

The **Board of Zoning Appeals** of the City of North Royalton met on **July 25, 2011** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:40 p.m.

Present: Chairman Neil Price, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Price: May I have a motion to excuse John Ranucci for cause.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **excuse John Ranucci for cause.**

Mr. Price: Call the roll

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Public Hearing

(BZA11-09) Andrew Blazek requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.14 “Landscape Features, Fences, Walls”, paragraph (c)**, of the City of North Royalton Zoning Code, for relief from the **side yard fencing** requirement for a **fence** he wishes to install on his property located at **19440 State Road, also known as PPN: 486-23-030.**

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

Mr. Price: Is the applicant here? Your name and address please.

Mr. Blazek: Andrew Blazek, 19440 State Road.

Mr. Price: Would you please raise your right hand. Do you swear that the information you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Blazek: I do. I am asking for a variance for fence location with regard to a corner lot. I would like to install a walnut-finish, composite wood fence along Wiltshire Road which is at the southern end of my property. It will extend from the western pin of my property all the way east to the driveway. It will still leave about 100 feet between the end of the fence and the roadway. It will not interfere in any way with site distance. There are about twelve pine trees there right now. Two of the trees have already died. We feel that a fence would give us the privacy that the trees have not provided.

Mr. Price: Anything else?

Mr. Blazek: I believe that that is it.

Mr. Price: Would you raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Evans: I do. My name is Thomas Evans and I live at 5100 Wiltshire Road. I disapprove of a variance for this fence. Although the house does face State Road and has a State Road address it has a Wiltshire Road driveway and a Wiltshire Road mailbox, which gives the appearance of a Wiltshire Road residence. I think that a fence which is that long and high, and which is that close to the road, will give a commercial look to the neighborhood rather than a residential one.

Mr. Price: Would you raise your right hand please. Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Perriello: I do. My name is Joe Perriello and I live at 19550 State Road. I am Andy Blazek's neighbor. I approve of the variance. I feel that it is his property and he should be granted this variance to allow for his needs and wants for his family and to have the privacy that he wants. I approve of his request for this fence.

Mr. Price: Thank you. Raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Drescher: Yes sir.

Mr. Price: Your name and address please.

Mr. Drescher: My name is Kurt Drescher and I live at 4867 Wiltshire Road. I am another neighbor and I have no issues with the proposed fence. That is it.

Mr. Price: Thank you. Anybody else? May I have a motion to move BZA11-09 to the Open Meeting?

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **move BZA11-09 to the Open Meeting.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

(BZA11-10) Victoria J. Burns requests a variance to Chapter 1284 “Signs”, Section 1284.17 “Prohibited Signs”, paragraph (s), of the City of North Royalton Zoning Code, so as to allow a ground sign to be installed on this property located in TCD District, at 5855 Royalton Road, also known as PPN: 487-06-028.

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

Mr. Price: Would you raise your right hand please. Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Ms. Burns: Yes sir. My name is Victoria Burns and I live at 1600 Valley Parkway in Broadview Heights. I am here in order to attract Malley's Chocolates to come to the center of our city. I had to tell them that I would do all that I could to get the sign that is currently in the front of the facility moved over a few feet so that they would not have another business sign in front of their facility. I do not want to eliminate the signage because we have some wonderful tenants who depend on that sign, namely Buckeye Transmission and Dogpaws At Play. They depend on their signage so I would just like to move the sign over to the west side of the parking lot so that it would not sit right in the middle of Malley's new facade. I submitted sketches of the new sign and I have a photograph of the current sign which is quite a bit bigger than what we anticipate. We want a monument sign to be located at the side. We are just asking for two feet in size.

Mr. Price: Two feet?

Ms. Burns: We are asking for a bigger sign. I think that we are allowed a 4' x 6' sign and we are asking for a 5' x 8' sign. I do not want to punish the current tenants because we have this new, wonderful company coming to the center of town.

Mr. Price: Would you like to submit those pictures to the Board?

Ms. Burns: To keep? If you want. You should have sketches of the new sign that we are proposing but if you want these ...

Mr. Price: I would just like to look at it. (Sketches were brought forward for Board to review.) Anybody else?

Mr. Sandora: Tony Sandora, 8517 Wallings Road. Mr. Chairman, ladies and gentlemen of the Board, ladies and gentlemen in the audience ... I do not know where to start exactly on this. I do have a problem with the moving of this sign. When the city spent the money on the Master Plan and the creation of the TCD District there was a large effort to beautify or try to beautify our downtown area, if that is what you would want to call it. The idea was to allow the stores and the new buildings that come in to be closer to the road. I am sure that you can remember that back in the 1960's and 1970's we had the pole signs all over. A code was later adopted which authorized that these signs be removed within a certain period of time and ground signs were allowed in place of the pole signs. When the TCD District was established it was decided to do away with the ground signs for those areas and allow the buildings to come closer to the road so that they would be able to place their signs right on the buildings. The thinking was also that should Route 82 be widened it would be a nuisance to have all of those ground signs over there. That was basically the theory behind all of this. I would love to see Malley's come here. I have been a patron of Malley's Chocolates all of my life. I have spent a lot of money there. Is that the right place for them? I do not know. That is up to them. There are businesses that are there. There are businesses that are in the back. They need to be recognized. I do understand that; however, by taking that sign and moving it from where it is currently located to the west side of the parking lot ... I do not even know exactly where it is because it had never come before the Planning Commission but instead went to the Building Department, was then sent to the Board of Zoning Appeals and would then be sent to the A.R.B. So I do not know exactly where this sign is going to be but I would think that there would be a tremendous amount of variances that would be needed as far as the front yard setbacks and the side yard setbacks for these signs. When it was decided that the pole signs needed to come down and the widening of the intersection was done we spent a lot of time to make agreements with the business owners to put the signs where they are today. By moving that sign over, and she said that she was going to the west side with it, that would be right by the driveway of the Cartwright building and by the new Malley's space. I do not know if there are even enough parking spots in that area for the Malley's store. I really don't. All of the businesses in the back come out on the east driveway so if you remove that sign and park the cars the way they are now, and you move that sign over to the west side, you are taking away three or four parking spaces there. You have a limited number of parking spaces on that side but you will pick up probably six spaces in the center there. I do not know if that is enough. That is up to the Building Commissioner. My biggest concern is this. You are setting a precedent here. We want these ground signs to go away and have the signage be located on the front of these buildings. We want these signs to go away and instead have the signage on the buildings, whether it be an existing building or a new one. They already do not have any parking setback. The parking is right up to the road. My concern is that should you grant this variance for this sign what happens to everybody else who comes before you. The Code says that you can keep the sign as long as you keep it the way that it is. If you decide to change it or move it then the sign must come down and conform to the current requirements. The new conformity would be to put the sign on the building. Does that mean that every new building or any new business that comes into an existing building, when the tenant does not like where the sign is currently located and wants to move it, that they would be allowed to do that? The School Board is going to put a new sign in front of the school. It is going to be an electronic sign. In my mind I can see everyone wanting to have an electronic sign going down Royalton Road. So pretty soon Route 82 could look like Las Vegas. That is my big concern. I know that this Board reviews every application that comes before them on an individual basis but I think that you really need to consider some of these things. I would love to see Malley's here. I know that those businesses in the back need to be recognized. How you accomplish that I do not know. Those are my thoughts and I thank you.

