

The Board of Zoning Appeals of the City of North Royalton met on **April 27, 2009**, to hold a Public Hearing, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:00 pm

Present: Chairman Neil Price, John Ranucci, Paula Recker, Councilman Dan Kasaris, Tony Caraballo, Prosecutor Donna Vozar, City Engineer Mark Schmitzer, Joe Hartman, Secretary Julie Broestl

(BZ09-03) GPD Associates/Todd Huntington and Taco Bell request a variance to Chapter 1281 "Traditional Town Center Main Street District TCD", Section 1281.06 Building Widths, paragraph (a), and Section 1281.07, "Schedule of Area, Yards and Heights Setbacks", paragraph (a), Section 1281.14 "Design Guidelines", paragraph (c)(1) and (2), and Chapter 1284 "Signs", Section 1284.17 "Prohibited Signs", paragraph (s), Section 1284.09 "Signs in Business Districts Generally", paragraph (b)(1), and Section 1284.10 "Location and Supplementary Area Regulations for Signs in Business Districts", paragraph (d), of the City of North Royalton Codified Code for relief from the building width, side yard setback, display type windows, length of wall space, and allowable signage for this proposed Taco Bell that wishes to be located at 6447 Royalton Road, PPN: 487-05-009.

Todd Huntington from GPD Associates 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. Huntington: I do.

Chairman Price: State your name and address.

Mr. Huntington: Todd Huntington, from GPD Associates, 520 South Main Street, Suite 2531 in Akron, Ohio 44311. Mr. Huntington went on to explain his request for the Taco Bell variances. The tape was stopped in the middle of his explanation and need for the variances.

Mr. Jordan, Community Developer for the City also testified regarding the Taco Bell variances.

The Public Hearing was adjourned at 7:39 pm.

After noticing that the tape was not recording new flash drive was inserted for the Open Meeting.

The Board of Zoning Appeals of the City of North Royalton met on **April 27, 2009**, to hold an Open Meeting, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:40 pm

Present: Chairman Neil Price, John Ranucci, Paula Recker, Councilman Dan Kasaris, Tony Caraballo, Prosecutor Donna Vozar, City Engineer Mark Schmitzer, Joe Hartman, Secretary Julie Broestl

Chairman Price: I need a motion to approve the minutes of March 23, 2009.

Moved by Paula Recker, seconded by Dan Kasaris to approve the minutes of March 23, 2009.

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

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

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

(BZ09-03) GPD Associates/Todd Huntington and Taco Bell request a variance to Chapter 1281 “Traditional Town Center Main Street District TCD”, Section 1281.06 Building Widths, paragraph (a), and Section 1281.07, “Schedule of Area, Yards and Heights Setbacks”, paragraph (a), Section 1281.14 “Design Guidelines”, paragraph (c)(1) and (2), and Chapter 1284 “Signs”, Section 1284.17 “Prohibited Signs”, paragraph (s), Section 1284.09 “Signs in Business Districts Generally”, paragraph (b)(1), and Section 1284.10 “Location and Supplementary Area Regulations for Signs in Business Districts”, paragraph (d), of the City of North Royalton Codified Code for relief from the building width, side yard setback, display type windows, length of wall space, and allowable signage for this proposed Taco Bell that wishes to be located at 6447 Royalton Road, PPN: 487-05-009.

Chairman Price: Back on the air. The tape had issues. Continue Mr. Kasaris.

Mr. Kasaris: Thank you. The variance that you have requested for the width is quite a large variance. Is there any other way for Taco Bell to construct this building and reduce the percentage of the variance?

Mr. Huntington: In line with the site plan that Mr. Ranucci, I hope I pronounced the name right, we have looked at several site sketch layouts prior to presenting anything to Mr. Jordan or anybody. As far as the first stage of what we do, our clients pays us to put together a couple options to talk it over the pricing and get different options, and one of the options we put together was a building similar to that sense to where there was a building that was rotated 90-degrees and essentially it’s a completely nonstandard building. It’s nothing like a typical Taco Bell that you would see. It’s very nonstandard and essentially what that comes down to is a site that doesn’t necessarily work operationally for a Taco Bell and a very expensive building.

Mr. Kasaris: You say nonstandard, what does that mean?

