

CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES OF THE MEETING
NOVEMBER 18, 2015

MEMBERS PRESENT:	Gail E. Bromley	Chair
	George A. Gilliam	
	Thomas Zych	Vice Chair
	Benjamin Hoen	
	Michael Wellman	
STAFF PRESENT:	Vesta A. Gates	Zoning Administrative Assistant
	Karen Knittel	City Planner
	Elizabeth Rothenberg	Assistant Law Director
	Richard Wong	Planning Director
OTHERS PRESENT:	Cheryl L. Stephens	Vice Mayor, Planning & Development Committee Member

CALL TO ORDER

Ms. Bromley called the regular meeting to order at 7:00 p.m. at which time all members were present.

APPROVAL OF THE MINUTES OF THE OCTOBER 21, 2015 PUBLIC HEARING

Mr. Zych stated that he had given Ms. Gates a few clerical comments and subject to those he moved to approve the minutes as amended. The motion was seconded by Mr. Wellman and carried 5-0.

THE POWERS OF THE BOARD AND PROCEDURES OF THE
BOARD OF ZONING APPEALS PUBLIC HEARINGS

For the benefit of the applicants, representatives, and the public, Ms. Bromley stated that these hearings are quasi-judicial and certain formalities must be followed as if this were a court of law. Those who wish to speak regarding each case will be placed under oath. Following a presentation by City staff, each applicant may present his or her case. The Board will open a public hearing to obtain testimony from any other persons and the applicant will have a chance to respond to any such testimony. The Board will then ask questions of the applicant and render its decision. The formal nature of these proceedings is necessary because the applicant is asking for an extraordinary remedy called a variance. A variance is formal permission for the applicant not to comply with the municipal ordinances by which all other citizens are bound. The factors and criteria weighed by the Board with respect to the granting of variances are set forth in the Zoning Code and have been made available to all applicants. The burden is upon each applicant to establish the right to a variance under these criteria. The applicant must demonstrate circumstance unique to the physical character of his or her property, not personal difficulty, hardship or inconvenience. All variances granted by this Board are subject to review by City Council.

PUBLIC HEARING

NOVEMBER 18, 2015

CALENDAR NO. 3386

Frank Kuhar d.b.a. Revived Housing Developers Inc., 1203 Alpine Rd., 'A' single-family district, requests a variance to Code section 1121.09(b) to permit an attached garage with a front facing door (not permitted).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

This is a single family house in an 'A' single-family zoning district . An 'A' single-family zoning district is located to the north, south and west of this parcel. To the east, along the rear property line is a 'MF-2' multiple-family zoning district.

1203 Alpine is a property that had been in foreclosure and was acquired by the Cuyahoga County Land Bank. The property was a nonconforming lot of record and had no garage. In October 2015, this parcel was joined with the adjacent vacant lot creating a code conforming lot.

The applicant is acquiring the property from the County Land Bank and intends to renovate the house, adding an attached two-car garage and making the property accessible to persons with a range of impairments. The applicant states that an attached two-car garage provides safety from weather hazards and security. The proposed garage utilizes the existing driveway. The design allows space in the garage for a ramp into the house. This design results in the attached garage having a garage door that faces Alpine Road.

Zoning Code section 1121.09(b) states that *"When 75% or more of the block face have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation."*

There are eight houses on the block face; three have attached garages with doors visible from the street. This is less than the threshold established by Code and so a variance is required.

The applicant considered turning the garage so that the garage door faces the neighboring property to the south. The applicant states that this configuration would result in difficulty in drivers backing out of the garage due to the tight dimensions. Also, this would result in the driveway being moved away from the applicant's house and closer to the neighbor's house.

The four properties across Alpine Road have addresses of the intersecting streets and all four have detached garages facing Alpine Road. Also, the corner properties with addresses along the intersecting streets of Woodridge and Summit Park have detached garages that face Alpine Road.

If approved, conditions should include:

1. Final approval of the Architectural Board of Review;
2. Receipt of appropriate Building Permits; and
3. Complete construction within 12 months of City Council's approval of this resolution.

That being the end of staff's report, Ms. Bromley asked the applicant or representative to come to the microphone.

Frank Kuhar, 2613 Wellington Rd., had been sworn in and stated that his company does a lot of remodeling and also totally renovates homes that they buy, such as this one from the Land Bank. This is a rare find in Cleveland Heights. There are very few ranch-style homes and this is a great opportunity to make a home accessible so that our aging population can remain in the city. All these colonial-style homes are not a safe environment for baby boomers and as people age. We have opened up a lot of doorways inside, installed a walk-in European shower and

other responsible construction. Although it costs more money to do this, he felt he could get more money for the house. Landscaping will also be installed which was brought up in the Architectural Board of Review. Bushes and evergreens will be installed to obscure the view of the garage doors. He also felt that the placing of this garage will help a person in a handicap van or car to get in and out without slipping on the ice. He felt this to be a rare opportunity overall in making this an accessible living environment.

PUBLIC HEARING OPENED/PUBLIC HEARING CLOSED

There being no further questions or comments from the Board, Ms. Bromley asked for a motion.

Mr. Zych moved to grant Frank Kuhar d.b.a. Revived Housing Developers Inc., 1203 Alpine Rd., a variance to Code section 1121.09(b) to permit an attached garage with a front facing door where it is not normally permitted based on the finding that the circumstances requiring the variance, that is the failure to meet the threshold of properties in the adjoining neighborhood to have front-facing garages, is not indicative of the actual circumstances where you have a number of garages opening onto Alpine Road. Because they are situated on a side street, they don't count towards that number. Further finding that the variance promotes both the neighborhood and the surrounding properties by providing attractive views and meeting an important value of the City of Cleveland Heights in providing accessible and flexible housing. Also finding that there is no other suitable orientation for the property on this unique lot that is the result of the joining of two properties and there are no other code-conforming solutions that are feasible. Noting that if the variance is granted the following conditions should include:

1. Final approval of the Architectural Board of Review;
2. Receipt of appropriate Building Permits; and
3. Complete construction within 12 months of City Council's approval of this resolution.

Mr. Gilliam seconded the motion. There being no further discussion the motion carried 5-0.

Ms. Bromley reminded the applicant that the variance must be reviewed by City Council.

