

The Board of Zoning Appeals of the City of North Royalton met on January 28, 2008, to hold a Public Hearing, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 8:00 pm.

Present: Chairman, Neil Price, Paula Recker, John Ranucci,  
Tony Caraballo, Councilman Dan Kasaris, Prosecutor Donna Vozar,  
Zoning Inspector Joe Hartman, City Engineer Clark Merdes,  
Secretary Julie Broestl.

**(BZ08-01) Brian Stucky, Stucco Inc.**, requests a variance to Chapter 1282 “Off-Street Parking and Loading”, Section 1282.10 “Parking Area Improvements”, paragraph (a) and (b), and Section 1282.12 “Driveway to Parking Areas”, of the City of North Royalton Codified Code, for relief from the required access driveway and curbing that should be installed at this location of **16330 York Road, PPN: 485-03-015**.

Don Grossenbaugh and Tony Hendershad approached the microphone.

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

Mr. Grossenbaugh: I do.

Mr. Hendershad: I do.

Chairman Price: State your name and address.

Mr. Grossenbaugh: My name is Don Grossenbaugh. I am the project architect. 8537 Avery Road, Broadview Heights.

Mr. Hendershad: My name is Tony Hendershad, I am Brian Stucky’s superintendent. 16330 York Road.

Chairman Price: Thank you. You have the center stage.

Mr. Grossenbaugh: Okay. Mr. Chairman and members of the Board. We are seeking a variance for this length of driveway and curb going from the existing pad from the new construction that is under construction right now that we are trying to get approved right now. The reason that we are seeking the variance because we feel that the curb will hinder the cross traffic here because Brian is a contractor and brings trailers in and it will hinder all his trucks in this turn around. This area is all gravel right now. Probably 18-inches of base gravel that has been driven on for years. We felt with a drive there and in this type of weather the tires could get hung up on that area between the pavement and gravel. Especially with a curb when trying to pull things around and trying to get over that curb area. We don’t seek relief from any drainage. This building and driveway will slop to the yard basin or catch basin whatever is deemed necessary by the Board and that rear yard slop will slop to that lower spot here. Whether it be a yard basin or a catch basin depends on the curb and the pavement. We do have a detention pond back here that will pick up the roof drainage and the pad drainage of this area. This front building is hooked up to the storm sewer at the street.

Chairman Price: Anything else?

Mr. Grossenbaugh: That will do it. We have been approved for this building with the ARB and Planning Commission has tabled us but when speaking with Mr. Merdes that he brought to our attention that we would require the drive and that maybe we could try and seek a variance for this drive and curb on that property.

Chairman Price: Thank you.

Mr. Grossenbaugh: You are welcome Mr. Chairman.

Chairman Price: Do I have a motion to move BZ08-01 to the regular order of business?

Moved by Paula Recker, seconded by John Ranucci to move BZ08-01 to the regular order of business.

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

Paula Recker:	Yes.
Tony Caraballo:	Yes.
Chairman Price:	Yes.
Dan Kasaris:	Yes.
John Ranucci:	Yes.

Ayes – all. Nays – none.  
Motion carried. (5-0)

Public Hearing was adjourned at 8:12 pm.

The Board of Zoning Appeals of the City of North Royalton met on January 28, 2008, to hold an Open Meeting, in the Council Chambers at 13843 Ridge Road. The meeting was called to order by Chairman Neil Price at 8:12 pm.

Present: Chairman, Neil Price, Paula Recker, John Ranucci,  
Tony Caraballo, Councilman Dan Kasaris, Prosecutor Donna Vozar,  
Zoning Inspector Joe Hartman, City Engineer Clark Merdes,  
Secretary Julie Broestl.

Chairman Price: Could I have a motion to approve the minutes of December 17, 2007.

Moved by Dan Kasaris, seconded by John Ranucci, to approve the minutes of December 17, 2007.

Chairman Price: I have a motion and a second, call the roll.

Paula Recker: Yes.  
Tony Caraballo: Yes.  
Dan Kasaris: Yes.  
Chairman Price: Yes.  
John Ranucci: Yes.

