

The North Royalton Board of Zoning Appeals met in the Council Chambers, 13834 Ridge Road, on Monday, January 7, 2010, to hold a Public Hearing. The meeting was called to order at 6:30 pm by Chairman Neil Price.

Present: Chairman Neil Price, John Ranucci, Councilman Dan Kasaris,  
Diane Mastronicolas, Prosecutor Donna Vozar,  
City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez  
Secretary Julie Broestl

Chairman Price: We have a little bit of business before we start. We have to elect new officers for 2010. So, Julie will you call the roll.

Chairman Price: Yes  
John Ranucci: Yes  
Dan Kasaris: Yes  
Diane Mastronicolas: Yes

Ayes - all. Nays - none.

Chairman Price: I'll open the floor for nominations for Chair.

Moved by John Ranucci, seconded by Dan Kasaris, to **nominate Neil Price to continue on as Chairman of the Board of Zoning Appeals.**

Chairman Price: Anybody else? Motion to close the nominations.

Moved by Dan Kasaris, seconded by John Ranucci, to close the nominations.

Chairman Price: The motion is for me to continue as Chairman. Call the roll.

John Ranucci: Yes.  
Dan Kasaris: Yes.  
Diane Mastronicolas: Yes.  
Chairman Price: Yes.

**Ayes - all. Nays - none.  
Motion carried. (4-0)**

**\* Neil Price is Chairman for 2010**

Chairman Price: Open it up for Vice-Chairman.

Moved by Dan Kasaris, seconded by Chairman Price, to **nominate John Ranucci as Vice-Chairman of the Board of Zoning Appeals.**

Chairman Price: Anybody else? Motion to close the nominations.

Moved by Dan Kasaris, seconded by John Ranucci, to close the nominations.

Chairman Price: Call the roll.

Dan Kasaris: Yes  
John Ranucci: Yes  
Diane Mastronicolas: Yes  
Chairman Price: Yes

**Ayes - all. Nays - none.  
Motion carried. (4-0)**

Chairman Price: Call the roll on the **nomination of John Ranucci.**

Diane Mastronicolas: Yes  
Chairman Price: Yes  
Dan Kasaris: Yes  
John Ranucci: Yes

**Ayes - all. Nays - none.  
Motion carried.**

**\*John Ranucci is Vice-Chairman for 2010**

**(BZA01-10) Timothy Finn/Commercial Truck & Equipment Sales and Ed Pfister requests a variance to Chapter 1278 “Industrial Districts”, Section 1278.04 “Use Regulations for General Industrial Districts”, paragraph (a) and Chapter 1282 “Off-Street Parking and Loading”, Section 1282.10 “Parking Area Improvements”, paragraph (a), of the North Royalton Codified Code for relief from the for relief from **main uses permitted and gravel drive** for a proposed commercial truck and equipment sales business that they wish to conduct on this property located at **13134 York Road, PPN: 483-14-003.****

Chairman Price: Anybody in the audience wishing to speak? How about the applicant?

Tim Finn approached the microphone.

Mr. Finn: I’m Tim Finn and I am the managing partner of Commercial Truck and Equipment Sales, LLC, which is currently located in Columbus, Ohio.

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

Mr. Finn: I do. I appreciate you making the time, particularly in light of the weather, to hear me on a special meeting date. I’m rather pinched for time because I do have to move from Columbus now at this point. And aside from this property that I have selected in North Royalton, as a North Royalton resident, it is convenient to me. I have no plan B. I do have to be up and rolling, according to my licenses, by February 1. I have been paying a lease on the property for the last three months. I have already taken steps to improve the exterior appearance of the property. I took twenty yard box of refuse off of the property. I was illegally dumped. Carpet, tires, building materials, telephone poles, and to give you the idea of what twenty yards is, basically, a twenty yard container would make this room completely empty. All of the fixtures in here, tables and chairs, would fill a twenty yard dumpster. I already had several hours of work invested in the property in making it not an eyesore. It had vines and trees growing through the roof. I didn’t take a before and after picture. I plan to continue to improve the property. I’m planning on putting up a shadow box fence. 209-feet of the property and a gate on the other 26-feet of the property on the set back. My business revolves around relieving banks of post-lease assets and businesses that they closed down that they fund. So, what I primarily do is accept deliveries of construction equipment trucks and trailers and de-identify them, and in some cases, return things like radios and personal effects to the owners. I then turn-around and make arrangements for them to be dispatched to other places in the country or I represent them myself at motor vehicle and equipment auctions, and I also auction them on-line on my own on-line auction site. I am a licensed auction firm. I’m also a licensed motor vehicle dealer for the purpose of trading the titles on behalf of the banks. Most of the equipment that I take in, 75% of it leaves the State of Ohio, and probably half of that leaves the Country. So, I am not running a retail sales operation, I’m a processing depot. I even process computers. And sometime business records, which would be file boxes on pallets, sent to storage facilities for business records. I’m a facilitator for banks, when they close companies that they have invested in. I will not have a lot of in and out traffic. I will not cause a traffic problem on York Road. There is no machinery running. There is no dirt or noise. I don’t have any fluids spilling. I don’t open up or take things apart. It is not a junk yard. It’s not an impound facility. Those are not the businesses I engage in. I strictly do what I said. I take the assets and I triage them and send them on their way. My use of the property will be fairly tamed. I will be very quiet and very neighborly. The appearance of the property, with your blessing, will increase dramatically over what it is now. Thank you.

Chairman Price: Thank you. Anybody else?

Mr. Tom Jordan approached the microphone.

Mr. Jordan: Good evening. My name is Tom Jordan, Economic Development Director for the City of North Royalton. Over the last six months we have been in contact with this particular business. The owner, as he has indicated before, is a resident of North Royalton, interested in relocating his business within the City confines. For that reason, initially, my office was contacted. There were some concerns about the type of businesses that would be located on York Road. The City would love to see that property fully developed into the goals within the Master Plan. However, his business is an acceptable business to be located within the area of General Industrial; however, our concern lied over the storage of vehicles in an exterior location. However, with the shadow box fence that the applicant is proposing to build, which will shield

the storage of that material from the public right-of-way and from the public view, we feel that that particular issue would be resolved. However, there was some concern, and we had some extensive conversations with the applicant relative to what we did not want it to become. What we did not want it to become, and there was some investigation on our part, was an impound lot or a salvage yard where there are vehicles or construction equipment would be taken apart and sold in parts and that essentially their VIN and ID numbers would be decommissioned and they would be there for an indefinite period. It is my understanding that those two activities are separately licensed activities and Mr. Finn does not presently have them, and does not intend to have those activities there, but I would encourage the Board that if they if this meets with their approval that these conditions be placed there for those specific activities. Again, I want to reiterate we do support the application; however, we are concerned about the two additional conditions and feel that this would be a good use. I do appreciate the fact that the applicant did clean up the site. The City frequently has to remove debris from the Industrial areas of the City that were illegally dumped. This site has already become a site for dumping. We would like to have a tenant in there while the ultimate goal of the Master Plan is reached. Again, I appreciate your time this evening.

Chairman Price: Thank you. Anybody else?

Mr. Tony Sandora approached the microphone.