CALENDAR NO. 3389

Eustacia Netzel-Hatcher, 1450 and 1474 Rydalmount Rd., 'MF-1' multiple-family district requests variance to Code section 1173.01(d) to permit the joining of a single-family home at 1450 Rydalmount (PPN 684-36-005) and a vacant lot at 1474 Rydalmount (PPN 684-36-027) (existing nonconforming use cannot be extended to added parcel).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

Both of these parcels and parcels along Mayfield Road are zoned 'MF-1' Multiple-family. The properties to the south along Rydalmount Road are zoned 'A' Single-family. When considering lot area and width regulations for the MF-1 district, both parcels are considered to be nonconforming lots. Section 1123.06(b) requires a minimum development area of 20,000 square feet; 1440 Rydalmount (PPN 684-36-005) is 10,800 sq. ft. and 1474 Rydalmount (PPN 684-36-027) is 5,200 sq. ft.

The single family home at 1450 Rydalmount is an existing nonconforming use as single family homes are not a permitted use in a 'MF-1' Multiple-family district. Section 1173.01 states that nonconforming uses cannot be extended to an added parcel. The applicant's house is positioned towards the south of the parcel with the driveway and garage on the western edges. This results in the useable green space of the lot being located mostly along Mayfield Road. The applicants acquired the vacant lot to the south to enable their single family home to have useable outdoor space. Per zoning code, this parcel's front yard is considered to be along Mayfield Road as this is the narrower side of the parcel. Therefore, the additional lot the applicant seeks to join is considered to be a rear yard.

Joining the lots results in a more code conforming parcel and provides a single family home with useable outdoor space. The parcels have to be joined to enable the current or future property owners the ability to add accessory structures such as a patio, deck, or storage shed.

If approved, conditions should include:

1. Complete application to the Planning Commission for a lot joining within 6 months of City Council's approval of this resolution.

Ms. Rothenberg stated for clarification that the Board was not actually deciding whether the lots should be joined, which is the purview of the Planning Commission. The variance addresses the section of the code that says a non-conforming use cannot be extended.

Ms. Bromley asked the applicant or representative to come to the microphone.

Eustacia Netzel-Hatcher, 1450 Rydalmount Rd., who had been sworn in, stated that she also owned 1474 Rydalmount. She and her husband purchased her home two years ago with the hope that at some point they could purchase the vacant lot next door. We just recently closed on that lot, hoping to have green space for our dog and two young children. We had no idea about any of these procedures and have

submitted an application to the Planning Commission to join the lots. That is how the issue with the non-conforming use was discovered. The existing house was built in 1920 and the adjacent lot at one time, had a house on it that was built in 1920.

PUBLIC HEARING OPENED/PUBLIC HEARING CLOSED

Mr. Zych commented that there seemed to be anomaly on top of anomaly that is not the fault of the homeowner. He asked if staff had any idea how this got to be an MF-1 zoning district.

Ms. Knittel referred to the zoning map, pointing out how either side of Mayfield Road is designated MF-1. Although she wasn't with the city when this designation was created, she anticipated that because of the high volume of traffic along Mayfield Road they felt that multi-family would be a more suitable designation for that area.

Mr. Wong added that the answer lies to the east where you see the multi-family development that looks like attached single-family homes and I think that was the city's intention, to see a higher density in that area.

Mr. Zych asked about the property to the west, which seemed to be vacant.

Ms. Netzel-Hatcher stated that it was just a wooded lot that has never had a structure on it. It is owned by someone unknown to her but she thought it was for sale.

There being no further comment from the Board, Ms. Bromley asked for a motion.

Mr. Wellman moved to grant Eustacia Netzel-Hatcher, owner of 1450 and 1474 Rydalmount Rd., a variance to Code section 1173.01(d) to permit the joining of a single-family home at 1450 Rydalmount (PPN 684-36-005) and a vacant lot at 1474 Rydalmount (PPN 684-36-027) where the existing nonconforming use normally cannot be extended to the added parcel based on the finding that special conditions do exist which are peculiar to this lot, specifically that it is an existing non-conforming lot which will become more conforming if the variance is granted. The variance is insubstantial and will not alter the essential character of the neighborhood. If the variance is approved, conditions should include:

1. Complete application to the Planning Commission for a lot joining within 6 months of City Council's approval of this resolution.

Mr. Gilliam seconded the motion which carried 5-0.

Ms. Bromley reminded the applicant that City Council must review the variance.

CALENDAR NO. 3385

Bremec on the Heights Garden Center, 13410 Cedar Rd., 'C-2' local retail district, requests a variance to Code sections 1163.05 and 1163.04 to permit a 2-sided free standing commercial identification sign to be 6.13 ft. tall with 11.88 sq. ft. signage on each face, and 1.42 sq. ft. signage on each side of the sign base (free standing sign not permitted).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

She stated for clarification that the sign had since been better measured by the applicant and staff and in reality the advertised signage is a little larger than what it actually is. It is actually 10.58 sq. ft. on each face and 1.42 sq. ft. signage on each side of the sign base which equals a 24-square-foot sign which is the maximum permitted.

Bremec on the Heights Garden Center is located in a 'C-2' Local Retail district. The properties to the east along Cedar Road also are businesses in the 'C-2' district. Properties to the north across Cedar Road are zoned 'A' single-family. The properties to the west and south are also zoned 'A' single-family.

The property has been used as a garden center since 1995. Bremec's acquired the property and received a conditional use permit to operate the garden center in 2009.

BZA Case History

Cal. No. 2571 variance denied to permit a 24 square feet 2-faced 6-foot tall freestanding sign 1 foot from the Cedar Rd. public right-of-way -December 1995

This case was heard one month after new zoning regulations specifying conditional use standards for a garden center were adopted. Also, a review of the minutes indicates that the applicant had just constructed the building and determined the lay-out of the site. The Board of Zoning Appeals concluded that the situation they were reviewing was the result of the applicant's own making and denied the variance.

As was stated, the applicant acquired the building in 2009. They have stated that customers have expressed that it is difficult to see their location when traveling east or west on Cedar Road. The entry drive is hidden until the vehicle is almost past the entrance. This visibility difficulty is why Bremec's is seeking a variance.

They are proposing to install a freestanding sign located near the entrance that would offer visible direction for customer traffic. The sign was designed for this site and has been approved by the Architectural Board of Review.

Traveling west along Cedar Road, the Bremec's site is blocked from view by the commercial buildings that are located closer to the public right-of-way than their building. When traveling east, the garden center's landscaping and outdoor sales area to the west of the building blend in with the residential properties resulting in many not identifying the business until they have traveled past the garden center building.

