

WICKLIFFE BOARD OF ZONING APPEALS
April 23, 2009

Chairman Bennett called the meeting to order at 7:30 P.M.

ROLL CALL: Present: Bello, Bennett, Guhde, Levar, Nicholas

Chairman Bennett extended sincere condolences to Gordon Levar on the loss of his father who was a former member of the Board of Zoning Appeals.

Mr. Guhde made a motion to approve the minutes of February 26, 2009 and Mr. Levar seconded the motion.

ROLL CALL: AYES: Bello, Bennett, Guhde, Levar, Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett said the case before the Board tonight is CASE NO. 2009-103 as follows:

Section 1313.50 Minimum Required Yards states that side and rear yards adjoining residential districts, side yard 15'ft. and rear yard 20'ft. Joseph L. Myers made application on 3/31/2009 for Albkos Properties LLC requesting a variance in minimum side and rear yard setbacks to allow construction of a freezer unit and dock addition, in a General Business District located at 30022 Euclid Avenue.

<u>Side Yard</u>	<u>Rear Yard</u>
15'ft. setback required	20'ft. setback required
<u>2'ft.</u> setback requested	<u>10'ft.</u> setback requested
13'ft. variance = 86.6%	10'ft. variance = 50%

Chairman Bennett asked Mr. Sack if he had anything to add. He did not.

Chairman Bennett said anyone wishing to speak would be sworn in at this time. Mr. Stempuzis swore in Joseph Meyer, 38030 Second St., Willoughby, Architect for the project and Jimmy Soljecki, owner.

Mr. Myers explained what they wish to do and showed a drawing. He described the current building, its proximity to surrounding property, the area where they want to add a structure to enclose a cooler, create a loading dock, to clean up the area, add landscaping and fencing.

Mr. Bello asked if the store would have some sort of attachment. Mr. Myers described how that would be handled. Mr. Bennett asked where the cooler would be located and Mr. Myers pointed out that area.

Mr. Guhde asked to confirm what was new and where attached. He also asked about the dock area and if it was open. Mr. Myers referred to the drawing and pointed out those involved areas. Mr. Guhde asked if this area would be able to accommodate large trucks

including semis and Mr. Myers said yes, any trucks that make deliveries there now should be accommodated. Mr. Bello said he knows the request is for a variance on the rear lot but asked what is going to happen between the existing building and cooler building. Mr. Myers said the difference is about 7.5' which is just wide enough to put in a pair of doors. Receiving directly into the building would go through that pair of doors. Mr. Nicholas asked about the area at the back end of the structure and the house that is to the south. Mr. Myers explained how that area would be handled. There is 10' of landscaping on the property and a fence between. Mr. Bello asked if the cooler could be made smaller and Mr. Myers explained that it is already smaller than they wanted and because of the volume of business, they couldn't go any smaller. Mr. Levar asked where the dumpster and compactor would be located. Mr. Myers showed on the drawing where the dumpster and compactor would be located. Mr. Nicholas asked about the semi's coming in off of East 300 St. and the affect on a two-lane street. Mr. Myers said they do it now and the traffic pattern isn't being changed, they are just trying to house it in a better way. Mr. Levar asked about the proposed loading area on the south side and if there is ample room for a vehicle to swing into there off of Euclid Avenue, going southbound. Mr. Myers said they had the engineer prepare the site plan and make sure of the radius and getting in and out of the loading dock. Mr. Levar asked how many semi's arrive daily. Mr. Myers said three or four every two or three days. The surface will be concrete. Mr. Levar asked if the cooler housing will be on the former 1515 East 300 St. and Mr. Myers said yes. Mr. Bello asked about the 2' area on the side and if that is an existing fence. Mr. Myers said there is an existing fence to which they would make necessary repairs. There was further discussion regarding the amount of variance requested and any possible reductions. Mr. Bello questioned the 2' area and what will happen to it in three years. Mr. Sack said the Planning Commission will have them cement that area making it maintenance-free and you won't have to worry about weeds, etc. Mr. Levar asked Mr. Soljecki if he had received any comments from the neighbors to the south and east of his property. He is concerned with East 300 St. being a north-south access and hopes there will not be any interference with the delivery trucks and blocking the road. Mr. Soljecki explained how delivery trucks are being handled now and how it will be once the concrete is there. Mr. Guhde asked how far is it to the 2-story apartment building. Mr. Myers said a little over 10'. Chairman Bennett explained that there is a letter from the Fire Department stating there are no problems at this time.

Audience Participation was opened.

Robert Gregor of 29944 Euclid Avenue, owner of the building across the street on the southwest corner, currently housing Pizza Hut, beauty shop, his law office, All State Insurance. We have had some problems with these trucks. Behind Pizza Hut and the beauty shop, there is a driveway. A lot of the semi's go in there and knock over the rocks, possibly cause cracks in the cement and once in awhile cause inconvenience for people trying to use this area. I am not opposed to the project but it is disheartening.

Dealing with the city in the past and I know that if something is brought to the attention of the Board, maybe certain contingencies or restrictions can be attached to the project as it progresses down the road of variances and Planning Commission review.

