

MEETING MINUTES
CITY OF EUCLID
PLANNING AND ZONING COMMISSION
(REGULAR MEETING)
EUCLID MUNICIPAL CENTER - COUNCIL CHAMBERS
MAY 10, 2011 – 7:00 PM

CALL TO ORDER:

The Planning and Zoning Commission of the City of Euclid, Ohio held a regular meeting on Tuesday, April 12, 2011 in the Euclid City Hall Council Chambers. The meeting was called to order at 7:04 PM by the Chairperson, Mr. Howard Drake.

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS:

MEMBERS PRESENT:

Mr. Willie Brown
Ms. Marsha Curtis
Mr. Howard Drake
Ms. Laura Gorshe
Mr. John Monroe

MEMBERS ABSENT:

OTHERS PRESENT:

Mr. Paul Beno, Zoning Commissioner
Mr. Jason Carter, Assistant Law Director
Brian Iorio, City of Euclid
Mr. J. Scott Muscatello, Secretary Planning & Zoning
Mr. Frank Pietravoia, Director, Department of Economic Development
Councilman John M. Wojtila

APPROVAL OF MINUTES:

Approved as submitted regular meeting minutes of April 12, 2011

Approved with corrections special meeting minutes of April 19, 2011

COMMUNICATIONS:

OLD BUSINESS:

**Re: Resolution 251-11
Memorial Park Concept Plan**

Upon referral from Euclid City Council of Resolution #251-11, approve the Memorial Park Concept Plan for adoption as an official addendum to the City of Euclid Master Plan. One motion is required.

1. A motion to accept the Memorial Park Concept Plan, dated March 2011, as an official addendum to the City's 1996 Master Plan as referred by Euclid City Council

Mr. Beno stated the Memorial Park Concept Plan that had been distributed to the Commission members takes into account the public input gained from the April 19, 2011 special meeting, including input from both the Recreation, and Council Committees. These changes include:

- Adding "Steven Hovansek & Associates, Inc." to the Acknowledgements section
- Adding a statement regarding park revenue and external economic benefit in the goals section
- Adding language in *Improvement Ten*, "Naturalize Pond," that clarifies the Committee's intent to preserve the passive nature of the wooded area east of the pond
- Map changes:
 - Corrected numbered labels
 - Removed "Sand Volleyball" and replaced "Green Space"
 - Added "Future Basketball Court Expansion" to the area south of the proposed basketball courts
 - Added a trail connection to and surrounding the pond

It is the administration's recommendation that the Planning & Zoning Commission accept the memorial Park Concept Plan as an official addendum to the City of Euclid's Master Plan and send the resolution back to Euclid City Council for passage.

A motion was made by Ms. Gorshe to accept the Memorial Park Concept Plan, dated March 2011, as an official addendum to the City's 1996 Master Plan as referred by Euclid City Council

Seconded by Mr. Monroe

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

APPROVED TO COUNCIL AS AMENDED (5-0)

Director Pietravoia stated the case will come before Council on Monday, May 16, 2011 for final vote.

NEW BUSINESS:

Boris Maryanorsky – Owner
5160 Dickens Drive
Richmond Heights, Ohio 44143

Boris Maryanorsky - Applicant
21734 St. Clair Avenue
Euclid, Ohio 44117

**RE: 2011-VAR-08
PP# 648-02-004
25030 Lakeland Boulevard
Variance**

Mr. Boris Maryanorsky, owner, Street Machinery, has submitted an application requesting the required variances to install a 20’x41’ concrete parking deck to accommodate four parking spaces at 25030 Lakeland Boulevard, a U6 – Industrial and Manufacturing District. A variance of forty-one (41) feet is requested. One motion is required.

1. A motion to approve a variance for a concrete deck for four (4) parking spaces for PP# 648-02-004 where no parking is allowed between the street line and the building line in a U6 – Industrial and Manufacturing District. A variance of forty-one (41) feet is requested.

1385.02

Messrs. Boris Maryanorsky and John BonTempo, Street Machinery, were present to discuss this case with the Planning and Zoning Commission.

Mr. Beno state the area fronting on Lakeland Avenue to the east of the subject property is zoned U4. It is currently in use as a recreational vehicle sales lot and has been developed in compliance with a twenty foot landscaped setback. A bit further east in the same block, the city’s animal shelter is developed with a ten foot landscaped setback. Based on the applicant’s proposal which uses only the westerly portion of the lot, Staff finds it is acceptable to reduce the landscape portion of the setback to only 10 feet in width. Subject to two conditions:

- The remaining front landscape area of ten feet in depth shall be planted with two street trees of a minimum planting size of 2 ½ inch caliber trees, of a hearty, non-fruiting variety and centered with each half of the landscape area; and,
- The paved area shall be used for customer parking only. No display of cars for sale is permitted in front of the building line.