The applicant is seeking to install a 6.13 feet tall freestanding 2-faced sign with 24 square feet of total signage. Each face of the proposed sign is 10.58 square feet and the tulip on the pole is 1.42 square feet on each face. The tulip is counted as signage as it is used in the businesses logo. The applicant states that the existing commercial identification sign will be removed. The signage regulation for a 'C-2' district would permit 1 square foot of identification signage for each lineal foot of building along the street; the building is 24 lineal feet. The signage as shown on the plans and approved by ABR is code conforming in terms of square footage. However, Zoning Code section 1163 does not permit freestanding signs in commercial districts for commercial properties except for gasoline stations and freestanding signs are permitted in an 'S1' mixed-use district. Freestanding signs for gasoline stations are permitted to be 36 square feet and are permitted a maximum height of 16 feet. Institutional structures are permitted to have freestanding signs with a maximum height of six feet. The applicant's proposed freestanding sign is 6.13 feet tall.

The applicant proposes to install the sign 12'2" west of the entry drive and have it set back 8'6" from the Cedar Road right-of-way. This location does not violate the site triangle. When the sign is installed, the applicant needs to assure that the sight triangle is not obstructed by the sign or plants.

The Board of Zoning appeal has the authority to vary the sign regulations where topography or existing buildings interfere with usual visibility.

If approved, conditions should include:

1. Installation to assure that the site triangle is not obstructed;
2. Receipt of applicable Building Department Permit;
3. Complete construction within 12 months of City Council's approval of this resolution;
4. A requirement that sign lighting have no direct glare to adjacent properties, or to individuals traveling on the sidewalk, access drives or Cedar Road; and
5. A requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the

freestanding sign's height or increase the square footage on either of the sign faces and/or on the signage included in the pole holding the sign.

That being the end of staff's report, Ms. Bromley asked the applicant or representative to come to the microphone.

Dianna Haskett, Designs by Dianna, 11483 Maple Drive, Newbury Township, OH, had been sworn in. She stated that she didn't plan on making any additional changes to what is proposed in height and/or size. All considerations were made with the intention to conform as best as possible.

Aliza Newton, Marketing Director for Bremec's, 12265 Chillothe Rd., Chesterland OH, had been sworn in. She stated we have had numerous occasions where customers come in and say "We hardly saw you" or "We almost missed you". We take a lot of pride in our landscaping and our facility and we want to make sure that carries through in identifying where our property is and making it safe and easy for our customers to enter and make sure they are in the right spot. Thank you.

Roger Dorer, landscape architect for Bremec Garden Centers, 145 East 192nd St., Euclid OH, had been sworn in. He stated that Bremec's is very pleased to be a part of the community in Cleveland Heights. Since 2009 we have done quite a bit to advance our image in this location and as part of that wish to encourage new patrons and existing patrons with the ability to find us. He began working with this site in 2009 with changes to the landscaping and still find it difficult to see the location. He respectfully asked that the variance be granted. Not only to help patrons find the business but so they won't drive past it through the intersection and have to turn around and come back to be able to find the entrance. Thank you.

PUBLIC HEARING OPENED/PUBLIC HEARING CLOSED

Mr. Zych asked staff about condition number one that refers to the site triangle. He had seen it in our records as 'sight', meaning you can see through it, and as 'site'. Which is correct?

Ms. Knittel stated that she had seen it spelled both ways in our documents. Of course you want to be able to see through that triangle so that a person on the sidewalk or in a driving lane is visible when backing out of the driveway. She apologized for the confusion and assured Mr. Zych that staff would look it up and make sure the correct spelling was used in the future.

There being no further questions or comments from the Board, Ms. Bromley asked for a motion.

Mr. Hoen moved to grant Bremec on the Heights Garden Center, 13410 Cedar Rd., a variance to Code sections 1163.05 and 1163.04 to permit a 2-sided free standing

commercial identification sign to be 6.13 ft. tall with 10.58 sq. ft. signage on each face, and 1.42 sq. ft. signage on each side of the sign base where a free standing sign is not permitted based on the finding that the nature of the site is one that it is difficult for the patrons to locate without this sign. I would also note that my familiarity with the neighborhood is such that just several hundred feet to the east of this site are a number of free-standing signs already erected so the granting of this variance would not change the character of the neighborhood. For those reasons I recommend that we grant this variance with the following conditions

1. Installation is to assure that the site triangle is not obstructed;
2. Receipt of applicable Building Department Permit;
3. Complete construction within 12 months of City Council's approval of this resolution;
4. A requirement that sign lighting have no direct glare to adjacent properties, or to individuals traveling on the sidewalk, access drives or Cedar Road; and
5. A requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the freestanding sign's height or increase the square footage on either of the sign faces and/or on the signage included in the pole holding the sign.

Mr. Zych seconded the motion which carried 5-0.

Ms. Bromley reminded the applicant that City Council must review the variance.

CALENDAR NO. 3387

Motorcars Honda, 3077 Mayfield Rd., 'C-1' office district, requests a use variance to Code Sections 1131.01 and 1131.02 to permit auto-oriented, retail and office uses at this location, (retail and auto-oriented uses not permitted).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

3077 Mayfield Road is located at the west corner of a triangular block surrounded by Monticello Boulevard, Lee Boulevard, and Mayfield Road. The Rockefeller Pointe Building, the Medusa Building and one-story structure share this "C-1" Office District block.

West across Monticello Boulevard is the Community Center and Forest Hill Park. South across Mayfield Road is a car wash and Family Dollar Store located in the C-2 Commercial District. The Rockefeller Pointe building is East and adjacent to this site.

Case History

Cal. No. 148 (Sept. 1954) variance granted to permit parking in front of the building along Mayfield Road.

Cal. No 2099 (May 1989) variance granted to erect 15½ foot high pole sign at the corner of Mayfield Rd. and Monticello Blvd. and to permit a 19 square foot wall sign on the west side of building (max signage was 25 square foot sign attached to building).

Cal. No. 2422 (April 1993) variance granted to permit a used car sales business at this site in conjunction with new car sales business at 2953 Mayfield Rd for a period of 18 months (April 1993 through Oct 1994).

Cal. No. 2516 (Oct. 1994) variance granting a special permit to change a non-conforming use from new and used auto sales to used auto sales in conjunction with new car sales at another Cleveland Heights location.