Ayes – all. Nays – none.  
Minutes approved. (5-0)

**(BZ08-01) Brian Stucky, Stucco Inc.**, requests a variance to Chapter 1282 “Off-Street Parking and Loading”, Section 1282.10 “Parking Area Improvements”, paragraph (a) and (b), and Section 1282.12 “Driveway to Parking Areas”, of the City of North Royalton Codified Code, for relief from the required access driveway and curbing that should be installed at this location of **16330 York Road, PPN: 485-03-015**.

Moved by Paula Recker, seconded by John Ranucci to approve a variance for relief from the required access driveway that is to be installed at this local business zoned area as prescribed in Section 1282.10(a) and Section 1282.12 of the Zoning Code.

Chairman Price: Discussion?

Mr. Kasaris: Yes. I have questions for the applicant.

Mr. Grossenbaugh approached the microphone.

Mr. Kasaris: Currently, how many vehicles use this area per day now?

Mr. Grossenbaugh: Right now we have parking spaces for ten people that occupy the office area. This storage back here will be an unoccupied storage area that is strictly for storage. We do have a pad in front just for ease of in and out of the big overhead doors. However, all ten spaces are in the front by the office that is occupied by the business use.

Mr. Kasaris: So, once the building is built in the back, how many vehicles do you anticipate using the, what’s called a driveway, pathway, to get to the building?

Mr. Grossenbaugh: For servicing of the building?

Mr. Kasaris: Yes.

Mr. Grossenbaugh: It depends where the contractor is at the time. He is a multi-state contractor that is going out of state. It just depends on the equipment. Tony, do you have a better on that?

Mr. Hendershad: It depends on the time of the year. We have trucks and trailers coming in and out daily really.

Mr. Kasaris: Going back to that storage building.

Mr. Hendershad: We come in here and turn around and park our trailers back in here. We come down the driveway here and park our trailers back in here so that anytime that we might need a compressor, or whatever, we are constantly bringing and dropping stuff off.

Mr. Grossenbaugh: scaffolding and..

Mr. Hendershad: For scaffolding, our assignment forms.

Mr. Kasaris: Where is the scaffolding and the assignment forms held?

Mr. Hendershad: Over here on this side.

Mr. Kasaris: Will the building cause more traffic, less, or remain the same?

Mr. Hendershad: Probably will remain the same because we still have...

Mr. Kasaris: Because you are back there anyway. You are back there now.

Mr. Hendershad: Right.

Mr. Kasaris: Alright. I understand why the curb would cause a problem, but why would a driveway cause a problem with your vehicle traffic?

Mr. Hendershad: Because when you go from the drive to the gravel, we might be catching the edge of the drive turning around with the trailers and especially in the winter. We will be plowing the drive and we won't be able to plow the gravel.

Mr. Kasaris: So, is it more of an inconvenience or more of a necessity with regards to the driveway?

Mr. Hendershad: More of an inconvenience with the drive.

Mr. Kasaris: I understand the curb.

Mr. Hendershad: Without the drive we would have one flat surface instead of going up over concrete and then onto gravel. We would have to go over the concrete edge and onto a gravel area. It would make it harder with the trailers. Mostly in the winter it would cause a problem with the heavy trailers and all the weight on them.

Mr. Kasaris: What is the cost to pour the drive, do you know that?

Mr. Hendershad: \$100.00 a square yard.

Mr. Grossenbaugh: The drive is 10 x 125 feet. So, approximately 1200 that's 400-square feet or something like that.

Mr. Hendershad: It would be probably \$30,000, or so. Maybe about \$40,000. We would go with 10-inch too. We want 10-inches on every thing up there. We bring in semis. Also with the semis we would be backing up to the doors and stuff, you know. It kind of helps us if we could turn around the semis without having to go off a pad onto gravel and then back onto the pad.

Mr. Kasaris: You are bringing semis back there now?