Mr. Huntington: Taco Bell has standard prototype buildings. It is the basis of what Taco Bell has approved any franchisee or corporate Taco Bell as a basis of design. It is just a starting point for something for a gentleman, like myself, to present to you and discussion and then work through zoning requirements and get to a point where we are meeting all zoning requirements, but at the same time maintaining the look that Taco Bell is going for as well as the functionality of the dining area, the kitchen, the service area, the bathrooms, and everything is in a location that works with the certain building. There is a lot of mechanical components, electrical components, roof top units, and everything that design structurally. There is a lot that goes into the prototype buildings where it is most cost effective way for a Taco Bell to build a building. I understand the point that yes it is a large corporation and Pacific Bell does own plenty of stores across America. The fact is that they are developing at a time when not many people are developing. It is very costly for them to construct a

Taco Bell. It is about a \$1.5 million dollar project which is a lot of money in this economy. They have looked over options and priced out different buildings and the building that is rotated 90-degrees is a very nonstandard building and there is a lot of functionality that goes into the location of everything that is in these buildings where it doesn't necessarily work.

Mr. Kasaris: What would be wrong with turning it 90-degrees?

Mr. Huntington: Well, a couple things I could point out. As far as the location of the drive-thru, there is a certain required stacking that is required. We have a pre-pay window and then a pick-up window. Along the longest part of our building there is a two to three car stack between the pick-up window and the pre-pay. Based on the time of service we can say that we are a very fast service company, but the fact is people are going to have to wait. In order to alleviate those congestions and even the functionality inside the building, you have a pre-pay window and that is in the kitchen area, where we have certain equipment lines where they actually make the food. There is certain equipment spacing that we have to comply with building codes. There are the fryers, refrigerators, and everything that we have goes into a certain spacing that we have to keep in line with the hoods on the cooking equipment. The pre-pay window, the drink stations, there is a lot of equipment that goes into these kitchens. A building that is rotated 90-degrees in order for somebody to be able to pull along the longest side of this building, the longest side of building will become the back of building down here. Where as you are almost asking somebody to come into the building and they would essentially have to loop around, because they would have to come down as far as they can and then loop up back to the building, because we would have to maintain our stacking requirements and the requirements can not come out into the drive-thru, being the 24-foot wide drive aisle. As far as exiting from that facility, there are certain radiuses of somebody sitting at the last pick up window and they need to turn left into this drive entrance, if this was orientated this way. If they have to turn left out of there, there is a 18-foot minimum criteria that we have for a car that is sitting there. It is all based on a program that we run on an auto-turn template and that car sitting there and being able to turn left out of there and get into that drive aisle. At the same time what goes into that as well is the building location is here, and we have our drive-thru which is essentially if you are building your drive-thru and then parking is situated in the back, and you are forcing all of your traffic to go to the back of your site and park and then walk thru the drive-thru, where there are cars sitting, just to get to the building. Like I said, it is a very costly building to design, and a different building. It is a completely nonstandard building. It is something for this parcel, for this type of sales that they are going to get at this establishment, it is just not economically feasible for our client to do. They have looked into to it and priced it out. My firm personally has done a corporate store of that same nature in another city and there are issues with maneuverability through the site, operations, not getting people in and out of the establishment as fast as they would like. One of the things is a 35-foot parking requirement, which is what they try to strive for as far as 35 parking spaces. And that is a very important thing for them to get clients in and out of the establishment as fast as possible. It is a drive-thru and that is the majority of their business, but at the same time they do get a lot of people in the dinning room. It is something, as I was explaining to Mr. Ranucci during the break, that the kitchen area is currently situated right now towards the rear of the building. There is a freezer cooler, kitchen area, the bathroom sits close to this area here, and then the service area here.

Mr. Kasaris: For the record, what area are you pointing to?

Mr. Huntington: Essentially the back half of the building is kitchen and service. And the front half of the building is dinning to accommodate approximately 60-seats. Based on the size of the building and the layout of what they have, turning the building essentially would change the location of the kitchen. It would switch the location of your dinning room. It would be on this side. You would have a dinning room that faces the back, this way and that way. You would see the back of the building essentially here. There would be no windows at all except for the drive-thru and the pre-pay window. The back half of this side of the building, which is the northeastern side, would have no windows at all because it is kitchen equipment that lines up against the walls and if we would put windows it would be wasted space and the client would not want to waste space for no reason.