Cal. No. 2521 (Dec. 1994) variance granted to erect two building signs each on Mayfield Rd. and Monticello Blvd. 34 square feet and 30 square feet on each frontage, and a 30 square foot sign above the rear entrance from the parking lot on the north side of the building instead of having one building sign facing Mayfield Rd., one building sign facing Monticello Blvd. and a max. 15 foot sign facing the north parking lot.

Cal. No. 3350 (June 2014) use variance granted to permit retail and restaurant use in a C-1 Office District (not permitted) and to re-establish auto-oriented van conversion use in C-1 Office District (not permitted).

Project Description

The Use Variance approved in June 2014 specified that retail and restaurant uses would be located along Mayfield Road with the Mobility Center, an auto-oriented use, located in the rear of the building. The applicant has approached multiple retail businesses for this front location, but has not found any willing to move into the space. Motorcars Honda is now seeking a use variance to permit auto-oriented use in addition to retail and office use at this site with no site location restrictions on the various uses. The applicant is proposing to move their auto-body business from 2926 Mayfield Road to this site. The proposed site plan shows an area along Mayfield Road where vehicles could be pulled into the building for estimates. The proposed site plan includes an office for the bodyshop business along Mayfield Road and one retail/restaurant space remains available. The bodyshop work areas would be located in the rear of the building.

"C-1" Office District does not permit the proposed uses. Auto-oriented uses are conditionally permitted in C-2 and C-3 districts, therefore should this use-variance request be granted, a Planning Commission conditional use permit will be required for the auto-oriented business.

Code Section 1131.01 states that the purpose of the Commercial District regulations is to ensure the availability of business and commercial uses and to

encourage sustainable development and practices. Desirable and beneficial uses of land are sought through these regulations to preserve and enhance the character of the City and the value of these districts.

Code Section 1131.01(a) states that C-1 Office District is for limited application along certain major streets adjacent to higher density residential areas where the integration of offices would be appropriate but where retail and commercial services would not be.

A property may only be occupied by land uses that are explicitly permitted by the Code in the zoning district in which the property is located. Property owners wishing to use their land for a use not permitted must apply to the Board of Zoning Appeals (BZA) for a use variance. To obtain a use variance, a property owner must show, to the BZA's satisfaction, an "unnecessary hardship" if forced to strictly comply with the Zoning Code's use limitations. The applicant has submitted a Statement of Hardship as part of their application.

In making its determination, the BZA must find that all seven criteria listed below are met by the proposed use of the property that is the subject of the use variance request.

A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;

The building was constructed as an automobile dealership facility in the 1950s. This property has been a nonconforming use (new and used auto sales) since the area was first zoned as C-1 Office in the 1970s.

After Motorcars used car sales closed, the property was donated to University Hospitals, but that institution had no intention of using the property. Vacant for four years with no code-conforming requests, Motorcars Honda acquired the property in June of 2014.

It has been demonstrated that this structure is not suitable for office use and that a prospective office tenant could lease suitable office spaces in buildings nearby that do not require an expensive conversion from an auto-oriented facility. This applicant is willing to assume the costs for conversion of the building for the proposed uses.

B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;

Code Section 1131.01(a) states that C-1 Office District is for limited application along certain major streets adjacent to higher density residential areas where the integration of offices would be appropriate but where retail and commercial services would not be.

This site is not adjacent to residential areas. The site is located across Mayfield Road from a C-2 retail district where a car wash and Family Dollar store are located. The site has been used for auto sales from the 1950s through 2010. The Mobility Center opened after the 2014 use variance was approved; however the retail and restaurant areas have not been filled.

- C. The hardship condition is not created by actions of the applicant;**
The applicant has not created the conditions of this site. It was developed as a car dealership in the 1950s and continued as a nonconforming auto sale use through 2010. The property was vacant between 2010 and 2014 when the use variance was approved and the Mobility Center opened. However, the retail and restaurant businesses have not located here despite attempts to recruit them by the applicant.
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;**
The essential character of the neighborhood will not be substantially altered. It is also clear that none of the adjoining properties will suffer any detriment as a result of this variance. The immediately adjacent properties were in use when the used car sales facility existed and have not been adversely impacted from the auto-oriented Mobility Center use. In 2015, Motorcars purchased the adjacent property to the north which is the Medusa building and the one story building along Monticello Blvd. The one story building is the location of Motorcars call center for scheduling appointments.
- E. The granting of the variance will not adversely affect the public health, safety or general welfare;**
Vacant properties adversely affect the City's revenues. Property tax and income tax from this long-vacant parcel would help the delivery of governmental services. Trash pick-up by the City's Service Department would not be needed and no exceptional demands for governmental services are anticipated.
- The site operated as a car dealership and later as a used car sales facility for many years with no adverse effect on the public health, safety or general welfare. Auto-oriented uses are conditionally approved uses in C-2 districts which are located across the street. Therefore should the use variance be granted, the auto body repair shop should be required to apply to the Planning Commission for a conditional use permit.
- F. The variance will be consistent with the general spirit and intent of the Zoning Code;**
Code 1131.01(a) states that the C-1 Office District is for limited application along certain major streets adjacent to higher density residential areas where the integration of offices would be appropriate but where retail and

commercial services would not be.

This site is not adjacent to any residential area. The proposed uses are compatible with adjacent uses along Mayfield Road. This use is consistent with both the former auto-oriented approved uses which were the Mobility Center, the Motorcars' used car dealership and the original use, a car dealership.

G. The variance sought is the minimum which will afford relief to the applicant.

The building is not suitable for office uses, and since the June 2014 use variance was approved, the applicant has attempted to recruit retail and restaurant uses to this site without success. The main functions of the auto body repair shop will be housed in the rear of the building with a space for estimates of repairs being located in the front along with offices for the business and a site that may be utilized for a retail or restaurant use.

If the use variance is granted, conditions should include:

1. Receipt of a Conditional Use Permit from the Planning Commission for the auto-oriented use.
2. Approval of the Architectural Board of Review;
3. Receipt of appropriate Building Department Permits;
4. Applicant shall submit a landscape plan to be approved by the Planning Director;
5. Complete construction within 18 months of City Council's approval of this resolution.
6. Future retail, restaurant, office and auto-oriented uses that are similarly nonconforming shall be permitted but if such uses are conditionally permitted in other commercial districts, those uses should follow the conditional use approval procedures;
7. The maximum retail use in this building shall be no greater than 6,733 square feet; and
8. The use variance is conditional on the use of the current building which cannot be substantially altered or demolished.