Applicant should be aware the permit must be obtained prior to completing installation of the proposed parking improvements.

Mr. Monroe and Ms. Curtis spoke on the importance of having some sort of “green” buffer between the side walk and street right-of-way.

A motion was made by Mr. Brown to approve a variance for a concrete deck for four (4) parking spaces for PP# 648-02-004 where no parking is allowed between the street line and the building line in a U6 – Industrial and Manufacturing District with the condition the parking pad be used for parking customers only and not for the display of vehicles, and that all landscape issues be resolved through staff.

Seconded by Ms. Gorshe

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

APPROVED WITH CONDITIONS (5-0)

Rodrick Mays - Applicant
11903 Fairport Avenue
Cleveland, Ohio 44108

MCM Beverly Terrace LTD - Owner
100 Euclid Square Mall
Euclid, Ohio 44132

**RE: 2011-VAR-09
PP# 648-03-003
100 Euclid Square Mall, Suite #482
Variance**

Rodrick Mays, Steward, United Fellowship, has submitted an application requesting a variance to allow a church use in a multi tenant retail center, not freestanding as required by Section 1359.03 (d)(1) in a U4 Local Retail Use District for 252 Euclid Square Mall. One motion is required.

1. A motion to approve a variance to allow a Church use in a multi tenant retail center, U4 (Local Retail) Use District for PP# 648-03-003.

1359.03 (d)(1)

Rodrick Mays, Steward, and Tameaka Freed, United Fellowship were present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated the tenant space under consideration in this case is a former retail store located in the Euclid Square Mall.

The proposed variance for religious assembly within a multi-tenant retail facility is not a pattern of development which the City would promote within an active and healthy retail area. However, the mall in its current configuration is not an active and healthy retail facility. This should be thought of as an interim use while we are awaiting a redevelopment of the entire Mall area. As such, Staff has no objection to this use on condition the tenant's lease can be cancelled within a 30 day period if redevelopment of the larger Mall property is undertaken.

Ms. Curtis asked if they were an existing church and information regarding their history.

A motion was made by Mr. Monroe to approve a variance to allow a Church use in a multi tenant retail center, U4 (Local Retail) Use District for PP# 648-03-003 with the condition the tenant's lease be terminated within thirty days if redevelopment of the larger mall is undertaken.

Seconded by Ms. Curtis

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

APPROVED WITH CONDITIONS

(5-0)

Rugrats Unlimited - Applicant
20121 Wilmore Avenue
Euclid, Ohio 44123

Linda Mitchell - Owner
20121 Wilmore Avenue
Euclid, Ohio 41123

**RE: 2011-VAR-10
PP# 642-22-018
20121 Wilmore Avenue
Variance**

Linda Mitchell, owner, Rugrats Unlimited, has submitted an application requesting the required variances to allow an additional day care staff member, a variance of one, at a home business located at 20121 Wilmore Avenue. One motion is required.

1. A motion to approve one additional non-household employee located at 20121 Wilmore Avenue

1377.01(e)

Linda Mitchell, owner, Rugrats Unlimited, was present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated the subject property is of below average and non-conforming size of 4,730 square feet of lot area. Due to the size and that the property is developed in a typical configuration with a rear detached garage. Staff does not find a hardship or unique circumstance which would support the grant of a variance.

It should also be noted that there is an existing day diagonally across Wilmore Avenue which is non-conforming as to parking. Based on the size of the lot, the existing parking, and traffic burden on the street from daycare traffic, Staff finds that the proposed expanded home occupation may have a negative impact on the residential area. Therefore, the variance should be refused.

Mr. Brown asked for clarification regarding the home occupation ordinance, and asked the applicant to explain how the refusal of a variance would be a hardship to her and her business.

Ms. Curtis concurred with Mr. Brown's line of reasoning regarding the refusal of a variance would be hardship to her and her business.

Mr. Monroe gave an opposing opinion, stating that the established residential zoning creates expectations for residents that a residential area will remain residential. He also stated he feels the house is too small to have twelve children in it.

Ms. Gorshe stated she feels there is too much traffic on this street, and agreed with Mr. Monroe on the number of children in a house of this size. With the number of retail vacancies in the city, there is another place the applicant can occupy.

Mr. Drake reminded everyone that this is not a traffic issue – the motion is to allow an additional employee in a household.

Ms Curtis asked the age range of the children.

