

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, MARCH 6, 2019

WEDNESDAY, MARCH 6, 2019, COUNCIL CHAMBERS, AVON CITY HALL

The meeting was called to order at 7:00 P.M. by Chairman Randy Fratianne.

Present: Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Kurt Schatschneider; Randy Fratianne; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING – JANUARY 2, 2019

A motion was made by Mr. Miller, seconded by Mr. Schatschneider to dispense with the reading of the minutes of Wednesday, January 2, 2019 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

Due to the lack of variance and appeal requests there are no minutes for February because of no meeting.

KENNETH AND MARY RIPICH APPEAL

Kenneth Ripich is requesting a 5’ setback variance from C.O. 1248.19 Structures and Improvements within Utility Easement or Right of Way to allow the existing landscaped patio to be compliant with City code at 33530 Royal St. George.

Kenneth Ripich is sworn in by Mr. Gasior.

Mr. Ripich explains that they lived at their home for about 12 years and they are trying to sell the house. The real estate agent representing a potential buyer determined they have this issue and they needed a variance. Mr. Ripich says he thought the encroachment was to the golf course then he was told it’s a utility easement and would request the variance to make sure they don’t have to make any improvements and can sell the home. Mr. Fratianne says he wonders how this got pass the lien search when they bought it. Mr. Ripich says he believes this patio was installed with the original owner. Mr. Schneider says when the title search was done this was found and now they want to get compliant. Mr. Schneider says the neighbor has a patio as well and a variance was granted and its larger than this request. Mr. Klingshirn asks what the easement is, and it was determined storm water easement. Mr. Schatschneider asks if the City needs to work on the pipe, what happens to the part that is in the encroachment now? Mr. Schneider says like any easement it’s up to the homeowner’s responsibility. Mr. Gasior says it’s a storm sewer and it could be the HOA responsibility to take care of that, but the property owner would be responsible for the landscape repair if need be. Mr. Gasior says if its an HOA we would contact them, and they would fix the issue or if it is the City’s it would be the homeowner responsibility to repair/replace the patio.

A motion was made by Mr. Miller, seconded by Mr. Ladegaard to approve 5’ setback variance from C.O. 1248.19 Structures and Improvements within Utility Easement or Right of Way to allow the existing landscaped patio to be compliant with City code at 33530 Royal St. George with the conditions that if work is done on that pipe by City they would fill the hole and seed any other work is at the homeowners expense. The vote was: “AYES” All. The Chair declared the motion passed.

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STEFANIE GETZ APPEAL

Stefanie Getz is requesting a side yard location variance from C.O. 1262.08(b)(1) Accessory Building Setback Requirements to allow a 6'x10' shed to be located behind the existing garage in the side yard at 38202 Heron Lane.

Stefanie Getz is sworn in by Mr. Gasior.

Mrs. Getz says she is looking for a side yard location variance as they want to put a 6x10 shed behind the garage but is considered the side yard. Mrs. Getz says the Stonebridge HOA has approved the shed. Mrs. Getz says you won't be able to see the shed and other locations wouldn't be appealing. Mr. Schatschneider says there are nice trees in the back and can see why they wouldn't tear them out. Mrs. Getz says they want to put the kids bike in the shed. Mr. Schatschneider asks if the neighbor has said anything and its confirmed there was no response from neighbors.

A motion was made by Mr. Klingshirn, seconded by Mr. Ladegaard to approve a side yard location variance from C.O. 1262.08(b)(1) Accessory Building Setback Requirements to allow a 6'x10' shed to be located behind the existing garage in the side yard at 38202 Heron Lane. The vote was: "AYES" All. The Chair declared the motion passed.

LONGHORN STEAKHOUSE APPEAL

Landon White of Site Enhancement Services representing Longhorn Steakhouse is requesting a 232.9 sq. ft. variance from C.O. 1290.05(e)(1) Schedule of Maximum Sign Area to allow additional wall signs at the new Longhorn Steakhouse Restaurant to be located at 35605 Chester Road.

Landon White of Site Enhancement Services is sworn in by Mr. Gasior.

Landon White explains the proposed variance is for the wall signs as they are proposing wall signs on all four sides of the building. This is a developing area and they believe its best for the traffic pattern to have signs that hit access drives and main streets and adds more visibility. Ms. Fechter asks if the signs changed and it was determined no, they added the visibility sheet to help give a better idea of why they want the larger signs. Mr. Fratianne says the allowed is 79 sq. ft. for the building. Mr. Schneider says they are allowed one square foot for the length of the front of the building facing Chester Road. Mr. Fratianne references 1290 as they gave them accommodation for the large or corner lot which would give them additional signage and up to 120 sq. ft. Mr. White says they do have other options if they need to for consideration. Ms. Fechter asks if they have elevations to show the letter size being dropped on the both sides of the building. Mr. White says the first option is to remove the rear sign completely giving them a 68.9 sq. ft. reduction. Mr. White says the internal traffic would need that sign, but they feel it's the most insignificant sign. Ms. Fechter says we did some research and most don't have a rear sign, but this is a little different as you will still see the sign in the development. Mr. Klingshirn asks if he was involved in the Rocky River store as they have just the word Longhorn. Mr. White believes this is the old branding that is why its without the Steakhouse wording. Mr. Fratianne asks if removing the rear one would be more beneficial than the sides as the access points are in

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the back. Mr. White feels the freestanding will help with the traffic on Chester and the wall signs help with interior traffic, but the side elevations will help with the interior traffic as well. Mr. Schatschneider says if they were to remove the rear the sign request would drop down to 164 sq. ft. variance and that's from what is submitted. Mr. Schneider says the 232 sq. ft. variance is what is requested on their 79 sq. ft. permitted. Discussion continues what they actual request and what the City is giving them at this point and it was determined they would allow them a bonus of 40 sq. ft. allowing the base to begin at 120 sq. ft. Mr. Schatschneider says 123 sq. ft. variance would be needed if the rear sign is removed and now let's work on the rest of the signs. Mr. White says if they feel that is too much, they will reduce the letters from 36" to 32" which would be a total of 196 sq. ft. for all the signage minus the rear sign. Discussion continues what signs to go where and what size among the board with the steer and there are multiple conversations going on. Mr. Schatschneider says if you are westbound on Chester and another building goes up he doesn't feel they will see the sign on the west side and just use the steer on the side and signage on two sides. Mr. Gasior says this is unique situation as this is likely the only development that will experience these issues. The street is access but you almost must look at it like its two streets and have frontage and signage on all 4 sides shouldn't be an issue if they try to minimize the variance. After discussion it was determined that 63% variance would be acceptable, and they could determine where the signs will be located. Mr. Ladegaard suggests that they lower the letters to 30" and Mr. White says he can't make the decision but has never seen them come down that low. Mr. Schneider says its down to 196 total square footage and they can figure out how they would like to use that square footage and what sides of the building they want. Mr. Fratianne says he is allowed 120 and giving them a variance of 76 sq. ft. giving it a total of 196 sq. ft. total. Mr. White says he would like to have the square footage allowance and will go back to Longhorn to see what's the best for them.

A motion was made by Mr. Miller, seconded by Mr. Ladegaard to approve the 76.67 sq. ft. variance from C.O. 1290.05(e)(1) Schedule of Maximum Sign Area to allow a total of 196.67 sq. ft. of wall signs at the new Longhorn Steakhouse Restaurant to be located at 35605 Chester Road. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

ADJOURN

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:56P.M.