Mr. Kasaris: Have you seen the exhibit, the one that Mr. Jordan presented earlier?

Mr. Huntington: Yes. That is an exhibit that we preliminarily submitted something from GPD Associates. We presented a site sketch to the City for just a preliminary review as Mr. Jordan said that they went above and beyond and did some reviews for us before we did a final submittal and an ordinary amount of variances and problems with the site. So, we tried to work this out initially. During that time, there was the question about the building width came up. An architect with Pacific Bells, not GPD, put that drawing together. So, exhibit one was prepared by the clients architect of Pacific Bells. What it was was an attempt to try to expedite a solution as well as appease what the City was really looking for and an attempt to say is this what you want, or is this what you are looking for. They wanted a fake façade wall on both sides of the building. That is what that gentleman provided to Mr. Jordan and that is what you are seeing in front of you, exhibit one. After that had been submitted for discussion purposes no formal submittals, there was an in-house discussion between ourselves and Pacific Bells where the cost implications of something like that came into mind. It was construction managers who priced out what that would cost with included foundations and the masonry and everything that goes into that and it was over \$50,000.00 for just the facades. That is completely separate from the purposes of the construction of the building itself. What Pacific Bells essentially decided that it was something that they don't have in their budget and they do have budgets that they do prepare for these sites, where if they go above and beyond these budgets, and we have to do full storm water detention and water quality, and we typically run into this in most municipalities anyways dealing with environmental concerns, but there is a lot of cost that goes into it and that is another \$50,000.00 to \$60,000.00 and the client simply can't afford to put that into that, and that is why we came forth with the different site sketch which for preliminary purposes of discussion which is along the lines of what you see in front of you, which is the building orientated and the length ways and the layout of the site. This is a very typical application of the orientation of this building and the parking along the western side where we do have people that are parking here and do have to cross the traffic. It's not traffic that are parked cars, it's still pushed towards the rear of the site. We tried to move the building up as far as we could. We had it at 25-feet and as Mr. Jordan said based on the road widening we moved it back 10-feet.

Mr. Kasaris: The issue in front of us right now isn't that. The issue is the width of the building. We haven't gotten that far yet. Your position would be then is exhibit one is cost prohibited?

Mr. Huntington: Exactly.

Mr. Kasaris: The cost of approximately \$50,000.00 to do?

Mr. Huntington: Upwards to \$50,000.00 and as well as other things that would go into this. The clients perspective on it is that their architect put that together and submitted that drawing, but as far as putting an archway over that and having to worry about maybe a vehicle hitting the signs and having an archway over it, and yes we do have minimum clearances around the site, but there are other issues as far as safety as having a screened in area where maybe a car coming into the site, you have a wall sticking out to a sidewalk, and then you have a wall between....

Mr. Kasaris: Excuse me, let me ask you this. I was a manager at a McDonalds in Youngstown, and we had something very similar to this, and we had no issues such as that. This really comes down to a question of \$50,000.00 to \$60,000.00 for construction of the archway, is that correct?

Mr. Huntington: Yes. That is the main reason, yes. That's good.

Mr. Ranucci: Along those lines, you had mentioned that you have turned the building 90-degrees at least once before and by doing that there is a cost incurred with that also. How much more per square foot per building. I think I heard \$1.5 to \$2 million dollars on a normal project. How much more if these arches are 50 to 60 thousand dollars, how much more?

Mr. Huntington: I can't honestly tell you the cost. I apologize but I don't have that cost to provide.

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula?

Mrs. Recker: So far we haven't heard from Mr. Caraballo, so I would like him to jump in on this. This is my input on this, I would like to table this. If you would be willing to go back and take Mr. Ranucci's plan that he has presented to you at caucus. Also, this original drawing that Mr. Jordan submitted to us, and perhaps eliminate these arches that Mr. Jordan would like to see. But, if you would be willing to go back to the drawing board and see if you can do something similar to what Mr. Ranucci has proposed here. I personally find that it is a much cleaner design. I have seen Taco Bells with much less parking than what you have proposed here. As a matter of fact I think that there is one on Route 18 in Montrose. But that would be your decision. I would like to hear what Mr. Caraballo has to say before I move to table.

