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RUSSELL TOWNSHIP  
BOARD OF ZONING APPEALS  
CONDITIONAL USE #515 (CONTINUED)  
VARIANCE REQUEST #516 (CONTINUED)  
JANUARY 7, 2019  
- - -

BE IT REMEMBERED, that upon the hearing of the above-entitled matter, held at 14890 Chillicothe Road, Novelty, Ohio, before the Russell Township Board of Zoning Appeals, and commencing on Monday, the 7th day of January, 2019, commencing at 7:00 p.m., at which time the following proceedings were had.

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**APPEARANCES:**

Steve Gokorsch, Chair  
Sarah Moore, Co-Chair  
William Downing, Member  
Dushan Boucek, Member  
Nick Grassi, Member  
Shane Wrench, Zoning Inspector  
Karen Walder, Secretary  
Jennifer Dorka, Assistant Secretary

1 MR. GOKORSCH: Okay. Roll call, please.

2 MS. DORKA: Mr. Gokorsch?

3 MR. GOKORSCH: Here.

4 MS. DORKA: Ms. Moore?

5 MS. MOORE: Here.

6 MS. DORKA: Mr. Bouчек?

7 MR. BOUCHEK: Here.

8 MS. DORKA: Mr. Downing?

9 MR. DOWNING: Here.

10 MS. DORKA: Mr. Grassi?

11 MR. GRASSI: Here.

12 MR. GOKORSCH: Were there any

13 announcements?

14 MS. DORKA: No.

15 MR. GOKORSCH: Okay. Thank you very

16 much for attending everyone. Most of you heard this

17 spiel before but I'm going to tell you again. This

18 is very similar to a court of law under Ohio Revised

19 Code, and, therefore, I'm going to swear everyone in

20 who wants to speak tonight.

21 Before you speak, I'm going to ask that you

22 give your name and your address and you verify that

23 you have been sworn in. Does everyone understand?

24 (Audience nodding heads up and down.)

25 MR. GOKORSCH: Anyone who wants to speak

1 tonight please raise your rate hand.

2 (Thereupon, the audience members were  
3 sworn in.)

4 **MR. GOKORSCH:** Okay. Thank you very  
5 much.

6 All right. This is a continuation of 515.  
7 Do we have a motion?

8 **MS. MOORE:** I will move to reopen the  
9 public hearing for combined hearing on the  
10 conditional use request 515 and the variance request  
11 516.

12 **MR. DOWNING:** I'll second.

13 **MR. GOKORSCH:** All in favor?

14 (Thereupon, the Board members answered in  
15 the affirmative.)

16 **MR. GOKORSCH:** Mr. Iski --

17 **MR. DOWNING:** Mr. King.

18 **MR. GOKORSCH:** I'm sorry.

19 **MR. KING:** That's okay.

20 David King, 137 Main Street, Chardon. I've  
21 been sworn. I'm also attorney for Circle K.  
22 Unfortunately Mr. Iski cannot be here tonight. We  
23 got an email from him early this morning that he was  
24 in the emergency room with a very high temperature.  
25 The other two, Savanna and one other who we

1 had hoped might be able to replace him, are both out  
2 of the country. So it's going to be Mr. Wellert and  
3 I, and hopefully we can carry the show.

4 Couple of preliminary matters. The issue  
5 came up at the last meeting about hydrogeologist and  
6 hydrologist. I'm guessing that you looked into  
7 that, as I did, or not? Because it turns out the  
8 hydrogeologist is actually more specific to  
9 groundwater than actually a hydrologist. So it's  
10 kind of like we gave you the opinion of the  
11 orthopaedic surgeon rather than a general  
12 practitioner. So hopefully --

13 **MS. MOORE:** I believe your witness  
14 testified to that.

15 **MR. KING:** Yeah.

16 **MS. MOORE:** Yep.

17 **MR. KING:** So I just wanted to clear  
18 that up.

19 You will notice from what was emailed to  
20 Mr. Wrench that there have been obviously some  
21 revisions. We plan to not withdraw but modify I  
22 believe it's Exhibit 9 -- or 8, whichever has the  
23 detailed plans, and we're simply going to substitute  
24 the variance sheet, which is sheet 8, we will offer  
25 you a new one. You already have it. We'll give you

1 a full size one for the exhibit.

2 We're going to withdraw Exhibit 15, which  
3 was the ALTA survey, and replace it with a new  
4 exhibit that we'll mark as 19, and that will be the  
5 updated ALTA survey and that includes specifically  
6 the measurements at the road right-of-way versus the  
7 centerline, correct?

8 **MR. WELLERT:** Correct.

9 **MR. GOKORSCH:** Here's what I am going to  
10 ask, because we have so many exhibits in this case,  
11 all right, what I'd like to do is let's look at the  
12 sign plan first tonight.

13 **MR. KING:** Okay.

14 **MR. GOKORSCH:** And then let's go through  
15 each exhibit and make sure we have one copy here  
16 which is the copy that we've verified is correct.

17 **MR. KING:** Okay.

18 **MR. GOKORSCH:** Is that all right with  
19 you?

20 **MR. KING:** Sure, yep.

21 So you want the sign package first?

22 **MR. GOKORSCH:** Yes, please.

23 **MR. KING:** Bob, we're going to mark  
24 this Exhibit 20.

25 **MR. GRASSI:** Did you say we already

1 got a copy of this new modified?

2 **MR. KING:** Yes.

3 Mr. Wellert, I'm handing you Exhibit 20.  
4 Can you please identify that for the board?

5 **MR. WELLERT:** Yes. This is our  
6 proposed sign package for the Circle K project, and  
7 that was submitted just before Christmas to the  
8 township for review and discussion tonight.

9 **MR. KING:** Okay. Any changes to  
10 that from what was submitted just before Christmas?

11 **MR. WELLERT:** No.

12 I can go over this plan with you.

13 **MR. BOUCHEK:** Excuse me. Are there any  
14 dates on that exhibit?

15 **MR. WELLERT:** There is a date. It  
16 looks like they're all dated 10/17. We'll go with  
17 that date for now. It's probably when this was  
18 first started.

19 **MR. BOUCHEK:** Okay. Thank you.

20 **MR. WELLERT:** The first sheet is a  
21 cover sheet, not much to discuss there; the second  
22 shows some color samples; the third sheet really is  
23 called S-SP and it identifies the proposed sign  
24 locations.

25 We don't have the display tonight, but a

1 quick summary would be that we would propose an ID  
2 sign on each road frontage near the driveways. We  
3 would propose a -- and that ID sign would have a  
4 Circle K logo in text.

5 **MR. GRASSI:** Is that sign 8 and 9?

6 **MR. WELLERT:** Those ID signs are on the  
7 last sheet, which is S-S8, and it is signs 8 and 9.

8 **MR. GRASSI:** Okay.

9 **MR. WELLERT:** We would propose a Circle  
10 K identification sign both of the same size -- let  
11 me verify that. One on the west face of the  
12 building facing State Route 306, that's sign 5, and  
13 one on the east face above the door, that's sign 1.  
14 Let me verify that -- the areas of those.

15 Those are the same size and they're on  
16 sheet S-FB and S-RB.

17 Also on the east face of the building we  
18 would propose signs 2, 3 and 4. Those are the  
19 product advertisements and -- they either fell out  
20 of this package -- are they in yours?

21 **MR. GOKORSCH:** Yes, shows 2, 3 and 4.

22 **MR. WELLERT:** They're not included in  
23 this.

24 **MR. GOKORSCH:** Page 4, S-FB and C.

25 **MR. WELLERT:** Is that the one that's

1 been marked?

2 Oh, I'm sorry. They were there, I just  
3 wasn't seeing it right.

4 In the area of those -- location of those  
5 are shown on the face of the building. And then the  
6 other signs would be on the canopy. It's a  
7 nonilluminated canopy, and the two signs for the  
8 canopy would have a Circle K logo. That's on sheet  
9 S-C1. They would be on the west face near the north  
10 end and on the south face of the canopy.

11 **MR. GOKORSCH:** Will there be any signage  
12 in the false windows facing 306?

13 **MR. WELLERT:** No.

14 **MR. KING:** Bob, can you just briefly  
15 tell where these plans came from and generally  
16 what's put into formulating those plans?

17 **MR. WELLERT:** We prepared this package  
18 based on the standards proposed by Circle K. This  
19 is really representative of a new Circle K  
20 construction project. So the differences between  
21 this and of the last 25 that we've done, generally  
22 when the site is located at a corner, we would tend  
23 to go with one identification sign, and this  
24 location would have two. The reason for two is  
25 because the building is removed from the corner, we



1 can't control the development of that corner, and  
2 the driveways are both remote from the intersection,  
3 so we have the proposed ID signs at each.

4 Generally -- and I'm going from memory, but  
5 most of the corner ID signs that we've been able to  
6 have permitted in other locations have been 50  
7 square feet up to 200 square feet. They range from  
8 a ground mount 8-foot high sign to, you know, a  
9 20-foot two-pole sign depending on location and  
10 zoning ordinances.

11 So these signs are remote from the  
12 intersection, and I think they're, like, 63 -- 63  
13 and a half square feet is what we would propose.  
14 Let me verify that. I might have looked at the  
15 wrong one.

16 No. I'm sorry. They're only 26.6 square  
17 feet. So they are still a smaller ground lit sign.

18 **MR. GOKORSCH:** Just to make sure I'm  
19 clear here, these signs at both entrances are to be  
20 a maximum height of 6 feet off the ground; is that  
21 correct?

22 **MR. WELLERT:** That's correct.

23 **MR. GRASSI:** Do you know how close  
24 they will be to the road? What is the approximate  
25 distance from the road?

1           **MR. WELLERT:**       We have the dimension on  
2 the -- happens to be -- there should be dimension on  
3 the site plan, but it happens to be dimension on our  
4 variance request plan also.

5           We're at 22 feet away from the right-of-way  
6 on State Route 306 and 10 feet away from the  
7 right-of-way on 87.

8           **MR. GRASSI:**       Thank you.

9           **MR. WELLERT:**       One of the other changes  
10 with this plan is that we do have a sign on the rear  
11 of the building. In many instances we've been able  
12 to permit a sign on one end of the building to face  
13 an intersection. In this case, again, we've got the  
14 back of the building facing a street, we need -- I'd  
15 advocate should face the road.

16           We generally on most -- most all other  
17 canopies we illuminate the fascia, at least the  
18 front fascia, and in this location we've elected to  
19 downplay that and not have any fascia illumination  
20 for the project.

21           Again, I think it goes back to my  
22 perception of what we're trying to accomplish here  
23 and Circle K's desire to rebuild. We've made some  
24 significant changes to the layout, including  
25 nonilluminated fascia to try and accommodate the

1 community and establish this development.

2 **MR. GOKORSCH:** Once again, to be clear  
3 the Circle K on the fascia of this is lit, though?

4 **MR. WELLERT:** No, I clarified that  
5 today. It says "nonilluminated fascia," and I asked  
6 that question, and the entire canopy was -- I was  
7 told it would be nonilluminated.

8 **MR. GOKORSCH:** Thank you.  
9 It notes it's illuminated on S-C1 page 6.  
10 It says "illuminated logo sign."

11 **MR. WELLERT:** I asked that question  
12 today.

13 **MR. GOKORSCH:** That's good. That's  
14 fine.

15 **MR. DOWNING:** Which one?

16 **MR. GOKORSCH:** If you notice on SC-1  
17 page 6 of 8, sign 7 it notes "illuminated logo sign"  
18 on the canopy, and I was trying to reconcile that.

19 **MR. WELLERT:** I asked the question  
20 pretty clearly today to determine that, because  
21 normally we would want to have at least the logo  
22 illuminated on the canopy, but I guess not.

23 **MR. BOUCHEK:** So those will be  
24 nonilluminated just to make -- clarify that?