Mr. Sandora: Mr. Chairman, ladies and gentlemen of the Board, ladies and gentlemen of the audience, Tony Sandora. I am on the Planning Commission. I have some questions and concerns that I would like to ask the applicant or have him answer the questions. First of all, he is not buying the property, from the way I understand it. He is only going to lease the property. Two, is that there is a home on that property right now. What is going to happen with that home? You are not allowed to have a dual use on that property what-so-ever. Because there is a home on there, are they going to try and rent that house out again or are they going to leave it empty? What is going to happen to it? So, are we going to have a vacant house there forever while this piece of property is being used for salvage. I agree with Mr. Jordan, that you need to place those limitations on this of what he could put in there. What he can do there. And I also think that the variance should be limited to whatever his company is. Tim Finn Commercial Truck and Equipment only. Because if he moves out of there or if he decides to get another license to do the salvage or whatever he wants to do there and the variance is granted he would be able to do that. You need to put some very, very, strict conditions on this variance if you are going to pass this. He said he was going to put a board on board fence across the front there, I don't know how that is going to look in that area. He also said that he is going to leave room for a gate there so, is he going to put another driveway off of York Road? I think all this needs to be taken into consideration and see what happens from it. As of right now these are my main concerns until he comes before us. Thank you.

Chairman Price: Thank you.

Mr. Finn: May I address the questions one at a time sir?

Chairman Price: We will address them in the next session of the meeting. We will have a chance to ask questions and you will get the chance to answer and discuss more. Anybody else? Student body is going to be very quiet back there in the corner? Can I have a motion to adjourn the meeting?

Moved by Dan Kasaris, seconded by John Ranucci, to adjourn the Public Hearing.

Chairman Price: Call the roll.

Chairman Price: Yes.

John Ranucci: Yes.

Dan Kasaris: Yes.

Diane Mastronicolas: Yes.

Ayes - all. Nays - none.

Motion carried. (4-0)

Public Hearing adjourned at 6:44 pm

The North Royalton Board of Zoning Appeals met in the Council Chambers, 13834 Ridge Road, on Monday, January 7, 2010, to hold an Open Meeting. The meeting was called to order at 6:44 pm by Chairman Neil Price.

Present: Chairman Neil Price, John Ranucci, Councilman Dan Kasaris,  
Diane Mastronicolas, Prosecutor Donna Vozar,  
City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez  
Secretary Julie Broestl

**(BZA01-10) Timothy Finn/Commercial Truck & Equipment Sales and Ed Pfister requests a variance to Chapter 1278 “Industrial Districts”, Section 1278.04 “Use Regulations for General Industrial Districts”, paragraph (a) and Chapter 1282 “Off-Street Parking and Loading”, Section 1282.10 “Parking Area Improvements”, paragraph (a), of the North Royalton Codified Code for relief from the for relief from **main uses permitted and gravel drive** for a proposed commercial truck and equipment sales business that they wish to conduct on this property located at **13134 York Road, PPN: 483-14-003.****

Moved by John Ranucci, seconded by Dan Kasaris, to approve a variance to allow outdoor sales on this property which is contrary to Section 1278.04 of the Zoning Code with regards to the selling and auctioning of commercial construction vehicles and equipment.

Chairman Price: Discussion?

Mr. Finn: I would like to clarify the points that were brought up before. I'm not buying the property as of present, I am only leasing it. The house is not going to be used for anything but my office. There is not going to be any residence. No overnights. I need a place to put my gear and paperwork and that is what the house will be used for. I will make a statement right now, I will pursue no other licenses. The licenses I have I can not pare on the same property with any type of scrap yard or wrecking yard, anything like that. Nothing. I can't do it. My motor vehicle dealer licenses can't be pared up with any dismantling of motor vehicles. They are two separate and distinct licenses. Just like the impound licenses are. I don't want them and I never will have them on that property. I am not doing a board on board fence. I'm putting up a shadow box fence. There is a difference. Shadow box is more expensive. It is better looking and it doesn't drift snow which is another concern in either direction. There are no snow drifts with shadow box like there is with board on board.

Dan Kasaris: For the record, what is the property being used for right now?

Mr. Finn: Vacant.

Dan Kasaris: How large is the property?

Mr. Finn: About 5-acres.

Dan Kasaris: How long has the property been vacant?

Chairman Price: If you are going to speak you have to come up to the microphone.

Mr. Ed Pfister approached the microphone.

Chairman Price: Name and address please.

Mr. Pfister: Ed Pfister. I am a resident of North Royalton. 8395 Oak Knoll Court.

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

Mr. Pfister: I do. The property has been vacant for about 8 months now.

Dan Kasaris: What was the property before?

Mr. Pfister: An individual rented the house as a residence.

Dan Kasaris: So somebody was living there.

Mr. Pfister: Yes. They had an interior decorating business and there was a barn in the back and he stored materials in there.

Dan Kasaris: Mr. Finn. Approximately how many pieces of equipment or personal property do you expect to have stored outside this house?

Mr. Finn: It varies. As few as three and as many as twenty. Every day can be a different amount. I would say an average of ten a day.

Diane Mastronicolas: Mr. Chairman.

Chairman Price: Diane.

Diane Mastronicolas: Along that same line, I saw pictures of your facility in Columbus and it looked rather large and I have the same concerns as Dan. If you are saying as many as ten or twenty, is that what you said?

Mr. Finn: That's correct.

Diane Mastronicolas: You say construction equipment. Are you talking back hoes, loaders?

Mr. Finn: Back hoes, dozers. The problem with construction equipment it takes a lot of property just to turn it around. It's not like a car. It takes a lot to back it up and go forward. You have to physically circle and turn it around. They need room to turn them around. That is why I need the acreage.

Diane Mastronicolas: I have seen the property and it's mostly grass, right? I mean you wouldn't be able to do that on the grass?

Mr. Finn: No. I have an application to put in a gravel pad. But you can do some on the grass also.

Diane Mastronicolas: The other question is, how long do some of these pieces of equipment stay there? What is the turn around period? How frequently do they come?

Mr. Finn: My target is always 30 to 90 days. 60 days as a mean. I have some pieces as long as six months. It is not lucrative for the banks to leave them there very long.

Diane Mastronicolas: Okay.

Dan Kasaris: Until they are sold or dispatched

Mr. Finn: Sometimes I only have them for a day or two.

Dan Kasaris: Where do you dispatch them to?

Mr. Finn: Where ever. They could go to an auction in Columbus or Florida. They could be shipped out of the country to an equipment wholesaler.

Dan Kasaris: How are they dispatched? How do you get the equipment off of your property?

Mr. Finn: A low-boy. Unless it is a motor vehicle.

Dan Kasaris: What's a low-boy?

Mr. Finn: A low-boy is a tractor and trailer that has a very low ground tolerance. It detaches from the tractor and provides a ramp that the equipment is driven up and is attached, and it goes away.

Dan Kasaris: That is what you propose to get pieces of equipment off the property?

Mr. Finn: Yes. I need room to do that backing up and maneuvering.

Dan Kasaris: Until they are dispatched they will be remaining in the outside on the property?

Mr. Finn: Correct. Construction equipment is very rarely stored indoors because of its size.

Chairman Price: This construction equipment, do you get fork lifts, and back hoes, bull dozers, cranes?

Mr. Finn: I don't do any oversized stuff. I don't do cranes like you see all erection with twenty wheels, I don't do that stuff. I don't do boats or aircraft. I don't do locomotives or building construction. It has to move on its own. If I had a 45, 48 or 50 foot trailer would be about the longest item I would have.

Diane Mastronicolas: Tractor trailers?

Mr. Finn: Yes. Like a Cracker Jack box. I won't know until I get to the bottom.

Chairman Price: How do the trucks arrive?

