

## **ZBA Meeting Minutes June 19, 2018**

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, June 19, 2018 beginning at 5:34 pm., Pledge of allegiance was recited. Mr. Arcaro asked for roll call. Present were Mr. Arcaro, Mr. McKenna, Mrs. Sherman, Mrs. Gates and Mr. Naylor

**Mr. Arcaro** asked if the board reviewed February 20, 2018 meeting minutes and if there were any changes or corrections that need to be made. Mrs. Sherman made the **correction from Thompson to Thomas Drive on page 4**. Mr. Arcaro requested changes on page 3, fourth Mr. Arcaro down, last sentence after reviewing application it says- beneficiary use of property is a typo and should be **CHANGE: beneficial use of property**. Mr. Sweet - I do not need to sign, Mr. Arcaro said we were not asking him to sign anything that night and he was making referencing that **CHANGE: I do not need a sign on that building**. Mr. Arcaro "it's going to continue" Mr. Arcaro was asking him a question **CHANGE: "is it going to continue to yield a reasonable return?"** **Mr. Sweet: Absolutely. Mr. Arcaro the variance is substantial because they are asking for a multiple number of signs on the front of the building.** Lastly, from the bottom the second Mr. Arcaro up where it talks about the spirit and intent behind the zoning requirement **CHANGE: would be observed, rather than not be observed.**

Mr. Arcaro asked if anyone had any other changes to the minutes. If not, I will entertain a motion to approve the corrections – Mrs. Gates made a motion to approve the February 20, 2018 minutes with corrections and Mrs. Sherman second the motion. Roll was called all approved with the exception of Mr. Naylor abstained because he was absent from that meeting.

**Mr. Arcaro** – There is no old business

**Mr. Arcaro** – Before we get on to new business make sure you are signed if you will be speaking and please stand and so I can swear you in

**Mr. Arcaro** -Please state your name: ----- Do you swear to tell the truth the whole truth and nothing but the truth so help you god

**Mrs. Gelfer** – Heather Gelfer - I do

**Mr. Gelfer** – Shane Gelfer - I do

**Mr. Arcaro** – Melanie please state your name – Melanie Shubitowski

**Ms. Shubitowski** – Melanie Shubitowski

**Mr. Arcaro** – Do you swear to tell the truth the whole truth and nothing but the truth so help you god

**Ms. Shubitowski** – I do

**Mr. Arcaro – New Business** -- Case # 04-2018 Mr. & Mrs. Shane Gelfer, dba Sparky's Restaurant are seeking a 13' foot variance on the West side of the building to add an additional 768 SQ FT of Kitchen space in the rear. Parcel ID # 12-203-00-030-00 Located in a B-4 Coastal Business District.

**Mr. Arcaro** – Asked Mr. & Mrs. Gelfer to please stand and tell the board what's going on

**Mr. Gelfer** – Certainly, our business when we first opened we had no idea we could only hope to be as busy as we have become and our kitchen is just way under sized for the business we are doing now let alone the business we hope to see with our patio increase and we need that extra space and would love to have that extra space for additional storage and food prep to be able to give our guests the best possible experience

**Mr. Arcaro** – Is the proposed addition on the North side

**Ms. Sherman** – No, it is on the West side

#### **Inaudible discussion amongst the board looking at the site plans**

**Ms. Shubitowski** – If I could, I would like to point out that the neighborhood letters went out showing a full 20' foot variance because it was not known by our office at the time that the alley was going to be vacated till after the letters went out.

**Mrs. Gelfer** - Just as a note we had several people ask if we needed them to come and support what we are doing – like the bank and our neighbors and the vacate of the alley they would all come in our behalf. We haven't heard of anyone saying they have concerns.

**Mr. Arcaro** – Have letters gone out to all the neighbors

**Ms. Shubitowski** – They have and no response

**Mr. McKenna** – Will you be placing a walk way down that side between the end of the building and a fence in the middle of the alley way

**Mrs. Gelfer** – There will be a walkway but the building will not go all the way to the fence

**Mr. Gelfer** - I believe the way the drawings show at its narrowest there will be about a 4' foot to the side of the building to the fence.