Mr. Price: Thank you. Would you please raise your right hand. For the testimony that you are about to give do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Tamberello: I do. My name is Frank Tamberello and I live at 3418 Magnolia Way in Broadview Heights. I own Buckeye Transmission. The shop has been there for the last 15 years. The building sits back off of the road. My customers cannot see the building as they approach it from either way because we sit back off of the road and not in the front by Royalton Road. If you decide to not let this sign be relocated we might as well close the business due to the fact that the building sits in the back and customers would not be able to find us. It is hard enough as it is now with the sign not being up in the front but without the sign, I could not run a business.

Mr. Price: Thank you.

Ms. Burns: I would like to first address the parking issue. In the book that I had the sketch in there is a study that was done by Malley's and myself in the tune of four thousand dollars. Every parking space, every possible scenario was studied by an architect. It is quite a compilation of information about the City, the demographics, the size of the parking lot, safety issues and so forth. I paid dearly to have this done. I would be glad to share it with the gentleman who has the concerns about the parking because there is much more parking than is necessary and required. I cannot remember what some of his other issues were. There is a possibility that Malley's will not accept to move in this building should the sign not get moved over. I have been trying very hard to find a quality tenant for the center of the town and these people are solid and they really want to come. Basically the sign is not negotiable. I will not take the Buckeye Transmission sign from him. He has been here for 15 years and it would destroy his business. Malley's does not want the sign in front of their store and I understand that. I have discussed this at length with Mr. Alvarez and I appreciate his input. This is not something that we just decided to do one day. This has been about a year in planning. That is it.

Mr. Price: Thank you. We will discuss it further in the Open Meeting. Anybody else. Can I have a motion to move BZA11-10 to the Open Meeting.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **move BZA11-10 to the Open Meeting.**

Mr. Price: Call the roll.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

(BZA11-11) Krusoe Sign Co. / Disciples of Christ Church request a variance to Chapter 1284 "Signs", Section 1284.17 "Prohibited Signs", paragraph (s), of the City of North Royalton Zoning Code, so as to allow a ground sign to be installed on this property located in TCD District, at 5100 Royalton Road, also known as PPN: 488-19-015.

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

Mr. Price: Would you raise your right hand please. Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Ms. Angus: My name is Candice Angus, 1727 Sophia Lane, Hinckley, Ohio. I would like to **withdraw** this application.

Ms. Vozar: Mr. Chairman, if I could address this. The Building Commissioner had a discussion with the property owner and with the sign company representing the owner. After receiving more information than was previously available to him he has made the determination that this is not a discontinued or abandoned structure or sign. Damage had recently been done to this sign, less than six months ago, and the applicants are merely asking to restore the sign. Based on that the Building Commissioner, and I will let him speak for himself, has determined that a variance is not required and that he could issue a permit once the application has been reviewed by the Architectural Review Board. This would just be a repair of the sign that was partially destroyed. In order to get it ready for a new sign to be put up they took all of the remaining portions of the sign down. That is the impression that we received. Is that correct Mr. Alvarez?

Mr. Alvarez: That is essentially correct. From our discussion we found that they still had more than sixty percent of the sign still there. This is just almost like a repair so I think that they comply with our Code. I think that the next step is just getting them their permit.

Mr. Price: Thank you very much.

(BZA11-12) Zillich Interiors request a variance to **Chapter 1270 “Residential Districts”, Section 1270.33 “Single-Family Cluster Developments”, paragraph (d)(4)(A), (d)(4)(B), (d)(4)(C)(1)(b), (d)(4)(C)(1)(c), (d)(4)(C)(1)(d), (d)(4)(C)(2), (d)(4)(D)** and **Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** of the City of North Royalton Zoning Code, for relief from the **Code requirements, as attached**, with regard to this proposed **single-family cluster development to be known as Quarry Park Subdivision**, located off of State Road, involving the following **Permanent Parcel Numbers: 488-09-002, 488-09-012, 488-09-044 and 488-09-003.**

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

Mr. Marnecheck: My name is Paul Marnecheck and I live at 7348 Julia Drive. I am currently the Ward 4 Councilman. This is not in my ward; however, it is directly across the street from my ward. I have had a number of residents bring this to my attention so I went and looked at what this Board would consider with regard to a variance. There are ten points that you can look at. I would like to call your attention to five of them. The first point – “whether there can be any beneficial use of the property without the variance”. I think that, given the size of this property and its access to State Road, there would be other usages for this property other than these 20 plus single-family cluster homes. Number two, “whether the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structure”. Given the fact that I was led to believe that every one of these structures is looking for a variance, I would consider that to be substantial. That is a lot of variances when not even one of these proposed structures can be built without some sort of variance to our Codes. Number three – “whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance”. I see a lot of my residents who live on State Road, across the street from this proposed subdivision, in attendance. Since I do not live there I will let them address that but based on my conversations with them I think that they feel that it would be detrimental. Number four addresses “whether the variance sought is for relief from a zoning provision which was enacted after the creation of an existing condition or circumstance to the property in question”. It is my understanding that these Codes that the applicant is seeking variances from pre-date when this property was purchased so the owners kind of had an understanding of what they were biting off. Finally, as to “whether the property owner’s predicament feasibly can be obviated through some method other than a variance”, I feel there is – simply have less development. It is for these reasons that I think the Board should closely look at this. There is a lot that goes into this. There are a lot of variances being requested here. I would just ask the Board to take a close look at this and listen to what I would imagine will be a number of residents who will follow me. Really look at this and see if this is the best usage for this property. Thank you.