That being the end of staff's report, Ms. Bromley asked the applicant or representative to come to the microphone.

Ms. Rothenberg stated with regard to condition number 2, that since the applicant is not changing the structure of the building, there is no need for Architectural Board of Review approval. She recommended deleting that requirement.

Ms. Knittel agreed.

Mr. Zych suggested just adding the words "if necessary".

Ms. Rothenberg agreed that was also acceptable.

Ms. Bromley asked the applicant or representative to come to the microphone.

Matt Gile, 2950 Mayfield Road, who had been sworn in, stated that this is a family business. His father is the owner and he and his brother run the Honda and Toyota dealerships. We are proposing to move our body shop down to the former Pontiac building. We've always had a great relationship with the city and always done everything that has been asked of us and take pride in that our properties and buildings are up to code and give the city a good image. Fortunately for us our business has really been growing over the last couple of years. Especially the body shop. His body shop manager, Sherman Thomas, was present to explain about the business and how it will work.

Sherman Thomas, 2926 Mayfield Road, who had been sworn in, stated that he had been managing the shop for seven years, both under the former owner and now under Motorcars. The business has almost doubled over the past 7 years and the current building, which has been used as a body shop since the 80's, needs some modernization. The industry is just passing what that building is capable of doing and the proposed building is a perfect spot. It has been empty for a long time.

PUBLIC HEARING OPENED/PUBLIC HEARING CLOSED

Mr. Zych commented that this is an area that has received a great deal of attention over the years. What is interesting to note is there have been developments that might have met with initial skepticism that have proved to be terrific developments. We may remember the controversy across the street at the recreation center. It was an innovative use and an improvement to that property that has rebounded to the city. We've seen everything that Motorcars Honda has done, but economic conditions being what they are, given the great efforts that Motorcars has expended on these parcels, I think that is going to continue. If there is a problem with that triangle, it's the abandoned Medusa building. I think this is an improvement to that area that should be beneficial to the city.

There being no further questions or comments from the Board Ms. Bromley asked for a motion.

Mr. Zych moved to grant Motorcars Honda, 3077 Mayfield Rd., a use variance to Code Sections 1131.01 and 1131.02 to permit auto-oriented, retail and office uses where retail and auto-oriented uses are not permitted. He stated as a preface to the findings that this site has been an auto-related use long before we were exercising our personal jurisdiction over this and that colors the findings. The specific findings are: A) that the property cannot be put to any economically viable under any of the permitted uses in the zoning district given the unique nature of

that building which is designed for auto-related uses. The Board well knows there have been efforts to find other uses and given the windows, given the layout, and the way that building is set up, if it is not demolished or substantially altered, this is one of the only conceivable uses one can have for it. B) That the variance requested stems from a problem that is unique to the property at issue and not ordinarily found in the same zone or district; Again, both the district and the adjoining district as staff has noted, do not present the same kind of structures, or challenges so that this is unique in the real sense of the word in the same zone as well as the adjoining zone in terms of being appropriate to the mix there; C) It is clear that the hardship condition is not created by actions of the applicant. This is as the property was found and indeed is the way the property has been used for decades. D) The granting of the variance will not adversely affect the rights of adjacent property owners or residents. We note that in fact the actions of Motorcars Honda has improved the use of this one-story building as it is being put to a productive use. The challenges faced by the office and other buildings nearby have nothing to do with the auto-related use and in fact may benefit from the improvement. E) The granting of the variance will not adversely affect the public health, safety or general welfare. It is a well-designed plan that appears to be well suited to the operation of a body shop. There is no record of any adverse effect on the public health, safety or general welfare. F) The variance will be consistent with the general spirit and intent of the Zoning Code. Again, if we look to the fact that this idea that an office would be well suited adjacent to certain types of properties or uses that just aren't there so that the spirit of the zoning code is served by allowing the continued use of this property for auto-related usage which will benefit the city. G) The variance sought is the minimum which will afford relief to the applicant. Because it is binary, you can't kind of use it for auto-related uses. It either is or it isn't and so based on that judgement, it is the minimum relief afforded to the applicant. If approved the conditions are:

1. Receipt of a Conditional Use Permit from the Planning Commission for the auto-oriented use.
2. Approval of the Architectural Board of Review, if necessary;
3. Receipt of appropriate Building Department Permits;
4. Applicant shall submit a landscape plan to be approved by the Planning Director;
5. Complete construction within 18 months of City Council's approval of this resolution.
6. Future retail, restaurant, office and auto-oriented uses that are similarly nonconforming shall be permitted but if such uses are conditionally permitted in other commercial districts, those uses should follow the conditional use approval procedures;
7. The maximum retail use in this building shall be no greater than 6,733 square feet; and
8. The use variance is conditioned on the use of the current building which cannot be substantially altered or demolished.

Mr. Hoen seconded the motion which carried 5-0.

Ms. Bromley reminded the applicant that the use variance must be reviewed by City Council.

CALENDAR NO. 3388

Gurgit Nanrhe, 2603 Noble Rd., 'C-2' local retail district, converting auto repair bays to accessory retail at a gas station, requesting variances to Code sections: 1) 1161.03(d)(2) to permit 4 parking spaces (7 req'd.); 2) 1131.13(a) to permit parking in the front yard on Noble Rd. (not permitted); and 3) 1131.08(a)(2) to permit no landscaping adjacent to an 'A' single-family district at the rear lot line adjacent to 3851 Monticello Blvd.(10' landscaped area req'd).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

The auto repair business is located in a 'C-2' local retail district at the corner of Noble Road and Monticello Boulevard. The 'C-2' local retail zoning district continues north and south along Noble Road. An 'A' Single-family district with single family homes are located to the northeast along Monticello Road.

BZA CASES

Cal. No. 2689 Oct. 1997, variances were granted permitting: 1) fuel pumps to be located 15'6" from the right-of-way, 25' setback required; 2) to permit 2 canopies to be located 6'6" and 17'8" from the right-of-way, 15' setback required (no signage permitted on the canopy and lighting not to spill onto neighboring properties); and 3) to install a 4' wide landscaped area adjacent to the public sidewalks, 15' required.

The applicant has a purchase agreement for this site and would like to change the structure from auto repair bays into a retail store. The applicant intends to maintain the sales of gasoline.