Mr. Hendershad: No, no. This area is our loading zone. We can turn around here, but if we get bigger trucks. Like when Lowes comes out and brings us materials, they come back there. We really don't have a lot of deliveries. We pick up our own materials mostly. We have flat beds and pick up our pallets of sand for sandblasting. That's what we would be loading on back there also. We pretty much pick up our own stuff though.

Mr. Kasaris: Thank you.

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula.

Mrs. Recker: Other than a periodic 18-wheeler, what is the largest size truck that you do drive back there?

Mr. Hendershad: We have a one-ton dump. We also have an 18-foot long trailer for our back-hoes.

Mrs. Recker: So, it is a rare thing for an 18-wheeler to appear?

Mr. Hendershad: Very rare. They usually drop off stuff in the street. It's hard to get around back there. We just go out to the street and pick it up.

Mrs. Recker: Thank you.

Chairman Price: Question. That storm drain that is marked right here in the middle of the driveway, is that in the parking lot area, correct? That is not in the driveway.

Mr. Grossenbaugh: It was either going to be a yard basin or a catch basin on the curb depending on which way this Board voted. We can make it a flat yard drain there. This is a low spot here.

Chairman Price: How are you going to keep that, I don't know how to say it.

Mrs. Recker: Unclogged.

Chairman Price: With the same elevation as the parking area, or slightly lower, or even with the driveway, if it's in an unpaved area?

Mr. Grossenbaugh: How are we going to keep the gravel out of there?

Chairman Price: Yes, keep the gravel out and the curb from crumbling around it, or the driveway being higher?

Mr. Grossenbaugh: If there is no driveway here and just a yard drain, I guess we would probably pour a concrete splash around the catch basin pad. We wouldn't have the gravel rolling into the drain itself. If zoning requires than it would just be a curb drain.

Chairman Price: A curb drain. On your drawing, the grey area, that is what in relation to our exhibit?

Mr. Grossenbaugh: Paving. This was paving, poured and approved, with this building. This was new exterior paving to the overhead doors. So, this is the new concrete pad that we propose for the new building, other than that access road. This has been approved and is existing.

Chairman Price: Okay. From that shaded area, the driveway, that is concrete?

Mr. Grossenbaugh: Correct. This is all gravel right now.

Mr. Ranucci: Mr. Chairman. I have a question.

Chairman Price: Yes, John.

Mr. Rannuci: I think that this is what Dan was asking before. The new drive that you are proposing to put in, or not put in, how often is that drive going to be used to have access to that new storage building?

Mr. Grossenbaugh: I think in reality, I think that things are getting mixed up. We are looking for this building to be storing equipment. Now, do we have a truck coming in here every night, backing up into those doors and unloading equipment, I don't feel that that is the case. It is usually a bi-monthly or bi-weekly event. The owner is not here, however, most of the heavier equipment, the generator and flatbed, they are bridge contractors and they have a lot of heavier equipment. It depends on the kind of job that they are going to, the truck would probably pull back and load up and then be gone for a week or two. Brian, I think, probably goes to five different states.

Chairman Price: So, basically, this whole area is a staging area, parking lot, turn around area, in and out, but you could park or stage anywhere in that area including the driveway area just as easy as you could from the north side, you could from the south side just as well.

Mr. Grossenbaugh: You could stage on either side. The road could kind of hinder the pathway.

Chairman Price: No. I meant if it was just a flat parking lot type area, you could use either the north or the south side.

Mr. Grossenbaugh: The employees park on the designated parking spots with their vehicles.

Chairman Price: You have to go closer to the microphone.

Mr. Hendershad: We have a lot of stuff coming back too. Coming off jobs, stuff is just parked on both sides. That building will probably be accessed by the bobcat more than anything to pick up a pellet and put it into a truck up in the loading area. I don't see us really driving back there to load as much as we would in the front or in that loading area. We would load everything into the trucks on the concrete. Stage everything back there until it is ready to go out. The trucks get loaded for these out of town jobs and then they leave for a month or two. Once the trucks are loaded with materials, that is the end of that truck and machine.

Chairman Price: They are gone until they are done.

