

The regular meeting of the June 21, 2006 Board of Zoning Appeals meeting was called to order at 7:04 p.m. Present were Chairman Charles Cvitkovich, Brian McElroy and Larry Maser. Also present were Building Inspector Larry Ellis and Secretary Nicole Rosiu.

Mr. Cvitkovich asked the audience to stand for the Pledge of Allegiance.

Old Business

Oakwood Estates Temporary Signs

The secretary read the public notice for Application #20060534.

Donna Weddington and Adele Dannels were sworn in representing this variance. Ms. Weddington stated that the apartment complex is hidden and nobody knows it is there. Ms. Weddington said that the signs are in an open field. Ms. Weddington said that she just wants the signs there until the mortgage and taxes are paid up. Mr. Cvitkovich asked if the signs are just North of the Stearns Rd. entrance of Oakwood Estates. Ms. Weddington said yes. Mr. Maser confirmed that one of the signs is 48”x 32” and the other 6 are smaller. Mr. McElroy asked if the smaller ones are political size signs. Ms. Weddington said yes.

Mr. Cvitkovich asked where the signs are located on the property. Ms. Weddington said that the signs are 30 feet from the road and they are not permanent. Mr. Cvitkovich asked how long Ms. Weddington would like the signs up. Ms. Weddington said 30 to 90 days. Mr. Maser said that it looks like the tri-fold sign is the only one in the right-of-way. Ms. Weddington said yes, but it has been moved back. Mr. Cvitkovich read Section 320.07 (a)(2) of the Olmsted Township Zoning Resolution, “Temporary freestanding signs shall be located no closer than 10 feet from a public right-of-way or a side lot line.” Mr. Cvitkovich asked what the reason is for having six signs. Ms. Weddington said it just looks good, and there is an even amount of space. Ms. Weddington said she could have 4 or 5 if the board wants. The six signs are in order and say, “If you – lived here – you would – be home” and then 2 that say, “Oakwood Estates.”

Mr. Cvitkovich asked Ms. Weddington if she is seeking a variance for the number of days a temporary sign can be displayed and a variance for the number of signs allowed. Ms. Weddington said she assumes that is correct. Mr. Cvitkovich asked what the current vacancy rate is. Ms. Weddington said right now, it’s about 20%. Mr. Cvitkovich asked what the target vacancy rate is. Ms. Weddington said 5%. Mr. McElroy asked what the vacancy rate was before. Ms. Weddington said in February, it was 40%. Mr. Cvitkovich asked Ms. Weddington if she advertises in newspapers. Ms. Weddington stated that she advertises in the Plain Dealer, the Lorain Chronicle, For Rent magazine and The Apartment Guide. Mr. Cvitkovich asked Ms. Weddington how often she advertises. Ms. Weddington said she advertises 3 times each week in the Plain Dealer. Ms. Weddington stated that a lot of people drop by because they see the signs.

Mr. Cvitkovich asked if the property owner’s name is “Oakwood Estates.” Ms. Weddington said yes. Mr. Cvitkovich asked how long Oakwood Estates has owned the property. Ms. Weddington said since the inception. Mr. Cvitkovich asked why the rental rate declined. Ms. Weddington said that it started when 9-11 happened. Mr. Cvitkovich asked if Oakwood Estates had purchased lots in the last couple years. Ms. Weddington said yes, but they are not planning on building right now, and she does not know the future plans. Mr. Cvitkovich asked what the recourse would be if the variance is denied. Ms. Weddington said that people driving by is a very big part of advertising because people can’t see the complex from the road.

Mr. Cvitkovich asked Mr. Ellis if the maximum sign area permitted in a development is only equal to one sign. Mr. Ellis said he thinks it is one sign. Mr. Ellis also informed the board that there are several smaller signs throughout the Oakwood Estates development. Ms. Rosiu stated that there can be more than

one sign on a parcel, but the total square footage of all signs has to equal the maximum allowed. Mr. McElroy said that Oakwood Drive is a private street and the Township cannot enforce the signs around the development. Mr. Maser asked if the newspapers or the signs have brought in more residents. Ms. Dannels said about 40% are just driving by. Mr. McElroy stated that the board could possibly consider the signs to be “instructional signs,” by the Zoning Code’s definition, Section 320.02 (b)(3) “A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered or methods of payments accepted.”

Mr. McElroy said that Oakwood Estates owns the lots in the front, but they are separate from the complex. Mr. McElroy stated that if one sign is allowed per lot, there are 3 different lots there. Mr. Cvitkovich said that his concern is the number of signs. Mr. Cvitkovich stated that he has no problem with the larger sign, but he has not heard a good reason for having the smaller signs. Mr. Cvitkovich said having that many signs is a distraction to motorists. Ms. Weddington said she understands and that is why the signs are temporary. Mr. Maser asked how many signs say “Oakwood Estates.” Ms. Weddington said two. Mr. Cvitkovich asked Ms. Weddington if she could do without the 2 “Oakwood Estates” signs. Ms. Weddington said yes. Mr. Cvitkovich asked Ms. Weddington what she thought would be a good time limit. Ms. Weddington said ninety days.