The change in use results in the need to evaluate the site for compliance with applicable codes that correlate with retail sales in addition to the gasoline sales. Per section 1161.03, .5 parking spaces are required per pump and 1 parking space is required for each 500 square feet of retail space. There are 6 pumps and the retail space will be 1843 square feet. This results in the requirement for 7 parking spaces. ($6 \times .5 = 3$ spaces plus $1843/500 = 4$ spaces)

The applicant is proposing 4 parking spaces. Two spaces would be located in the

Monticello front yard adjacent to the property line shared with 2595 Noble Road. This location results in the need for the second variance to section 1131.13(a) that states that corner lots in commercial districts are not permitted to have parking in the front or corner side yards or in areas that are located between a principal building and a public right-of-way.

Two parking spaces would be located directly in front of the dumpster and adjacent to 3851 Monticello Boulevard, a single family house located in a single-family district. Resulting in the need for the third variance to accessory parking regulation section 1131.08(a)(2) to permit no landscaping adjacent to an 'A' single-family district at rear lot line. A 10 foot landscaped area is required by code.

The proposed site plan does not appear to provide adequate space for vehicles to have the ability to enter and exit the 2 parking spaces along Noble Road and have vehicles stacked waiting for fuel. The applicant should be asked to describe how on-site traffic will flow.

The applicant states that the variances are necessary due to the limited size of the parcel. According to the County parcel map, this parcel to be 9,223 square feet.

If approved, conditions should include:

1. Receipt of Planning Commission conditional use permit;
2. Approval of the Architectural Board of Review;
3. Receipt of applicable Building Department Permits;
4. Complete construction within 12 months of City Council's approval of this Resolution: and
5. That the Fire Department review and approve the position of the bollards at each pumping station.

Ms. Knittel further stated that she had also received comments from the Fire Department and a representative is present. She asked the Chair if she wished him to address the Board now.

Ms. Bromley stated that she did.

Fire Inspector Steve Martin, who had been sworn in, stated that regarding the plan he reviewed, there were no fire code violations but there were concerns regarding the on-site traffic maneuvering in and out of parking spaces 1 and 2 if there are vehicles filling up at the pumps.

Ms. Knittel stated that the Police Department also had concerns but the representative who was to attend was not present. Their concern was similar to that of the Fire Department regarding difficulties when vehicles are parked at the pump and how vehicles will enter or exit spaces 1 and 2. It was suggested in the staff report that the applicant be allowed to explain how that traffic would flow on-

site.

Ms. Knittel stated that she had also discussed with Inspector Martin the placement of bollards at each pumping station. It is something the Fire Department would have to review and approve. We just want to be sure if there is increased traffic that the bollards are adequate per Fire Code in the future.

That being the end of staff's report, Ms. Bromley asked the applicant or representative to come to the microphone.

Elie Zogheib, professional design consultant, 3606 Dover Center Rd., Westlake OH, who had been sworn in, stated that he represented the potential buyer of this property. He introduced the applicant, Gurgit Nanrhe, the potential buyer for this property and the seller Karen Serraglio who could speak about the existing condition of this property if necessary. Mr. Senarra and his wife are here from Indiana and will run the business if this variance is approved. They have a lot of experience in running a gas station and will move into the area to run the business. They intend to be good neighbors to everyone and pay local taxes and provide jobs for locals in the community. The new owner will be spending over \$80,000.00 to remodel this site. This will be a Mobil Oil station, one of the most respected gasoline chains in the country with high standards. This is not a no-name station and will not be an eyesore. It will be an improvement to the neighborhood. This is a very tight site and we tried to work within its limits. It has a lot of challenges but we tried to make the best of it. We know this site will not be in full compliance and that is why we are asking for a variance. Referring to the site plan, he stated that the location of the parking spaces was chosen to provide as much parking as possible. He indicated 2 parking spaces along Monticello which are in an existing concrete drive. He pointed out that there currently is no 10-foot landscape buffer along the abutting residential area but there were other options that can be used to address that issue. In the event that this variance is not granted, the current owner, after serving this community for over 20 years, would be losing this opportunity to sell this property at a reasonable price. Also, whether the property is sold with a mechanic shop or a store will be a difficult sale and this property will be vacant for a while. We are asking for this variance to proceed with this project and to make it work.

PUBLIC HEARING OPENED

Nate Malik, attorney, 2925 Bolingbrook Rd., Pepper Pike OH, was sworn in. He stated that he represented Mr. Nanrhe and his wife on this project. He almost exclusively dealt with retail gas station projects. He was here with broker Diane Green who also exclusively deals with gas station projects. He wanted to emphasize that the existence of mechanic shops is becoming obsolete. It has been very difficult for the broker to find a buyer for this site. All the buyers that would have been interested in this site would have a requirement that they have a C-

store, which is an indoor convenience store. This is a top-notch high quality project with almost one million dollars invested in the community. This corner will dramatically be changed by this project. Mobil is not present in the Cleveland area and they would like to gain a presence, beginning with Cleveland Heights. Mobil is behind the project 100%. They are investing with Mr. Nanrhe and subsidizing as well. We want to do whatever the city wants us to do. The problem is this parking issue and the ingress and egress of the property. There is nothing we can do about the size of the lot or creating parking spots. We have done what we can through this architectural plan to accomplish what we can for this corner. This is a critical corner. He was aware that city council is extremely concerned about this area. He believed this project will dramatically change the area and this is the best possible plan to allow the C-store which has to be this size because that is the way the business will profit. However, the gas pumps must be located where they are, so this is the best possible scenario that we could come up with. Regarding the landscaping, there has been some discussion that, if necessary, we could erect a fence which may assuage some of the concerns the city has. This is a culmination of a year and one-half of effort through Mr. Nanhre and the sellers to get to where we are. If this does not get approved Mr. Nanhre will not close on this deal and the seller will be without a purchaser and this corner will have a vacant business. He just wanted make sure the Board understood how much time money and effort has been put into this.

PUBLIC HEARING CLOSED

Ms. Bromley asked the Board for questions or comments.

Mr. Zych asked if someone could explain how someone parked in space 1 or 2 and you have people coming in, mostly at the Noble Road entrance, can safely get in and out of those spots on-site, if someone is parked at the pump.

Mr. Zogheib stated that the traffic will come from either direction, Noble Road or Monticello. He indicated on the site plan how the traffic would flow from either direction on either side of the pumps. He understood how tight the site is for maneuverability but there was no other way to do this.

Mr. Zych observed that coming in from the Noble Road entrance and if the car has the gas tank on the passenger side, the vehicle has to go on the side of the store.