Mr. Hendershad: Until another job.

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula.

Mrs. Recker: Are you concerned with that length of concrete driveway up heaving due to weather conditions? I watched that in other areas of business. Places that go from concrete into hard gravel packing and they drive trucks all over and I didn't see any problems with it. I just thought I add that.

Mr. Caraballo: Right now, how far is the concrete? You have the grey area, and the existing parking lot is up in the front. The concrete goes right to there, to the end of that building? You are adding onto the grey area, I've seen that.

Mr. Grossenbaugh: This is the new concrete that was poured

Mr. Caraballo: And you have concrete already along the side of that?

Mr. Hendershad: Right. We have this drive and then a 70 x 70 pad. And then...

Mr. Caraballo: Right. And then you have the loading area is behind that.

Mr. Grossenbaugh: We have a loading zone behind the doors here for the building service.

Mr. Caraballo: And concrete is already where your hand is, to the end of that building?

Mr. Grossenbaugh: Existing concrete is here. This is just the pad in front of the doors, by the proposed building. This is for just coming in and out of that area.

Mr. Caraballo: I guess that where the grey stops, right there

Mr. Grossenbaugh: Here?

Mr. Caraballo: If you were to concrete that straight back to that building, is what you are saying would hinder your ability.

Mr. Grossenbaugh: Oh! Concrete all the way through?

Mr. Caraballo: Yes.

Mr. Grossenbaugh: Oh gosh. I think that that might be cost prohibited, I would think. We just propose the one-way drive in this area here, back to the new proposed building.

Mr. Caraballo: But you want that part to be just gravel too, just that one area?

Mr. Grossenbaugh: Just here.

Mr. Caraballo: I would understand that area.

Mr. Grossenbaugh: Along here also. There is some grass along here.

Chairman Price: Just so I'm clear where the drain is located, the storm drain? Now, there is a heavy dotted line, you are talking about the driveway being north of that dotted line?

Mr. Grossenbaugh: This heavy dotted line?

Chairman Price: Yes.

Mr. Grossenbaugh: This is actually the double line of the curb itself.

Chairman Price: The out board curb north of that, up, that is the drive?

Mr. Grossenbaugh: The drive is between those lines.

Chairman Price: Yes. That is what I am talking about. So, it's ten feet wide and north of that heavy dotted line.

Mr. Grossenbaugh: Correct.

Chairman Price: North is at the top of the picture. Now, the area that is south of the grey shaded area...

Mr. Grossenbaugh: South here?

Chairman Price: Correct. Is what?

Mr. Grossenbaugh: This is grass at this site. This used to be grass until the equipment started working over here. We have planted new grass here.

Mrs. Recker: Now it's all mud because I had to work through it.

Mr. Grossenbaugh: He has really wanted to clean up his whole property.

Mrs. Recker: Mr. Chairman. I would like to for the record state that the last time they were here was September of 2006. Congratulations, you have really improved that property, it looks wonderful compared to what it was in September of 2006. They have done an excellent job.

Chairman Price: What is this proposed driveway going to do for adjoining properties?

Mr. Grossenbaugh: This proposed driveway here?

Chairman Price: That's what we are talking about tonight.

Mr. Grossenbaugh: The adjoining properties?

Chairman Price: Yes. What effect will it have on them?

Mr. Grossenbaugh: We are kind of like a crown. This property here goes down. Nobody sees that driveway.

Chairman Price: How is drainage going to effect those neighbors?

Mr. Grossenbaugh: Right now this whole area drains to the street sanitary, I mean storm, excuse me. And right now this new building drains and this pad will pick up with this catch basin here. Along here in the proposed detention basin. Planning has not approved this yet.

Chairman Price: That drainage area right there in the center will drain from the front and the back parking lot area?

Mr. Grossenbaugh: It does kind of slope. This is below grade according to my civil engineer. It slopes and there is the detention basin. It will work.

Chairman Price: Clark, do you see any drainage problems?