**Mrs. Sherman** – That 4' foot is the neighbors

**Mr. Gelfer** – Correct

**Mr. McKenna** – Will you putting lighting over there

**Mr. Gelfer** – Solar lighting possibly if it is needed, everyone has loved what we have done with the solar light because they only come on when someone walks thru there and there is no light pollution

**Mr. McKenna** - The only concern I had is shining in the neighbor's house like a pie shining down

**Mr. Gelfer** - Actually that is a garage where that fence is and their fence is actually in the middle of the alleyway already

**Mrs. Gelfer** - Yes their fence is all the way up to the very end of what will be their new property line

**Mrs. Sherman** - I did go over and they put that fence up way before

Mrs. Gelfer - Everybody did

**Mr. McKenna** - It's just something to consider

**Mrs. Gelfer** - When we did all our lighting for the parking lot we were very careful and we used the same type of light - it is all low and shines the same type of light down so it's not inhibiting any sleep patterns

**Mr. Arcaro** - Did you happen to get anything from Port Conneaut and/or Harbor Beverage in writing that you could use their facilities for parking

**Mr. Gelfer** - No, we have verbal agreements that after hours parking when the Bank is not open and also Harbor Beverage there was a concern that some of Harbor Beverage customers parked in front of our facilities while some of our customers were parking over there and we have addressed that between the two of us

**Mr. Arcaro**- Just as a suggestion you may want to have that in writing just in case something ever happens, for example a change in management at Port Conneaut or the Harbor Beverage, you have something that says we have this agreement in writing rather than a verbal agreement that a new Manager may not know anything about. Does the Board have any other questions? Janet and/or Melanie do you have anything to add

Mr. Arcaro - Hearing no more discussion I will entertain a motion to approve or deny

**Mr. McKenna** - I will make a motion for case # 04-2018 Shane & Heather Gelfer of Sparky's Restaurant located at 1001 Broad St., Parcel ID # 12-203-00-030-00 to GRANT the 13 foot variance for the addition in the rear of the building for the additional space in their kitchen.

Mr. Arcaro - Are there any conditions

Mr. McKenna - Just the lighting as they said to keep from shining in the neighbors

Mr. Arcaro - Is there a second

Mr. Naylor - second the motion

Mr. Arcaro- Discussion

Mrs. Sherman - I am just noticing you have a Sparky's sign above there (showing site plan to Mr. & Mrs. Gelfer) --- does that need to be addressed at this meeting

Mr. Arcaro - Are you planning on adding another sign to the building

Mrs. Gelfer - We haven't actually talked about it - I believe when they did the plans they put that on there just to show its Sparky's. If there is such a thing, we will certainly get the appropriate permits. Looking at Mr. Gelfer - I don't think we have plans for a sign ... do we

Mr. Gelfer – When we started this adventure actually it was approved for us to have a big sign over the main dining room entrance facing Erie Street and we never placed that sign. We just haven't had the financing and we have been spending our money elsewhere. But certainly, we would not surprise any of you placing a sign without seeking guidance first

**Mr. Arcaro** – Any other discussion ---- Melanie will you please call the roll

**Roll: Mrs. Sherman – Yes, Mr. McKenna – Yes, Mr. Naylor – Yes, Mrs. Gates – Yes, Mr. Arcaro – Yes**

**Mr. Arcaro** – Motion carries – You can get with the Zoning Department for all your paperwork

**Mr. & Mrs. Gelfer** – said they would come in to the office and pick up their permit

**Mr. Arcaro** – After reviewing the application, the hearing of the evidence under oath, reviewing as documentary submissions of interested parties, and by taking into consideration the personal knowledge of the property in questions, the Board of Zoning Appeals finds and concludes:

1. The property in question **[will]** yield a reasonable return and there **[can]** be a beneficial use of the property without the variance
2. The variance is **[substantial]**
3. The essential character of the neighborhood **[would not]** be substantially altered or adjoining properties **[would not]** suffer a substantial detriment as a result of a variance
4. The variance **[would not]** adversely affect the delivery of governmental service (e.g. water, sewer, garbage).
5. The applicant purchased the property **[with]** the knowledge of the zoning restriction
6. The applicant's predicament feasibly **[cannot]** be resolved through some method other than an variance
7. The spirit and intent behind the zoning requirement **[would]** be observed and substantial justice **[done]** by granting the variance

Mr. Arcaro – For all the above reasons we move that the variance be granted.