Mr. Price: Thank you. Anybody else? Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Ms. Medves: I do. My name is Sharon Medves and I live at 11968 State Road. I live between Creek Run and Lisa Lane. This development will be down a little bit and on the other side of Creek Run. We get so much congestion right now between the streets of Creek Run and Lisa Lane. People forget to stop. There is just a lot of congestion there. Where is the run-off going to go? In the ditches? I have a creek running between our house and the neighbor. It gets flooded all of the time. That is another concern of mine – the flooding.

Mr. Price: Thank you. Could you raise your right hand please. Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Romano: Rinaldo Romano, 11431 State Road. I have lived there for 26 years. I have a problem with water. I never had a water problem years ago but in the last five years any time there is a storm I get water in my basement. I would like to see the original blueprint from when the Avalon Event Center was built and where the storm sewer water goes. If you put another 30 or more houses over there – I do not want any more water. I would appreciate it if he could put new sewers over there and stop all of the water that goes up to Wallings Road. Maybe he can resolve the problem. If I get any more water I will have to go. I do not need any more water in my basement. I would appreciate your consideration in this matter. Thank you very much.

Mr. Price: Thank you. Anybody else? Would you raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Ms. Steele: Corinne Steele, 11633 State Road. I am not trying to completely stop the development of the Quarry Park Subdivision but I just want to make sure that it complies with the rules and codes required of **all** the residents of North Royalton. With all of the variances being asked by Zillich Interiors it would be said that our codes and regulations have just been thrown out of the window. For many years the public has had to comply with these codes and regulations and now Zillich Interiors comes in with the desire to build an overabundance of homes in a small area. The only way that can be done is to ask for variances of such an extreme that any further builders coming to North Royalton would then ask for the same privileges and legally should not be denied. Why should we even have a set of codes if they can be changed for developers and not for the general public. There would be no hardship for the developer. If he would build an R1-A development and stay within the Zoning Code he would still make money. He is creating the problems which are totally not necessary. In the Zoning Code, per Section 1264.08, it states that one reason for granting a variance would be that the Code would result in an unnecessary hardship to the property involved and not based on conditions created by the owner. "A theoretical loss or limiting possibilities of economic advantage are general hardships, not unnecessary hardships." (From Section 1264.08 (a)(2)A of the Zoning Code.) The one variance that has not been requested by the builder is the Riparian setback for the wetland area. Again, we are not trying to totally refuse this development but are just requesting that the developer follow and accept the codes and requirements of any present or possible new developers in North Royalton. I have a little bit more to add. That was given to me by one of the residents who had asked me to read it. I feel that to allow all of these variances would be basically allowing anybody to come into our city and request that our codes and ordinances be ignored. If you do not follow these codes you might as well not have them and just throw the book out. Personally, it is right next door to me. If this is built right near my property I would like at least a six foot fence separating my property from the development. I think that that is all I have to say for now.

Mr. Price: Thank you very much. Anybody else? Would the applicant like to speak?

Mr. Zillich: Greg Zillich, 7619 Pleasant Run, Seven Hills, Ohio.

Mr. Price: Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Zillich: I do. At this time I would like to ask that this particular item be tabled.

Ms. Vozar: Mr. Zillich, are you requesting the opportunity to address the Board at the next hearing? Are you reserving the right to do so at the next meeting?

Mr. Zillich: Yes, I am.

Ms. Vozar: As I indicated to you prior to the meeting, because I know that you had requested that it be tabled, we are in recess during the month of August so there is no meeting. This Board, pursuant to our Code, has to render a decision within sixty (60) days of the application coming before it for hearing. So, unfortunately, with the timing of the recess in August the Board would have to render its decision tonight or, as the Code indicates, by agreement of the parties which would be you and the Board, they can agree to an extension of time in which to render its decision. The Board, of course, would have to vote on that separately and will have to make a determination as to whether they are agreeing to an extension of time to render their decision. As the applicant you would have to agree. So as a part of your request to have this item tabled are you also agreeing to extend the time in which the Board would render its decision?

Mr. Zillich: Yes, I am.

Ms. Vozar: Okay.

Mr. Price: I would like to remind you that, according to Section 1264.08 of the Zoning Code, narrative statements establishing and substantiating the justification for various variances are required. That is part of the application – justification.

Mr. Zillich: I believe that I supplied that information.

Ms. Vozar: Mr. Chairman, the narrative can also be supplemented by the applicant at the meeting as we have permitted in the past.

Mr. Price: Do we have to vote to table this item or ...

Ms. Vozar: There are two things that you have to vote on. One, voting on an extension of time, whatever that time period would be – thirty (30) days or whatever the Board deems fit. There would also be the motion to table this item because if, for whatever reason, the Board does not agree to an extension of time then you would obviously not want to move forward and table it.

Mr. Price: Does anybody on the Board have any suggestions on time?

Mr. Kasaris: Mr. Chairman, the applicant is requesting to table this item so perhaps the applicant has an idea as to how long it will take him to remedy any of the issues that he has heard or whatever other problems that may exist.

Mr. Zillich: I could not answer that at this time but I believe that I could be ready sometime in September or for the September meeting.

Ms. Vozar: So it would be a thirty (30) day extension because, according to Section 1264.05 (b), the Board has sixty (60) days after such an appeal is presented at the regular meeting of the Board at which time all required information is provided. So you have sixty days from today. So if you did an additional thirty days or an extension of thirty days that would give you your ninety days, which would carry you through to the next meeting in September. Correct? Am I right on the time?

Mr. Price: Yes.

Ms. Vozar: Okay.

Mr. Price: Can I have a motion for an extension of time?

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **allow for a thirty (30) day extension of time regarding the applicant's request for variances.**

Mr. Price: Call the roll.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Motion carried (4-0). Extension of time is granted.

Ms. Vozar: Mr. Chairman, before you do the next vote I would like to add that since the Board has agreed, by vote, to grant the extension ... Mr. Zillich, you are the property owner?

Mr. Zillich: I represent the property owners. I have supplied to the Building Department and to the Engineering Department letters of consent that state that I am allowed to represent them.

Ms. Vozar: So you are authorized to speak in their behalf?

Mr. Zillich: Yes.