Mr. Merdes: Thank you Mr. Chairman. I think that as the applicant has stated, more or less that the Code requires that when properties develop that the new development drainage be collected and then conveyed to storage facility and detained and then released. What they show and what he explains appears adequate. The actual detailed design usually follows all the approvals so that the engineer knows that nothing is going to substantially change. So, I certainly see enough on the drawing to indicate that it appears that they are going to be able to meet Code compliance for drainage. The point that you brought up earlier about a lot relies on that basin in the low spot, that middle basin, and when that is not located with the pavement around it pour things usually end up happening with stuff getting into it and its elevation changing in relationship to the pavement around it. The drainage relies on that being the low spot, being designed the low spot and then staying the low spot in the future. The surf paved driveway would actually help.

Chairman Price: Is there a possibility or a situation or a standard that could require that there be a cement pad or structure around that actually drain that wouldn't have to be the driveway but it could be less, a round concrete structure that would support the drain and the housing and things like that, that would maintain that elevation for that particular drain and not have it built into a driveway?

Mr. Merdes: Our standard for the yard drain, our standard drawing, or standard drawings for a yard drain, don't have that requirement. But, our standard drawings are an extension of our Code, and by our Code it would be required to be a paved surface. This person is seeking a

variance from something like that but our standard drawings are an out reach of our standard Code, when the drawings don't anticipate the variances. So, it would be a non-standard application.

Chairman Price: I guess what I am saying is that instead of a 125-foot x 10-foot concrete pad what if you had a concrete structure that was a 10 x 10, that would be non-standard, but at the same time would give support and structure to the drain, catch basin, apparatus and maintain the correct elevation?

Mr. Merdes: Correct. But, you can't avoid this idea of moving from a hard surface to a non-paved surface. If the driveway goes in its entirety, you would have that entire north edge that has that situation. If you have the driveway left off in its entirety you have when you leave the paved parking area and you transition into the gravel area and then you come back to the pad in front of the building. If you put in the basin and put 10 x 10 concrete around it then you have essentially put two more edges out there in the middle of there.

Chairman Price: I see what you are saying.

Mr. Grossenbaugh: Excuse me Mr. Chairman. Could we possibly any type of trench draining around the concrete area around the area here to pick up any differential settlement to go to the detention basin? Some pipes around here to let it out here?

Mr. Merdes: No. That is really a variation from standard.

Mr. Grossenbaugh: Just trying to work around it.

Mr. Kasaris: Mr. Chairman, if I may. To the law director. What standard are we looking at when we consider whether or not to grant either of these variances?

Mrs. Vozar: Sure. The standard that we are looking at is practical difficulty. When you look under 1264.08, you are looking at the criteria that is included under the less stringent standard. It is an area variance is basically what he is seeking here. So, it is a lesser standard. But he still has to establish practical difficulty. One of the issues that was raised by Mr. Price was whether or not the neighborhood was going to be effected. Whether the variance is substantial or minimal, which Mr. Price is trying to get to a lesser variance if that is possible. These are the factors that the obviously the Board wants you to consider and I know that you raised those issues in your application. Does that help Mr. Kasaris?

Mr. Kasaris: Thank you.

Mr. Grossenbaugh: Could we possibly ODOT requirements on a yard drain?

Mr. Merdes: Mr. Chairman.

Chairman Price: Yes.

Mr. Merdes: Our standard yard drain is a 2 x 2 structure. It is similar to an ODOT structure. If the catch basin, or inlet basin, is with a curb, that is a standard 2 x 3 foot structure. Our yard drains are usually out in yards, meaning grassy or landscaped areas. So, I think the structure will remain either 2 x 3 or 2 x 2 structure. Any difference would just come in the surface treatment.

Chairman Price: Clark, one other question. When they are talking about the curb, are they talking about a curb on both sides of the drive?

Mr. Merdes: Again, the requirement by Code would be both sides. In their drawing they really indicate a curb which would be the lowest side of the driveway, and they actually are not showing a curb on the high side. So, they are seeking two variances and the second one deals strictly with the curbing. If you go by the Code it requires a driveway curb on both sides. You are certainly the Board that could consider a variance to one side, both sides.