William O'Brien, former owner of the property and owner of property to the rear said regarding the 2' they were worried about to the eastern/southerly side, he would not begrudge the 10' variance all the way up to his property because it would clean it up. If they want to take a little bit from the lady on the south side, 3' and give them 8 ft. going towards my property, he would love it even more. Mr. Bello asked if he would like to see the building moved further south to the end of the property line? Mr. O'Brien said he would like to see the building moved further to the 4-susite apartment building. It would clean it up and make better sense. Chairman Bennett said the idea that Mr. Sack mentioned about concrete would clean it up.

Barbara Hughes, 1521 East 300 Street made reference to the suggestion of moving it 3' south. During the winter trucks coming into Pizza Hut come right over the curb. They then get stuck. She asked Mr. Soljecki when he brought the property. Mr. Soljecki said 5 years ago. Ms. Hughes said she would like to see concrete all over, not one blade of grass. She had pictures showing what happened after grass was cut in the past. She also commented about loudness of the trucks. If two trucks are sitting there in the summertime, you cannot hear yourself talk. Her concern is how loud the compressor will be. Mr. Myers explained the location of the compressors. Mr. Soljecki also added his comments. Ms. Hughes requested the drawing be angled so the audience could see what they were talking about. Mr. Myers repositioned the drawing and pointed out and explained details on the drawing.

Audience Participation was closed.

Chairman Bennett said he is not seeing any objections. He suggests leaving the plan the way it is and putting the concrete in there. Mr. Bello said it looks like a practical solution to a building that is at an angle. The concern of mud, noise, etc. can be taken to the Planning Commission and work on that area.

Chairman Bennett said it looks like we need two variances. Mr. Levar had a question of Mr. Stempuzis wanted to know if we could address the concerns of Ms. Hughes and Mr. Gregor or if they would be addressed at the Planning Commission. Mr. Stempuzis said from a legal standpoint, Planning Commission can discuss this. Mr. Gregor owns the property and if he doesn't want them on his property then they couldn't be on his property. Those issues of the lady (Ms. Hughes) on East 300 St. are clearly for the Commission. Mr. Levar told Ms. Hughes that we appreciate her bringing her comments to us. Ms. Hughes thanked the Board for inviting her and said she is not against the project but concerned about the loudness of the trucks. Chairman Bennett said the owner is aware of your objections.

Mr. Levar made a motion to approve the variances of Albkos LLC located in a General Business district at 30022 Euclid Avenue, side yard area of 13' which equals an 86.6% variance and a rear yard area of 10' which equals a 50% variance be approved by the Board of Zoning Appeals.

Mr. Nicholas seconded the motion.

AYES: Bello, Bennett, Guhde, Levar, Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett said the second case on the agenda is CASE NO. 2009-104 and states as follows:

Section 1309.30 Schedule of Area, Yard and Height regulations states that in a R1-50 Residential District, width of building line if 50' feet, depth shall be 120' ft.

Paul Henteman made application on April 2, 2009 for Vittorio Salotto requesting a variance to allow a 39'4" frontage in a R1-50 Residential District located at 1455 East 294 Street.

Front Yard

50' ft. width required

39.4' ft. width required

10.6' ft. variance requested = 20.6%

Chairman Bennett asked if Mr. Sack had anything to add. Mr. Sack said there are a lot of lots in that area that are less than 40 ft. and passed around a copy of a drawing showing the area. He believes it will be alright but he does not have a survey or legal description. The lot is 100' ft. deep. Mr. Bello questioned what is behind the house and wanted to know exactly where the garage is located in respect to the rear lot line. Chairman Bennett said it is difficult to tell much from this drawing. We should have better drawings than this. Mr. Guhde said we need better drawings and he feels he doesn't know what is going on here. We have to have something showing exactly where the lot lines are now and where the lot split line is located and what the square footage of each lot is going to be. Chairman Bennett said maybe we can open this up and get more answers. Mr. Sack said the applicant should get a survey of the property and show where all the side yards and off sets are and come back to the Commission. Mr. Guhde said he personally feels that is what should be done because we need more information. Chairman Bennett agreed. Mr. Guhde wanted to know what is the spacing behind the existing garage/house now to the back property line.

Mr. Stempuzis swore in Vic Salotto.

Chairman Bennett opened the meeting for discussion. Mr. Paul Hentemann, 35000 Kaiser Ct., Willoughby OH, representing Vic Salotto, said we are here for a request to split the lots. Your point is well taken and he assumed that Mr. Salotto had done his homework. He would recommend to his client to table the matter and they will get a survey and show the precise dimensions, etc.

Mr. Sack said that if we table this, with different dimensions coming up, we will need more variances than what is requested tonight. On the rear yard there is only 4 ft. on the back of the property. He recommends that we deny this and start fresh. Mr. Henteman asked if it was preferred that the application be withdrawn. Chairman Bennett said he would rather it be withdrawn than have it denied. If it comes to light, additional variances can be added. Mr. Stempuzis said we can table this. Mr. Nicholas said we can table it and add additional requests. Chairman Bennett said we would have to advertise the additional requests but we can do it in one hearing.

Mr. Guhde made a motion to table Case No. 2009-104. Mr. Nicholas seconded the motion.

ROLLCALL: AYES: Bello, Bennett, Guhde, Levar, Nicholas

NAYS: None

MOTION CARRIED

Mr. Henteman asked if they should set into motion the survey and once they have that bring it to Mr. Sack. Mr. Sack said yes.

Meeting adjourned at 8:25 PM

Mary Ann Boos, Secretary

Keith Bennett, Chairman