Mr. Finn: Usually driven. Unless they can't be because of a flat tire or something like that. My function would be if they had a flat tire, I would air it up or send the tire out to get it fixed. I would get the decals off of it. Any chains, ropes, flares, I empty all that out and send it on its way. Any identification, any data in the glove box that would be personal I take it out and box it up.

Chairman Price: Any logo that is on the truck?

Mr. Finn: Correct.

Chairman Price: All that's done there and in the outside environment you sandblast it off?

Mr. Finn: I use heat usually or sometimes a 3M decal remover.

Chairman Price: So, are you making plans to use that small building in the back?

Mr. Finn: I do. Just to keep the rain off of me. I've worked outside for the last twenty five years and never had a decent facility to work inside of. Up here anyways, in Columbus I do.

Chairman Price: So you will have tools and equipment in that building.

Mr. Finn: Yes. A moderate amount.

Chairman Price: Are you going to have lighting on the property for security?

Mr. Finn: There are some motion sensitive lights on the outside. They are not operating right now. I have to look into them. I do need to get some security lights.

Chairman Price: Are you going to have any flood lights?

Mr. Finn: No. I will use motion sensitive lighting.

Dan Kasaris: Are you going to be using any animals like dogs?

Mr. Finn: No.

Diane Mastronicolas: Is it safe to say that most of this equipment is, for the lack of a better word, attractive? It sounds like they are up and running and it's not run down?

Mr. Finn: Most of the things I do for the banks are in the \$50,000. to \$500,000. range. They are not junk by any means. I don't take anything that is burnt, wrecked or rolled over. I don't do that. That is salvage and impound, I don't do that.

Chairman Price: What is the weight of some of these vehicles?

Mr. Finn: I generally, on the trucks, don't go below 6,000 gross vehicle weights. That would be something like a 250 or 3500 pick up is the smallest I go. A D-9 dozer probably weighs about 75,000 lbs. If I put those in the grass they would pull right out. They don't get stuck. I have to be able to turn them around.

John Ranucci: Will you be advertising them at all on the street, or off the street?

Mr. Finn: For all intensive purposes aside from my business sign I do strictly internet contact and sales. I don't do any retail. 75% is outside the state of Ohio. Most of the equipment I sell on the internet people never even see. They buy it based on my pictures and my inspections. I have contacts all over the world that buy stuff from me. If I had to rely on the state of Ohio or what I sold in the state of Ohio I would be out of business. Unfortunately, it is a little slow here.

John Ranucci: Do you have any part time or full time helping you with this?

Mr. Finn: I do. In fact I'm hiring a full time secretary receptionist. I'm in and out of the business all day long. I need somebody to man the post when I am not there. I had an employee in Columbus. When I get busy I hire casual as needed. Those are all payroll taxes and not older people that I am writing checks to, it's all done with payroll.

Diane Mastronicolas: Do you have a set schedule with hours of operation? Do you have pick up deliveries any time of the day or night?

Mr. Finn: Unfortunately, most of what's trucked in and out, trucking isn't very realizable, When they say they are going to be there at 2:00, you have to ask them what day. It will benefit me to be so close. They can call me when they are at the interstate exit and I can meet them there. I'm going to be open three days a week to begin with.

Diane Mastronicolas: And the hours, like how late do you operate?

Mr. Finn: Right now I am probably going to do one half day and two full days until 4:00. Everything that I do is by appointment. I don't operate like Drug Mart with people walking in. Anyone that would come to see me would come from the airport. I don't have local cliental.

Diane Mastronicolas: Just to clarify, you sell this from the most part through the internet, and if someone should purchase it they would come to you to pick it up or drive up and take it off the property.

Mr. Finn: Most people send a transportation company that is disassociated or third party. Or sometimes I do deliver them.

Chairman Price: You will have fuel on the property?

Mr. Finn: Five or ten gallons for my own use.

Chairman Price: Parts?

Mr. Finn: I don't do parts. I'm not in that business. I have an aversion to retail business. I spent some time in it and it wasn't worth the headaches.

Chairman Price: My big concern is what this is going to look like. You say it will not be a salvage or impound lot, but a fenced off piece of property on a main thorough fare through the city and looks like there is something to be hidden behind the fence. It just gives that appearance of something that is not presentable to the neighborhood.

Mr. Finn: It is my understanding that the zoning regulations prohibit any equipment from being visible from the roadway. I expected to put the fence up. I was told by everyone involved that I would have to put a fence and I don't have a problem with it. I would want it to be a natural fence so that it would blend in the wooded environment there.

Chairman Price: All the business locations there have parking facilities in the front and paved driveways and sidewalks and unmarked parking spaces and you have this business that is boxed in behind the fence for nobody to see or understand, and it is something that's unusual to the neighborhood I think.

Mr. Finn: I don't know how to answer that. I have to protect myself from a security standpoint. At any one time there could be a couple of million dollars in equipment sitting there and for that to be visible for hooligans and thieves.

Chairman Price: But at the same time a fence like that is solid gives an excellent hiding space,

Mr. Finn: I agree.

Chairman Price: That is why I was asking about the lighting and if you are going to have any other security measures on the property.

Mr. Finn: I'm a bigger fan of the motion sensitive lighting. Especially with the look of that building that looks like a house and it's inhabited. I feel that if a light would go on that they would think that someone was in that house. I'm also planning on putting motion sensitive cameras as well.

Chairman Price: That wouldn't be a bad idea. Donna do you have anything to say?

Dan Kasaris: If I may before Donna. I have a quick question. Mr. Finn with regards to the ingress and egress, how wide is this driveway going to be?

Mr. Finn: The apron at this time, I think, is 20-feet. The drive is 9 or 10 feet. The opening of the gate right now is only 8-feet. I can barely get my truck through there now.

Chairman Price: But isn't driveway designed a driveway for a residence?

Mr. Finn: I would say because of when it was built, it was built in 1931.

Chairman Price: So, it is not meant to handle heavy truck and traffic and things like that.

Mr. Finn: Actually, refined asphalt is a better choice for heavy trucks and traffic than concrete or regular asphalt. Those would break up.

Chairman Price: I think that this discussion has to include not only variance one but also variance two, the driveway and the parking lot and other amenities that might be considered in the variances.

Dan Kasaris: What we have here is a driveway that was meant for a house. What are you proposing to do so that the driveway used to accommodate your needs.

Mr. Finn: The present fence that is there is only 8-feet wide at the opening. I would have to take a couple sections out of there. At minimum probably 10-feet out of there so that you could swing a truck in. Right now you would have to thread a needle. You have to go straight in. Even a regular motor vehicle it is too narrow. So, I will have to peel back some of that fence. My plan has a gate, and this is where the misunderstanding was, there is a secondary gate would be between the house at setback and the present fence that is there. The entire front of the property would be gated at the driveway and fence the rest of the way, but the front of the house would still be out where it is, there would be a setback to the fence. So, the front porch, the walk, everything. The house is not going to be behind the gate.

Chairman Price: The cyclone fence is gone.

Mr. Finn: Is in front. It is at the street.

Chairman Price: It's staying?

Mr. Finn: I would rather leave it than spend the money to have it pulled out. But, it is going to have to have some sections taken out because it is too narrow. The fence opening at present is only 8-feet. I can hardly get a car through there.

Chairman Price: So, the cyclone fence stays and this box fence goes up.

Mr. Finn: At a setback of 10-feet.

Chairman Price: 10-feet from the house. And it will have an opening of

Mr. Finn: No opening on the south side, it will be solid from the house to the property line it is 209-feet I do believe, south. On the northern side a 13 and 12-foot swing gate and a man door on this north side.