25 **MR. WELLERT:** That's what I was told

1 today.

2 MR. BOUCHEK: Okay. We need --

3 MR. WELLERT: We can strike that on  
4 Exhibit 20.

5 MR. BOUCHEK: We need to strike that on  
6 the exhibit, please.

7 MR. WELLERT: I'll do that right now.

8 MR. GOKORSCH: Thank you.

9 You could proceed with your presentation  
10 and do that following, if you prefer.

11 MR. DOWNING: I've got questions on the  
12 sign.

13 MR. GOKORSCH: We have plenty of time.

14 MS. MOORE: If I could ask you a  
15 question on SF-8, these are the ground signs. Are  
16 the cash credit 12-inch digits consistent with  
17 requirements under Ohio law in terms of the signage  
18 size?

19 MR. WELLERT: I mentioned that in the  
20 last meeting, and I thought there was an Ohio law  
21 that established that. Unfortunately I didn't -- I  
22 went back, did some research. I can't find that to  
23 prove that that's accurate. So the best way for me  
24 to answer is if there is a law that requires that,  
25 we would have to maintain whatever minimums at

1 least.

2 What's shown there with those dimensions is  
3 what we would propose. If they have to be larger,  
4 we would increase it. But the total sign face area  
5 wouldn't change from what's shown here.

6 **MR. BOUCHEK:** Are you aware of the  
7 requirements of displaying or posting the prices for  
8 gas?

9 **MR. WELLERT:** No, I'm not. Again, I've  
10 done this for a long time and I thought I heard that  
11 applied in Ohio, but I couldn't find it. I didn't  
12 research a lot from our last meeting. I think  
13 there are some states that require it. I'm not  
14 positive that Ohio does. I think it's more of a  
15 competitive -- it certainly is a competitive issue  
16 and every gas station has their --

17 **MR. GOKORSCH:** For the record we'll say  
18 that you will be compliant with the Ohio law if  
19 there is one?

20 **MR. WELLERT:** That's correct.

21 **MR. DOWNING:** I have a question. This  
22 is Mr. Downing speaking.

23 On the cash/credit, how does this sign  
24 work? I mean, we prohibit flashing signs and  
25 changing signs. Is the cash/credit thing just the

1 way it's programmed and it stays that way, or is it  
2 going to be switching back and forth and telling two  
3 prices with different conditions?

4 **MR. WELLERT:** I can't answer that.  
5 That's a good question. Generally it would flash  
6 from cash to credit. I guess if -- generally it  
7 would flash from cash to credit. I think that's a  
8 fairly important item for Circle K and their  
9 business model.

10 **MR. DOWNING:** Are you saying every so  
11 many seconds it changes?

12 **MR. WELLERT:** I think that's the way it  
13 works.

14 **MR. DOWNING:** That's not acceptable. I  
15 mean, if you look -- and I'm around looking at  
16 signs, typically some only have one price on them.

17 **MR. BOUCHEK:** Yeah.

18 **MR. WELLERT:** Well, I see it pretty  
19 common as a cash and credit price. Whether they  
20 flash or not, I'm not arguing for or against that,  
21 but I see a cash and credit price quite often at gas  
22 stations, maybe it's because of the line of work  
23 that I notice that. I think that's what would be  
24 proposed here.

25 **MR. GOKORSCH:** Bill, is your concern the

1 fact that there would be a flashing light at this  
2 intersection; is that your concern?

3 **MR. DOWNING:** Yeah, that the thing  
4 would be flashing, and we have prohibits against  
5 flashing signs or racing signs or -- it's turn it on  
6 in the morning or leave it on 24 hours a day, unless  
7 you changing the price, it stays the same.

8 **MR. WELLERT:** If you're asking whether  
9 I yield on that, can we continue for a little bit  
10 and we can maybe come back to that?

11 **MR. DOWNING:** I still have some sign  
12 questions.

13 **MR. WELLERT:** That's fine.

14 **MR. DOWNING:** Shane, does this sign as  
15 it stands meet our square footage?

16 **MR. WRENCH:** I'm sorry, Bill?

17 **MR. DOWNING:** Does this sign as it  
18 stands meet our square footage sizewise?

19 **MR. WELLERT:** I think the code is 24  
20 feet.

21 **MR. WRENCH:** For the ground?

22 **MR. WELLERT:** I think.

23 **MR. WRENCH:** Ground --

24 **MR. GOKORSCH:** It's noted, Shane, that  
25 the sign itself is 26.6 square feet.

1           **MR. WRENCH:**           It says 16 square feet  
2 per sign face.

3           **MR. DOWNING:**       Sixteen? The standard is  
4 16?

5           **MR. WRENCH:**           Yes.

6           **MR. DOWNING:**       Okay. Considering you're  
7 asking for two signs instead of one, complying with  
8 the regulations seems like it would not be an  
9 unreasonable request.

10          **MR. WELLERT:**       With the flashing --

11          **MR. GRASSI:**       Mr. Downing, can you  
12 speak up? I can't hear you down here.

13          **MR. DOWNING:**       Since you asking for two  
14 signs instead of one, it seems like complying with  
15 the existing regulation would be consistent.

16          **MR. WELLERT:**       Compliance for square  
17 footage and for the flashing or just -- what --

18          **MR. DOWNING:**       The flashing is no go, we  
19 just have to confirm that. The sign -- I'm just  
20 talking about the area of the sign, it's 26 square  
21 feet.

22          **MR. WRENCH:**       Is what they're  
23 proposing.

24          **MR. DOWNING:**       What's the specification?

25          **MR. WRENCH:**       We allow 16.



1           **MR. DOWNING:**       Sixteen.

2           While you're mauling that over, another  
3 question I have in looking at signs, why do we have  
4 signs on a pole when it seems like most of them have  
5 a richer look to them where they're on a solid base,  
6 some stone and then the sign sits on that?

7           **MR. WELLERT:**       Do you know if the zoning  
8 code requires a solid - a sign base?

9           **MR. DOWNING:**       No, it does not. It just  
10 looks sort of cheap to have it on poles instead of a  
11 solid base.

12           **MR. WELLERT:**       Circle K is making a  
13 pretty significant investment. I have a tough time  
14 going to 16 square feet. Brick bases, we've done  
15 that many times. So maybe that comes into play  
16 here.

17           We are eliminating signs. I mean, there  
18 are three -- at least two, and if the bank would add  
19 a sign, there would be a third sign with the  
20 existing buildings that are there today, and even if  
21 they were in compliance, which I suspect they're  
22 not, you'd be over 16 square feet per -- so I think  
23 there's a reduction in signage. I believe we need  
24 two signs at this corner. That's something Circle K  
25 has to have for this development to go forward.

1           Sixteen square feet, and if we have to  
2 include the pricers, the advertisement for Circle K  
3 itself becomes pretty small. In my mind, this is on  
4 the low end of a sign size. I understand the  
5 community, I understand where we're at, but this  
6 is a small sign, 24 square feet. I'd like to  
7 measure -- I'd like the opportunity to go measure  
8 what's there now. My gut feeling is the two signs  
9 that are there are larger than 16 each.

10           **MR. DOWNING:**       What signs are we talking  
11 about?

12           **MR. WELLERT:**       Circle K has a sign now  
13 and the veterinarian office has a sign out front.  
14 The bank, I don't think they have a sign, I think  
15 it's been removed, but if they were operational,  
16 they would probably have one. I'm not sure what  
17 Shell has across the street. Their sign is pretty  
18 small. They're probably in compliance at least with  
19 their logo portion. The logo and the price is over  
20 16, I would say.

21           **MR. DOWNING:**       It's a small sign  
22 compared to this one.

23           **MR. WELLERT:**       It's a business that's  
24 not operating, I don't think very well either. So  
25 there's a pretty significant investment to make in

1 this area.

2           **MS. MOORE:**           If we can move on, the  
3 ground signs, are they at least a minimum setback of  
4 10 feet from the front lot line or the side lot  
5 line?

6           **MR. WELLERT:**        They are.

7           **MS. MOORE:**        Thank you.

8           **MR. BOUCHEK:**       Another question about  
9 the ground signs.

10          **MR. GOKORSCH:** Boucek, you need to push  
11 the green button.

12          **MR. BOUCHEK:**       If you remove the pricing  
13 for the gas prices and just leave the Circle K logo,  
14 you would meet the requirements of the 16 square  
15 feet?

16          **MR. WELLERT:**       That is correct. The way  
17 it's mentioned now it is -- what is 3.3 times 4? A  
18 little over 12 square feet.

19          **MR. BOUCHEK:**       Yeah, you would have  
20 about 13.3 square feet and that would be under the  
21 16.

22                Also I agree with Mr. Downing. The two  
23 poles that are holding the sign up, are those steel  
24 poles or what are they made of; do you know?

25          **MR. WELLERT:**       Those are steel poles.

1                   **MR. BOUCHEK:**       Those are painted steel  
2 poles?

3                   **MR. WELLERT:**       Painted, correct.

4                   **MR. BOUCHEK:**       Okay. This doesn't look  
5 like a little bit of a temporary sign with the  
6 poles? I think that a full base on this with the  
7 stone, something of that nature would make it more  
8 permanent and more appealing. Can you make that  
9 determination without anybody from Circle K being  
10 here?

11                   **MR. WELLERT:**       I can make that  
12 determination that we can have a monument brick base  
13 to match color and style of the building, but I  
14 can't make the determination of reducing the sign.

15                   To your point, the logo is less than 16  
16 square feet, which would be code compliant. What  
17 we're talking about are price panels that increase  
18 the sign --

19                   **MR. BOUCHEK:**       Okay. If you go to a  
20 stone base, do you need support on the two ends of  
21 the sign?

22                   **MR. WELLERT:**       I don't believe we do. I  
23 don't think you'd see a steel column. I'll say we  
24 can come up with a solution, we might need some type  
25 of a round endcap that wouldn't be signage.

1           **MR. BOUCHEK:**       If you do a stone base  
2     and you need support on either end of the sign, then  
3     you probably need to carry the stone up on each side  
4     of the sign at the end.

5           **MR. WELLERT:**       We've -- I wish I had  
6     other plans with me. We've put the stone bases  
7     without having to carry the stone up on the sides,  
8     but I can't answer what we did there and I don't  
9     think it projected out far from the cabinet itself.  
10    So I'll say we can build it without an endcap and  
11    without the stone.

12          **MR. BOUCHEK:**       Okay. All right.  
13    Technically you have agreed to the base -- to the  
14    stone base?

15          **MR. WELLERT:**       I have.

16          **MR. BOUCHEK:**       On both ground signs?

17          **MR. WELLERT:**       Yes.

18          **MR. BOUCHEK:**       Okay. Thank you.

19          **MR. GOKORSCH:** We still have the issue  
20    of the flashing, sir.

21          **MR. BOUCHEK:**       Do you know how often it  
22    has to change, is it every minute, every two  
23    minutes?

24          **MR. WELLERT:**       I wish I had that answer.  
25    I just don't know. It's not long from other

1 examples I've seen.

2           These are changeable text. So flashing  
3 would mean is there a timing -- would there be an  
4 opportunity for them to change it twice per day or  
5 three times? I don't know what would be acceptable  
6 to Circle K for the change between cash and credit.

7           **MR. BOUCHEK:**       If I may, I don't know of  
8 any gas station in this area or probably now in Ohio  
9 that flashes credit and cash anymore. There might  
10 be in other states like New Jersey or somewhere  
11 else, but it's certainly not applicable here in  
12 Ohio. So we can just say that it's not going to  
13 flash back and forth, that would take care of it.

14           **MR. WELLERT:**       Fine. If that's -- I'll  
15 agree to that.

16           **MR. GOKORSCH:** We'll probably want to  
17 note that on the plans also.

18           **MR. WELLERT:**       Right.

19           **MR. GOKORSCH:** Any other questions?