Ms. Vozar: Regarding the extension of time?

Mr. Zillich: In all matters pertaining to Quarry Park.

Ms. Vozar: Okay. Is that somewhere in your application? Unless you are authorized to grant the extension – that is the problem and we would have to verify that. So if you could just give us a minute before we move forward.

Several minutes ensued in search of the requested information.

Ms. Vozar: The name of the applicant – it is Zillich?

Mr. Zillich: It is Zillich Interiors.

Ms. Vozar: Mr. Chairman, Mr. Zillich has indicated that he is authorized to do so. In the event that he is not authorized to enter into this extension we will be forced to convene a special meeting because we will not have a mutual agreement. That would be the problem that we will have should that happen. So Mr. Zillich, for the record now, you have indicated that you are authorized and you are going to be supplying to me, by tomorrow, written verification by the owners of the properties that you are authorized to speak on their behalf and enter into this mutual agreement for an extension of time. Is that correct?

Mr. Zillich: I do not know if it would be by tomorrow. There are letters at the Engineering Department right now that state that.

Ms. Vozar: So you are telling me that the City does have letters stating that authorization.

Mr. Zillich: Correct. If you want specific letters pertaining to this matter – I do not know if I can acquire all of those by tomorrow but I can get those.

Ms. Vozar: I am just putting you on notice that in the event that those documents, which are down at the Engineering Department, do not specifically give you the authority to speak on behalf of those property owners, especially where you are agreeing to an extension of time, then I will notify the Chairman and he will reconvene and have a special meeting and the cost would have to be assessed against the applicant. Do you agree to all of that?

Mr. Zillich: Yes.

Ms. Vozar: And you agree to the extension of thirty (30) days.

Mr. Zillich: Yes.

Ms. Vozar: Okay.

Mr. Price: May I have a motion to table this item.

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **table this item until the next meeting in September.**

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (4-0). Item tabled.

Mr. Price: May I have a motion to adjourn the Public Hearing?

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the Public Hearing.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Public Hearing adjourned at 8:19 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **July 25, 2011** to hold an **Open Meeting** in the Council Chambers at City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 8:19 p.m.

Present: Chairman Neil Price, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Price: May I have a motion to excuse John Ranucci for cause.

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **excuse Mr. Ranucci for cause.**

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Mr. Price: May I have a motion to approve the Minutes of June 27, 2011.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **approve the Minutes for June 27, 2011.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

OPEN MEETING

Old Business:

(BZA11-07) Ted Macosko / Southwest Unitarian Universalist Church request a variance to **Chapter 1284 “Signs”, Section 1284.08 “Signs in Public Facilities Districts”, paragraph (a)**, for relief from the **minimum setback** requirement for this proposed **sign** from the edge of the street pavement, to be located on their property at **6320 Royalton Road, also known as PPN: 488-06-032.**

Mr. Price: Can I have a motion to remove BZA11-07 from the table.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **remove BZA11-07 from the table.**

Mr. Price: Call the roll.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (4-0). Item removed from the table.

Mr. Price: Is the applicant here? Could you please state your name and address.

Mr. Macosko: Ted Macosko, 24 Glen Oaks Lane, Berea, Ohio.

Mr. Price: Discussion?

Mr. Kasaris: Mr. Chairman, after reviewing the e-mail from Patrolman Fyock indicating that there are no issues whatsoever with regard to the location of the sign, I am in support of granting the variance for the sign. It is not out of character for the neighborhood. It does not affect the delivery of governmental services. According to Patrolman Fyock it is not a safety hazard. I will therefore be supporting this request for a variance. Thank you.

Mr. Price: I think that when we met last we were also talking about moving the sign back, closer to the church.

Mr. Macosko: I think that we agreed on two (2) feet.

Mr. Price: And parallel to the street.

Mr. Macosko: We did not agree to locate the sign parallel to the street. I would like to leave it as proposed but I agreed that two feet is similar to where the sign that we are replacing was located. I did my own survey about where other signs are located in reference to the road and whether they are parallel to the street. I did not see any other parallel signs in the City. I looked briefly for about one hour one day and I came up with 24 signs that are within the 25 foot setback. Some that are only about 10 feet off of the edge of the road. I have photographs if you are interested. I do not think that it is necessary but I would agree to an additional two feet back. We are already right on the bushes.

Mr. Price: With the back side of the sign.

Mr. Macosko: Correct.

Mr. Price: I am saying that you could take the back side dimension and turn the sign parallel to the street based on the back side dimension of the sign.

Mr. Macosko: I never agreed to the sign being placed parallel. I thought that we had talked about just moving it back.

Mr. Price: Okay. What do you think about a parallel sign? This City has gone through numerous meetings to try to establish some sort of an aesthetic quality in regard to signs. When signs are taken down, moved or destroyed and there is an interest to put them back up again – the idea is to move the signs back from the sidewalk and the close proximity to the street.

Mr. Macosko: I think that our situation is unique in that our building is very close to the road.

Mr. Price: Yes, it is.

Mr. Macosko: I would again ask you to show me one other parallel sign within the City limits. According to my informal survey I did not see any parallel signs. I think that anybody would want their sign to be identified and to be able to be seen from both directions. I think that our sign is in character with the neighborhood and that it would be a very nice, non-illuminated ground sign. I would point to your own sign outside of this facility. It is 16 feet and perpendicular to the road. Our sign will be very similar to it in its construction and in its architecture and detailing. This building / property has plenty of room to push it beyond the setback. I would really like you to reconsider and allow us to go perpendicular with the street.

Mr. Price: Anybody else?

Mr. Jankovsky: At the last meeting I asked Mr. Macosko about his May 19th application in which he stated that the proposed sign would be at a setback similar to many other signs on neighboring properties. I asked him at that time if he had any specific examples and he replied that he did not. So I took it upon myself to put his comments on my own particular truth meter. I went out there and checked out his statement and found that it is mostly true. I agree with what he said. There are a number of signs on Route 82 that are less than 25 feet from the street and some of them quite close. I do not think that I found anything as close as what he is asking but then again they are bigger signs. I think that this all goes back to Mr. Sandora's comments. Our Master Plan Committee came up with some new rules which changed some of the rules that had existed for many decades. (Continued on next page ...)