Mr. Zogheib agreed. He stated that the current situation is not any better. We are looking into how to open traffic on both sides of the pump.

Mr. Zych noted that in the egress from space 1, you would pull in, and then back out and turn. How far can you back out?

Mr. Zogheib stated that you can back out 22-feet 7-inches between the lot line and the back of the parking space.

Mr. Wong asked if there was anything on-site to prevent a car from hitting a pedestrian when backing out of space 1 or 2.

Mr. Zogheib stated there was not. Someone backing out would be able to see someone coming. The view is not obstructed.

Mr. Wong stated that typically we have a 25-foot buffer between the sidewalk and the bustle of the gas station. In this case there is nothing between the sidewalk and the northwest corner of the gas station.

Ms. Bromley commented that the potential for congestion looked very high.

Mr. Zogheib stated that he understood the issue of congestion and the challenges. If this could be done any better, he would. He asked the Board to understand that they were not making the situation any worse than it already is. In providing these spaces it will make things better because you are coming into an assigned spot and before you leave, you look. In the current situation, there are no assigned parking spaces. Anyone can park anywhere and pull out anywhere.

Mr. Gilliam stated that where they put the handicap space and the striping for the handicap space is a way of fudging the distance that is required to maneuver. That is paint on the asphalt rather than a structure that can get in the way of a driver that is maneuvering around that spot and that is good. The space is tight, that's for sure. He was wondering about the viability of spaces 3 and 4 which are right in front of the dumpster.

Mr. Zogheib stated that the dumpster is in the back and will be enclosed. The trash pick-up will occur early in the morning before the business is open. Once the business is open, you will be able to park in those spaces safely. This availability is better than just being able to park in front of the building which is the current situation.

Mr. Gilliam asked if there were any stops in front of spaces 3 and 4.

Mr. Zogheib explained that there were no stops. If stops were added, they would block access to the dumpster. Besides, this is not a safety issue where you have to have the parking stops in place. If you have to move forward or back it's fine. You're not hitting anything.

Mr. Zych commented that we are discussing this as though it is always summertime. Where does snow go when it is shoveled?

Mr. Zogheib stated that he didn't know. Where does snow go today? We could push it against the dumpster until the trash is picked up.

Mr. Zych commented that we have the current owner present who has obviously gone through a lot of winters. Is the current owner or someone willing to be sworn in just to answer that question? The Board can't force anyone do anything but lack of information makes it difficult for us to make decisions. It would be very helpful to have it explained to us what happens to the snow.

After some discussion, Ms. Rothenberg swore in anyone wishing to further testify regarding this request.

Ms. Bromley re-opened the public hearing.

Karen Serraglio, 2603 Noble Road, had been sworn in. She stated she had not seen these plans so she hadn't known what they planned to do. I think they have it set up all wrong. The parking shouldn't be where it is. The parking should be on the side facing Noble Road and the snow goes back where the dumpster is and the dumpster is against the wall.

Mr. Zogheib stated that parking in front facing Noble Road is not allowed.

Ms. Serraglio asked the applicant why he put the parking vertically in front of the store. She believed if the spaces were striped horizontally there would be room for 4 parking spaces.

Mr. Zogheib explained that the code requires a 20 foot setback.

Ms. Serraglio repeated that the snow goes in back where the dumpster is. The only other place would be in front in an area next to parking space number 1. During the winter we stack snow in the flowerbeds. She asked staff if 4 cars could be parked horizontally in front what is now the service station bay.

Ms. Knittel explained that it would be considered parking in a front yard. The same variance would be required but for a different arrangement.

Ms. Serraglio commented that a variance for a different arrangement would provide more parking.

Mr. Hoen stated that the zoning code requires 7 parking spaces and the variance request is to provide 4 parking spaces. He asked staff if 4 spaces were really necessary.

Ms. Knittel explained that 4 spaces was presented by the applicant for the Board to consider.

Mr. Hoen stated a lot of the concern is the flow of traffic around space number 2 and that might be alleviated somewhat if there were only 1 space there. Especially in winter, he believed there would only be 1 space available due to the snow. It looks like a demolition derby is about to occur here. He also had a concern about the back of the property. He noticed on the slide that there are hedges between this property and the abutting residence. We have to be very cognizant of the needs of those neighbors. Bringing in a store and gas pumps on a busy intersection is going to cause a lot more traffic which will bring more noise and more foot traffic and it could become a nuisance for the neighbors. We have to think long and hard about how we can create that barrier between this business and the residential neighbors.

Mr. Zogheib stated that was why we stated earlier that we would erect a fence along the property line.

Mr. Hoen asked if there was any plan in the works for that.

Mr. Zogheib stated that when the plan goes to the Architectural Board of Review it will be included.

Mr. Hoen asked the applicant if he could address why 4 spaces are necessary rather than 3.

Mr. Zogheib explained that currently 4 parking spaces are needed based on the square footage of the existing building. He pointed out that there are 3 pumps that require 6 parking spaces total.

Ms. Knittel stated that the code requires ½ spaces for each pump handle. Pump handle meaning where an individual would pump their gas.

Mr. Zogheib commented that then you are not talking pump, you are talking dispenser.

Mr. Wellman asked to see the slide showing 2 vehicles parked in front of the service doors.

Ms. Knittel recalled that picture being one of the googled maps. She thought it important to remember that at that time, those vehicles were in front of auto bays. She pointed out the additional parking space requirement is because the existing bays will be remodeled to use as retail space in addition to the gas pumps.

Mr. Zych stated that when the bays are converted to the C-store, the googled picture shows 2 vehicles in front of it. He asked if the front of the C-store will be roughly where the front of the service bay is now or will it extend out more.

Mr. Zogheib stated that the C-store will not extend out further.

Mr. Zych stated that there are options. It is most apparent that we either say yes or no. Some clarity has been given by the current owner but certain questions haven't been thought of because by the time this presentation began, the issue of snow hadn't been thought about. Alternative ideas that the current owner may be aware of may make a more attractive variance that deals better with the traffic issues. He understood that the viability in today's market of a gas station without a C-store is tough. We just got done with a variance explaining why the auto body and auto repair business has changed dramatically and a 2-bay shop isn't going to work. We still have the eyesore at Edgehill and Euclid Heights Boulevard that more than amply proves that. I understand the concept, motivation and desirability of maintaining a viable spot here. I'm not an engineer or an architect so I am loath to make lay suggestions, but this may be a proposal that with a little more thought and consideration gets us to something we are a little more comfortable with, regarding traffic, pedestrians, safety issues and so forth. One of the options we have is to continue the matter, not turn it down, not deny it, so the applicant can continue to work with staff and the current owner and then come back to us with something that looks a little more sensible. That may improve the chances of the variance being granted.