**Mr. Arcaro** – Is there someone here from University Hospitals

Audience Member - Yes

**Mr. Arcaro** – Please state your name ( Lou Belnap ) Do you swear to tell the truth the whole truth and nothing but the truth so help you god

**Mr. Belnap** – I do

**Mr. Arcaro** – Case #03-2018 University Hospitals, Conneaut Medical Center of 3605 Warrensville Center Road, Shaker Heights Ohio, is requesting a 14’5” square foot variance for a replacement sign at their medical arts building located at 0 West Main Road in Conneaut, OH, Parcel ID # 12-125-00-066-02, with a mailing address of 167 West Main Rd. The proposed sign measures 8’ 4” X 5’ 4” for a total of 46.5 square feet, exceeding the maximum allowable square footage of 32 square feet and requiring a variance of 14’ 5”. Located in an R-2 Residential District.

**Mr. Belnap** – University Hospital is upgrading their sign to be consistent with all the signage across the street – this is an illuminated sign and will have the top panel as well as the bottom panels be aluminum and only the copy illuminates not the back ground. So on the top half of this

Where it is all black this is a 3-dimensional sign and that is what projects off of the body of the sign. It’s just like the one across the street we did last year. The difference with this one they wanted the names to illuminate where the other one does not. They would like to make this a changeable tenant (showing on plans) because they rotate the Dr’s out and in and will need to change the sign accordingly. Currently the sign that they have - the rest is inaudible because there were a bunch of papers ruffling and whispering that drowned out the ability to hear his voice.

**Mr. Arcaro** – The distance from the sidewalk is 65” inches and that is not changing

**Mr. McKenna** – Have the letter gone out to the negative

**Mrs. Shubitowski** – Yes and we had no response or replies

**Mr. Arcaro** – Did anyone in the audience have questions

**Mr. Arcaro** – Please stand and state your name for the record ( Randy Weistan) Do you swear to tell the truth the whole truth and nothing but the truth so help you god

**Mr. Weistan** – I do

**Mr. Weistan** – I was just curious where the sign was going to be located and you answered that question

**Mr. Belnap** – Yes and the floodlights will go away because the sign is illuminated

**Mr. Arcaro** – Are there any other questions – if not I will entertain a motion

**Mrs. Sherman** – I make a motion that we GRANT Case # 03-2018 University Hospitals Conneaut Medical Center of 3605 Warrensville Center Road, Shaker Heights OH – we grant a 14’5” variance to located at 0 West Main Rd.

**Mrs. Gates** – Second the motion

**Mr. Arcaro** – Is there any other discussion --- Melanie will you please call Roll

**Mrs. Gates** – Yes, **Mr. Naylor** – Yes, **Mr. McKenna** – Yes, **Mrs. Sherman** – Yes and

**Mr. Arcaro** - Yes

**Mr. Arcaro** – Motion Carries

**Mr. Arcaro** – After reviewing the application, the hearing of the evidence under oath, reviewing as documentary submissions of interested parties, and by taking into consideration the personal knowledge of the property in questions, the Board of Zoning Appeals finds and concludes:

8. The property in question **[will]** yield a reasonable return and there **[can]** be a beneficial use of the property without the variance
9. The variance is **[insubstantial]**
10. The essential character of the neighborhood **[would not]** be substantially altered or adjoining properties **[would not]** suffer a substantial detriment as a result of a variance
11. The variance **[would not]** adversely affect the delivery of governmental service (e.g. water, sewer, garbage).
12. The applicant purchased the property **[with]** the knowledge of the zoning restriction
13. The applicant's predicament feasibly **[cannot]** be resolved through some method other than an variance
14. The spirit and intent behind the zoning requirement **[would]** be observed and substantial justice **[done]** by granting the variance

**Mr. Arcaro** – For all the above reasons we move that the variance be granted.

**Mr. Arcaro** – Is there any other business before the board

**Ms. Shubitowski** – New meeting time at 7 pm

**Mrs. Brown** – Patrick – we

were going to change it for you because of baseball season but that will be over soon – so we should be able to keep the same time

**Mr. Arcaro** – Yes, baseball season will be over in two months so I don't see the need to change the time.

**Mr. Arcaro** – Is there any other business before the board --- If not I will entertain a motion to adjourn

**Mr. Naylor** – Made motion to adjourn the meeting

**Mrs. Gates** – Second the motion

**Roll Call** – All approved

**Meeting adjourned** – 6:00 p.m.

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Patrick Arcaro, Chairman

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Melanie Shubitowski, Clerk

Mrs. Gates made motion to adjourn meeting, Mrs. Sherman second the motion. Meeting adjourned @ 6:15 p.m.

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**Patrick Arcaro, Chairman**

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**Melanie Shubitowski, Clerk**