Diane Mastronicolas: Okay. I'm trying to get a visual. You will have the chain link fence up front by the property line by the street, there is an area of grass, and then the other fence and the setback. Okay. Then you will have to maintain the grass and you will not put any equipment out there?

Mr. Finn: Correct. No equipment out there, just a sign.

Diane Mastronicolas: And that 9-foot driveway is wide enough?

Mr. Finn: It will be wide enough and it will be fine as long as there is enough room for swing. Really on most cars there is only about 4-inches on either side of the mirror. I don't know if that was built for a carriage, I am not sure, it's very narrow. The opening is half the size of the apron and not as big as the driveway, so looking at it I never could figure out looking at it how they did that. It's so close to the street that you can't get the car in straight.

Chairman Price: Well it would have to be widened because you have traffic on York Road and you can't be backing up and pulling in.

Mr. Finn: There is no room to swing. If you come right in from across the street you could get right in there. But you can't do that. And there is no turn lane there. But the apron is wide enough.

Diane Mastronicolas: I'm sorry, but back to the sign are you going to put it in that grassy part between the two fences?

Mr. Finn: I will get a temporary permit and my plans are to put the sign on the building to make it easier. I haven't really analyzed the ordinances there but I'm really not all tied up on the sign. The truck has to find me that am it.

Chairman Price: Okay. Back to Donna.

Donna Vozar: Mr. Chairman, I have many comments but if I could I would request that the Board hear from the City Engineer and the Building Commissioner first and then I will address any legal issues that I have.

Chairman Price: Okay. Mr. Alvarez.

Rito Alvarez: Our Code requires a typically requires a hard surface like asphalt or concrete. Can you reiterate why you are not going to have that?

Mr. Finn: Asphalt would just be torn up. It will be gravel within six months anyhow. Concrete same thing. You are dealing with track vehicles. They are not all tired vehicles. The gravel is a lot easier to maintain, it doesn't break up. And it a whole develops you fill it up with more gravel.

Rito Alvarez: Can you explain again how the large pieces of equipment coming in to your place off of York Road?

Mr. Finn: Okay. They will be coming in on what is called a low-boy. It is classically a 40-foot trailer tractor that has a 25-foot well, a flat portion to it. In front of that is a detachable goose neck front that goes up on the tractor. It is hydraulically detachable. The tractor and trailer and bull dozer, whatever, drives straight in, detaches, drives the bull dozer off of the detached front of the trailer and reattaches and turns around and leaves.

Rito Alvarez: You won't be doing all of that on York Road.

Mr. Finn: No, absolutely not.

Rito Alvarez: You won't be disrupting traffic on York?

Mr. Finn: It will be pulling in and pulling out. None of that will happen on York Road. Not on the right of way or in the grass in the front. It's not suitable for that.

Rito Alvarez: Alright. Thank you.

Mark Schmitzer: Just to reiterate and to add on to the Building Commissioner's concern. With that 9-foot wide driveway, with the low-boy turning in, with our facility down the street, where the Service Center is, DiGioia Suburban is bringing in low-boys all day long, all night long, their entrance is very wide and they are turning off a two lane roadway. York Road is a much larger two lane roadway than it is on 82, is that apron and that 9-foot still enough room for a vehicle? My question would be where would the vehicle be coming from?

Mr. Finn: It would have to come from 82 to York Road. It can't come from the other way. It has to come from a truck route. I don't want to blow this too far out of proportion but we are talking about this is a worst case scenario all the weights and the measurements are on the extreme end of what I do/ They are not the norm and not the average but the extreme end. 9-foot is plenty wide. A vehicle only tracks 8-feet. Most of them track less than that. The reason DiGioia Suburban has such a wide driveway and the City does because they have bay entrances that they back out of, and they enter and exit the same driveway. So, they are going to have a guy coming and going at the same time. I don't have that issue. I have one person. I can get three to five pieces a month. I don't have the traffic they get at all.

Mark Schmitzer: Say you are bringing in a pan on a low-boy, that is probably the biggest thing you will be bringing in, and it is soft ground and the driver doesn't make the best turn, the low-boy, if he doesn't have it up enough, he is going to get caught and block traffic. Now, you are stuck there. He probably could get out of there quick with a hydraulic and get the truck out, but there is still a burden, and then damage to public property. I need to bring this to the Board's attention that there is a possibility that the driveway with the apron may not be sufficient. I just wanted to know if you had looked at that.

Mr. Finn: I have. That is a good question. I did look at that and I'm not so concerned because the driveway is almost at street grade. Not a lot of grade there. The thing that makes that an issue is the narrowness of the gate opening. Without the gate opening there, I hate to say this; I could get a low-boy in there. With the gate opening like it is, nobody could get a low-boy in there. I have to take a good ten feet for bumper swing out of there. Driveway is wider than the opening. On the drawings show it at 9-feet. I know it is 10, 11 or 12.

Mark Schmitzer: Did you or would you consider a cut to the proposed 100 x 100 centered on that, instead of using the 9-foot driveway, something that is a little bit wider and a direct access to your 100 x 100 proposed storage lot?

Mr. Finn: I'm not sure I know what you are asking. I understand the picture but what are you asking me to cut?

Mark Schmitzer: Curb cut for the driveway there just to provide a quick and easy right into the middle of that or off on the side a bit either way, instead of using that residential driveway.

Mr. Finn: How about if I improve that residential driveway? Made the apron wider. I would rather not have another entrance if I didn't have to one.

Mark Schmitzer: I think I could go along with recommending improving that residential driveway with the apron. I could go along with that.

Mr. Finn: Would you do that with the understanding that it wouldn't be able to be done until a thaw and into the dryer weather? It couldn't be done now. We are trying to get the fence in now.

Mark Schmitzer: Depending on the materials you are using, yes. That would be up to the Board to make that final determination as well.

Donna Vozar: Mr. Chairman, can I interject at this time?

Chairman Price: You certainly may.

Donna Vozar: First, I think we are getting ahead of ourselves. You do understand that you have to go to Planning Commission and have site plan approval. While this Board grants a variance, one of the conditions that the Board would require is for you to comply with Planning Commission. Planning Commission eventually is going to look at all the same factors that we are talking about tonight and the City Engineer will be there and all this will come up that night as to where is the best driveway location for this. Are the proposed pads in the right location.

Does the fence need to be move. Planning Commission is the Board that has the authority to go through all of those criteria. Obviously, as part of the conditions for the variance this Board can impose restrictions on them. I'm concerned though because it is my understanding that you are not on Planning Commission's agenda for this month at all, is that correct?

Mr. Finn: I really don't know.

Donna Vozar: You would have had to file an application for that. If what you are saying is that your deadline is that you need to be up and running by February 1, and even if this Board were to grant you the variance, the variance only allows you then to move to the next step and go to Planning Commission for you site plan review. I just want to make sure you understand that.

Mr. Finn: I wasn't told that. I have a lot of interference and a lot of misinformation coming into this which has delayed the proceedings. I asked a lot point blank questions and flat out didn't get answers to, and that is a subject for discussion for another day. I would even say that I was probably lied to. I don't understand the nature of that but that is in fact what happened. I made every attempt to apply to any department that I needed to apply to, and I was not told nor aware that I had to go to Planning Commission, but if I have to go to planning commission I will file the appropriate papers as necessary.

Donna Vozar: I just want you to understand that when we are having these discussions about where your driveway should be and you agreed to do certain things, Planning Commission is going to have the file review of the site plan. My opinion, I don't think that it is going to go quickly as you seem to feel it is going to be.