20           **MR. GRASSI:**        When you did your  
21 renderings, you showed a stone base at that time on  
22 the renderings -- the copies of the renderings did  
23 show a stone base.

24           **MR. WELLERT:**        Okay.

25           **MR. GRASSI:**        That's the renderings,

1 they are attractive; I'm just saying.

2 **MR. WELLERT:** Great. We're already  
3 there.

4 **MR. GRASSI:** Okay.

5 **MR. BOUCHEK:** I do have other questions  
6 about other signs, if I may.

7 The sign number 1, which is over your  
8 entry, you're asking for a sign that is 63 and a  
9 half square feet, we allow 50 square feet. This is  
10 the sign over the entry that's facing the parking  
11 lot. If you reduce that sign to 50 square feet,  
12 maybe instead of 5-foot high sign, maybe  
13 4-and-a-half-foot high sign, you would meet the  
14 requirement. And you are facing the parking lot,  
15 it's not like the sign needs to be seen all the way  
16 across the street or anywhere else, you should be  
17 able to achieve that.

18 **MR. WELLERT:** Specifically sign 1.

19 **MR. BOUCHEK:** Sign 1.

20 **MR. WELLERT:** I'll agree to making that  
21 within the code allowance of 50 square feet. It may  
22 be less than that, it depends on the font style, but  
23 will not exceed 50 square feet.

24 **MR. BOUCHEK:** On that same elevation --

25 **MS. MOORE:** Before you move on, are

1 you going to withdraw the variance request attached  
2 to sign 1 based on that modification?

3 **MR. KING:** Yes.

4 **MS. MOORE:** Thank you.

5 **MR. WELLERT:** Sure.

6 **MS. MOORE:** Before you move on, can  
7 we confirm which one that is?

8 **MR. WELLERT:** I'm not sure that the  
9 variances are per sign. It's a lump sum area  
10 variance, if I'm recalling.

11 **MS. MOORE:** Well, we would take the  
12 one wall sign, instead of it being 7, it be 6,  
13 correct?

14 **MR. WELLERT:** No, the wall sign numbers  
15 are still remaining at this point, we've just  
16 reduced the size of one of them.

17 **MS. MOORE:** Understood. Is sign 1 a  
18 wall sign?

19 **MR. WELLERT:** It is.

20 **MS. MOORE:** Okay.

21 **MR. KING:** So we aren't actually  
22 withdrawing it, we're modifying it.

23 **MS. MOORE:** I understand. I  
24 understand. Go ahead.

25 **MR. DOWNING:** On the list, though, we



1 only need -- I'm kind of confused here.

2 **MR. WELLERT:** At this point we would be  
3 revising variance number 17 from 279 square feet,  
4 whatever 13 and a half square feet less than that  
5 is. We would be subtracting 13 and a half square  
6 feet from that at this point.

7 **MR. KING:** 265 and a half.

8 **MS. MOORE:** Thank you.

9 **MR. GOKORSCH:** Are there any other  
10 questions from the board?

11 **MR. BOUCHEK:** Yes.

12 Are you ready to continue?

13 **MR. WELLERT:** I'm ready.

14 **MR. BOUCHEK:** Signs two, three and four  
15 you stated are advertisement signs, they also face  
16 the parking lot and not the street?

17 **MR. WELLERT:** Correct.

18 **MR. BOUCHEK:** The signs 3 and 4 are in  
19 a window display. Is that in a window cabinet or  
20 what is that exactly?

21 **MR. WELLERT:** These -- I'd have to look  
22 at this rendering again, but these are what we would  
23 call poster board that mount on the face of the  
24 building. So I think that might -- that's an  
25 accurate representation, but it's not really a

1 window per se, it's a sign mounted --

2 **MR. BOUCHEK:** Are they behind glass?

3 **MR. WELLERT:** No.

4 **MR. BOUCHEK:** Okay.

5 **MR. WELLERT:** Unless that rendering  
6 shows differently. Can I look at what we sent  
7 before?

8 **MR. GRASSI:** Sure.

9 **MR. WELLERT:** They're not behind a  
10 glass window as part of the building construction.  
11 It's a separate sign that mounts to the face of the  
12 building.

13 **MR. BOUCHEK:** So is there a frame  
14 around it like the elevation shows?

15 **MR. WELLERT:** There was meant to be a  
16 frame. The way I understand it it's a frame-mounted  
17 sign that goes on the building, and they might be  
18 able to replace the panel that's inside there, but  
19 not electronically.

20 **MR. BOUCHEK:** As I understand it, it's  
21 changeable copy.

22 **MR. WELLERT:** But not electronically  
23 changeable.

24 **MR. BOUCHEK:** I understand.

25 **MR. WELLERT:** Correct.

1           **MR. BOUCHEK:**       The sign that's over the  
2 door, which is sign number 2, is that in some -- is  
3 that just in a frame just like the other ones?

4           **MR. WELLERT:**       That's just in a frame  
5 also, yes.

6           **MR. BOUCHEK:**       Okay.

7           **MR. WELLERT:**       With changeable copy.

8           **MR. BOUCHEK:**       Due to those three  
9 particular signs, would you be able to achieve the  
10 same thing if you placed them behind the windows in  
11 the glass -- behind the glass?

12          **MR. WELLERT:**       In the storefront?

13          **MR. BOUCHEK:**       In the storefront.

14          **MR. WELLERT:**       That's a reasonable  
15 question. I can't answer that from a marketing  
16 standpoint.

17          **MS. MOORE:**        I'm going to ask a  
18 different question. So I'm looking at our Section  
19 4 -- I'm looking at 4.11 F 5, and it reads  
20 "Temporary signs shall be unlighted." These are  
21 unlighted, correct?

22          **MR. WELLERT:**       Correct.

23          **MS. MOORE:**        They're temporary.  
24 You're changing them out?

25          **MR. WELLERT:**       On occasion they would be

1 changed, but they would be just swapped with another  
2 text or graphic. So it's a sign that would be --

3 **MS. MOORE:** Then it says, "may have a  
4 maximum area of 16 square feet." Is it possible to  
5 modify those to 16 square feet, or is that a  
6 problem?

7 **MR. BOUCHEK:** Well, let me answer that.  
8 You can go that option modifying them to 16 square  
9 feet, or you can put them behind the window and be  
10 20 square feet. Those are your options.

11 **MR. WELLERT:** Because I don't direct  
12 the business practices of Circle K, I prefer to go  
13 to 16 square feet and keep the locations available  
14 to us versus agreeing to be behind glass.

15 **MS. RINE:** May I ask a question just  
16 as counsel for the board to clarify that issue?

17 For the court reporter, my name is Kristen  
18 Rine, 231 Chardon -- or Main Street in Chardon.

19 **THE NOTARY:** Can you spell your last  
20 name, please?

21 **MS. RINE:** Yeah, R-i-n-e.

22 This may be partly for the board as well.

23 **MR. GOKORSCH:** I'm sorry. Could you  
24 identify yourself?

25 **MS. RINE:** Kristen Rine. I'm an

1 assistant prosecuting attorney. I represent the  
2 board.

3 **MR. GOKORSCH:** Thank you.

4 **MS. MOORE:** Do you want to be asking  
5 the board president in confidence so you're not  
6 breaking privilege? I would prefer that if you want  
7 to pull our president -- or our chair aside.

8 **MS. RINE:** Sure. I can note my  
9 question and maybe if we can take a break  
10 (inaudible).

11 **MR. GOKORSCH:** Is it germane to this  
12 point we're discussing right now?

13 **MS. RINE:** It does.

14 **MR. GOKORSCH:** If it is, then we  
15 probably need to take a little break here and listen  
16 to what you have to say.

17 **MS. RINE:** Okay. Thank you.

18 **MR. GOKORSCH:** I'll entertain a motion.

19 **MR. GRASSI:** I make a motion we take a  
20 break.

21 **MS. MOORE:** Actually do we need to  
22 move into executive session?

23 **MS. RINE:** I think since it's a  
24 quasi-judicial hearing you can adjourn to speak with  
25 counsel for the board and then we can adjourn back.

1           **MS. MOORE:**           Very good.

2           I move to adjourn so we can speak with  
3 counsel for the board.

4           **MR. BOUCHEK:**        I second.

5           **MR. GOKORSCH:**All in favor?

6           (Thereupon, the Board members answered in  
7 the affirmative.)

8           **MR. GOKORSCH:**Let's take a five-minute  
9 break.

10          (Thereupon, a recess was taken.)

11          **MS. MOORE:**        I'll move to reconvene  
12 the hearing.

13          **MR. GRASSI:**        I second.

14          **MR. GOKORSCH:**All in favor?

15          (Thereupon, the Board members answered in  
16 the affirmative.)

17          **MS. MOORE:**        So a quick point of  
18 clarification on the temporary signs. The maximum  
19 area is 16 square feet and they must change at a  
20 certain point in time to maintain their temporary  
21 nature, and so that's what we understood in terms of  
22 those posters that they would change in content; is  
23 that correct or incorrect?

24          **MR. WELLERT:**       There's no real frequency  
25 on how often they have to change.

1           **MS. MOORE:**           It says "No sign may be  
2 in place more than 30 days."

3           **MR. GOKORSCH:** So it looks like you have  
4 to have a monthly promotion.

5           **MR. WELLERT:**       Yeah, they will be  
6 temporary. If they can't comply, then we'll have to  
7 take them down eventually, right?

8           **MR. GOKORSCH:** Mm-hmm.

9           **MR. WELLERT:**       So it's just an  
10 operational consideration.

11          **MS. MOORE:**       And are we hearing  
12 correctly that you will be modifying that to 16  
13 square feet?

14          **MR. WELLERT:**       I thought -- I am, we  
15 will, and I thought I was marking Exhibit 20. Did  
16 our tag go away?

17               Oh, it's there. I marked it on Exhibit 20  
18 already. So I'll mark it on all three of those.

19          **MS. MOORE:**       Right. Does that apply  
20 to sign 2 as well with the spanner board?

21          **Mr. WELLERT:**       Yes, 16 square feet for  
22 each of those.

23          **MS. MOORE:**       Thank you.

24          **MR. WELLERT:**       Okay. I think that's --  
25 I think that covered all the signs.

1           **MR. BOUCHEK:**       Nope, we have to keep  
2 going.

3           **MR. WELLERT:**       Okay.

4           **MR. BOUCHEK:**       Sign number 5, which is  
5 facing Chillicothe, you have agreed to change the  
6 size of sign 1, would you be willing to change the  
7 size of that sign to match the same size?

8           **MR. WELLERT:**       No, not at this point.  
9 It's an important -- that's a very important part of  
10 the advertising for the store.

11          **MR. GRASSI:**       What size is that sign?

12          **MR. WELLERT:**       It's 63 square feet, and  
13 that's a standard -- well, apparently it's a  
14 standard size based on proportioning guidelines.

15          **MR. GRASSI:**       For the building.

16          **MR. WELLERT:**       Well, for the sign.  
17 There are certain font proportions that the company  
18 needs. I do not have the authority to change that  
19 one.

20          **MR. BOUCHEK:**       Okay. Moving on, on  
21 SC-1, which are the canopy signs, the fascia panels  
22 are all installed by the sign contractor?

23          **MR. WELLERT:**       As far as I know they  
24 are, yes.

25          **MR. BOUCHEK:**       Is the striping that goes



1 around on the canopy, is that part of the logo?

2 **MR. WELLERT:** It is.

3 **MR. BOUCHEK:** Are you identifying that  
4 as part of the signage?

5 **MR. WELLERT:** Normally it's -- like a  
6 color of a brick could be part of a logo for another  
7 corporate. I guess this is part of a logo, and  
8 whether you consider it signage or not, I'm not  
9 sure, but it's a corporate color.

10 **MR. BOUCHEK:** On that particular sheet,  
11 the labeling of the nonilluminated canopy fascia has  
12 the wordage "signage" details. So are you -- again,  
13 my same question: Is that signage?