A motion was made by Ms. Curtis to approve one additional non-household employee located at PP# 642-22-018

Seconded by Mr. Brown

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(no)

APPROVED (4-1)

Daphene Smith - Applicant
3900 Windsor Road
Cleveland Heights, Ohio 44121

Olga Nosan - Owner
144 East 192nd Street
Euclid, Ohio 44119

**RE: 2011-CUA-01
PP# 641-20-005
567 East 200th Street
Conditional Use Permit**

Mrs. Daphne Smith has submitted an application requesting the conditional use approval to allow a day care center in a U4 – Local Retail or Wholesale Store District located at 567 East 200th Street. One motion is required.

1. A motion to approve a conditional use to allow a day care center in a U4 – Local Retail or Wholesale Store District for PP# 641-20-005.

Schedule 1359.03(d)(4)
1368.06

Mrs. Daphne Smith and Mr. Timon Smith were present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated the U4 Retail District imposes two criteria on Conditional Use proposals:

1. All outdoor activity areas shall be surrounded by a fence or wall having a height of at least four (4) feet; an entry gate shall be securely fastened
2. A drop off and pick up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults

The Conditional Use chapter also provides general criteria which are to guide the Commission in making their judgment.

Based on the above criteria, Staff believes that the following factors should be taken into account. First, the general land use pattern in the area includes a large public school in the adjacent Campus Institutional zoned area. This establishes School Zone traffic restrictions on East 200th Street and the proposed day care is on the same side of the street as the school. The proposed day care seems to be a compatible use within the context of the area. Second, the two specific criteria applicable in U4 Districts should be applied.

- With regard to parking and circulation the proposed plan provides for twenty customer spaces and four staff parking spaces.
- With regard to the proposed outdoor activity area, the proposed fence is six feet in height which exceeds the code minimum of four feet

There is also a history of a proposed day care use having been approved by this Commission. However, in the previous case the prospective purchaser did not go forward with the project.

Based on the above criteria and the history of the property, Staff recommends approval of the requested day care use.

Ms. Gorshe asked the hours of operation and details of the playground. Mrs. Smith stated seven days of the week; 6:00 AM to midnight. Mr. Smith gave details of the playground.

Mr. Drake asked how many employees they will have. Mrs. Smith stated twenty-two. There was then discussion regarding exactly where the parking and drop-off areas will be located.

Mr. Keith Jurcago, 20111 Trebec Avenue, voiced some concerns about the proposed use that will be adjacent to his property, including noise and traffic.

A motion was made by Mr. Brown to approve a conditional use to allow a day care center in a U4 – Local Retail or Wholesale Store District for PP# 641-20-005

Seconded by Mr. Monroe

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

APPROVED (5-0)

Patrick J. Vuyancik, Jr. – Owner/Applicant
400 East 257th Street
Euclid, Ohio 44132

RE: 2011-VAR-11
PP# 644-14-033
400 East 257th Street
Variance

Mr. Patrick Vuyancik, Jr. has submitted an application requesting the required variances to allow the installation of a thirty-four (34) foot wooden fence immediately adjacent to an existing fence at 400 East 257th Street, a U1 - Single Family House District. A three (3) foot buffer is required between fences – a variance of three (3) feet is requested. The maximum permitted height of a side yard fence is 4’ when located between dwellings – a variance of two (2) feet is requested. Two Motions are required.

1. A motion to approve a three (3) foot variance between fences for PP# 644-14-033
1387.06
2. A motion to approve a 2’ height variance on side yard fences from 4’ to 6’ for PP# 644-14-033
1387.05(b)

Mr. Patrick Vuyancik, Jr., 400 East 257th Street, was present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated the subject property and its neighboring properties are developed in a typical side driveway and rear garage layout. The proposed fence involved in the variance request is in the area along the subject driveway and the side of the neighbor’s house. Staff finds no conditions of hardship or loss of use of the property which would strongly support the variance.

If the applicant is able to show conditions of practical difficulty, and the two neighbors are in agreement, then staff would have no objection to the proposed variance. However, the Commission should be aware that there are windows which might be negatively affected by the proposed fence. As always, the applicant bears the burden of proof to show his proposal will not negatively affect the neighbor's property.

Ms. Gorshe asked what the procedure was regarding property lined disputes. Mr. Beno stated the city does not get involved.

Messrs. Monroe and Brown asked to hear from the neighbor. Mr. Drake stated the neighbor will have an opportunity to speak after the commission members are heard. Mr. Brown asked to hear more about the size of the dogs.

Mr. Drake asked for some clarification on what is actually being asked and where the height variance is needed.

Mr. Tom Kless, 404 East 257th Street, asked a question regarding the maintenance between the two fences, and if the fence would run from the existing house to the beginning of the garage. He also stated the proposed fence, as understood, would block portions of existing windows on his addition.