Mr. Finn: My issue is if you are going to let me move in I can deal with the plans and additions, I just have to know if I have the location that I can move to with the proper Planning Commission blessing. Otherwise I have to go somewhere else.

Donna Vozar: I understand. If I could ask a few questions Mr. Chairman. You indicated that there is currently a signed lease?

Mr. Finn: There is not. I'm leasing it on a month to month pending on your approval.

Donna Vozar: It's not a written lease, just a verbal lease?

Mr. Finn: It will be a written lease pending the outcome of this meeting.

Donna Vozar: Right now you have a month to month lease?

Mr. Finn: Yes. I wasn't going to write a two year lease on a piece of property I wasn't guaranteed I could use.

Donna Vozar: I understand. I'm just asking for our purposes. One of the conditions that I would require or request that the Board impose that one of the conditions be that the use variance doesn't take effect until there is a written executed lease agreement. In addition to that do you anticipate for how long this lease will be?

Mr. Finn: It will be for two years.

Donna Vozar: A two year lease. How long was your lease in Columbus?

Mr. Finn: I have been in Columbus it will be three years, I guess.

Donna Vozar: Two to three years average lease period that you are looking for. One of my recommendations to the Board will be that a condition be imposed on the term of the lease. We would need your agreement to this prior to the Board voting, that this condition be imposed on the term of the lease. We need your agreement on this that you and the property owner, who is here also, that the condition for this variance is that it is only good for as long as this lease is in place. Once the lease terminates and again you would need to come back to the City and request, if you intended to continue on, it will be only good so as long as the lease is enforced. It's more akin to a license rather than to a true variance. It is a conditional variance, because it is not the highest and best use of the property. There are places in the City that do permit automobile sales and you indicated that you are licensed to sell motor vehicles and there are specific locations for

that. This is not one of them. This is not one of them and this is why you are here requesting a variance. Your equipment will not be enclosed in a structure. This is why you are asking for this variance and conditions need to be imposed because it is not the appropriate use of the property according to the master plan. So that would be one of the conditions that I would request to be included in there.

Mr. Finn: Could I interrupt for a second and put a footnote there? I would have to ask the normal sensible prudence there, I don't think I want to stand in front of this Board and jump through the hoops again in two years just to renew a lease. Could it be renewable and contingent on the renewal of the lease for my business only?

Donna Vozar: That was one of the things I was going to say. It is actually specific to your business so long as your business is operating and you are under a lease. So, yes I understand what you are saying. In addition, the variance be conditioned upon compliance with any and all requirements and conditions of the Planning Commission during their site plan review and Engineering and Building Commission recommendations. One of my concerns was that it may not be called an impound lot or junk yard the duration and the time that the items remain on the property turns it into one of those things and that would have been one of the other conditions that I would recommend, that the equipment or vehicles could not be stored for more than X number of days. Again, you indicated that you hold these for up to 90-days, is that the usual maximum that you hold them?

Mr. Finn: Average of a few days to several days. I'm giving you averages. I sure wouldn't want to be locked down to a 60 day. That wouldn't be prudent on my part.

Donna Vozar: Actually I said 90.

Mr. Finn: 60, 90, that still isn't a great deal amount of time.

Donna Vozar: The Board can make any conditions that they want to impose. You can not disagree with the conditions and the Board can take that into considerations. Also, the conditions of the equipment and vehicles or items for resale, whatever condition that you receive them in that is the same condition that they leave in so they are not dismantled. That is the other condition that I would request that the Board impose on them. You also indicated that the gravel pad and proposed gravel pads that you have on there, you explained why they need to be gravel than to be concrete, but in your proposal you also have on here that it is a gravel drive. My recommendation is that wherever the drive is going to be located that the equipment based on your testimony the trucks that deliver the equipment are tired, so because of that the Board require that it be cement rather than gravel. Other than that I think those were the conditions that I had up to this point. I interrupted, sorry Mark, but I wanted to make sure that the applicant was made sure that all of these issues that we discussed here would go before the Planning Commission.

Mark Schmitzer: Thank you. I think that the applicant answered my question. I think that there is going to be more discussions regarding the driveway at the Planning Commission level. I would be amenable to an improvement to the existing 9-foot drive in its current location vs. what I had proposed as coming into the middle of the proposed 100 x 100 pad. The Code does state, and that is why it is on for a variance, to gravel vs. asphalt or concrete. I disagree a little with saying that the gravel is a little sturdier for your truck turning. I do agree with the track vehicles they will tear up concrete and asphalt they will chew it up even quicker. I would suggest to the Board that the main travel pass be the asphalt pass for the coming in and out, so that we don't track gravel out on to the main roadways and create a hazard in the public roadways. The gravel pad at a substantial depth and proper compaction could suffice and it wouldn't track out on to the roadway by the time you loaded it up onto the low-boy and got it out of there. Although we prefer asphalt or concrete for this purpose we could probably allow gravel I would recommend allowing the gravel in the parking lot but at least the main driveway out would have to be a hard surface up to the existing pad that is by the existing building up there.

Mr. Finn: To tell you the honest truth to put asphalt or concrete into those tight quarters into those locations probably would be cost prohibited. If you would look at what DiGioia has around their building, and they only have it for about 20 to 30 feet outside the building. I guess it would be about 18 to 23 inches and at the minimum probably 12 inches. For me to put that for several hundred feet would be cost prohibited. I understand your issue with the gravel and the roadway. I would be agreeable to a good base of number one and two 57 and even smaller

grindings on the top compacted. But I think a better selection for the entry and exit that is used very frequently is refined asphalt grindings for heavy equipment. It packs into asphalt like appearance. They don't track in and out, they don't furor and can be easily patched when a tracked vehicle takes them up. That is usually used for entry and egress. That could be economically done for at least half that distance. The grindings are reliable and they don't track out. They actually melt into an asphalt pad but they have more resilience.

Mark Schmitzer: It will be up to the Board to make that decision.

Mr. Finn: It is a sensible compromise. It's expensive but it's repairable and that is the big thing. You crack asphalt or concrete and it becomes an eyesore and never gets better on its own and very difficult to repair.

Mark Schmitzer: Cracked asphalt or concrete is an eyesore but recycled asphalt is also not the prettiest looking when it starts potholing. It does pothole. Because it is a porous surface.

Mr. Finn: This would be refined grindings which are a step above recycled asphalt. It is recycled asphalt but only finer.

Mark Schmitzer: But you are still going to get water penetrating that and with the freeze thaw we have here you are going to get potholes. I just made my comments and the Board has the decision at this point.

Chairman Price: Any other questions?

John Ranucci: Just one more questions Mr. Chairman. The cyclone fence vs. the new fence what is the distance between the two?

Mr. Finn: I believe the drawing on the plat may be a little deceiving. Because it goes to the front step of the house, I think. It doesn't really go to the foundation of the house. On the plat it shows 56-feet from the front step of the house to the center line of York Road, and I believe it is 26-feet from the front step of the house to the fence. It looks more like 30-feet to me. I measured it at one point. What I am saying is the data on the legal description is probably not accurate for either the road was widened or the road changed direction, I have no idea. But the setback would probably be 40 or 35 feet from cyclone fence.

John Ranucci: What is the reasoning for keeping both fences?

Mr. Finn: Just the labor involved in pulling the fence up. It's 200-feet of fence. It does provide additional security.

John Ranucci: I'm looking from an appearance stand point. It just seems odd having a cyclone fence and then further back a wooden fence and then a grass area. So, from a landscaping point

Mr. Finn: The grass is not very well taken care of at this minute. It will be.