Mrs. Vozar: Mr. Chairman if I could just add so that the applicant understands. I'm sure you are well aware of it, but for the record I am going to say it anyways, the following factors are considered by the Board, one of the factors is whether or not the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structures. As you have heard the Board members indicate it is a substantial variance and obviously after you have heard from all the Board members you can make your decision. Obviously the members can determine whether they want to table it. But that is one of the factors that they are looking at. Obviously, there is a lot more information that needs to be forth coming from you before the Board makes their determination and they have to look at the other factors also. I just wanted the applicant to know. I believe Mrs. Recker that's what your indication was regarding the tabling?

Mrs. Recker: I'm trying to be fair to both the City and to the applicant because I would like to see a new business in town and it would be nice to see the downtown center getting started. But this is, as you said, is not only substantial it is, in my opinion, excessive. I mean 50% is a lot.

Mrs. Vozar: If I could also make clear for the record, this is not a balancing act between the applicant and the City. The Community Development Director is here to discuss and actually bring forth information regarding the TCD and to give you that information and how the whole process works for TCD so he just gave you additional information. You as the Board members need to weigh all the factors to determine whether or not you are going to grant or deny the variance.

Mrs. Recker: Right. All I'm trying to do is to be fair to the applicant. If the applicant is not willing to go back to the drawing board then we will have to vote. We haven't heard from all of the Board members yet anyways. But I am hearing that I've already been there and done that, and I really don't want to do that. If that is what the applicant so chooses fine.

Chairman Price: Tony?

Mr. Caraballo: Mr. Chairman, I would like to hear first from Joe Hartman, you have been out to this and also the Engineering implications that you have seen.

Mr. Hartman: Could you repeat the question please?

Mr. Caraballo: You have been out there and what is your view point on this?

Mr. Hartman: I'm going to have to give you a view point based on the Building Department and I would like to see the Board do the voting on it. The Building Department at this time has no opinion, no comment.

Mr. Caraballo: I also am quite concerned right now with the variance that is being requested here. I believe that it is quite substantial at 47%. Again, if we could do whatever it takes to reduce that I think that it would be very favorable for yourself.

Mr. Huntington: One of the options that we had talked about initially was in lieu of doing a wall structure that you saw in exhibit one was something more along the lines of what you see in front of National City Bank. Where it is a stone column with wrought iron fence in between, and plantings along that fence. Essentially, it gives the aesthetic appeal, the structures would come from the property line to the drive and it would come off of the building in the front here, and as well as on the other side permitted to the setback line unless it was requested to go to the property line. If that would appease your concerns in lieu of a structure as costly as a wall, where as a wrought iron fence with stone columns every six to eight feet with a fence in between it. Yes, you could see through that fence but we would plant things along there if that would appease you. It is very more costly for the client to do and if it would appease your concerns for the building extension along the lines of the same location of where those walls would be located but a very more costly means for our client.

Chairman Price: Is this something that you would consider going back and looking at the positioning and the percentage?

Mr. Huntington: Based on conversations I had with my client, and as I said we've looked into this before and the cost, rotating the building 90-degrees, complete the nonstandard building that is something that our client simply will not move forward with.

Chairman Price: Then you would prefer to have us vote tonight then?

Mr. Huntington: Yes.

Mr. Kasaris: If I may Mr. Chairman. If that building was rotated 90-degrees how would that effect the operations of the restaurant?

Mr. Huntington: As I said, the entire inside of the restaurant would be orientated differently. The dinning room would be in a different location, it would be more of an extended view where they can't get 60 seats they get more close to 30 or 40 seats, so they wouldn't have the seating capacity that they use to have. There is kitchen equipment, certain spacing and ADA requirements and certain things in the kitchen where there is spacing that we have to have. If right now we are at a rectangle area in the back, if we are scrunching that down, the way it is right now there is equipment all along the outside of the building and there is equipment along the inside structure. So, there's two pathways. If we eliminate that, and if this was rotated, and the kitchen was in the back and we squeezed that down maneuverability through the kitchen, people to get from one location to the next and the placement of certain equipment, it's not something that works with the layout of what we

Mr. Kasaris: You are offering to extend a wrought iron fence?

Mr. Huntington: It would essentially be the walls that are shown on exhibit one. We would replace those walls, here is are drive entrance

Mr. Kasaris: You pointing out the exhibit one.