14 **MR. WELLERT:** I think your code would  
15 have to define whether that's signage or not. I  
16 think it's a color combination for the canopy.  
17 Whether I use the "signage" term, I don't know if it  
18 falls under the code definition of signage or not.

19 **MR. BOUCHEK:** Shane, do we have --

20 **MR. WRENCH:** It doesn't indicate  
21 anywhere signage color -- it doesn't depict color  
22 referencing signs or anything of that nature.

23 **MR. BOUCHEK:** Okay. Thank you.

24 So you might want to cross out the word  
25 "signage" in that and maybe call it "panel detail."

1           **MR. WELLERT:**       And I'm not seeing that  
2 word. In what sheet are we looking at? SC-1,  
3 right?

4           **MR. BOUCHEK:**       Right there.

5           **MR. WELLERT:**       Okay.

6           **MR. BOUCHEK:**       Do you see it?

7           **MR. WELLERT:**       I did, and I put an  
8 "X" through that.

9           **MR. BOUCHEK:**       Okay. We're going to  
10 change that.

11          **MR. WELLERT:**       Thank you.

12          **MR. BOUCHEK:**       Okay. The sign of the  
13 actual Circle K, I believe the rest of it isn't  
14 signage. Then the size is the actual length of the  
15 Circle K and not the length of the panel. So do you  
16 know what the length of the Circle K is --

17          **MR. WELLERT:**       The only dimensions --

18          **MR. BOUCHEK:**       -- from the C to the  
19 circle?

20          **MR. WELLERT:**       The only dimensions I  
21 know are what we have on this plan.

22          **MR. BOUCHEK:**       Okay. I believe your  
23 38.5 square feet is the size of the panel?

24          **MR. WELLERT:**       I would agree with you.

25          **MR. BOUCHEK:**       Okay. Is there a way we

1 can determine what the size of the type is?

2 **MR. WELLERT:** Not tonight, but it would  
3 be less than that.

4 **MR. BOUCHEK:** Okay. All right. So  
5 facing Kinsman Road you have a ground sign and you  
6 have a canopy sign -- Circle K canopy sign. Is  
7 there a reason that you need both of those?

8 **MR. WELLERT:** Yes. I was instructed to  
9 have the signage on the canopy and on the ground  
10 signs. I don't direct -- again, I don't have -- I'm  
11 not involved in the decision-making process of why  
12 they need that. That again is -- if I go back to  
13 every other Circle K that I have built in the past  
14 five years, we've had two canopy signs, one on the  
15 end of the canopy and one on the long face of the  
16 canopy and they're generally on the street side --  
17 well, they're always on the street sides.

18 **MR. BOUCHEK:** All right. So then the  
19 same questions go for the Chillicothe Road sign.  
20 You have three signs: You have a building sign, you  
21 have a ground sign and a canopy sign. Do you have  
22 to have all three of those signs?

23 **MR. WELLERT:** I was instructed to have  
24 those as a part of the sign plan. It wasn't an  
25 arbitrary decision.

1           **MR. DOWNING:**       I have a question.  Is it  
2   an absolute fact that all Circle K canopies have  
3   that logo on them?

4           **MR. WELLERT:**       Of the projects that I  
5   have worked on on the new builds or raised rebuilds  
6   in the past four to five years, I believe it's been  
7   on every canopy.  Whether there are existing Circle  
8   Ks without that, I can't answer.  There's too many  
9   stores.

10          **MR. DOWNING:**       Try driving by the one on  
11   Mayfield and 91 and looking at the canopy.

12          **MR. WELLERT:**       That would be an existing  
13   store.  That's what I said.  There's -- they have  
14   acquired stores.  I think the company owns 15,000  
15   locations worldwide.  So I can't speak to what they  
16   have at other locations.

17          But, again, with the investment in this corner,  
18   we conferred with Circle K, this was a sign plan,  
19   sign book they wanted for this location.  We've made  
20   a few concessions to this point to try to achieve  
21   the same advertising locations and advertising  
22   intent without -- I'm trying not to eliminate any  
23   signs from this application.

24          **MR. BOUCHEK:**       All right.  One more  
25   thing just to summarize.  Sign 1 is now 50 square

1 feet.

2           **MR. WELLERT:**       Let me flip back to my  
3 sheet to make sure I follow.

4           Correct, sign 1, 50 square feet.

5           **MR. BOUCHEK:**       Sign 2, 3 and 4 are now  
6 16?

7           **MR. WELLERT:**       Correct.

8           **MR. BOUCHEK:**       Sign 5 is 63.5?

9           **MR. WELLERT:**       Correct.

10          **MR. BOUCHEK:**       Sign 6 and 7 are 38.5?

11          **MR. WELLERT:**       Correct. And if we  
12 measure just the text, it would be less than that.

13          **MR. BOUCHEK:**       But we can't determine  
14 that at this time.

15          **MR. WELLERT:**       Correct.

16          **MR. BOUCHEK:**       Sign 8 is 26.6?

17          **MR. WELLERT:**       Correct.

18          **MR. BOUCHEK:**       And sign 9 is 26.6?

19          **MR. WELLERT:**       Correct.

20          **MR. BOUCHEK:**       Okay. Bear with me for a  
21 second so I can do the math.

22          **MR. GOKORSCH:** You also noted there  
23 would be no window signs in the fake, false windows  
24 facing Chillicothe Road?

25          **MR. WELLERT:**       Correct.

1           **MR. GOKORSCH:** And we also noted that  
2 there will be no flashing lights here, the question  
3 about the gas pricing flashing back and forth?

4           **MR. WELLERT:**       Correct. I think the  
5 last point was we have to change the copy on signs  
6 2, 3 and 4 every 30 days.

7           **MR. GOKORSCH:** Every 30 days, yes.

8           **MR. BOUCHEK:**       All right. So according  
9 to my calculation, I get 291.7 square feet. Would  
10 you agree to that, or do you need to also do the  
11 math?

12           **MR. WELLERT:**       It doesn't sound right,  
13 unless our variance application was wrong because we  
14 reduced the size.

15           **MR. BOUCHEK:**       There might have been a  
16 typo.

17           **MR. WELLERT:**       Maybe it was 290 --

18           **MR. WRENCH:**       You were asking for 279  
19 originally.

20           **MR. BOUCHEK:**       I did the math before you  
21 made any modifications and it was 332 square feet.

22           **MR. WRENCH:**       For all signs?

23           **MR. BOUCHEK:**       For all signs.

24           **MR. WRENCH:**       Yeah.

25           **MR. WELLERT:**       I only see 214.7, you see

1 259?

2 MR. KING: Yeah.

3 What did you have?

4 MR. GRASSI: 297.

5 MR. BOUCHEK: I got 291.

6 MR. WELLERT: Let's add these up.

7 MR. KING: 291.7?

8 MR. BOUCHEK: Correct.

9 MR. KING: Because there's three of  
10 these.

11 MR. WELLERT: That's 48.

12 MR. KING: Yep, 90 and then this  
13 one.

14 MR. WELLERT: That's 63.5.

15 MR. KING: 161.5, there's two of  
16 those, so that's going to take it to 230 something.

17 MR. WELLERT: Oh, I forgot the two  
18 canopy, yeah.

19 291.7, I stand corrected. I apologize.  
20 Obviously there was a mistake on the variance  
21 request, but I will agree with you at 291.7.

22 MR. BOUCHEK: Thank you.

23 MR. GOKORSCH: Dushan, to make sure I'm  
24 correct here, that's total wall sign area, 291.7?

25 MR. BOUCHEK: Yes, all wall signs,

1 correct.

2 **MR. GRASSI:** We're not counting  
3 anything on the canopies, are we?

4 **THE NOTARY:** Say again, please.

5 **MR. GRASSI:** Are we counting anything  
6 on the canopies as signs?

7 **MR. BOUCHEK:** Yes, the canopies are  
8 wall signs.

9 **MR. WELLERT:** They did count those,  
10 they included those.

11 **MR. GRASSI:** Okay.

12 **MR. BOUCHEK:** On my copy of sheet A,  
13 which is the variance sheets, there was a request of  
14 number 20 for the poster signs, for signs 3 and 4.  
15 Is that now going to be withdrawn?

16 **MR. GOKORSCH:** It was hand drawn.

17 **MR. WELLERT:** Did you add those, Shane?

18 **MR. WRENCH:** I did, yeah. In our  
19 resolution 4.11 C 4, "No sign or part thereof shall  
20 contain or consist of banners, posters, pennants,  
21 ribbons, streamers," et cetera. You have it labeled  
22 "posters," it fell under the not permitted.

23 **MR. WELLERT:** Okay. So can you clarify  
24 your question again because mine didn't have number  
25 20 listed on it. I wasn't aware of that --



1           **MS. MOORE:**           We'll cross that out.

2           **MR. WELLERT:**       -- being added to it.

3           **MS. MOORE:**           That wasn't part of your  
4 request.

5           **MR. WELLERT:**       Okay.

6           **MR. GOKORSCH:**Are there any other  
7 questions from the board?

8           **MR. DOWNING:**       Mr. Chairman, I'd like to  
9 refer us back to some renderings they submitted  
10 relative -- this one coming west on Route 87 shows  
11 the proposed ground sign, it's the wall sign on the  
12 front of the building and the Circle K on the pumps.  
13 I think it's a fair question to ask do you need all  
14 three?

15           **MR. KING:**           The question was: Do you  
16 need all three, both ground signs and what?

17           **MR. WELLERT:**       And the canopy sign --

18           **MR. DOWNING:**       I'm just looking --

19           **MR. WELLERT:**       -- facing 306.

20           **MR. DOWNING:**       I'm just looking at one  
21 of these renderings you had submitted showing a  
22 pictorial view coming eastbound -- or westbound on  
23 87, and you've got -- obviously the thing that jumps  
24 out is the ground sign, you can see the Circle K on  
25 the building, you also got the big thing on the

1 canopy.

2 **MR. WELLERT:** I think we need those,  
3 and the reason is this building in a static image is  
4 a little different than the visibility while you're  
5 driving. That's my reason for it.

6 I'm sure there are business operating  
7 decisions that are outside of my knowledge of Circle  
8 K, but I go back to what I think I stated earlier  
9 that the sign plan was developed with input from  
10 Circle K and their desire for this and other  
11 locations, and it's rare that we -- that I  
12 personally have been involved in a project where we  
13 didn't have the Circle K on the canopy, a ground  
14 sign and sign on the building.

15 So with this application, I'd like to stick  
16 with the sign plan as we've discussed to date with  
17 modifications to date, which would include those --  
18 all three signs that you see in that image.

19 **MR. KING:** Bob, I know you and I had  
20 a lot of discussion about this, but a lot of this  
21 relates to the uniqueness of the property and how  
22 it's set back from the intersection unlike a lot of  
23 service station locations, right?

24 **MR. WELLERT:** Correct. In addition to  
25 setting back, it's reversed hand where the fueling

1 area is behind the -- away from the street and less  
2 visible. I mean, just the fueling itself is a  
3 advertisement. As we drive along, it's visible. In  
4 this case, it won't be nearly as visible.

5 **MR. KING:** And you can't control the  
6 visibility of that vacant lot as well.

7 **MR. WELLERT:** Correct, we don't have  
8 that under contract.

9 **MR. KING:** Okay.

10 **MR. GOKORSCH:** Any other questions from  
11 the board?

12 **MR. BOUCHEK:** If we're done with  
13 signage, I have other questions pertaining to site  
14 lighting in the site.

15 **MS. MOORE:** Actually I have one more  
16 on the signage. I noticed there was a sign in one  
17 of the renderings on the actual pump but that's not  
18 been included in the signage plans, and I'll show  
19 you what I am referring to. (Indicating.)