Mrs. Vozar: Mr. Chairman. If I could for the record have the applicant indicate that they are requesting a variance for just one side. And that is in variance number two. Just put that on the record. You were shaking your head but we actually need you to state that.

Mr. Grossenbaugh: I am requesting a variance for both of the that road, both north and south, of that east and west.

Mrs. Vozar: So, you are requesting a variance for both sides.

Mr. Grossenbaugh: Correct.

Chairman Price: Okay. Anybody else?

Mr. Kasaris: Mr. Chairman.

Mr. Kasaris: Briefly. Sir, I understand how a curb on the north side would cause practical difficulty. How would a curb on the south side cause practical difficulties if, if you indeed have to place a concrete driveway in this area?

Mr. Grossenbaugh: As we stated before, they are using this as a turn around and a curb on either side will hinder this.

Mr. Kasaris: So, if they were maneuvering in that land area, would they actually be driving over the complete driveway?

Mr. Grossenbaugh: Basically yes.

Mr. Kasaris: So they would drive over the driveway and the tires would go over the north part.

Mr. Grossenbaugh: Over the gravel and then back over the driveway.

Mr. Kasaris: And then come up around.

Mr. Grossenbaugh: Turn around or whatever they need to do for getting the equipment. Backing up and going around.

Mr. Kasaris: Thank you.

Mr. Ranucci: Mr. Chairman.

Chairman Price: John.

Mr. Ranucci: Based on what you just said, where is the grass line then?

Mr. Grossenbaugh: The grass line. Well, we hopefully will have it back along this side at least. There is a board on board fence that is going to be replaced. Right now it is probably grass at each side of this end of the property. We probably have about ten feet of grass over here.

Mr. Hendershad: Yes. This is all gravel back here. We pull in and park all our concrete pumps and everything over there on this side. We are putting grass in here because of the septic tanks are back in this area. Grass here, and then gravel all to here and up. We are trying to use this whole area here as a turn around.

Mr. Ranucci: Okay.

Mrs. Vozar: Just for the record if you could describe the area as west or east where you are pointing so that we are clear on the record where we are looking.

Mr. Hendershad: Okay. Actually it is gravel on the back south side now. We have dirt in through here just because of excavation. Under that dirt is gravel still. On the south side we park all our concrete pumps and all that.

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula.

Mrs. Recker: How often do you bring in new gravel for that area?

Mr. Hendershad: Every couple years we dress up the yard. Maybe even every year. Depends how bad it gets with the plowing.

Mrs. Recker: And you don't feel if they did a catch basin, really both of those catch basins, would be in that gravel area.

Mr. Hendershad: We can drive around that area.

Mrs. Recker: But this one you definitely can't. This one on the front of the accessory building wouldn't be able to?

Mr. Grossenbaugh: This one here?

Mrs. Recker: Right.

Mr. Hendershad: We would back into here and pull around here. You could put a culvert drain around there, and make it an apron too. That might make it easier for us to turn around.

Mrs. Recker: Is that doable Mr. Merdes?

Mr. Merdes: Well, I mean, it is actually shown round but it would be a square rectangle in any case.

Mrs. Recker: Thank you very much. Mr. Chairman.

Chairman Price: Yes.

Mrs. Recker: Based on the requirements in 1264.08, the variance for use, I personally am ready to do consensus.

Chairman Price: Go ahead.

Mrs. Recker: After listening, and I do thank the applicant for a wonderful presentation, however, based on 1264.08 in our requirements that we use for a variance, I personally see no practical difficulty. You have beneficial use of the property with the driveway in. The Code, I personally feel in this particular case, is very explicit.

Mr. Ranucci: Mr. Chairman.

Chairman Price: John.

Mr. Ranucci: Looking at the property this afternoon and in listening to the presentation, I have to agree. I see a certain amount of practical difficulty with having a driveway installed. Up to that point the driveway is put in and the parking spots are there. Basically, like you have stated, it's a staging area, the building is going to be mostly for storage, not a constant back and forth, so I feel there is a certain amount of practical difficulty with that driveway being put in.