Mr. Huntington: Yes. There is a wall on the east side of the east drive entrance. There is a wall on the west side of the west drive entrance. There is a wall that projects along the west side of the building, so essentially the northwest corner of the building there would be a wall that extends from there west towards the sidewalk. And that is what this exhibit one shows. In lieu of doing these walls with the columns and the structures maybe a five foot two by two stone column with a cap with wrought iron fence in between.

Mr. Kasaris: Would you still have the archway?

Mr. Huntington: No. The archway above the drive entrance would be eliminated.

Mr. Kasaris: So that would not be connected then?

Mr. Huntington: No it would not.

Mr. Kasaris: Thank you.

Mrs. Recker: Mr. Chairman. Are you done Mr. Kasaris?

Mr. Kasaris: Yes.

Mrs. Recker: The drawing that came with exhibit one, this is the same layout as your site plan as presented to us?

Mr. Huntington: It is very similar as far as the locations of the drives and

Mrs. Recker: You still would need this excessive 47% width variance?

Mr. Huntington: This layout still would not meet the 70%.

Mrs. Recker: And you are sure that your client would not be willing to go back to the drawing board to at least come down some on that percentage basis that you are asking for?

Mr. Huntington: There attempt to eliminate the percentage of that variance is, as I said before, a wrought iron fence with columns and things of that nature, but the cost implications of doing something with a rotating building it is very nonstandard, it doesn't work with the site. It is too costly for our client to build on this property and they will not move forward with this site.

Mrs. Recker: Have you looked, or your client looked, at purchasing extra property from either of the two properties east or west so that it would help make your possible property larger?

Mr. Huntington: I guess by the property getting wider it also increasing the width of the building that we are inquired to have.

Mrs. Recker: All I am saying is have you considered that?

Mr. Huntington: Yes and no, because there is really no land to purchase on either side. There is a driveway on the east side that is very close and on the west there is the Fifth Third parking lot as well. So there is not substantial enough area for us to purchase that would offset the area that we would obtain.

Mrs. Recker: You have not approached either of those owners of those properties to purchase?

Mr. Huntington: No.

Mrs. Recker: You never had any intention of doing that?

Mr. Huntington: I did not myself. If Pacific Bells did I am not area of it. But our firm did not do that and we have no information that they did do that. But as I said the cost implications of obtaining additional property in lieu of the 70% requirement is just going to get wider for us it's a negative impact.

Mrs. Recker: Is your client aware that the property to the east, directly to your immediate east, is now for sale?

Mr. Huntington: We were not aware of that. They were present at the, I believe it was the initial Planning Commission meeting we were at, and they spoke to us and gave us no indication that that was the case.

Mrs. Recker: It is through one of the management companies in the city of Cleveland.

Mr. Huntington: If that is something were

Mrs. Recker: What I am thinking is if it might help some of the cause with this width you could do your standard then because you could consolidate the two properties and thus then you could do your standard Taco Bell building and not have to

Mr. Huntington: What that, excuse me for interrupting, what that would essentially do is double our land at acquisition costs and definitely would

Mrs. Recker: Money is not a reason for a variance. That does not prove hardship.

Mr. Ranucci: I think what he means Paula is that by buying additional land his variance would be different.

Mrs. Recker: Yes and it might eliminate a lot of these variances.

Mr. Huntington: Essentially, as I was getting at, the land cost would double, the building would then have to be more than double, even if I rotate this building and it is 75-feet, I would need a 140-foot building or substantial walls that go from this property line to that property line, and it is not a cost effective thing for our client.

Mrs. Recker: You don't have to build side yard to side yard.

Mr. Huntington: The building frontage would be side yard to side yard.

Mrs. Recker: You could leave a little blade of grass in between there you know.