20 **MR. WELLERT:** I do see those on there.  
21 These are conceptual plans that are meant to  
22 represent the end product, could be changed. This  
23 is a general trend we want. If those are considered  
24 signs per the code, and we don't have them in this  
25 sign package, then we are asking for them.

1           **MS. MOORE:**           Thank you.

2           **MR. GOKORSCH:** Any other questions on  
3 signage? Do you have any other comments on signage?

4           **MR. WELLERT:**       I prefer not to do  
5 signage, signage is difficult. It doesn't matter  
6 what community we're in, it's always something that  
7 has to be considered carefully, and I don't have any  
8 more comments on that.

9           **MR. GOKORSCH:** Yeah, that's always --  
10 Dushan, you have some questions on lighting. Would  
11 you like to take those now or open up for public  
12 comment on signage?

13          **MR. BOUCHEK:**       Let's go through my  
14 questions.

15          **MR. GOKORSCH:** Okay.

16          **MR. BOUCHEK:**       Can you pull out your  
17 site lighting package?

18          **MR. WELLERT:**       I did not bring a full-  
19 size copy with me tonight.

20          **MR. KING:**           Of what?

21          **MR. WELLERT:**       Of the lighting.

22          **MR. GOKORSCH:** I might have one for you.

23          **MR. WELLERT:**       Okay.

24          **MR. BOUCHEK:**       So I looked at the serial  
25 numbers and the description of these fixtures and

1 they indicate the 5,700K temperature colors. That  
2 appears to be slightly on the cool side, which is  
3 okay. All of them are indicated as 5,700K, but you  
4 have the soffit lights at the entry to the building  
5 at 4,000K.

6 **MR. WELLERT:** Okay.

7 **MR. BOUCHEK:** Is that because it's to  
8 go with the interior lighting or is there another  
9 reason for that?

10 **MR. WELLERT:** I don't have an answer to  
11 that. That was -- again, that lighting package --  
12 we posed a couple questions back to Red Leonard, who  
13 is the lighting distributor and designer for the  
14 Circle K, and I saw the same thing you did with the  
15 Kelvin scales, and was prepared to at least answer  
16 Kelvin rating with those. But why they go to 4,000  
17 on that, I don't know.

18 **MR. BOUCHEK:** Okay. Do every one of  
19 these fixtures have a cutoff on them?

20 **MR. WELLERT:** That was the proposal at  
21 the -- at the property lines. Those that are along  
22 the northeast property lines.

23 **MR. BOUCHEK:** According to our  
24 ordinance Section 4.14 B, any fixture that has a  
25 rating of "2,500 lumens or more shall be of the full

1 cutoff type." So most of these fixtures are  
2 indicated to be greater than that, so they will  
3 all have to be --

4 **MR. WELLERT:** Cutoffs on all of them.  
5 Okay. That's fine.

6 **MR. BOUCHEK:** There are three fixtures  
7 on the canopy which point at the building on your  
8 diagram, it's the green F40 type of a fixture.

9 **MR. WELLERT:** Correct.

10 **MR. BOUCHEK:** Those appear to be  
11 labeled as "floodlights," and I believe they're to  
12 light up the front of your building?

13 **MR. WELLERT:** Correct, and I think some  
14 of that walkway entry to the front of the building.

15 **MR. BOUCHEK:** All right. Per Section  
16 4.14 A, "All sources of exterior illumination of a  
17 building, structure or lot shall be shielded so as  
18 not to cause a direct glare and shall be directed  
19 away from any perimeter lot lines and toward the  
20 principal building or structure." So those fixtures  
21 are aimed at the building and the way I read this  
22 wouldn't be allowed.

23 **MR. WELLERT:** Can you reread that to  
24 me, because I -- what I heard you read sounded like  
25 it would be permitted.

1           **MR. GOKORSCH:**Dushan, are you  
2 saying --

3           **MR. BOUCHEK:**       No, the lights on the  
4 canopy pointing at the building.

5           **MR. GOKORSCH:**These four.

6           **MR. BOUCHEK:**       Are those roof signs or  
7 what are they?

8           **MR. WELLERT:**       They are -- as you  
9 mentioned, they're like a spotlight on top of the  
10 canopy.

11           **MR. BOUCHEK:**       So they're mounted on the  
12 roof.

13           **MR. WELLERT:**       They're mounted on the  
14 roof. As a matter of fact, I think they're visible  
15 in the renderings that we provided.

16           I think we showed those in -- it came up --  
17 it wasn't discussed at a previous meeting, but on  
18 our initial submittal, the lighting plan included, I  
19 think, five of those lights.

20           I looked at them, went back to the lighting  
21 company and said, "Look, I don't like the two that  
22 are closer to Route 87 because they might be able to  
23 be seen from the intersection, can you eliminate  
24 those?"

25           They eliminated two, we left three to shine

1 to the face of the building and to illuminate that  
2 walkway in the front of the building.

3 **MR. BOUCHEK:** And that was going to be  
4 my next question about when you're sitting at the  
5 corner, you will probably see those lights shining  
6 right at you.

7 **MR. WELLERT:** No, they won't. You may  
8 see that, but it's not a direct to the intersection.  
9 It's to the face of the building.

10 I don't have a plan that would show the  
11 lighting of those separate from the rest of the lot,  
12 but there are three lines with those that show the  
13 point of aim, and they're a blue line right on our  
14 plan and you can see they're directed at the face of  
15 the building, not at the intersection. You might  
16 see a light source, it's not shining at the cars.

17 **MR. BOUCHEK:** Is there another method  
18 that you could use to light up the front of the  
19 building instead of mounting these up on the canopy  
20 and have them shine back at the -- partially at the  
21 street and at the building?

22 **MR. WELLERT:** I would have to confer  
23 with the lighting designer. I don't have another --  
24 I don't have another solution to that right now.  
25 That's a design situation that I thought I was



1 trying to off cut before we got to this point but --

2 **MR. GOKORSCH:** I would ask -- I would  
3 ask are those three lights that are mounted on the  
4 canopy facing the front of the building, are they  
5 there to illuminate the building or are they there  
6 to illuminate the sidewalk and the areas?

7 **MR. WELLERT:** It's a combination of  
8 both. The way I understand it's for both. It's for  
9 the walkway -- it's for the front of the building  
10 and for that front sales area as you go from the  
11 canopy to the building, so --

12 **MR. KING:** Is it safety related?

13 **MR. WELLERT:** That's what -- that's my  
14 understanding is it was a safety and illumination  
15 for the customers. I do not have a stand-alone plan  
16 with just those lights to know what the values would  
17 be on ground level.

18 **MR. GOKORSCH:** Well, we probably would  
19 want the lights not facing up, facing down however  
20 no matter what, right? You want to keep the light  
21 on the lot.

22 **MR. BOUCHEK:** We at least don't want  
23 them to be seen from the intersection.

24 **MR. GOKORSCH:** Okay. Do you understand  
25 the concern?

1           **MR. WELLERT:**       I think that my  
2 understanding of your concern is a direct shine into  
3 the intersection, and I'm saying it's not. Will  
4 they be visible from the intersection?

5           **MR. GRASSI:**        Sure.

6           **MR. WELLERT:**       Possibly depending on the  
7 location of the vehicle. But, again, I  
8 intentionally removed two from the south end and  
9 they're directed to the face of the building, not  
10 out to the street.

11          **MR. KING:**           Will they have a blinding  
12 effect on cars at all?

13          **MR. BOUCHEK:**       Do they have a lens on  
14 them that would --

15          **MR. WELLERT:**       I would say not, and I  
16 would agree to removing them if they did. We're not  
17 trying to cause that type of an issue.

18          **MR. BOUCHEK:**       I understand. Will they  
19 have a lens on them that you will not see the actual  
20 LEDs from the street?

21          **MR. WELLERT:**       You're asking for more  
22 detail than I can give you right now. I don't like  
23 to answer that.

24          **MR. BOUCHEK:**       Okay.

25          **MR. DOWNING:**       Just a question. Why

1 can't you just illuminate that area from the  
2 building and then you're shooting basically due  
3 east?

4 **MR. WELLERT:** I think the same  
5 question could be asked would it be visible  
6 from the street? If it's -- my goal would be --  
7 if the board's incline to try to attain approval  
8 tonight -- I think we've all talked about this  
9 project a lot and it's important.

10 Is there a method for me to say give me an  
11 opportunity to revise a lighting plan if it's of  
12 major concern talking about these three lights. I  
13 just don't have -- it's a technical design issue now  
14 that -- I wasn't sure that the code addressed  
15 lighting levels and I can't answer that tonight. I  
16 don't know the best methods for illuminating that  
17 area.

18 **MS. MOORE:** What I'm hearing you say,  
19 however, is that if the lights from the pumps that  
20 face the building that we're talking about interfere  
21 with traffic at the intersection of 87 or 306 or  
22 traveling on those two roads, that you are open to  
23 removing those lights or adjusting them to ensure  
24 that they are not creating a safety hazard for  
25 people who are driving.

1           **MR. WELLERT:**       You are correct, yes.

2           **MR. GOKORSCH:** Well stated.

3           **MR. WELLERT:**       And thank you.

4           **MR. BOUCHEK:**       Thank you.

5           **MR. GOKORSCH:** Any other lighting  
6 questions?

7           **MR. BOUCHEK:**       I'm done with lighting, I  
8 still have some questions on the site plan.

9           **MS. MOORE:**        I'm not done with  
10 lighting, sorry.

11                    So I'm looking at Section 6.5.J 6 c ii, and  
12 it says, "Exterior lighting shall . . . be permitted  
13 in conforming with an approved lighting plan that  
14 applies with Section 4.14 . . . and with the  
15 following," item ii reads, "Maximum pole height  
16 shall be 15 feet." Are all the poles no more than  
17 15 feet?

18           **MR. WELLERT:**       The current proposal of  
19 the lighting plan that you have, and I'm just now  
20 seeing the 2-foot base, they're at -- it says --  
21 there's a note, "All area lights on new 15-foot pole  
22 with a 2-foot concrete base." The base was to  
23 protect against traffic impacts. But it's on a  
24 15-foot pole, looks like the overall height will be  
25 17 feet as this is proposed.

1           **MS. MOORE:**           Shane, do you have  
2 anything to add relative to pole height and having  
3 concrete bases?

4           **MR. WRENCH:**           As the resolution says,  
5 it's overall height of 15 feet. So I would -- I  
6 mean, I understand the safety issue was having  
7 protection around it, but as it reads it's 15 foot  
8 total.

9           **MS. MOORE:**           So it would include the  
10 base from your perspective?

11           **MR. KING:**           Just says "maximum pole  
12 height," not "total." But, I mean, it's whether the  
13 base is part of the pole I guess is the question.

14           **MR. WRENCH:**           I guess I viewed it as  
15 the light has to be no higher than 15 feet.

16           **MR. GOKORSCH:** It would make those  
17 heights 15 feet on the plans.

18           **MR. WELLERT:**        I can make these 15 feet,  
19 but it may cause us to add an extra light pole. My  
20 goal would be -- and I'd happily submit this back  
21 for staff review, I would rather not have to make it  
22 a review here -- for a meeting for approval, but our  
23 goal all along has been to keep near zero foot  
24 candles at the property line. It is not possible to  
25 do that completely zero.

1           My goal would be to maintain very similar  
2 lighting levels, but it may be because we're  
3 dropping nine of those fixtures, we may have to add  
4 an extra pole along a property line or curb line.  
5 If that's acceptable, we can go to 15 feet overall  
6 height.

7           **MR. KING:**           For what reason just --

8           **MR. WELLERT:**       Just to accommodate the  
9 code in eliminating potential variance requests.

10          **MR. KING:**           Because you need a  
11 certain amount of lighting?

12          **MR. WELLERT:**       Correct, correct.