John Ranucci: Mr. Chairman. Rito, is there any regulations as far as you know, as far as having a back to back fence like?

Rito Alvarez: Actually, no there isn't.

Chairman Price: I have one other question. Could you explain a little the shadow box fences?

Mr. Finn: A shadow box fence is largely made of cedar and the plan I have is cedar, pine, and oak. I looked at the proposal that I have and cedars would be uprights. And on the front of the fence, there would be cedar upright, and then staggered on the back there would be another cedar upright. So, the fence is actually this wide, but wind can pass through it but you can't see through it no matter what you do. It's staggered like this. If you had a coat hanger you might be able to stick it through. They overlap each other.

Chairman Price: To the point if you were standing to the side at an angle you can't see diagonally through the fence.

Mr. Finn: Right. When you put long fences up like that there is an issue with the wind bending them and knocking them over.

Chairman Price: That's what I was wondering about, the length. You see some of these fences that are six different directions at once.

Mr. Finn: This is an \$8000.00 fence. For what its worth. 209-feet plus the gates.

Chairman Price: Tom do you have a question?

Tom Jordan approached the microphone.

Mr. Jordan: What the Board is struggling with, as you can see why it took quite a bit of time here when we engaged the applicant we also had a lot of questions about the type of uses that this was and it took a lot of understanding on our part to understand his rather unique business. Our goal is to try have this residents business located her in North Royalton. We had a lot of concerns over the type of uses. We asked all the similar questions in part that you all asked tonight. We are trying to fit it in with the goals for the City. The goal for the City is actually that the house comes down and that further improvements with the ownership group that it fit more either Industrial and Research Office Industrial Use. Eventually we want new construction there. However, given the economy and given the current conditions we also want the property to be maintained until those larger goals are reached. Currently, all we can anticipate from that property is that we have the existing house and within the Code be maintained to a certain level but however would remain vacant and a detraction from further dumping. Our hope that it would be leased out in the interim to an acceptable use that doesn't have a negative impact on the neighborhood. After examining his use, similar to what you have all done this evening, we did find the use acceptable under certain conditions as long as those salvage and impound activities never occur there and that he make certain improvements on the property and that the property is maintained. You've raised, through the Engineer and Building Departments a very specific improvement that may be required for the property relative to that driveway. My suggestion is that we a condition of approval be that the driveway meet the Engineer's approval relative to the composition of the material used to improve it. So, on that cyclone fence, it was my understanding, that the cyclone fence was to be removed. Because we want the interim use to have a positive aesthetic improvement in the area. Frankly, the current cyclone fence is unattractive and is not something that we wish to remain there. That would be removed and that the permanent fence relative to the shadow box that shields the outdoor storage which is what that goal is would also help with the aesthetic of the building. So, my suggestion and recommendation is that the narrow issue of the use, which is what the Board is voting on tonight, recommend with conditions is relative to a driveway acceptable to the City Engineer and that also the issue of the cyclone fence either you can address it here this evening or recommend that the Planning Commission delve into this issue. Those would substantially take care of the issues relative to the building. Also, the issue of a sign came up. If a permanent sign is to be erected on the property, as you know ARB deals with that issue, and they will put up an appropriate one and in an appropriate location with an appropriate composition. So they will deal with that issue. I think the driveway is a very valid issue and that cyclone fence. Also after all your questions this evening we will have a better understanding what our goals here are. Thank you.

Chairman Price: Thank you. I guess the question now is one of conditions.

John Ranucci: Mr. Chairman. I have been trying to keep track.

Chairman Price: Would you like to make a motion and then we will discuss them and add more if need be. Lets keep this informal at this time so that we can get it straight.

Moved by John Ranucci, seconded by Dan Kasaris, to put the following conditions on this variance prior to our voting on it: 1) The cyclone fence that moves north and south along York Road be removed in a timely manner. 2) The applicant will not pursue a salvage license for salvaging of vehicles. 3) The applicant will not pursue a title for impounding vehicles. 4) Any and all conditions that are placed here tonight will also meet with the Planning Commissions approval and Planning Commission may impose conditions also. 4) Any variance granted here tonight will run in force with the terms of the lease agreement and the applicant does not have to reapply for another variance. 5) An improvement will be made to the existing driveway and the improvement will have to meet with the approval of the City Engineer. 5) The existing home that is on the property will be used for office purposes only.

John Ranucci: I think that was it.

Dan Kasaris: Do we want to put a time limit on the vehicles and equipment staying on the property?

John Ranucci: I have a comment on that, who is going to enforce that?

Dan Kasaris: Your right.

Mr. Jordan: Your right. My examination is that his attention is to move them off of his property. It is beneficial for him to do so. He is motivated to do so. There may be particular equipment that may stay on there a very long time. The applicant is making an honest effort to move them from the property. He doesn't want to be out of compliance over one piece of equipment being there for six months while the bank resolves a title issue and they are able to ship it off to California. I would give him a lengthy period of time for that, give a 90-day period if at all.

Dan Kasaris: That Board raised a good point, who will enforce this. What are we going to do, send Rito down there every six months to check what is there and what isn't. I think we should do without the time limit.

John Ranucci: As Mr. Jordan stated it's to his benefit to turn the material around soon. Mr. Chairman, that is all that I had. I don't know if there is any additional.

Chairman Price: Is there any additional items that should be considered in the conditions?

Donna Vozar: Mr. Chairman. The variance does not run with the land. It is not transferable for future leasers or leases. The variance doesn't run with the land and it is not transferable to future leasers or leasees, and specific to the applicant only Commercial Truck and Sales with Mr. Tim Finn.

Chairman Price: Mr. Finn, you just heard the conditions are they all acceptable to you?

Mr. Finn: Number two I will not have an issue with. Number two or three is not a problem. Planning commission conditions, I guess those are variable. I'm sure they are going to be reasonable people and anything that they are interested in long term I am sure I am too. So, I don't have a problem with that. As long as there is that footnote on number five, where when I renew the lease I don't have to reapply to this Board or worst yet have a door slammed in my face.

Dan Kasaris: I think that if you have lease, it is a two year lease with a clause in it that says it is renewable at an option for four years. You don't have to come back.

Donna Vozar: But if the lease would terminate for whatever reason by any parties that is when the variance would terminate also.

Mr. Finn: I'm agreeable to that. I am going to assume that number six is somewhat redundant to number four, improving the driveway and meeting the Planning Commissions conditions. I will be okay with that also. The home will be used for offices only and the permit is non transferable. I will defer to Mr. Ed Pfister on number one, the cyclone fence. He is the property owner and I would have no authority to pull the fence up unless I have his blessing.

Mr. Pfister: I guess my concern is kind of privacy now. It protects the property and it is all enclosed in there and lets say he up and moves two years from now, I'm looking at future use of the property and will that effect it or not, I don't know.

John Ranucci: But the new fence will isolate it just twenty or thirty feet back so you still have the privacy to the back property. I am assuming that the new fence will be butting up to the existing cyclone fence that blocks the property currently.

Mr. Pfister: So, this fence vs. a wood fence anyone could jump it, that isn't the point. It just seems more structurally sound and a chain fence is just more permanent. I will accept it if that is the way it has to be. I would prefer to leave the chain link fence up.

Chairman Price: Does anyone have any other conditions to add?

Donna Vozar: Mr. Chairman before you go on I just want to make sure that the applicant is aware and clear on something. You do understand that the Board will vote tonight and grant the

variance you are not granted an occupancy permit. The only thing that you would have been granted is a variance subject to approval by Planning Commission. Do you understand that?