Mr. Jankovsky: This makes things very difficult – to tell a new applicant that they now have to come back with a proposal setting a sign further back from the street or at a location totally different from the neighbors who have been there for years. I personally, having surveyed Route 82 and having read Patrolman Fyock's opinion, do not have a problem with this request. I understand everything that Mr. Sandora had said. We would like to change things according to the Master Plan but I just do not have the answer as to how you do that when you have all of these existing properties on this street and many which do not conform to the current requirements. I will be voting in favor of this today.

Mr. Price: So am I to understand that you are not in favor of putting the sign parallel to the street but you would move it back a couple of feet.

Mr. Macosko: Correct.

Ms. Mastronicolas: Mr. Chairman, taking into consideration the Minutes from the last discussion that we had and the unique location of this church and the history of this property, and again agreeing with all of the comments from my colleagues about keeping the Town Center District in mind and understanding that ideally it would be nice to place the sign on the church, but I am not sure if that would aesthetically alter the beauty of the church and the history of this old building. I think that I could agree to moving it back to the location where the other sign was. I will be voting in favor of this variance.

Mr. Price: I am sorry but I cannot go along with this variance unless the sign is moved back. We have, as a city, fought long and hard to establish some criteria and we cannot just keep going along and asking for changes to it every time. I will not be voting for it.

Mr. Macosko: I would like you to consider that this is not a new building and it is not a new project. If I had known I would have perhaps even kept the sign in place and then ask for it to be repaired or something like that. I do understand what you are trying to do but I do think that this is a very unique situation. There are no other buildings around it. It sits alone in a cemetery. If you look at churches in New England you will see a small white sign in front of a building such as that.

Mr. Price: No argument except our Codes require that signs be put back farther from the sidewalk or from the right-of-way. We are trying to change from the clutter of signs that are up on the street. We would like to have these signs either moved back or have these signs placed on the building. I agree that you could not place this sign on the building. You have windows and gables and everything else on the front of this building. It is a unique structure but can easily be identified because it is the only structure by a cemetery in town. Donna?

Ms. Vozar: Mr. Chairman, just to clarify – the applicant had indicated that he was willing to move this sign back two (2) feet – are we moving forward on a 12 foot or on a 10 foot variance?

Mr. Price: I have not heard anybody agree to a change so I guess not.

Mr. Macosko: That would be a 10 foot variance.

Ms. Vozar: So you are amending your application to be a 10 foot variance?

Mr. Macosko: Yes – 10 foot.

Mr. Price: With the sign perpendicular to the street.

Mr. Macosko: Correct.

Ms. Vozar: I just need to verify something. So you are authorized to speak on behalf of the church?

Mr. Macosko: I am a member of the church and I am their architect.

Ms. Vozar: You are also the applicant here. Did you fill out the application?

Mr. Macosko: Yes.

Ms. Vozar: Your original application was for a 12 foot variance. You are now requesting that that be amended to a 10 foot variance?

Mr. Macosko: Yes, I am.

Ms. Vozar: Mr. Chairman, should I move forward then?

Mr. Price: Yes.

Ms. Vozar: The proposed findings of fact and conclusions of law are submitted for the Board's consideration. The applicant is seeking **a variance of 10 foot less than the requirement as prescribed in Section 1284.08 (a) of the Zoning Code so as to allow relief from the minimum setback requirement for this proposed new ground sign from the edge of the street pavement.** The applicant was present and no neighbors came forth in objection. The applicant presented the testimony that the essential character of the neighborhood would remain intact. He talked about this specific, unique property and that the building sits very close to the street. The Board finds that practical difficulties has been established. The applicant has provided the necessary factors pursuant to Section 1264.08 (e)(1) and shown that practical difficulties has been established. Is there anything else that the Board wants to add, modify or change? I then submit this for the Board's vote.

Mr. Price: Any additions or corrections? Call the roll.

Mr. Kasaris: Yes.

Mr. Price: No.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – three. Nays – one.

Variance granted (3-1).

Application was amended – 10 foot variance granted. (Applicants may locate sign 15 feet from the edge of the street pavement.)

Mr. Macosko: Thank you.

New Business:

(BZA11-09) Andrew Blazek requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.14 “Landscape Features, Fences, Walls”, paragraph (c)**, for relief from the **side yard fencing** requirement for a **fence** he wishes to install on his property located at **19440 State Road, also known as PPN: 486-23-030.**

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **grant relief from Section 1270.14 (c) of the Zoning Code so as to allow a variance of 22 feet from the required side yard set-back line for this proposed fence.**

Mr. Price: Any discussion?

Mr. Kasaris: After considering the evidence, reviewing the application, hearing the testimony presented and knowing the area as it is in my particular ward, I will support the application. There is not going to be any adverse affect on any governmental services. In my mind there is a practical difficulty for I understand the need for privacy as well as the need to protect his family. I do support the application. Thank you.

Ms. Mastronicolas: Mr. Chairman, I have a question. I visited the site and pulled into the driveway and I had a difficult time with the vision issue due to the pine trees there. My concern would be that if there were kids on that sidewalk or any kind of traffic that it might be a safety issue. Did you possibly consider going parallel to the sidewalk and the pines but starting at the corner of the garage. You would not even need a variance for that. You would be going back a little bit. Earlier, during the Public Hearing, you indicated something about 100 feet – I was confused with that.

Mr. Blazek: I was just stating that the end of the fence, nearest State Road, would basically not be anywhere near the intersection.

Ms. Mastronicolas: Okay. I understand now.

Mr. Blazek: The fence is not going to interfere with any site distance there.

Ms. Mastronicolas: My concern is that when backing out, like I said, I had difficulty with the pines there. This is going to be a 6 foot high fence – granted it will be in to the corner where the concrete curbs a little but...

Mr. Blazek: That is part of the reason that I tapered it there at about the last 25 feet. The fence will run basically where the trunks of those pines are. So you are going to eliminate a lot of that buffer that is there right now with the pines in place.

Ms. Mastronicolas: Would you consider moving it back and starting at the corner of the garage?

Mr. Blazek: The only hard part about that is that it bites into a lot of the yard. It says 25 feet back versus where it will end which will be more like 13 – 14 foot back. So you are basically asking for me to sharpen that last 25 feet or something like that.

Ms. Mastronicolas: Possibly. I am concerned about the vision issue. Do you turn around or back out onto the street most of the time?

Mr. Blazek: For the most part I back out most of the time.