13          **MS. MOORE:**       And then the next  
14 question would be -- that same section requires  
15 "set back at least 15 feet from lot lines and 30  
16 feet from residential zone." So we don't have the  
17 residential zone, but it looks like there's at least  
18 three poles that might be in that 15-foot range?

19          **MR. WELLERT:**       They are. They are along  
20 the curb lines.

21          **MS. MOORE:**       And so, Mr. King, are you  
22 looking for an additional variance with respect to  
23 that?

24          **MR. KING:**           The section number again?

25          **MS. MOORE:**       I'm looking at Section

1 6 --

2 MR. KING: Okay.

3 MS. MOORE: -- point 5.J.

4 MR. KING: J.

5 MS. MOORE: Which is "Retail Food  
6 Service," and you've asked for retail food service,  
7 6.c.ii.

8 MR. KING: Yes, we would have to  
9 amend and request a variance from 6.5.J 6 c ii  
10 requiring 15-foot setback for the poles.

11 Are both of them within 15 feet?

12 MR. WELLERT: There are a few along the  
13 east -- well, along three property lines, the north,  
14 east and this westerly line here.

15 MR. KING: How many total, can you  
16 tell?

17 MR. WELLERT: I don't know this  
18 dimension.

19 MS. MOORE: Looks to me like three,  
20 one at the north in the middle.

21 MR. WELLERT: I think there's more like  
22 five.

23 MS. MOORE: Okay.

24 MR. WELLERT: And I'll show you -- I  
25 can point out on your plan where I think they are.

1           **MS. MOORE:**           If you can, circle them  
2     in red on that map that we're going to have as the  
3     exhibit.

4           **MR. WELLERT:**        I see three, the other  
5     two look like they're over 15 feet. I circled three  
6     poles, one along the north curb line, one along the  
7     east curb line near the trash enclosure.

8           **MS. MOORE:**        May I see that, please?

9           **MR. WELLERT:**        I circled that, and one  
10    along the west.

11          **MS. MOORE:**        Thank you.

12          **MR. WELLERT:**        Here, here and here. It  
13    looks like there's a pole here and a pole here and  
14    they scale to be more than 15 feet.

15          **MR. KING:**           Here, use that.

16          **MR. WELLERT:**        Okay.

17          **MR. GOKORSCH:** Any other questions from  
18    the board?

19          **MR. BOUCHEK:**        I have few more items on  
20    the site line.

21          **MR. WELLERT:**        Okay.

22          **MR. BOUCHEK:**        The drive going onto  
23    Chillicothe Road, you don't plan on having a stop  
24    bar there or a stop sign or anything like that?

25          **MR. WELLERT:**        No. I had conversations



1 with traffic engineers about this in the past and  
2 I've had some mixed reviews, and sometimes a stop  
3 bar and stop signs become a legal precedent and it  
4 would be a legal issue. So we've eliminated those  
5 generally from on-site.

6 **MR. BOUCHEK:** Is it assumed that when  
7 you're exiting at that location you could go left or  
8 right?

9 **MR. WELLERT:** That's correct.

10 **MR. BOUCHEK:** Have you approached  
11 anybody regarding the striping in the middle of  
12 Chillicothe Road, that is the striping kind of an  
13 island that is before the turning lane at the  
14 corner?

15 **MR. WELLERT:** We've made -- I've sent  
16 some form of these plans, whatever version, to Ohio  
17 Department of Transportation to get their initial  
18 response, and their response is "Fill out the  
19 application, send it to the traffic study and we'll  
20 review the plans."

21 So that's the extent of that.

22 **MR. KING:** That should be covered by  
23 ODOT, though, correct?

24 **MR. WELLERT:** Correct.

25 **MR. BOUCHEK:** And then you have the

1 exact same situation on 87, Kinsman Road, you have a  
2 stripe area that divides the road and it's before  
3 the turning lane at the corner.

4 **MR. WELLERT:** That's correct.

5 **MR. BOUCHEK:** So in both of those  
6 circumstances, you are going to have traffic coming  
7 both -- out of both of those roads coming and making  
8 a left turn, or you're hoping to?

9 **MR. WELLERT:** That's the desire, full  
10 access movements in those driveways, full left,  
11 right movements in and out.

12 **MR. BOUCHEK:** Do we need to call a  
13 resolution on how that will get resolved?

14 **MS. MOORE:** Make it contingent on the  
15 traffic study.

16 **MR. GOKORSCH:** Yeah.

17 **MR. WELLERT:** Yeah, I think to clarify,  
18 ODOT does control the access points on both of those  
19 roads, and they did verify that with me that those  
20 approaches are under their jurisdiction.

21 **MR. KING:** One of the things that  
22 came up last time was the driveway width, and that's  
23 going to be dictated by Ohio Department of  
24 Transportation as well, correct?

25 **MR. WELLERT:** Correct, correct. We

1 discussed the width at the pavement and we've asked  
2 for a variance of 90 feet, yet ODOT may force it to  
3 be less than that also once we finish our  
4 application and review with them.

5 **MR. GOKORSCH:** So it's fair to say we'll  
6 make sure that the record notes that ODOT has to  
7 approve any changes to the striping, any changes,  
8 you know, to the intersection required.

9 **MR. KING:** As well as Geauga Soil  
10 and Water Conservation District with regard to  
11 stormwater management.

12 **MR. WELLERT:** Right.

13 **MR. GOKORSCH:** Okay.

14 **MR. BOUCHEK:** One more item, this is  
15 pertaining back on the trash enclosure. There was  
16 some discussion last time if it could possibly be  
17 moved, but we decided not to move it, so it's fairly  
18 close to the road.

19 I was looking at the landscaping plan and  
20 you have Arborvitae around the outside of that  
21 enclosure. Is it intended that the landscaping will  
22 shield so you will not see the wall with the  
23 landscaping?

24 **MR. WELLERT:** That was our thought to  
25 try to shield it with some Arborvitae. I understand

1 it's masonry -- I mean, it could be argued it's  
2 masonry. It should look good, it will look good,  
3 but we still wanted it.

4 **MR. BOUCHEK:** How about this: Since  
5 it's so close to the road, would it be too much to  
6 ask that that outside of that is also stone just  
7 like the rest of the building and -- I mean, only on  
8 the outside -- on the three outside walls?

9 **MR. WELLERT:** Three outside walls?  
10 That's fine.

11 **MR. BOUCHEK:** All right. There's an  
12 area between the dumpster and the front of the  
13 automotive shop next door. I believe the  
14 landscaping shows some Dogwood trees or something.  
15 I don't believe that -- that probably is not good of  
16 a screening material. Could we run the Arborvitae  
17 from the dumpster area all the way to the front of  
18 the building next door?

19 **MR. WELLERT:** Let me find that plan.

20 **MR. BOUCHEK:** I know there's some  
21 screening there already, but that's out of your  
22 control.

23 **MR. GOKORSCH:** It shows some there,  
24 Dushan, right?

25 **MR. WELLERT:** I'm looking at the

1 landscaping plan, item 5, and if you don't mind,  
2 I'll bring that plan over to you and you can point  
3 that out to me.

4 **MR. BOUCHEK:** So from the front end of  
5 the dumpster to the front of the automotive  
6 shop, you have -- you show Dogwood.

7 **MR. WELLERT:** Oh, so you're asking to  
8 extend it.

9 **MR. BOUCHEK:** Extend the Arborvitae  
10 from here to there so --

11 **MR. WELLERT:** And replace --

12 **MR. BOUCHEK:** The Dogwood, yes.

13 **MR. WELLERT:** That's fine, and that's  
14 an easy change.

15 **MR. BOUCHEK:** Can we mark that on the  
16 landscaping plan, please?

17 **MR. WELLERT:** Yes.

18 **MR. GOKORSCH:** Anything else, Dushan?

19 **MR. BOUCHEK:** (Shaking head from side  
20 to side.)

21 **MR. GOKORSCH:** Anything else from the  
22 board?

23 **MR. DOWNING:** Mr. Chairman?

24 **MR. GOKORSCH:** Yes.

25 **MR. DOWNING:** Before we do anything

1 else, I want to talk about this a little bit.

2 **MR. GOKORSCH:** There's a couple more  
3 questions over here.

4 **MR. DOWNING:** Okay. Go ahead.

5 **MR. WELLERT:** So I'll hand you sheet  
6 S-8.

7 **MR. KING:** Let's mark it as an  
8 exhibit.

9 **MR. WELLERT:** Okay. I marked on there  
10 that Arborvitae change as requested.

11 Note that on that plan, though, it's  
12 printed -- it's printed at half scale. So I lost a  
13 little bit of the border, but the content is all  
14 there.

15 **MR. GOKORSCH:** What's the exhibit  
16 number?

17 **THE NOTARY:** Twenty-one.

18 **MR. KING:** Exhibit 21 is revised  
19 sheet 5 to the site plan.

20 **MR. BOUCHEK:** Can you also pull the  
21 exhibit that shows the enclosure and mark that,  
22 please?

23 **MR. KING:** First off, we have  
24 Exhibit 22, which is revised sheet 8, but there's  
25 some explanation you wanted to give with that.

1           **MR. WELLERT:**       Right.

2           I know I marked the trash enclosure on one  
3 of these plans. What plan would you like me to  
4 clarify the trash enclosure on, the brick face? Is  
5 there a specific drawing? If we have an exhibit  
6 already, we can just mark that, but --

7           **MR. BOUCHEK:**       We do.

8           **MS. MOORE:**         Five.

9           **MR. WELLERT:**       Page 5, that's our  
10 landscaping. I can put it on there.

11          **MR. DOWNING:**       You want this back?  
12 He was going to talk about putting something on  
13 there.

14          **MR. KING:**           Mark it on there.

15          **MR. WELLERT:**       If you want me to, I can  
16 mark it or notate it here on Exhibit 21, it would be  
17 stone face to match.

18          **MR. GOKORSCH:**Great, perfect.

19          **MR. BOUCHEK:**       That's fine.

20          **MR. GOKORSCH:**Thank you. Please mark  
21 the changes, date them.

22           Bill, you had another question?

23          **MR. DOWNING:**       Yes, sir.

24           Mr. King, we've gone a long way through  
25 this process. The only thing left troubling me is

1 the fact that we've got a variance that's  
2 (inaudible) a building one and a half feet from the  
3 front lot, which not knowing what might go there in  
4 the future is sort of an encroachment I've never  
5 even heard of before.

6 **MR. KING:** You know, I worried about  
7 that, too, but when we look at the ALTA survey, it's  
8 actually set back further than the existing  
9 building. In fact, when we look at the ALTA survey  
10 and compare that with this plan, overall they're  
11 eliminating eight actual encroachments that are  
12 shown on the survey, and they're eliminating or even  
13 reducing a number of other existing zoning  
14 violations.

15 I believe that middle parcel where the  
16 vet -- the old vet building is is lacking in setback  
17 all the way around, and I believe -- and Bob can  
18 testify to this based on the survey, but I believe  
19 it's presently right on the boundary line.

20 So, yes, that's true, it is unusual.

21 **MR. WELLERT:** It is.

22 **MR. KING:** But due to the uniqueness  
23 of the site, the L-shaped nature of it after, you  
24 know, consolidation of three lots still dealing with  
25 that issue and then due to the, you know, the



1 configuration, that was the only way it could work  
2 and Bob can testify better to that than me. But  
3 that certainly wasn't the goal to do that, but it  
4 was really out of necessity.

5 **MR. GOKORSCH:** Any other questions?

6 **MS. MOORE:** In looking at the  
7 northern edge of the pump island, it appears that  
8 that is 45 and a half from the property line; is  
9 that correct?

10 **MR. WELLERT:** That's 45 and a half feet  
11 to the canopy. The pump island would be  
12 approximately 11 feet further. We don't have the  
13 fuel system designed, but it would be -- the pump  
14 island would be closer to 55 and a half to 56 feet.

15 **MS. MOORE:** And I only ask that to  
16 make sure that there's not another variance that  
17 needs to be added.

