

Board of Zoning Appeals
April 6, 2017
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Dr. William Semans, Mr. Kevin Zeiher, Chairman Feick and Mr. Walt Matthews. Also present were Ms. Casey Sparks from the Planning Department, Mr. Trevor Hayberger from the Law Department, Mr. Jeff Keefe, Engineering Department, Commissioner Dick Brady and Debi Eversole as Clerk from Community Development.

There were four voting members present.

Mr. Zeiher moved to approve the minutes from the March 16, 2017 meeting. Dr. Semans seconded the motion, adding a correction to page 2. The motion carried with a unanimous vote.

Chairman Feick swore in audience and staff members that wished to speak for or against the agenda items.

Ms. Sparks presented that George Poulos, on behalf of George Ruta, had filed an application for a 38' variance to allow for a 12' rear yard setback for a residential addition within the rear yard at **1313 Cedar Point Road**. Section 1129.14 requires a 50' rear yard setback or 30% of the depth of the lot, whichever is less. Due to the size of the lot and the fact that the homeowner wishes to connect the structure to the main portion of the home, the required setback would be 50'.

A recent storm damaged the existing garage forcing the property owner to reconstruct the structure, the owner would like to attach the garage to the existing home and construct living space above the garage. Staff does recognize that with the current configuration of the property it is difficult to meet the 50' required setback. The previous garage was located on the adjacent property. Due to the current configuration of the lot and the fact that there was previously a garage located on this site, and the proposed addition does meet the required side yard setbacks staff recommends approval of the requested variance.

George Poulos, 1717 E. Perkins Ave stated that all other properties are in line and it appeared that the surveyor went around a boat ramp to survey the property. The 50' setback will always be maintained.

Mr. Zeiher asked if there were any objections from neighbors. Ms. Sparks stated that she did receive a call from an adjoining neighbor and they had no objection with the addition.

Dr. Semans moved to approve the variance due to unique circumstance of the irregular shoreline. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Ms. Sparks presented that Brady Sign Co, on behalf of Cedar Point Park, LLC. had filed an application for a 175' variance to allow for two freestanding signs to be 75' apart at **1201 Cedar Point Drive**. Section 1143.08(c) 2 (C) states that lots containing more than 500 feet of frontage are permitted to have two freestanding signs, with the understanding that they will be 250 feet apart. The current zoning of the property is CR Commercial Recreation. The applicant

would like to erect a new photo-op sign structure on the front of the parcel closest to Cedar Point Drive. The applicant has stated that placing the sign more than 250' apart would be very difficult as the sign would not be in a viable location to either be safely erected or take advantage of the purpose of the sign

Staff recognizes that if the sign were to be placed in a location that meets the zoning requirements it may create a line of site issue and it could not be utilized for a photo opportunity as the background would not be the hotel, as such staff recommends approval.

Ryan Brady, 1721 Hancock Street stated that if the sign was placed within Zoning Code regulations it would cause a line of site issue and it may block someone from entering or exiting the parking lot. If signs were placed within Zoning Code regulations, it may also take away from necessary parking spaces for the hotel.

Rob Decker, 1 Cedar Point Drive presented a rendering of the sign to the Board. The purpose of the sign is for a photo opportunity. This sign will include topiary characters of 1 Snoopy and 3 Woodstock characters. This is continuing the common theme throughout the drive to Cedar Point, beginning at Cleveland Road all the way to the entrance to the park. Placement of this sign would let families staying at the hotel safely take pictures in front of the sign.

Mr. Feick asked what the hardship for the sign placement is since there is so much land that goes with this property. Mr. Decker stated that the land to the north is the fire station and to the south is a vacant lot. The photo-op would be best right in front of the hotel. If the sign were moved either north or south, it may not be perceived that it is for the hotel. Especially if it were placed on the vacant lot.

Dr. Semans suggested keeping the sign as close to the main entrance as possible for safety purposes. The less people are walking through the parking lot, the better.

Mr. Zeiher moved to approve the variance request. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Ms. Sparks presented that Jeff Parentau, on behalf of Chris Corso, had filed an application for a 7.8' variance to allow for a residential building addition within the front yard at **2137 Cedar Point Road**. Section 1120.14 requires a 35' front yard setback, the applicant is proposing a 27.2' front yard setback. The applicant would like to construct a residential addition along the front of the property at 2137 Cedar Point Road. Planning staff recognizes the hardship the property owner has due to the current configuration of the existing dwelling. Staff does not believe the residential addition will impact the surrounding property owners and would recommend approval with the condition that the applicant submit an elevation drawing indicating the height of the addition during the building permit process.

Ms. Sparks stated that the applicant is currently out of town.

Mr. Zeiher moved to approve the variance with the condition that the applicant provide an elevation drawing prior to acquiring a building permit. Dr. Semans seconded the motion. The motion carried with a unanimous vote.

McDonald's had submitted a variance application for the renovation/construction of McDonald's restaurant (commercial) structure at **2102 River Avenue**. The location of the existing/new structure is within the 100 year Flood Zone based on the current FEMA Firm Map (Issue Date of 2008). COS Ordinance Chapter 1157 Flood Damage Reduction, as this new structure and its renovation is within the Flood Zone and not able to be constructed above the Flood Protection Elevation (currently 2' above the BFE - Base flood elevation) a variance is required to construct this structure.

Mr. Jeff Keefe, Engineering Department stated that the request is for renovations to the existing property. They are not changing the finished floor elevation of the restaurant. There will be a small addition to one of the drive through windows. There is some other site improvements for concrete work to handicap parking spots. The finished floor elevation is slightly above the 100 year flood elevation. Per the ordinance, there is a 2' freeboard requirement. That is the purpose of the variance request, so that the finished floor would match the existing floor is.

Mr. Jim Ptacek with Larson Architects 12506 Edgewater Drive, Lakewood stated that the same building has been there since 1983. There is only a small modification to the cash booth so that traffic can move easier. The hardship is that they can't raise the building to meet the requirement. There have been no flooding issues.

Dr. Semans moved to approve the variance request. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Ms. Sparks stated that there will be an April 20th meeting. There are two application to be heard.

Dr. Semans moved to adjourn. Mr. Matthews seconded the motion.

The meeting adjourned at 4:50 PM.

Approved:

Debi Eversole, Clerk

John Feick, Chairman