Mr. Huntington: Yes but with drive-thrus you have a 24-foot drive-thru on either side, so that is 48-feet that is taken up. There is 10-foot setbacks on either side, so that is 20-feet that is gone so we are limited with what we can and can't do and obtaining additional parcel and increasing the building width that we need or a wall or fence in that nature is something that our clients would not move forward with. And even at this time and for this layout revising a building layout and design goes double of the cost and functionality of the building it is not something that the client is willing to go forward with. It is a very costly thing. You made mention of Taco Bells parking spaces, you made reference to the one in Fairlawn, that one is a 15-year old Taco Bell that our firm actually just renovated last year. It is a small property and they don't put much into renovating these small properties. We painted the outside of the building and did some stuff to the inside because it isn't cost effective for us to tear that building down and put up a new one cause we can't even fit a building like this down at this. There is less seating. It is very different. For something of this capacity with 60 or more seats inside, 35-parking spaces, this is what this Taco Bell is.

Mrs. Recker: Did I not hear you say that the majority of your business is drive-thru, so the seating indoor is not all of utmost importance. You are correct, I did say that. The drive-thru is majority of the business but I also said based on the size of the dinning area and the 35-parking spaces they do get a substantial amount of dine in participants as well, similar to any McDonalds.

Mrs. Vozar: Mr. Chairman.

Chairman Price: Go ahead.

Mrs. Vozar: If I could just address from the Law Departments perspective, the applicant suggestion regarding fencing and whether or not that that would in any way assist in reducing the variance and my legal response to that is absolutely not. If you look at the establishment of the Town Center District, it is to establish the City's vision of creating a traditional town center main street area. If you look at 1281.06 "Building Width", it talks about a building width and that is why I believe City's exhibit one, well not actually a building it is an extension of the building and that is why it was a reasonable proposal as far as attempting to reduce the variance requested. A fence, even with concrete pillars is not a building and would not in any way help in the situation to reduce the variance being requested. As far as having it look like National City Bank, again as Mr. Jordan indicated, this is the first new construction going into TCD. Again, I

request that the Board review the intent the establishment of the TCD and all the building requirements in TCD. You are bound by the area variance and again we look at all those criteria and the substantial variance as previous indicated is only one of the factors that the Board looks at to determine whether or not you met your burden of proof.

Chairman Price: Thank you. Anybody else have anything? In view of the fact that it looks like the applicant is not inclined to readdress the problem. I would suggest that we vote on the issue. And from my standpoint

Mr. Huntington: Could I say one more thing?

Chairman Price: Go ahead.

Mr. Huntington: The ARB meeting that we attended, and I don't know if their recommendations to you or if they have any bearing on what you say, but based on conversations that we did have with a couple of the gentlemen there, they initially had given us comments that they liked the look of the building and they didn't want to see the arches across either side and they didn't think that the extensions of the building were absolutely necessary. They liked the look of the building as it was. They liked they way the building was situated. They didn't like the arches on each side. After that comment was made, the couple of gentlemen on the ARB, Mr. Jordan as he did to you, presented adding these walls. The comment we got from them was that they would agree that we could put walls up there, but there wasn't a definitive yes we like these walls. I don't know if they have any bearing on this Board, but they did have things good to say about the building as it is. The walls are something that our client is not inclined to build the walls and they are not inclined to rotate the building, it's not that we were just absolutely saying, that we don't want to comply with what you are doing, its just an expensive time to build right now and it's something that they are doing, cutting back on additional spending on these projects. My clients can not move forward with this project with a rotated building or \$60,000.00 in retaining walls on either side of the building. ARB we got good feedback from, as far as the look of the building and not having the walls. They kind of half heartedly complied and said yeah we could see the walls on the sides but it wasn't until Mr. Jordan brought up the walls. My client has informed me that they do not want to move forward with additional \$60,000.00 wall or rotated building.

Mr. Kasaris: Mr. Chairman may I ask Mr. Jordan a question?

Chairman Price: Yes.

Mr. Kasaris: Mr. Jordan, the drive-thru wall, with the archway, if that was constructed how much would that reduce the size of the variance?

Mr. Jordan: Actually I think there was some, I don't know off hand, but I do want to say that I felt that the recent comments concerned with ARB were completely inaccurate by the applicant.

Mr. Kasaris: ARB has no jurisdiction of rezoning, and that is what we are here for. They are beauty and we are zoning. We are different boards.

Mr. Jordan: They actually said that you would determine the variance and if the variance was granted that they would get into the aesthetics.

Mr. Kasaris: Does it indicate on this drawing how wide, I'm getting old and I have a hard time reading things here, it's small.

Mr. Jordan: No, no, I have the same problem.