18 **MR. WELLERT:** That we would be more  
19 than 50 feet from the property line.

20 **MS. MOORE:** Okay.

21 **MR. KING:** We're also offering  
22 Exhibit 23 now, which is an amendment to sheet 9.

23 **MR. WELLERT:** I'll go back to 22.  
24 Twenty-three we labeled masonry trash enclosure  
25 detail to show stone to match the building. That

1 will go -- where does that belong, here?

2 Twenty-two we didn't finish, but that was  
3 the variance request plan and I circled the three  
4 light poles and shows setback variance required  
5 typical of three and I also have the sign -- total  
6 sign area in block text summarized below.

7 **MR. DOWNING:** What document was that?

8 **MR. WELLERT:** Exhibit 22, sheet A.

9 **MR. GOKORSCH:** Update.

10 **MS. MOORE:** Mr. King, I guess just  
11 for the record would you agree that the exhibits  
12 should conform to Mr. Wellert's testimony in regard  
13 to the modifications that have been agreed to be  
14 made today in case there has been one or two  
15 overlooked --

16 **MR. KING:** Yes.

17 **MS. MOORE:** -- and not making a  
18 revision on the exhibits?

19 **MR. KING:** Absolutely, yes.

20 **MS. MOORE:** Thank you.

21 **MR. KING:** And then the last thing  
22 that I have in the way of exhibits is -- I just want  
23 Bob to identify this. This was what I printed.  
24 This is a revised copy -- or an updated and revised  
25 copy of the ALTA survey, which is marked Exhibit 19;

1 is that correct?

2 **MR. WELLERT:** That's correct.

3 **MR. KING:** And that replaces -- we'd  
4 like to withdraw 15, which is what we submitted  
5 previously, and so this is the new correct ALTA  
6 survey.

7 And, Bob, just briefly, you can do this  
8 exercise yourself if you want, but we went through  
9 each of the variances that Circle K is requesting  
10 and compared it to what's here. Did you measure lot  
11 coverage?

12 **MR. WELLERT:** I didn't get a chance to  
13 do that.

14 **MR. KING:** Okay. The lot coverage I  
15 think currently is well over 40 percent.

16 **MR. WELLERT:** I would say.

17 **MR. KING:** We didn't calculate it  
18 exactly, but while we're asking for 70, that may not  
19 be far off of what's there presently.

20 The setback of one and a half is, I  
21 believe, actually an increase, is it not, from  
22 what's there?

23 **MR. WELLERT:** Right. This veterinarian  
24 office building, both building walls, the north wall  
25 and south wall, are right on the property line,

1 could barely encroach depending on the construction.  
2 There are encroachments on the north side of that  
3 veterinarian office, entryways and overhangs extend  
4 beyond the property line.

5 **MR. KING:** Just in summary, there  
6 are a large number of zoning violations present with  
7 the current design and layout, many of which are  
8 either being eliminated or reduced actually despite  
9 the number of variances being requested. In  
10 addition, this shows there are actually eight  
11 encroachments on other properties being eliminated.

12 **MR. WELLERT:** One of the other  
13 revisions -- the primary revision to this plan from  
14 the last one that was submitted is -- you were  
15 asking about the right-of-way distance, and we've  
16 added that dimension to the updated survey.

17 **MS. MOORE:** Great.

18 I noticed there was one modification from  
19 the testimony last time, the variance page, and  
20 that's item 14. You have the provided actual as  
21 140.73 feet. When you were here last, you testified  
22 it would be 136.91. Are you confident it's the  
23 140.73?

24 **MR. WELLERT:** Well, I'd like -- I'd  
25 love to be able to say that you're wrong only

1 because -- I'm pretty confident that last time I  
2 looked at this and I couldn't answer the  
3 right-of-way dimension because I knew these lines  
4 were diverging. So I knew at the centerline it was  
5 136.91 and that's what it is. It is, in fact,  
6 140.73 at the right-of-way, so this survey is  
7 correct.

8 **MS. MOORE:** Thank you.

9 **MR. WELLERT:** Yes. You're welcome.

10 One other point about driveways, I didn't  
11 want to bring that up, but we've talked about this.  
12 This whole frontage along 306 is for all intents and  
13 purposes over 170 feet of almost open driveway now  
14 with a 20-foot exclusion. So there's almost 150  
15 feet of drive opening that exists there.

16 **MR. GOKORSCH:** Any other questions?

17 Bill, would you like to get all the  
18 exhibits in order here before we proceed?

19 **MR. DOWNING:** If we're at that point.

20 **MR. KING:** I just have one other  
21 matter not relating to any exhibits. I know there's  
22 a concern --

23 **MR. GOKORSCH:** If you would use the  
24 microphone so everybody --

25 **MR. WELLERT:** It's off right now.

1           **MR. KING:**           I realize there's  
2 a concern, and rightfully so, about the water  
3 supply, and the number that has been thrown about  
4 is 3,500 gallons per day, but we just wanted to  
5 clarify. That number they were required to work  
6 with through -- was it EPA or Water and --

7           **MR. WELLERT:**       EPA.

8           **MR. KING:**           Okay. EPA.

9           But Bob has reviewed water consumption  
10 for -- is it ten different Circle Ks?

11          **MR. WELLERT:**       (Nodding head up and  
12 down.)

13          **MR. KING:**           I'll have him tell you.  
14 It's actually considerably less. All we're saying  
15 is there's really no reason to expect that the  
16 consumption will be anywhere near that 3,500. And,  
17 Bob, can you go ahead and explain what you found?

18          **MR. WELLERT:**       To the water  
19 consumption -- again, I've talked about different  
20 sites we've built over the past four or five years.  
21 I had a list of 22 or 23 sites, and I looked at some  
22 that I thought were not interstate sites, meaning  
23 we're not near an interchange, because those tend to  
24 be heavy volume. I found ten locations in Ohio, and  
25 there might have been one or two from Michigan.

1 Their average consumption for eight of those sites  
2 was between 550 and 963 gallons per day. These  
3 would have been similar size buildings within 3 to  
4 500 square feet, they generally would have between 6  
5 and 8 fueling islands, dispensers. So comparable.

6 Two of the sites were of higher water  
7 consumption. One was 2,100 cubic feet -- or gallons  
8 per day, and the other averaged 1,500 gallons per  
9 day. The 2,100 gallons per day I don't have an  
10 explanation for it. I'm not sure why it was that  
11 number. The other one I have a suspicion -- that  
12 was at 1,500 -- I know for a fact that has an  
13 irrigation system and that community requires it  
14 irrigate all the landscaping. So that's the extent  
15 of the research I did.

16 Again, I didn't research the other  
17 interstate locations. I don't know what they would  
18 be. My guess is they probably would be a little  
19 higher usage.

20 **MR. KING:** That's it.

21 **MR. GOKORSCH:** Well, that was easy.

22 That was easy.

23 Let's get the exhibits, make sure we have a  
24 hundred percent of these things straightened out.

25 Can we do that right now?

1           **MR. KING:**           I did have one -- I  
2 wanted Bob to add one other thing. You did look at  
3 the old BP site, and you were able to determine,  
4 within reasonable certainty, that the tanks on that  
5 site would have been within the 50 feet, correct?

6           **MR. WELLERT:**       Yes. I saw -- someone  
7 from Circle K environmental department did some  
8 research, they found that -- what I guess was a  
9 historical plan. What I saw was reduced scale.

10          **MS. MOORE:**        (Indicating.)

11          **MR. WELLERT:**       That's the exact drawing  
12 that I saw -- or, no, no, no, this one is a little  
13 bit different, but the configuration is essentially  
14 the same, combination of the two plans, and I would  
15 say all of the fueling components were within 50  
16 feet of the property line on that BP.

17          **MS. MOORE:**        Thank you.

18          **MR. WELLERT:**       Welcome.

19          **MR. GOKORSCH:** Zoning was a little  
20 different back then.

21          **MR. WELLERT:**       I thought it would be.  
22                                (Thereupon, a recess was taken.)

23          **MR. GOKORSCH:** Okay. We're ready.  
24 We're ready to begin.

25          **MR. DOWNING:**       Mr. Chairman, we'd like



1 to enter into the record the applicant's exhibits  
2 which will be read by the secretary and save me the  
3 trouble. Thank you.

4 **MS. DORKA:** Exhibit 1 is the purchase  
5 agreement provision; Exhibit 8, the stormwater  
6 management plan; Exhibit 9, the site plan dated  
7 11/27/18; Exhibit 10 is the renderings; Exhibit 11  
8 is the email about the sewer capacity; Exhibit 12 is  
9 an email with Carmella with the stormwater --

10 **MR. KING:** Soil and Water  
11 Conservation District.

12 **MS. DORKA:** Soil and Water  
13 Conservation verifying the stormwater plan; the  
14 number 13 is the well log locations; Exhibit 14 is a  
15 graph of the water recharge; number 16 is Fire  
16 Chief Frazier's letter; number 17 is a statement  
17 from Mr. Cox; number 18 is pictures of the township  
18 buildings; 19 is a full size updated survey; 20 is  
19 the sign package plan; 21 is replacing sheet 5 in  
20 Exhibit 9; 22 replaces sheet 8 in Exhibit 9 and 23  
21 replacing sheet 9 in Exhibit 9.

22 **MR. DOWNING:** Thank you.

23 Mr. Chairman, I move these exhibits be  
24 accepted.

25 **MR. BOUCHEK:** Second.

1           **MR. GOKORSCH:**All in favor?

2           (Thereupon, the Board members answered in  
3           the affirmative.)

4           **MR. GOKORSCH:**Before we proceed here to  
5           open up --

6           **MR. DOWNING:**        We're not done.

7           **MR. GOKORSCH:**You're not?  Got one  
8           more.

9           **MR. DOWNING:**        Mr. Chairman, I would  
10          like to enter in also BZA Exhibit Number 1, which is  
11          a traffic -- state traffic study that was done and  
12          submitted for the intersection here in Russell  
13          Township.

14          **MR. BOUCHEK:**        I second.

15          **MR. GOKORSCH:**All in favor?

16          (Thereupon, the Board members answered in  
17          the affirmative.)

18          **MR. GOKORSCH:**We good?

19          **MR. DOWNING:**        We're good.

20          **MR. GOKORSCH:**Okay.  Before we proceed  
21          to open it up for public comment, I just want to say  
22          thank you all for being here, thank you for coming,  
23          thank you for caring.  We've gone through quite a  
24          lot, and I over the weekend took the time to write  
25          down what we have done during these hearings.

1           We focused first on safety, we had the fire  
2 chief and the police chief, we also had a traffic  
3 study done because safety is really at the top of  
4 the list. Second item we started looking at water,  
5 all kinds of water. We looked at groundwater, we  
6 looked at groundwater management, we looked at well  
7 water, we looked at an aquifer recharge, we looked  
8 at the impervious surface today and impervious  
9 surface of tomorrow, we looked at wastewater. We  
10 might -- we did a lot of water work, and this is  
11 reflective of where we live here. It's a concern of  
12 all of ours.

13           We also looked at the green space. We  
14 preserved the township land. That corner lot is now  
15 the way it is, and, in fact, with the proposed plan  
16 there's an actual little bigger green space  
17 proposed right now.

18           We looked at lighting. We looked at a lot  
19 of lighting details, the focus being to make sure  
20 that the lighting stays on the property and does not  
21 bother the neighbors. This does not turn into kind  
22 of a community we don't want to have.

23           We looked at gas storage. We looked at gas  
24 storage at the old station and we looked at gas  
25 storage like it's proposed, and the gas tanks now

1 are going to be farther -- a lot farther from the  
2 road bed than they were in the past.

3 We looked at the question of gas spillage,  
4 and the fire chief assured us he was able to handle  
5 those kind of issues.

