: Yes.
Chairman Sandora:: Yes.

Yeas - all. Nays - none.

Motion carried. Removable canopy is approved.

Chairman Sandora: Mr. Witsaman, you are going to have to go before the ARB to show them what you want to do over there. That will be on

Julie Broestl: April 12 is ARB.

Chairman Sandora: April 12, at 6:00. Anything under miscellaneous?

Moved by Don Willey, seconded by Mayor Stefanik to adjourn the Planning Commission meeting of March 24, 2010.,

Chairman Sandora: It has been moved and seconded to adjourn. Mrs. Broestl call the roll.

Mayor Stefanik: Yes.
Chairman Sandora: Yes.
Victor Bull: Yes.
Mike McCarthy: Yes.
Don Willey: Yes.

Yeas - all. Nays - none.

Meeting adjourned.

Meeting adjourned at 8:38 PM

Approved: _____
Chairman Sandora

Date: _____

Attest: _____
Julie Broestl, Secretary