Mr. Wellman stated that overall he was very comfortable with this plan beyond addressing the snow removal issue which obviously is dealt with somehow at the site currently. The buyers are inheriting a tight site and it was mentioned at the onset that this is a nonconforming lot. The applicant is taking numerous steps to make it work, including moving the concrete curb and sliding the parking spaces as far to the northwest as possible. The slides show a fair amount of turning radius to get to the inside of the pump, which was one of Mr. Zych's concerns. I also support Mr. Zych's comments in that maybe with a few tweaks here and there would make this a little more palatable, and the applicant is very close. Lastly, he questioned whether fencing any of this site is a good idea. The site across the street is fairly well known for dubious activities. He didn't know if a fence would increase that activity or lessen it. In his view, creating an alley where someone could hide doesn't seem like a solution to anything.

Ms. Bromley asked the applicant if a survey had been done and if he was aware of where the property lines were.

Mr. Zogheib stated that he depended on county records.

Mr. Wong stated regarding factor 5, whether granting the variance will adversely affect the delivery of governmental services, such as water, sewer, garbage pick-up. He wanted the Board to know that the Police Chief Robertson has written a letter of opposition to the proposed purchaser's request for a liquor permit. City

Council also opposes that. It may not directly affect the variance but it is pertinent as far as the Police Chief is concerned. The second issue is regarding the comment about the million dollar investment. He asked the applicant to break down how the million dollars will be spent, such as building purchase, renovations, and so on.

Mr. Zogheib stated that he didn't have that information in front of him.

Mr. Wong stated that he was just asking for a rough estimate.

Mr. Zogheib stated that there would be concrete removal, work on the exterior to make it look better, a lot of work inside the building as well. There is also work in the architecture and engineering field that he did not have but he could get those figures.

Mr. Wong explained he was just curious how the million dollar figure was reached.

Mr. Zogheib stated that the potential owner is present and may have some papers with a further breakdown of how the money is spent.

Mr. Wong asked about the number of employees per shift.

Mr. Zogheib stated there will be 5 employees.

Mr. Wong asked where would these employees park.

Mr. Zogheib stated that he hadn't gotten to the point of considering business operation yet. He was working on the site plan now.

Mr. Wong stated that he was just concerned about the reality of 5 employees and 3 on-site parking spaces.

Mr. Zogheib stated that perhaps 5 employees will not be needed. There has not been a discussion about the actual operation of the business. We are currently discussing zoning code compliance. When we go before the Architectural Board of Review, we may have more accurate numbers of operation.

Mr. Wong stated that we don't want a plan that doesn't work for the new owner.

Ms. Bromley commented that the Board always encourages an applicant to think through these issues. In light of the issues concerning survey, snow removal, employee parking, appropriate identification of parking spaces, it seems that it might be in the applicant's best interest to take more time to think this through. There is always the option of continuing this consideration although I don't know if my colleagues feel the same. This would allow time for you to think this through and get some more facts.

Mr. Malik asked if he could address some of Mr. Wong's questions.

Ms. Bromley stated that he could.

Mr. Malik stated that he has handled at least 1500 liquor permit transfers in his career. The Police Chief can object to it all he wants but if there is an existing liquor license there, it will transfer. Regarding the investment issue, there will be \$250,000.00 on redoing the building; \$150,000.00 on pump signage and canopies; he wasn't sure about the cost for re-concreting the site and there will be new landscaping. That totals about \$500,000.00 to \$600,000.00 right there and the rest is for the purchase of the real estate. As for employees, an operation like this will need 3 or 4 employees per shift.

Mr. Wong pointed out that his concern was a practical one. The applicant has to have somewhere for the employees to park.

Mr. Malik stated that he didn't know how this problem would be solved. He wasn't an architect. He would say to the Board that we are at a point where the seller has given a deadline and the bank has given a deadline. We don't have that much more time and Mr. Nanrhe is under the gun, although it is no fault of the Board. He didn't know how to get this resolved. He would hate to see this fall through, for the city, for Mr. Nanrhe and for the seller. Whatever we need to do, we need to do it. Otherwise, everyone is going to pull out.

Ms. Bromley explained that was why she suggested continuing this, to allow the applicant time to get more facts and be better prepared to answer a lot of these issues and we can hear the pragmatic solutions to those concerns that were brought up.

Mr. Malik stated that the applicant is wondering how long that will take.

Ms. Bromley explained that she didn't know how long it would take the applicant and the rest to get the information needed to address these concerns.

Mr. Gilliam explained that the Board usually continues the request up to 90 days depending on how long the applicant thinks it will take to get the information. We could see you at the next meeting or the beginning of the year. It makes no difference to the Board.

Ms. Knittle added that the next meeting is December 16th and staff is always willing to work with the applicant if that is when they wish to come back.

Mr. Malik stated that the next meeting is something we would be willing to do.

Ms. Bromley stated that would be a 30 day continuance.

Mr. Malik stated that we are just trying to get an idea before sitting down with staff, what the potential is for allowing front yard parking. That may alleviate most of the issues.

Mr. Zych stated that the Board relies very heavily on staff. In this city we have an amazingly skilled and cooperative staff that has made our lives easier year after year.

Ms. Bromley added that we encourage applicants to work with city staff. That is their roll distinct from our roll. She then asked for a motion.

Mr. Gilliam moved to grant a 60 day continuance to give the applicant a little more time. The applicant can come back in 30 days if they are ready.

Mr. Malik stated that they wanted 30 days.

Mr. Gilliam moved to grant Gurgit Nanrhe, 2603 Noble Road, a continuance of 30 days as requested.

Mr. Wellman seconded the motion which carried 5-0.

Ms. Bromley advised the applicant to please work with city staff and consider all of the issues that were raised. Those will be the same questions and possibly more will be asked at the next meeting. She thanked them for coming.

OLD BUSINESS

Ms. Knittel reported all the variances that were approved at the October meeting were confirmed by City Council.

NEW BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board, the regular meeting was adjourned at 8:50 p.m

Respectfully Submitted,

Gail E. Bromley, Chair

Vesta A. Gates, Secretary