Ms. Curtis asked if his dogs were always leashed. Mr. Kless stated they are now currently leashed and supervised. Ms. Curtis asked if they are muzzled. Mr. Kless stated no. Ms. Curtis asked if Mr. Kless knew the dog was defecating in the neighbor's yard. Mr. Kless stated the dogs do not defecate in the neighbor's yard.

Mr. Brown asked Mr. Vuyancik how long he lived in his current home. He stated June 1995. Mr. Brown asked the neighbor how large the dogs are. Mr. Kless stated one is 96 lbs. and the other is a little over 100 lbs. Mr. Brown asked if the animal warden had been contacted and what they did. Mr. Vuyancik stated the animal warden said they would contact the dog owners but could not confirm whether the warden did or not.

Mr. Kless stated his only concern was the maintenance of the space between the fences.

Assistant Law Director Carter stated there needed to be clarification as to whether the neighbor's windows would be covered

Councilman Wojtila spoke on the ease of maintenance with fences adjacent to each other where no significant space between them exists. He also stated pit bulls are automatically considered a dangerous animal and are required by law to be either leashed or in a controlled pen.

Mr. Brown asked if the applicant would be agreeable to have the six foot fence run from his garage to the point it reaches the windows and then have the fence drop to the four foot mark. Mr. Vuyancik stated he would not have a problem with that proposal

A motion was made by Mr. Monroe to approve a three (3) foot variance between fences for PP# 644-14-033

Seconded by Ms. Curtis

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)

Mr. Howard Drake (yes)
Ms. Laura Gorshe (yes)
Mr. John Monroe (yes)

APPROVED (5-0)

A motion was made by Mr. Brown to approve a 2' height variance on side yard fences from 4' to 6' for PP# 644-14-033 with the condition that when the fence gets to the point it reaches the neighbor's window forward, the fence is to drop to a height of four feet.

Seconded by Mr. Monroe

Roll Call: Mr. Willie Brown (yes)
Ms. Marsha Curtis (yes)
Mr. Howard Drake (no)
Ms. Laura Gorshe (no)
Mr. John Monroe (yes)

APPROVED WITH CONDITIONS (3-2)

After the vote there was extensive discussion as a clarification of the second motion instructing the applicant that the fence was to be lowered from six feet to four feet at the beginning of the second set of windows, not the first. This clarification was by Commission Member Brown, the maker of the motion at the request of the applicant.

Rad Petrovich – Owner/Applicant
641 Walnut Drive
Euclid, Ohio 44132

**RE: 2011-VAR-05
PP# 645-40-052
641 Walnut Drive
Variance – First Return**

Mr. Rad Petrovich has submitted an application requesting the required variances to install 3 ½' tall vinyl picket fence in the front yard of 641 Walnut Drive. Three motions are required.

1. A motion to approve a front yard fence variance for PP# 645-40-052
2. A motion to approve a ½ foot variance from 3' to 3 1/2' feet for PP# 645-40-052
3. A motion to approve a fence type variance from wood material and finish to vinyl for PP# 645-40-052

1387.02

A motion was made by Mr. Brown to approve a front yard fence variance for PP# 645-40-052

Seconded by Mr. Monroe

Roll Call: Mr. Willie Brown (no)
Ms. Marsha Curtis (no)
Mr. Howard Drake (no)
Ms. Laura Gorshe (no)
Mr. John Monroe (no)

DENIED (0-5)

A motion was made by Mr. Brown to approve a 1/2 foot variance from 3' to 3 1/2' feet for PP# 645-40-052

Seconded by Mr. Monroe

Roll Call: Mr. Willie Brown (no)
Ms. Marsha Curtis (no)
Mr. Howard Drake (no)
Ms. Laura Gorshe (no)
Mr. John Monroe (yes)

DENIED (1-5)

A motion was made by Mr. Brown approve a fence type variance from wood material and finish to vinyl for PP# 645-40-052

Seconded by Mr. Monroe

Roll Call: Mr. Willie Brown (no)
Ms. Marsha Curtis (no)
Mr. Howard Drake (no)
Ms. Laura Gorshe (no)
Mr. John Monroe (no)

DENIED (0-5)

Mr. Drake asked Mr. Beno to follow up on the non-conforming issues of the existing fence.

MATTERS OF CONCERN:

PUBLIC PARTICIPATION:

INFORMAL COMMENTS OF COMMISSION MEMBERS:

Ms. Gorshe wished everyone a happy Memorial Day

Mr. Brown reminded the public about the Euclid Family YMCA is still engaged in their Strong Kids Campaign

ADJOURNMENT

9:00 PM

SECRETARY

CHAIRPERSON

THE TAPED PUBLIC RECORD OF THIS MEETING IS ON FILE AT EUCLID CITY HALL AND MAY BE REVIEWED UPON REQUEST.