

The special meeting of the March 26, 2007 Board of Zoning Appeals meeting was called to order at 7:45 p.m. Present were Chairman Charles Cvitkovich, Genevieve Silveroli, Brian McElroy and Herbert McTaggart. Also present were Cuyahoga County Assistant Prosecutor Dale Pelsozy and Secretary Nicole Rosiu.

Approval of Minutes

Mr. Cvitkovich stated that there was not a quorum available to approve the minutes of the November 27, 2006 and December 20, 2007 meetings.

New Business

Dugan's Partners, Ltd. Findings of Facts and Conclusions

Ms. Silveroli stated that one question that was raised by the residents was if the application was non-assignable or not. Ms. Silveroli stated that she was not sure if that was relevant to put into the Findings of Facts (Findings). Mr. Pelsozy said that Dugan's Partners, Ltd. still owns the property and is in partnership with Kurtz Bros. Mr. Pelsozy stated that Dugan's Partners' Conditional Use expired in 1995, so there was none to assign. Ms. Silveroli said that there should be a period at the end of paragraph 8. Ms. Silveroli stated that Section 16 has the word "deep" and should say "keep."

Mr. McTaggart stated that he needed an explanation. Mr. McTaggart said that on page 3, paragraph 11 it mentions the dust and dirt. Mr. McTaggart said he had a problem with that because the board members did not physically see the dust and dirt. Ms. Silveroli said that was added to the Findings based on the neighbors testifying. Mr. McTaggart said that it does not say that in the Findings. Ms. Silveroli said that it does at the beginning of the paragraph. Mr. Pelsozy said that he can add that the residents said that. Mr. McTaggart said that he would feel better if that was added.

Mr. McTaggart also said that he felt there was no need to have number 7 listed. Mr. Pelsozy said that Dugan's Partners claimed they had a financial hardship. Mr. Pelsozy said that Dugan's Partners brought up the unrelated property of the hardware store, but they claimed to have a financial hardship. Mr. McTaggart said that he doesn't recall them saying that the merging with Kurtz Bros. was because of a bad investment. Mr. McElroy said that what Dugan's Partners claimed was of no relevance, but that was what they claimed as their hardship.

Mr. McTaggart asked if number 9 could be more definitive. Mr. McElroy said that he had a comment on number 9 also, to say when Dugan's Partners significantly increased their bulk materials. Mr. Cvitkovich said that the minutes state 2005. Mr. McTaggart asked who said that. Mr. Cvitkovich said that Mr. Malone said that.

Mr. McElroy said that he was thinking about the nuisance law and if number 11 should mention that Villages of Lakeside is a newer development. Mr. Pelsozy said that the Findings should try to avoid minute. Mr. McElroy said that number 16 states there was a 2-2 tie. Mr. McElroy said that both chairs voted no and wondered if that mattered at all for the Findings. Mr. Pelsozy said that doesn't matter.

Ms. Silveroli moved to accept the Findings of Facts and Conclusions for Dugan's Partners, Ltd. with corrections for Mr. Pelsozy to submit to court. Seconded by Mr. McElroy. Roll call, all approved.

Floor Discussion

Ms. Silveroli handed out a packet that she made of a preliminary draft of by-laws for the Board of Zoning Appeals. Mr. Cvitkovich made a suggestion that the board members review the packet and discuss it at the next meeting.

Mr. McTaggart stated that his Zoning Code was not correct, that he was missing an entire Chapter. Miss Rosiu reviewed the code and no chapters were missing, the chapters were just mis-numbered. Miss Rosiu said that she would make a corrected copy and have it delivered to Mr. McTaggart the following day.

Mr. McElroy stated that the board should also discuss re-vamping the variance application. Mr. Pelsozy said that it makes sense for the board to do that and it would be a good idea to include specific information that the board is looking for when submitting an application.

Mr. McElroy moved to adjourn at 8:03 p.m. Seconded by Ms. Silveroli. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, Secretary

Charles Cvitkovich, Chairman Date