Chairman Price: Dan.

Mr. Kasaris: Mr. Chairman. I have no issues with the practical difficulty regarding the curb. However, I do have reservations about practical difficulty with regards to the driveway, and I will be voting no with regards to variance number one.

Chairman Price: Tony.

Mr. Caraballo: Given the testimony and what I have observed here, I can see the difficulty of them turning the vehicles around. I did get there personally and see how they load and where they store their compressors and what-not on the north side of the property, I believe, they are right now. I don't feel comfortable with what they are proposing right now with just having that drain open in a gravel area. I do think that it should be supported with some other structure like asphalt, concrete, something like that in that area. I do think in the winter time when it gets compressed it could propose a problem here, especially in the south side, if I remember correctly, it does sit down a couple feet from the property. Yes.

Chairman Price: Thank you. I'm a little worried with the drainage to the south to the other properties. The elevations tend to go down in that grassy, gravel area that has been talked about, south of the driveway. As far as the curb on the north side, I could see a concern. Driving off of what would be a paved driveway into the gravel or grassy area to the south is just going to cause more drainage problems to the south and the adjoining properties. I think that there has to be some sort of a barrier there that would catch the water that would keep it off the neighbors. So, I'm inclined to go along with the driveway but not the curb. At least the curb on the north side. Are you having fun with writing all that?

Mrs. Broestl: Yes, thank you. Based on the evidence presented here tonight, the finding of facts are as follows: The applicant is Brian Stucky, Stucco Inc. Don Grossenbaugh is here representing him tonight. The business is located at 16330 York Road. They are seeking a variance, and this is variance number one, to Section 1282.10(a), a variance for relief from the required access driveway that leads to the storage building in the back of their site. The applicant states that the driveway will be an inconvenience and hinder the turn-around of trucks and trailers from in and out of the property. The applicant will be installing drainage to a proposed detention basin, that has not been yet approved by Planning Commission. Board members feel that there might be a problem with the drainage though. Board members also feel that there was no practical difficulty really established. No one was here tonight to object to this variance. Anything else the Board wishes to add, or go with a vote.

Chairman Price: Anybody. Call the roll.

John Ranucci: Yes.

Chairman Price: Yes.

Paula Recker: No.

Dan Kasaris: No.

Tony Caraballo: No.

**Ayes – two. Nays – three.  
Variance #1 denied. (2-3)**

Moved by Paula Recker, seconded by John Ranucci to approve a variance for relief from the required concrete curb or concrete barrier to define limits of paved areas that is to be installed at this local business zoned area as prescribed in Section 1282.10(b) of the Zoning Code.

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula.

Mrs. Recker: I did not see any practical difficulty in variance one. In regards to variance number two, there is definitely practical difficulty based on any and all of the evidence that has been presented to the Board to this time period. Even when just reading the application he is correct in the fact that any curbing would be a hindrance. I will be voting yes for this variance.

Mr. Ranucci: Mr. Chairman.

Chairman Price: John.

Mr. Ranucci: I will be voting yes for this variance. If I could just have one comment though. If the curbing on both sides is approved to be removed, we are going to have to grade the south side of that property to that drain, because that curbing is not going to be on that back side of that drain, so that drainage from the south side of the property line would have to be maintained. I'll leave that up to you and the engineers. But because there is no back edge to that drain, it is all going to have slope in the direction to that drain.

Chairman Price: Come up to the microphone.

Mr. Grossenbaugh: Actually, I didn't state this earlier, but the owner is in the process of purchasing the property on the south side of the site. And it's very close to happening. If that alleviates any issues.

Chairman Price: He'll just have water if there is any. I don't have a problem with the curb not being on the north side. But, in order to have a catch basin and sort of a retention blocking of the drainage to the south, I think that a curb is necessary on that side. It will also keep trucks and heavy equipment from trespassing into that grassy, gravel area, that may cause other water problems to the south. Now, are we talking about a curb only on the south and not on the north. Or no curb on either side.