Mr. Ranucci: It's 55% of the property width and then another 10% on the other side. So, it's a total of 65%.

Mr. Jordan: We would have to do the calculations. It would be hard to do this this evening. If they are willing to resubmit and include the walls we would happily do the calculations with or without the extra over the drive-thru.

Mr. Kasaris: And what the cost would be with just doing the one over the drive-thru and not the other wall.

Mr. Huntington: By other wall I mean there is a wall here.

Mr. Kasaris: The wall that's on the right.

Mr. Huntington: I don't have the exact number for you, but based on looking at it the majority of the cost is the archway over the drive-thru and then I would say that these walls here are essentially the same cost, so about \$8000. or \$10,000. I don't know off hand.

Mrs. Recker: What you are saying the bottom here is, and we don't have any say in the aesthetics, we have to worry about the variance for the width, that 47%. Based on everything I am hearing between yourself, the Board members, and Mr. Jordan, this is why I would like to see you go back to the drawing board, and I would like to table this issue. With or without these arches, do a redesign and look at what Mr. Ranucci has proposed. Personally I find it to be a much cleaner looking site than what you have proposed. His proposal brings that variance down to a reasonable 17%. With arch or without arch, I would really like to see you go to your client and let us table this. I know that the citizens would like to have a Taco Bell in North Royalton.

Mr. Huntington: The process that we have been through so far, couple meetings with the in-house staff, Planning Commission, ARB, and now in front of BZA, and tabling that item an additional month, our client is paying money to be in a contract with these owners and it has gotten to a point where breaking down how much money they are paying and seeing where it is going and if there is another month and if they are not willing to rotate the building 90-degrees and another month of getting nowhere. I understand you stance completely that you are really concerned about the substantial variance percentage. I spoke with my client before this meeting and informed him of the drawing that was presented and it was a direct statement to me that it was something that they would not move forward with this project. Now, if it was some of the other variances that we could discuss and then it is something that you are not absolutely satisfied with what we have right now and you would like to see us come back, I don't know if it is possible to have a five minute break where I could go contact my client and make sure one more time that this is the direction he wants to take. This is not my decision to say absolutely yes or no that we are cutting the project. If this is something that you are okay with?

Mrs. Recker: Mr. Chairman and the rest of the Board are you willing to give him time to call his client on his phone and confirm what his client wants him to do?

Mr. Ranucci: Mr. Chairman, before we answer that. If I understood the comment was do you want to go through the rest of the variance and then come back to number one?

Chairman Price: No we are going from number one.

Mr. Ranucci: I guess the question should have been to Mrs. Vozar if that was able to be done?

Mrs. Vozar: Right now you have this variance before you and you need to act on this before you go any further and move on to anything else.

Mr. Caraballo: Mr. Chairman, I would like to move on and vote on this tonight. If the gentleman here sounds pretty sure that his client is not going to make any alterations, but I am willing to give him his five minute phone call to his client.

Chairman Price: I will be willing to go along with that. I will give him the five minutes to make the phone call and it doesn't have to be Mr. Ranucci's design, it can be anything that will meet

the standard, the Code, and reduce the percentage of variance and if they don't want to do it say so and we will vote. If they do want to look at something else we will table it.

Moved by Paula Recker, seconded by John Ranucci to recess for five minutes.

Chairman Price: All in favor.

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

Chairman Price: Okay we are back in order.

Mr. Huntington: Thank you first of all for granting me the opportunity to call my client. The client wishes to table the item and make a decision to what to resubmit and what direction to move forward. We are asking to be tabled until the next meeting.

Moved by Paula Recker, seconded by Dan Kasaris to table BZ09-03 until the May 18, 2009 meeting.

Chairman Price: Motion and a second, call the roll.

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

Ayes – all. Nays – none.
Variance tabled. (5-0)

Mrs. Vozar: Just so the applicant and everyone is clear, the entire application is tabled not just the first variance. Do you agree with that also?

Mr. Huntington: Yes.

Mrs. Vozar: Thank you.

Chairman Price: Is there anything under miscellaneous?

Moved by Paula Recker, seconded by Dan Kasaris to adjourn the BZA meeting of April 27, 2009.

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

Board of Zoning Appeals meeting was adjourned at 8:43 p.m.

Approved: _____

Date: _____

Attest: _____