Ms. Mastronicolas: Like I said I was a little leery about backing out and had a bit of a hard time. There is a sidewalk which means that kids are riding bikes and pedestrians are walking.

Mr. Blazek: The hard part about that sidewalk is that it does not actually connect through. The property next to us on State Road – their back yard exits onto Wiltshire Road. There is a gap in the sidewalk of about 60 feet.

Ms. Mastronicolas: I did not notice that.

Mr. Blazek: It continues after that for about six more properties.

Ms. Mastronicolas: Thank you. I have no other questions.

Mr. Price: What is the style of this fence? Is it something like the sound barriers on the interstate but just not as high?

Mr. Blazek: It will be made of composite wood, a fabricated wood. It is pre-treated to last about 25 years without me having to do anything to it.

Mr. Price: They are solid panels.

Mr. Blazek: Yes. I meant to submit a picture with the application. I did print one out.

Mr. Blazek came forward and submitted a brochure displaying the type of composite fence he would be installing – to be known as Exhibit A.

Mr. Price: I have no objections to the variance being requested due to the irregular shape of the lot. The house is almost isolated on that corner. The rear yard is exposed to Wiltshire Road due to these angles. He would have limited privacy without the fence. For these reasons and those mentioned by Dan – I would vote in favor of this request.

Mr. Jankovsky: I agree with your comments and those made by Mr. Kasaris. That part of Wiltshire is a dead end and I do not think that the traffic will be that significant of a problem even if there is some difficulty seeing past it when pulling out of the drive. So I would be in favor of this variance.

Ms. Mastronicolas: I just have one other question. The privacy is just an issue to you on Wiltshire and not on State Road.

Mr. Blazek: In the future we would like to install a stamped patio off of the back of the house. If you look from the street it is pretty easy to see through the pines so the yard is for the most part very visible. This fence would provide us with a lot more privacy.

Ms. Mastronicolas: I am still concerned about the site issue, not so much at the intersection but that of pedestrian traffic. I do not know if there is a solution or not but it is so close – it is like right there by the sidewalk.

Mr. Kasaris: Mr. Chairman, may I ask the applicant a question? What do you plan to do with the arborvitaes or the trees?

Mr. Blazek: I was going to try to relocate them if I could. They have grown about six feet since we have been there. They grow very quickly and get very large so that is why I am trying to get it taken care of sooner rather than later. We plan on relocating them if possible. Two are already dead. There is really no saving those. I was going to try to transplant them in the creek area behind our house where we already have a natural buffer.

Ms. Mastronicolas: Did you plant these originally?

Mr. Blazek: No. Those were already planted by the builder.

Ms. Mastronicolas: You bought the property and built the house?

Mr. Blazek: No. The house had been built by a contractor and we purchased it as is.

Ms. Mastronicolas: I guess the only reason that I would consider it is because it is irregular. I don't know. I still am concerned about safety. I had a very difficult time pulling out of the driveway and I would be concerned about the traffic. I do not know how much traffic is there. So unless it is moved back I would have to vote against this variance request.

Ms. Vozar: Mr. Chairman, I will submit the proposed findings of fact and conclusions of law from the consensus of the Board for their submittal. This is with regard to BZA11-09 which requests relief from Section 1270.14 (c) of the Zoning Code so as to allow a variance of 22 feet from the required side yard set-back line for this proposed fence. The applicant was present and testified as to the need and the privacy issues on this unique parcel. There were two other neighbors who attended and expressed no objection to the applicant's request for a variance. There was one neighbor who did appear and disapproved of the request. He gave as a reason that the fence gave the aesthetics of a commercial rather than a residential look. The Board finds that practical difficulties has been established on the following criteria. Based on Section 1264.08 (e)(1) the Board finds that the essential character of the neighborhood would not be substantially altered. It will not adversely affect the delivery of governmental services. Also based upon the special conditions and circumstances which exist which are peculiar to the land, such as the irregularity of the lot, the Board finds that practical difficulties has been established. Is there anything else that the Board wants to add?

Mr. Price: Any additions? Call the roll.

Mr. Price: Yes.

Ms. Mastronicolas: No.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Ayes – three. Nays – one.

Variance granted (3-1).

Mr. Price: Thank you.

(BZA11-10) Victoria J. Burns requests a variance to Chapter 1284 “Signs”, Section 1284.17 “Prohibited Signs”, paragraph (s), so as to allow a ground sign to be installed on this property located in TCD District, at 5855 Royalton Road, also known as PPN: 487-06-028.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **grant relief from Section 1284.17, paragraph (s) of the Zoning Code so as to allow the applicant to install a ground sign on this TCD zoned property.**

Mr. Price: Discussion

Mr. Kasaris: Mr. Chairman, as I see it we already have a ground sign here. This is different from Taco Bell where there was no ground sign. Here we have a ground sign and the applicant is seeking to move the ground sign. Mindful of the Master Plan and mindful of the issues that we have with ground signs, and considering the factors that we are obligated to consider, I support the application. The main reason that I support it is because we are not adding a new sign. There is already a sign there. We are simply moving it from Point A to Point B. Considering the criteria that we have to look at this is not going to alter the neighborhood at all. We have heard testimony this evening that this part of Route 82 is riddled with ground signs. It is not going to adversely affect any governmental services. For those reasons I will support this application. Thank you.

Mr. Price: I have a question about your potentially future tenant. What are they thinking of in terms of a sign? Will it be on the building?

Ms. Burns: Yes. They are not going to have any ground sign.

Mr. Price: So the sign in the front is going to go away and there will not be any application to place another sign there.

Ms. Burns: They are only going to have a sign on the building. There will be no ground sign for Malley's.

Mr. Price: Am I correct to say that at one time Buckeye Transmission had a sign on their building? Did they not at one time have a big yellow sign on the building?

Mr. Tamberello: Yes.

Mr. Price: What was the reason for that being taken away.

Mr. Tamberello: It is still there but it sits back a full lot from the street. People driving down the street cannot see the sign.

Mr. Price: Okay. I did not see it.

Mr. Tamberello: Exactly.

Mr. Price: Asked and answered – very good.

Ms. Burns: This is from the heart. This is a tough economy and I see entrepreneurs, like Frank (owner of Buckeye Transmission), who need every ...

Mr. Price: There needs to be signage for those locations in the back. They are not visible from the street and they need some kind of recognition. The sign that you propose listed two tenants but the photographs have three.