Mrs. Vozar: Mr. Chairman. The applicant had indicated previously that he was requesting a variance on both sides. Is that correct sir?

Mr. Grossenbaugh: Yes.

Chairman Price: Would you except or change to a south side curb only?

Mr. Grossenbaugh: We feel that it would still be a hindrance to the smaller equipment that goes on the south side. I think we could, at the ten foot area, probably earth berm a little to keep any run off from continuing on to that south side site and maintain the run off in that area. I would like to alleviate both sides if I could sir. I would entertain the one side if that was all that was presented to us.

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula.

Mrs. Recker: In regards to that drain in that driveway, they can do a normal catch basin drain in anybody's driveway, I'm assuming this would be a normal catch basin. So, it would be flushed anyways.

Chairman Price: But it's not going to channel it that way.

Mrs. Recker: Well it will channel by grading it that way. They are going to have to slope it down anyways to it. The lot itself slopes to that.

Chairman Price: Anybody else?

Mr. Caraballo: Mr. Chairman. I would like to see a curb installed on the south side protecting that south side property. The property is about three feet lower when I went and viewed it, so I would like to see it on the south side.

Chairman Price: Consensus?

Mrs. Recker: Mr. Chairman. As I stated before, I see great practical difficulty on this. I agree with the applicant in his application and what he has stated at the microphone here tonight, that should there be curbing there would be tremendous hindrance for the use of his yard.

Mr. Ranucci: Mr. Chairman.

Chairman Price: Tony.

Mr. Ranucci: Just going back, I will be voting yes to removing both sides of the curbing. Since the applicant plans on parking vehicles and equipment on that south side the curb would be a problem.

Chairman Price: Dan.

Mr. Kasaris: Mr. Chairman. I also plan on voting in favor of the variance request. I think that they have established practical difficulties with the curb. With the application the current code would require curbing on both sides.

Chairman Price: I also feel that it would be a hindrance to the operation with curbing. I think that should be great concern given to the drainage.

Mrs. Broestl: Based on the evidence presented here tonight, the finding of facts are as follows: Everything is the same with the application. This is variance number two; seeking a variance for relief from the required concrete curbing or the concrete barrier that is to be installed as prescribed in Section 1282.10(b). Some Board members feel that they have established practical difficulty because it may be a hindrance to the turn around of the vehicles. Another Board member feels that there should be curbing on the south side of the property. Drainage is in question still. This is a variance to both sides of the curbing. Anything else from the Board.

Chairman Price: Call the roll.

Dan Kasaris: Yes.  
Chairman Price: Yes.  
Paula Recker: Yes.  
Tony Caraballo: Yes.  
John Ranucci: Yes.

Ayes – all. Nays – none.  
Variance #2 granted.

**Miscellaneous:**

Chairman Price: Under miscellaneous. It is that time of the year again to vote on Chairmanship and Vice Chairman. So, I would like to open the floor up to nominations.

Moved by Paula Recker, seconded by John Ranucci to nominate Neil Price as the Chairman of the Board of Zoning Appeals.

Chairman Price: Any more nominations? Is there a motion to close the nominations?

Moved by Paula Recker, seconded by John Ranucci to close the nominations.

Chairman Price: All in favor?

Ayes – all. Nays – none.  
Motion carried. (5-0)

Moved by Paula Recker, seconded by Chairman Price to nominate John Ranucci as the Vice-Chairman of the Board of Zoning Appeals.

Chairman Price: Is there any other nominations? Is there a motion to close the nominations?

Moved by Paula Recker, seconded by Chairman Price to close the nominations.

Chairman Price: All in favor of John Ranucci?

Ayes – all. Nays – none.  
Motion carried. (5-0)

Chairman Price: Do I have a motion to adjourn.

Moved by Paula Recker, seconded by Dan Kasaris to adjourn the Board of Zoning Appeals meeting of January 28, 2008.

Ayes – all. Nays – none.  
Motion carried. (5-0)

Approved: \_\_\_\_\_

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

Attest: \_\_\_\_\_