Mr. Finn: Yes I do.

Chairman Price: Considering the discussion in the recent past it has been about the conditions. John can you make it in the form of a motion?

John Ranucci: I thought I did.

Chairman Price: We have a motion and a second on the conditions to be added to variance number one. Anymore discussion? Call the roll on the conditions.

**Chairman Price: Yes.**

**John Ranucci: Yes.**

**Dan Kasaris: Yes.**

**Diane Mastronicolas: Yes.**

**Ayes - all. Nays - none.**

**Conditions have been approved.**

Chairman Price: Call the roll on variance number one.

Donna Vozar: Mr. Chairman. Do you mind if I do the findings of facts?

Chairman Price: Oh yes, I forgot about that.

Donna Vozar: Mr. Chairman. Testimony has been given by the applicant and property owner and by the anticipated lessee. The Board has imposed the following findings of fact in which they found that the applicant through his testimony has established that by clear and convincing evidence that there has been unnecessary hardship if strict compliance with terms of the Code are required. Based on that the Board has found that the criteria has been met pursuant to 1264.08(e)(2). The following conditions were imposed: The applicant was advised that agreed to all of the conditions and understands that this is a limited termed variance. It doesn't run with the land and the applicant specifically prohibited from impounding and salvaging junk vehicles and running a junk yard. The applicant is also further prohibited from obtaining salvage and impound licenses and operating it on the property. Planning Commission's approval is needed before this is started and the applicant must comply with any and all conditions and requirements imposed by Planning Commission upon their sit review. The variance will run along as there is a valid lease between the applicants. The applicant will improve the driveway with compliance with the Planning Commission and also the City Engineer. The home on the property shall only be used for office purposes and shall not be used for any other purpose. The cyclone fence from the north to south in the front of the property must be removed and additionally a fence will be installed pursuant to the applicant's proposal. The variance is limited to the lease and is non transferable to future leasers or leasees. The variance is granted only to the applicant. Unless I missed something the Board can go forward.

Chairman Price: Anyone have any additions? Call the roll.

Dan Kasaris: Yes.

Diane Mastronicolas: Yes.

John Ranucci: Yes.

Chairman Price: Yes.

Ayes - all. Nays - none.

Variance #1 Granted. (4-0)

Chairman Price: Variance number two. Do I have a motion?

Moved by John Ranucci, seconded by Dan Kasaris, to approve a variance for relief from paving requirements as stated in Section 1282.10 of the Zoning Code with regards to the access driveway on this General Industrial lot.

Chairman Price: Discussion?

John Ranucci: Mr. Chairman.

Chairman Price: John.

John Ranucci: In one of the conditions that we stated in the first variance was that the improvements were going to be made to the access driveway in agreement with the City Engineer correct?

Dan Kasaris: That's correct.

Chairman Price: Yes.

Donna Vozar: However, there is still this variance that needs to be dealt with and they are requesting to have the gravel drive. My understanding is that the City Engineer does not agree with that so we still need to go forward with this variance for a vote.

Dan Kasaris: Would it be better to table variance number two depending upon what happens at planning commission?

Donna Vozar: You could do that if you want to.

Mr. Jordan: If the variance is granted does that mean he is not required to install a paved surface?

Donna Vozar: Correct.

Mr. Jordan: Actually, we do want him to make improvements to the driveway. Is the variance only for the driveway section from the street to the house or the entire length?

Donna Vozar: It reads parking areas and access driveways.

Mr. Jordan: So that would include parking areas and he wants to keep it gravel. Is there anyway to get a variance granted this evening for the parking lot and not be granted for the driveway which clearly needs improvements?

Donna Vozar: If the applicant would be willing to agree to concrete and he has already agreed to comply with what the City Engineer said.

Mr. Jordan: For that portion?

Donna Vozar: Correct.

Mr. Finn: My position still is, although the apron should be concrete, and the entrance up to the house maybe should be concrete. There is a couple issues. I can't put concrete in right now. I would like to be granted some kind of a grace in which to continue to and progress with the work of some material that would be agreeable to the City Engineer. Has the City Engineer weighed in on this. Has he made a statement or legally written anything, I'm curious?

Mark Schmitzer: I will go on record here, based on the time of the year, I would be agreeable and make a recommendation to this Board that some sort of material very similar to the reclaimed asphalt that you were talking about, be placed to improve the driveway area from the roadway to a point to be determined, somewhere near the house, to meet my concerns. But at a future date, when weather permits that a more permanent solution be obtained at that same location and I believe that should be sufficient and then get a hard packed surface in.

Mr. Finn: I just don't want somebody in two weeks to come and say that this is suppose to be concrete. It can't be.

Mr. Jordan: When it comes down to the variance is that the variance is now only being requested for the parking areas portion of the site.

Donna Vozar: Is that correct?

Mr. Finn: The pad area that is in the rear and the entrance driveway that is off of the curb driveway. My intention was to make it almost a semi circle. For loading and unloading

purposes to make it more efficient. I don't have any other intentions for that 100 x 100 pad except for gravel. We are talking about just the entrance.

Mr. Jordan: Actually just to be clear for both parties is that what I think you should consider is that the variance now be limited to the gravel lot that is in the rear of the building and that the variance is not requested any further for the driveway entrance to a point to be determined by the City Engineer on that driveway entrance. So, the parking area to the rear where you are storing the vehicles clearly you are asking for gravel there and that the City is saying that we are not going to grant the variance and not consider a variance on that driveway entrance.

Mr. Finn: My understanding was that you wanted me to improve it was with some sort of a hard parked material but not gravel. Grindings, compressed rolled grindings.

Mr. Jordan: Actually, he never agreed to a specific material.

Mr. Finn: Until a suitable material can be

Mark Schmitzer: At this time until a permanent surface can be put in, weather permitting, I would allow some sort of material to be named, a hard packed material to be placed until we can get a permanent solution which would be a hard surface. And what I define as a hard surface along the lines of our Code an asphalted or concrete type of surface be placed at a point that I determine along the entrance.

Mr. Finn: That is what I understood.

Chairman Price: Mr. Sandora.

Mr. Sandora: Mr. Chairman, ladies and gentlemen, again, I agree with Mr. Schmitzer. I think the variance should be limited strictly to the parking of the vehicles he is going to store. That part only. The apron and the part to that area should be considered by the Planning Commission and the City Engineer for a hard surface. So, let him do what he's got to do to where he is going to park his vehicles. Limit the variance, grant the variance for parking his vehicles on gravel area that is sufficient by the Engineer. The access way from York in to wherever that gravel part is going to meet, let the planning commission and Engineer deal with that part. The concern I have also, I kind of disagree with the apron structure that is there now. It needs to be removed and replaced. If you look at the salvage yard just to the south of that, that gentlemen gets semis in there once a month, and if you look on the east side of the street across from the salvage company, those semis can not pull into there. They jump the curb and then go onto that tree lawn and they have done a lot of damage to that curb over there on the other side of that street. So, he is going to need an apron that is wide enough. A low-boy with an 80,000 lb bulldozer on it is not going to get in there easily as a semi. He is probably going to back up in there because there is not enough room in the back unless he is going to make a large enough area to go in off of York Road for that semi to make that circle and come back out and pull out. That low-boy is going to have to back in there. I'm sure that most of his equipment is probably more than just backhoes. It probably is larger size equipment that is going to be going in and out of there. The Engineer and the Building Commissioner is 100% right, he's right also, the pans the track machines, will tear up all of that stuff. That is why you have to have a hard surface going from York Road back far enough so that the trailer and tractor can get in there, unload it safely, and pull it back onto his property without the trailer getting stuck. Without gravel, dirt and mud, going on the street. And that semi must not be jumping the curb or causing any other problems or damage to the infrastructure on York Road. That is my concern. When this comes before Planning I will present that again.