Ms. Burns: There will only be two tenants on the sign. It will be dropped to the ground. It currently sits about 10 – 12 feet high. The height of this sign will only be 5 feet. This sign will be made smaller, shorter and it will be a monument sign. It will be a much more tasteful sign. I admit that the existing sign is kind of an ugly sign. We were in a bind when the street was widened and we all had to get rid of our signs. At that time the City wanted the sign to be located over where we are proposing to have it now but we convinced them that we wanted it right in the middle because Arabica was there, I think, and there was someone who wanted to be on the sign. It was just a whole set of different circumstances.

Mr. Price: It looks like the location, per the sketch and a google search on the internet, of this sign will be in a parking space. Is that going to take away from a parking space?

Ms. Burns: No. In the study it states how many parking spaces are required and we have about 20 more than is required. Parking is not an issue.

Mr. Price: Okay. So the area where the current sign is will just become a grassy knoll?

Ms. Burns: No. It will be all asphalt.

Mr. Price: So the grass will be removed?

Ms. Burns: Right now there is a cement sidewalk. It sits kind of in the middle of the sidewalk. There is some grass around it simply because when the people in the City designed it they wanted some bushes around it.

Mr. Price: Is there going to be like a tree lawn there?

Ms. Burns: A little one but my understanding is that it is all going to be a parking lot.

Mr. Price: Do you think that there is any fear that the neighbor will be parking in front of the sign and will obscure the sign?

Ms. Burns: The fortuneteller? My understanding is that the fortuneteller is not there anymore. That is what I was told recently. I do not really know what goes on over there.

Mr. Price: Based on the fact that the tenants to the rear of this property need to have some kind of recognition and the sign is going to be removed and the new tenant is not going to have a ground sign on the street, I am going to vote to approve this request. You say that this sign is lit internally. Will it be on all of the time or just during business hours or when it is dark?

Ms. Burns: Currently it is connected to some kind of an electric timer or some kind of electric eye. This sign – getting Malley's was the easy part. Negotiating this sign with them was the hard part. In order to get it moved they have actually agreed to pay for the electrical and the moving of the sign. They do not want that sign in front of their building. They have quality people doing this so I am assuming that that is how they will do it. They will somehow run the electric under the asphalt because it will be a whole new parking lot.

Mr. Price: I am just interested in not having Route 82 look like Las Vegas.

Ms. Burns: I think that it is a very tasteful sign that their architect drew up. I do believe that it will be lit at night.

Mr. Price: Is the business open at night?

Ms. Burns: I think that they are open to 8:00 or 9:00 p.m. Or are you referring to Buckeye Transmission?

Mr. Price: Yes – Buckeye Transmission.

Ms. Burns: So what are you saying – you do not want it lit up?

Mr. Price: Why have a glaring light on the street at night when the business is not open.

Ms. Burns: I know that the dog people are there until 6:00 or 7:00 p.m. During parts of the year it is dark already at 5:30 p.m.

Mr. Price: So from 5:30 to 7:00 p.m. it could be lit but it does not have to be lit from midnight until 8:00 a.m. in the morning.

Ms. Burns: Frank, have the sign lit until 7:00 p.m.? This is really a sign for him and the other tenant.

Mr. Price: You are the landlord.

Ms. Burns: I am the landlord but he is my boss. He is my tenant. He is a hardworking man. He works seven days a week. I will not take his sign. Malley's would have to go somewhere else.

Ms. Vozar: Mr. Chairman, I just wanted to remind the Board that even if the variance is granted the sign will still need to go before the Architectural Review Board for their review as to compliance with the Code and the aesthetics issue. They will deal with the lighting issue too. I just wanted to bring that to your attention.

Mr. Price: I realize that.

Mr. Tamberello: The current sign has a photo censor on it so when it is dark the sign is lit. It is lit with neon bulbs so it is not glaring. It has to be lit at night because I have people who unfortunately have cars which have died during the day or during the night. When they call for a tow truck the tow truck has to be able to find my shop so the sign needs to be lit at night.

Mr. Price: Thank you.

Mr. Tamberello: You are welcome.

Mr. Alvarez: Mr. Chairman, I would just like to add for the record and for your consideration that this area is zoned TCD so there are no regulations in terms of setbacks for signage; however, that having been said, should this sign have been located in a business district it would be required to have a side setback of 25 feet. This would be if it was theoretically zoned as a business district. The applicant is showing three (3) feet. I do not know if that would enter into your decision making process or not.

Ms. Burns: We went with that setback because we were trying to put it in line with Gum Do and the other signs that are on the street. We thought that it would look better if everyone's sign was at the same setback. We do not have a problem with setback. We just thought that it would look better.

Ms. Vozar: Are you talking about the distance from the roadway?

Ms. Burns: I really did not measure it. I was just looking at where the Gum Do sign is located.

Ms. Vozar: What Mr. Alvarez is speaking to is that it is three (3) feet from the property line.

Ms. Burns: I see.

Ms. Vozar: Normally, if this was a business district, as it was at one point, it would have been required to have a larger setback. Since it is now zoned TCD, and ground signs are no longer permitted, there is no Code that addresses that. Mr. Alvarez is trying to bring this to the Board's attention.

Mr. Price: The movement of the sign to the east – is that what you are referring to?

Mr. Alvarez: No, where she is proposing to locate the sign now - off of the west side property line.

Mr. Price: So you are saying that she should move the sign to the east.

Mr. Alvarez: Right.

Mr. Price: That puts the sign closer to the end driveway.

Mr. Alvarez: That is correct.

Ms. Burns: It would pretty much put it in the way of incoming traffic.

Mr. Price: As I said before I will approve this. It is not going to affect governmental services. It is going to help the two businesses to the rear of the property. I will be voting in favor of this variance as long as the current sign is going to be taken down.

Ms. Burns: Absolutely.

Mr. Jordan: Tom Jordan, Community Development Director, 13834 Ridge Road. The Administration would like to express their support of this application. The issue before the Board this evening is whether or not a ground sign should be permitted in a TCD District. One, there is a misnomer that ground signs are not permitted in the Town Center District. They are permitted in the event of a multi-tenant shopping center. This is a multi-tenanted area. It is not in a strict sense a "shopping center". There are at least four buildings on that property. The depth of that lot is over 400 feet. The lot has a very unusual size, shape and terrain.

(Continued on next page...)