Mr. McElroy asked Ms. Weddington what her hours of operation are. Ms. Weddington said 9 a.m. to 6 p.m. Monday thru Friday, 10 a.m. to 6 p.m. Saturday and 12 p.m. to 5 p.m. Sunday. Mr. McElroy suggested the signs be put away every night. Mr. Cvitkovich stated that it would cause an enforcement issue. Mr. McElroy said that it would be less of an eyesore if people don’t see them all the time. Mr. Maser stated that people driving by could see them at night and call the next day. Mr. Ellis said that he is worried about an accident happening. Mr. Ellis stated that he drives down Stearns Rd. every day to and from work and sees people inching their cars up to see around the sign and almost causing accidents. Angela Fox was sworn in. Ms. Fox said she sees the signs every day and she thinks they are catchy how they are situated and she doesn’t think they look bad at all.

Mr. Maser moved to approve Application #20060534 with the stipulation that the 2 smaller “Oakwood Estates” signs be removed and there be a total of only 5 signs for a maximum of 90 days. Mr. Cvitkovich further stipulated that there be 4 smaller signs and one 38”x 42” sign. Seconded by Mr. McElroy. Roll call, all approved.

New Business

Galway Residential, Ltd. deck (27228 Emerald Oval North)

The secretary read the public notice for Application #20060763.

Matt Palumbo was sworn in representing this variance. Mr. Palumbo submitted a “Plan B” and said the original plan is “Plan A.” Mr. Palumbo stated that “Plan A” shows a deck encroaching the drainage easement with a 10’ x 12’ deck and “Plan B” shows a 15’ x 8’ deck that does not encroach the easement. Mr. Palumbo said that the decks are the same square footage and the approval of the deck is a stipulation on the house closing. Mr. Cvitkovich stated that there is a letter that was submitted that includes the house next door. Mr. Cvitkovich asked if Mr. Palumbo was just at the meeting for the one house. Mr. Palumbo said that the neighboring house is planning on doing the same thing, and they may seek a variance, but Mr. Palumbo is only applying for a variance for 27228 Emerald Oval North.

Mr. Cvitkovich asked if the grade has been completed. Mr. Palumbo said yes. Mr. Cvitkovich asked if the graded property is even with the Irish-American Club. Mr. Palumbo said the house is a little bit

higher. Mr. Cvitkovich asked Mr. Palumbo if he is asking for “Plan A.” Mr. Palumbo said yes, but “Plan B” is in case the board doesn’t want him to build in the drainage easement. Mr. Cvitkovich asked if there would be anything off the back of the deck. Mr. Palumbo said no. Mr. Cvitkovich asked if there were going to be steps anywhere. Mr. Palumbo said no. Mr. Ellis stated that without steps, it would no longer be an egress. Mr. Cvitkovich stated that Mr. Palumbo would have to conform to the Building Code. Mr. Palumbo said he would do that if required.

Mr. Cvitkovich asked Mr. Ellis if he had any other comments or concerns. Mr. Ellis asked what the drop off is from the deck to the finished grade. Mr. Palumbo said approximately 3 risers. Mr. Cvitkovich said “Plan B” is okay with him, but he has issues with “Plan A” encroaching the drainage easement. Mr. McElroy said he has no problem as long as there are stairs.

Mr. Palumbo amended the application to “Plan B.”

Mr. McElroy moved to approve Application #20060763 as amended as per “Plan B” on “Attachment A.” Seconded by Mr. Maser. Roll call, all approved.

Fox Variance

The secretary read the public notice for Application #20060762.

Angela Fox was sworn in representing this variance. Ms. Fox said that she is seeking a 5-foot variance to build a deck off the back of her home in Westfield Park. Ms. Fox stated that she had applied before, but did not have the funds to build a deck in one year. Mr. Cvitkovich asked Ms. Fox if she applied by herself before Ryan Homes did. Ms. Fox said yes. Mr. Cvitkovich asked Ms. Fox if she planned on hiring a contractor or building the deck herself. Ms. Fox said most likely, herself. Mr. Cvitkovich asked Ms. Fox when she plans on starting the deck. Ms. Fox said within 30 days. Mr. Cvitkovich said he sees no reason to deny the variance. Mr. McElroy said he agrees. Mr. Cvitkovich asked Mr. Ellis if he has any issues. Mr. Ellis said no.

Mr. Maser moved to approve Application #20060762 as submitted. Seconded by Mr. McElroy. Roll call, all approved.

Floor Discussion

Mr. McElroy stated that he did some research on how some cities have “pre-meetings” to iron out any issues. The board members discussed having meetings before the hearings.

Mr. Maser moved to adjourn at 8:25 p.m. Seconded by Mr. McElroy. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, secretary

Charles Cvitkovich, Chairman Date