Chairman Price: Thank you.

Donna Vojar: Mr. Chairman. I have something from the Engineer that I believe is a revised application for this second variance and if the applicant can come forward and describe this, we need it for the record. And state for the record that you are revising and requesting for this second variance. Right now you are requesting from the roadway all the way back to be gravel, correct. That is not in compliance with the Code. You are requesting to leave it gravel and now you have revised it, that is my understanding, from where that line is drawn where the new fence is going to be back is where you are requesting to be gravel. Forward to the street you are going to eventually concrete it but until the weather breaks and whatever the City Engineer and you work out.

Mr. Finn: You want me to explain this drawing.

Donna Vozar: Right now you are requesting from the roadway all the way back you are requesting that it all be gravel correct?

Mr. Finn: It's already gravel.

Donna Vozar: Again, which is not in compliance with the Code. So, if you went before the Planning Commission they would require it all to be cemented. You are requesting it to leave it gravel. Now you have revised your application where you are saying that the line that you drew now and where the new fence is going to be back be gravel. Forward to the street you are going to eventually concrete it, but until the weather breaks.

Mr. Finn: Yes. This represents a double swing gate and from here to the street surface a suitable hard backed material, that will be suitable to the Engineer, and then an improved surface of agreed upon material when the weather permits. That is what I am understanding.

Chairman Price: That will extend back to the parking area, not the turn around area, but the parking area so that equipment can be off loaded, leave the area, on a hard surface.

Mr. Finn: The surface that is here right now has not been maintained. This is a mud driveway that has a gravel surface which is overgrown with grass. The driveway hasn't been maintained. That surface isn't going to do me any good the way it is, it needs to be dressed and maintained cause there are potholes in it right now. I will be willing to progress this surface further and further to the back on a time table, to harden the surface into the driveway going to the rear. I am not prepared to do it right now.

Mr. Jordan: Lets just get back to the variance. The variance is going to be for that portion of the driveway from the fence to the back to remain gravel. He will have to maintain it according to the Code permanently. As far as the hard surface he is asking for a variance for the hard surface issue from that fence back to the pad. The hard surface will be from the fence forward.

Donna Vozar: It is a new variance and it has been marked as exhibit A. Pass it down Julie so that everyone can look at it. The driveway is referenced in the first variance is limited to the entrance driveway and ends at the gate. Is that correct?

Mr. Finn: Yes.

Donna Vozar: Initially there were requesting a variance all the way to the roadway. Now the variance request is from the wooden gate back they are requesting it to be graveled. The drive and the pads?

Mr. Finn: Correct.

Chairman Price: The drive surface will be addressed at Planning?

Donna Vozar: Technically, yes, it will be reviewed there, however, only that one section from the gate to the roadway.

Chairman Price: Yes.

Donna Vozar: Because once you granted the variance the Board won't have the authority to over ride us and require it to be cement or asphalt or the pads either.

Chairman Price: But at this point approving the variance they would.

Donna Vozar: I'm sorry, who would?

Chairman Price: Whoever is going to say that it has to be a hard surface.

John Ranucci: Are we tabling the 30-feet from the street?

Dan Kasaris: No. What we are doing is we are dealing with a new variance request from where the wood fence ends to where the gravel pad begins.

Donna Vozar: And including the gravel pad.

Dan Kasaris: That will be the new variance. What is in front of the fence would be a hard surface and we are not dealing with it, because the variance request is only from the fence back.

Chairman Price: That is what I was asking about. Thank you.

Dan Kasaris: Your welcome.

Donna Vozar: The applicant has agreed to be in compliance with the Code for the front section.

**Moved by Dan Kasaris, seconded by John Ranucci, to approve a second variance request which happens to be amended so that we would grant a variance that lets the applicant construct a gravel access way and gravel pad from the wooden fence as indicated on exhibit A back to and including the gravel pad which is also included on exhibit A.**

Chairman Price: The discussion that I would have is does that meet legal's requirement and the Engineering's requirements?

Donna Vozar: It doesn't have any application to my department if it meets the criteria of the Code and according to our variances the Board has the authority to do so.

Chairman Price: Engineering?

Mark Schmitzer: I'm fine with that variance.

Chairman Price: Donna, consensus?

Donna Vozar: The applicant was here and presented his testimony regarding the usage of the entranceway, the access drive, and the pads and indicated the need for those to be gravel. He explained to the Board the specific and unique circumstances of the equipment that is brought there and that they are not tired and based on that the Board finds that the applicant has established practical difficulty and as such the gravel requirement has met our Code. Anything else?

Chairman Price: Any additions? Call the roll.

John Ranucci: Yes.

Dan Kasaris: Yes.

Diane Mastronicolas: Yes.

Chairman Price: Yes.

Ayes - all. Nays - none.

Variance 2 granted. (4-0)

Mr. Finn: Am I done?

Chairman Price: Your done. Is there anything under miscellaneous?

Dan Kasaris: Yes Mr. Chairman. We have been observed by a group of high school students tonight. This was, stand in for my friend Mr. Willey the councilman from ward three, if he was here he would tell you, what you just witnessed was the Board of Zoning Appeals. We are a quiz judicial board. When a person requests something and are denied by our Building Department for any number of reasons they have the ability to appeal that denial. That is what we had here tonight. We had a request, it was denied, and the applicant made an appeal to our Board of Zoning Appeals. For the last two hours you have witnessed an appeal from the applicant, Mr. Finn, to this Board so that he can do what he wants to do on his property. We have granted him his appeal.

Donna Vozar: Now we are going to quiz you.

Laughter from the audience.

Mr. Finn approached the microphone.

Chairman Price: Mr. Finn.

Mr. Finn: No disrespect to anyone in the room, certainly, my attempts to gather information, legal documents and forms in these proceedings has been very difficult to say the least. If not for The help from Julie and Tom it would have been pretty much intolerable. The website as it is designed does not work in downloading forms or even some of the display pages. The entire City website is crippled and often shows just garbled Code as opposed to text. Download of the forms is just impossible. I make my living designing computer images and computer text and the City's website, as it exists, for the purpose of securing documents is completely and totally unacceptable. I would suggest that this Board somehow streamline the availability the documents and the flow of the information. I want to thank Julie for her help with this. I know my stuff and I couldn't do it.

Dan Kasaris: With all do respect, you might be right, but the person who would deal with that is the Mayor or the Mayor's office. Our Board doesn't have authority over that.

Mr. Finn: Even the procedures of your meetings are not legible through most modern computers. I'm guessing that it is built to comply with Windows 95 at best. That is just my opinion.

Chairman Price: I have had no problem with my computer.

Mr. Finn: What system are you operating from?

Chairman Price: XP.

Mr. Finn: I use a PC and I have five computers in my house and none of them were able to successfully download the documents.

Donna Vozar: You are the first person who has stated this. We will look into it.

Mr. Finn: Again, thank you for your consideration.

Moved by Dan Kasaris, seconded by Diane Mastronicolas, to adjourn the Board of Zoning Appeals.

Meeting adjourned at 8:20 pm.

Approved \_\_\_\_\_  
Chairman Neil Price

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Julie Broestl, Secretary