Mr. Jordan: For that reason and because there are multi-tenant and very well established businesses on the property, the Administration would request that the Board support the application and grant the variance on this one issue alone. The one issue tonight is about whether or not a ground sign is permitted for a multi-tenant piece of property. That is what we are requesting for you to give your support on. If a full application relative to the sign engenders any other variance requirements the City would have to weigh those options at that time. This evening we are only here about whether or not a TCD District should allow a ground sign for a couple of businesses on this multi-tenant property. The Administration still continues to express its support for the Town Center District design codes. We do insist, especially with any opportunity with new construction, that we eliminate ground signs whenever possible. In a perfect world the entire stretch between State and Ridge Road would have only one in and out entrance, one multi-tenant ground sign and everything would be set back with a "main street" feel to the property. Unfortunately we do have multi-ownership along State and Ridge Road. We are dealing with current properties and current property owners and lease tenants. Again, remember that ground signs are permitted in Town Center District for multi-tenant shopping centers. This has separate buildings and thus the variance is required. We set up a process for variances to handle just this type of issue which are unique to the property. Thank you.

Mr. Price: Thank you.

Ms. Mastronicolas: I concur with Mr. Jordan, the Economic Development Director. Although we do not want to disregard Town Center District moving forward I do think that this is a unique situation. Being a business owner myself I can feel the hardship if set back so far and not having any sign. It would definitely be a detriment to my business. I did recognize that under paragraph (s) it did address a multi-tenant shopping center. I would agree that this should be put into that classification so I will be voting in favor of this variance.

Mr. Jankovsky: Mr. Chairman, there is probably nobody in the room who I respect more for their opinion than Mr. Sandora. I agree with everything he had to say but on the same token Mr. Jordan took the words right out of my mouth. I do not need to reiterate those things. I can clear up the situation for us. I agree with Mr. Sandora and I think that in some place and time we are going to have to dig our heels into the ground and draw the line so as to start changing things and to conform with the Master Plan. In this particular case, however, and in this particular period of time I do not think that we want to discourage any business from moving in here so I would support this variance request.

Ms. Vozar: Mr. Chairman, I submit the proposed findings of fact and conclusions of law for the Board's consideration. The Board finds practical difficulties has been established pursuant to Section 1264.08 (e)(1) based on the following facts and legal conclusion. Present today was the property owner who testified in regard to the need to move the current ground sign to the location she had submitted in her application. This is for a variance for relief from Section 1284.17 (s) of the Zoning Code so as to allow the applicant to install a ground sign on this TCD zoned property. In addition, one of the tenants testified regarding his need and the location of his business and the difficulty that he would have in operating his business if this variance was not granted. Furthermore, the Board found that there would not be beneficial use of the property without the variance due to the proximity of the two businesses and their location on this parcel. The Board also found that it would actually enhance rather than interfere with governmental services because of the tenants located at the rear of the property. This is a unique application. Two tenants are located at the rear of the property. The applicant is merely requesting that the existing ground sign be moved and the sign will actually be enhanced. The Community Development Director testified regarding the need for this variance based on the multi-use of this parcel. He asked that this request for a variance be approved and that this ground sign be permitted. Mr. Chairman, does anybody else have something they wish to add?

Mr. Price: Does anyone have anything else to be added? Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Variance granted (4-0).

(BZA11-11) Krusoe Sign Co. / Disciples of Christ Church request a variance to **Chapter 1284 “Signs”, Section 1284.17 “Prohibited Signs”, paragraph (s)**, so as to allow a ground sign to be installed on this property located in TCD District, at 5100 Royalton Road, also known as PPN: 488-19-015.

Ms. Vozar: Mr. Chairman, the applicant, during the Public Hearing, indicated that they were withdrawing their application so there is no further action that is required by the Board during the Open Meeting.

Mr. Price: Thank you.

(BZA11-12) Zillich Interiors request a variance to **Chapter 1270 “Residential Districts”, Section 1270.33 “Single-Family Cluster Developments”, paragraph (d)(4)(A), (d)(4)(B), (d)(4)(C)(1)(b), (d)(4)(C)(1)(c), (d)(4)(C)(1)(d), (d)(4)(C)(2), (d)(4)(D)** and **Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** for relief from the Code requirements, as attached, with regard to this proposed **single-family cluster development to be known as Quarry Park Subdivision**, located off of State Road, involving the following **Permanent Parcel Numbers: 488-09-002, 488-09-012, 488-09-044 and 488-09-003.**

Ms. Vozar: Mr. Chairman, if I could. This was, again, referred to New Business. During the Public Hearing there was discussion and a request by the applicant to table this item. He furthermore requested an extension of time. There was much discussion as far as the authority to enter into this extension. I would request that during the New Business portion of the Open Meeting that the Board again call a vote with regard to the extension and have the applicant come forward and re-state that he does request the extension of time of thirty (30) days and, at that time, if there is a motion to table. Just so all of the residents understand, the applicant has requested that this item be heard at the next meeting. We do not have a meeting in August. We are in recess so our next meeting will be September 26, 2011. No notices will be sent out. It will obviously be on the City’s calendar but we do not send out notices again. I wanted to make sure that everyone knows that this request will be heard again at the September meeting.

Mr. Price: Could I have a motion for an extension to be granted.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **allow the applicant for BZA11-12 a thirty (30) day extension of time for all of the variances being requested in his application.**

Ms. Vozar: That is a thirty (30) day extension of time for the Board to issue its ruling pursuant to Section 1264.05 (b). Is that correct Mr. Kasaris?

Mr. Kasaris: That is correct.

Mr. Price: Does the applicant agree?

Mr. Zillich: I agree.

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes

Ayes – all. Nays – none

Motion carried (4-0). Applicant granted a thirty (30) day extension of time for all of the variances being requested in his application. Next B.Z.A. meeting: September 26, 2011.

Mr. Price: May I have a motion to table this item.

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **table BZA11-12 until the next meeting in September.**

Mr. Price: Call the roll.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (4-0). Item tabled.

Mr. Price: See you in September. Any other business? Could I please have a motion to adjourn.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting for July 25, 2011.**

Ayes – all. Nays – none.

Motion carried (4-0).

The Board of Zoning Appeals Meeting **adjourned** at 9:12 p.m.

Approved: Neil E. Price
Chairman

Date: September 26, 2011

Attest: Lynn M. Briskman
B.Z.A. Secretary