6 We looked at noise. In fact, an earlier  
7 plan had a car wash, which was eliminated  
8 completely. We also had the roof line of the  
9 building extended up to make sure that the air  
10 handlers on the roof would not be visible but also  
11 would not spill noise into the neighborhood; and we  
12 looked at signage and we looked at signage and then  
13 we looked at signage and looked at some more  
14 signage.

15 You notice we did not spend much time at  
16 all on economics, who is making money, what makes  
17 money, and, quite honestly, that's no interest of  
18 this board at all. Our interest is the zoning  
19 resolution and making sure that it's followed  
20 properly.

21 So, quite honestly, I think the team did a  
22 great job, and I do also appreciate Mr. King,  
23 Mr. Iski and for all you have done. I know this was  
24 a long trek.

25 So with that, I'd like a motion here to

1 open it up for public comment.

2 **MS. MOORE:** I'll move to open it up  
3 for public comment.

4 **MR. DOWNING:** I'll second.

5 **MR. GOKORSCH:** All in favor?

6 (Thereupon, the Board members answered in  
7 the affirmative.)

8 **MR. GOKORSCH:** Once again, please  
9 identify yourself and verify you've been sworn in if  
10 you want to speak.

11 **MS. MOORE:** If you would also  
12 indicate if you are an adjacent property owner, that  
13 would be helpful.

14 **MR. BUTLERS:** First, I was told by the  
15 zoning inspector that Blazing Bills was catering  
16 this tonight and I'm disappointed.

17 My name is Charlie Butlers, 14818 River  
18 Glen Drive. My first question is: Which one of the  
19 five board member's term expired December 31, 2018,  
20 and were you -- I've sat in, I thought, most of the  
21 meetings, were you reappointed?

22 **MS. MOORE:** I was notified by  
23 Mr. Madden that the trustees reappointed me to  
24 another five-year term, which I have accepted.

25 **MR. BUTLERS:** Because I thought that

1 was supposed to be done in an opening session with a  
2 motion, but I guess I was wrong.

3 Just two clarifications. Prices displayed  
4 are local regulations, not state for the gas prices.  
5 I remember reading that a couple years ago. And  
6 also the cash versus credit change back and forth, a  
7 law was changed about year and a half ago, I think,  
8 opening up the availability of credit card -- or  
9 people to take credit cards or cash and to display  
10 those signs. Before it was not allowed to do that,  
11 and I see a lot of stations more and more every time  
12 I go around the community that have that there. So  
13 it was stated that nobody does that, but if you get  
14 around northeast Ohio, you will see it more and  
15 more. Thank you.

16 **MR. GOKORSCH:** Thanks, Charlie.

17 Any other -- I'm sorry. Any other  
18 comments?

19 **MR. WAGNER:** My name is John Wagner, I  
20 live at 13991 Fox Hollow Drive, northern part of the  
21 township. I have several concerns, the lighting was  
22 a main one.

23 I've been driving around since this started  
24 last July observing all the different Circle Ks  
25 around. I find (inaudible) in Eastlake, looks like

1 it was just opened a year ago, and it's almost  
2 identical to this setup.

3 I've taken some pictures of the daytime and  
4 nighttime, and that lighting is going to be quite a  
5 difference to Russell Township with our dark skies.  
6 It's not bad in Eastlake, but I've got some photos  
7 day and night. I had two photos up there, some  
8 alternative ways of lighting the front of the  
9 building that the Shell station in Willoughby uses  
10 rather than these floodlights on the front of it.  
11 I'm really concerned.

12 Also the degree Kelvins, that is rather  
13 important not to be so bright. 5,700 on some lights  
14 and 40 something on the others, there's quite a  
15 (inaudible) for a lower -- like, 3,000 Kelvin,  
16 circadian rhythms and something like that.

17 There are many other ways of lighting,  
18 especially the small lot side. The building side,  
19 the Eastlake (inaudible) is almost two and a half  
20 acres, this is only an acre and a half. You don't  
21 need all that light for just an acre and a half.

22 I have a photo here of our little Circle K  
23 now. I mean, it's got a little canopy on the front,  
24 it's a perfect cutoff for the vertical light. The  
25 (inaudible) going to be quite dramatic in terms of

1 lighting. That was a real concern. I don't think  
2 you need those floodlights.

3 Also the standard lighting poles that  
4 Circle K uses -- I've noticed everybody refers to  
5 the Circle K at SOM and Mayfield. There's a lot of  
6 lights there. The BP directly across, they do a  
7 much better job of controlling downward light, it  
8 doesn't escape their canopy as much. Same for most  
9 BPs. The one BP in Chesterland, they use a  
10 different type.

11 The LEDs that Circle K uses, they bump out  
12 from under the roof, so there's a lot of spillage,  
13 and then the poles they use along the side, again  
14 there's a lot of back spillage.

15 I went to the building office up in  
16 Eastlake and David Man is his name there, he had  
17 them add a fence along the side so the light  
18 spillage into some of the residential properties on  
19 the east side of the Circle K in Willoughby  
20 Eastlake.

21 I'm also concerned a little bit about the  
22 underground retention tanks. Are these going to be  
23 open so some of the water permeates through the  
24 bottom of that, or will it be totally closed? They  
25 mentioned some sedimentation control, and that is



1 (inaudible) but what about oil and gas spillage that  
2 occurs? There's always something that happens at a  
3 gas station, how is that controlled?

4 The curbside ditch runs right into this  
5 lady's pond, and from that pond -- I don't think she  
6 has a diversion ditch around the pond from what I  
7 can see from the road.

8 **FEMALE SPEAKER:** No, it runs down Silver  
9 Creek.

10 **MR. WAGNER:** Runs into her pond and  
11 out the back of the pond into Silver Creek. I'm  
12 worried about that.

13 Carmella Shale indicated some operating  
14 service stations will add oil and sediment and  
15 gasoline separation items to their retention tanks,  
16 although she may not require it, but they do that  
17 proactively ahead of time. I haven't seen any  
18 mention of that here.

19 Those are main concerns at this point on my  
20 part, better lighting --

21 **MR. GOKORSCH:** Thanks, John.

22 **MR. WAGNER:** -- retention tanks. Also  
23 there's three wells be abandoned on that property.  
24 The veterinary center has one or two wells, the  
25 existing Circle K had to redig their well according

1 to the well logs, and then the bank has a well.  
2 Will there be some special attention paid since  
3 these wells are abandoned? Since it will all be  
4 under a service station, once again, there's  
5 potential for fuel and gasoline seepages. I'm  
6 concerned about that. Okay. Thank you.

7 **MS. MOORE:** Thank you.

8 **MR. WAGNER:** The pictures of the  
9 different lighting, two of them are up here already.

10 **MS. MOORE:** They are over there.  
11 Bill has them.

12 **MR. WAGNER:** You can have those.

13 **MS. GRAY:** I'm Jane Gray, Edgewood  
14 Auto Body, 8500 Kinsman. We are the largest  
15 adjacent property owner. Edgewood Auto Body  
16 welcomes the remodeling and expansion of the Circle  
17 K store; however, we are totally against the plans  
18 for any gas pumps, especially facing east, for the  
19 18 variances requested tonight affect us directly  
20 and two indirectly.

21 First, the value of our property will be  
22 reduced; second, this layout will cause security and  
23 safety issues for us, especially with thousands of  
24 gallons of fuel storage so close to our property  
25 line, and, third, there will be increased noise,

1 exhaust, dust and debris. The majority of the  
2 vehicles of all sizes driving into or leaving Circle  
3 K for any reason will have to travel so close to our  
4 property line.

5 My question tonight is: Why do we even  
6 have zoning regulations if 18 of them can be set  
7 aside to squeeze in a service that can be found  
8 across the road or just a few miles north or south?  
9 Why do we reclaim a corner property from a previous  
10 gas station and allow the adjacent property to be  
11 dug up for the same purpose?

12 **MR. GOKORSCH:** Any other comments?

13 **MS. GAETJENS:** I'm Kristin  
14 Gaetjens, 15081 Hemlock Point Road, and we own the  
15 Shell station right across the street. And this is  
16 just for your information. We have a purchase  
17 agreement right now, and we will be turning -- a new  
18 owner will be buying this by February 1st and it  
19 will be changing dramatically to a C store, new  
20 pumps, new canopy, whole new image. It will look  
21 great. Just FYI. Okay. Thank you.

22 **MR. GOKORSCH:** Sorry to see you leave.

23 **MS. GAETJENS:** No, you're not.

24 **MR. WAGNER:** I have a few more  
25 handouts from the dark sky and lighting and the

1 spill issue.

2 **MR. GOKORSCH:** Bill did mention one  
3 issue here that we might have to talk to Mr. King  
4 about, and that is the color of the concrete versus  
5 asphalt, the paving of the actual property. Did we  
6 clarify that?

7 **MR. WELLERT:** I can address that. We  
8 did discuss that, and it's been concrete pavement  
9 all along and that's what this would be proposed.

10 **MR. GOKORSCH:** Thank you.

11 Any other comments from the public?

12 **MR. GRASSI:** You have somebody here.

13 **MS. JERIC:** I think that you people  
14 were appointed to keep Russell green.

15 **THE NOTARY:** May I have your name,  
16 please?

17 **MR. GOKORSCH:** Could you please identify  
18 yourself, your address.

19 **MS. JERIC:** Karen Jeric at 8553  
20 Kinsman Road. I'm going to live almost across the  
21 street from this. I moved here because I love the  
22 country. I don't think that we need two gas  
23 stations on adjacent corners. Also we have nine gas  
24 stations within five minutes. Why do we need  
25 another one? I'm not opposed to Circle K. I like

1 Circle K. I think that would be great to have a new  
2 Circle K, but I don't think we need another gas  
3 station.

4 Also when it rains, everything runs down  
5 87, and you're right, it's going to run right into  
6 her pond and right down Silver Creek. Any of the  
7 salt or the waste or the gas that doesn't get into  
8 the storage tanks is going to run down 87 and  
9 destroy Silver Creek, so I would urge you people to  
10 think twice about having another gas station in our  
11 Russell. Thank you.

12 **MR. GOKORSCH:** Thank you.

13 Any other comments?

14 In the back.

15 **MS. NOVAK:** My name is Moreen Novak.  
16 I own the building at 14863 Chillicothe Road, which  
17 used to be the veterinary office. I've been in the  
18 process of trying to sell this building for a couple  
19 years now. And the corner does not look good. I  
20 mean, I am the first one between the bank, Circle K  
21 and my building, you know, I haven't had a tenant  
22 for over a year, and I look at these drawings and  
23 think how beautiful it is.

24 I have lived my entire life in Russell. In  
25 fact, my parents' picture are in the Russell school

1 pictures back here when they graduated, and I  
2 remember when there were three gas stations on the  
3 corner and not as much traffic up and down 87 and  
4 306.

5 I appreciate what you're doing and how  
6 you've gone through the process of keeping --  
7 keeping it green, but I see these pictures as being  
8 a great improvement to what the corner looks like  
9 now. Thank you.

10 **MR. GOKORSCH:** Any other questions?

11 **MR. HAYS:** My name is Michael Hays.  
12 I live at 8840 Music Street. I'm here for another  
13 reason, but I was just wondering about these -- all  
14 of the runoff water does go into storage tanks  
15 of some kind?

16 **MR. GOKORSCH:** Yeah, you probably were  
17 not here earlier. Basically the entire site is now  
18 going to be plumbed. There's going to be curbing  
19 around the entire site. The roofing, curbing,  
20 downspouts everything is going into our water  
21 system. It's a detention system; that is, it fills  
22 up during a rainstorm and then it's pumped out  
23 slowly after that.

24 So unlike today where there's absolutely no  
25 control over anything, in the future it's going to

1 be controlled so there won't be off-site water.

2 **MR. HAZE:** That's great.

3 **MR. GOKORSCH:** Any other comments?

4 **MS. JERIC:** I know everybody is concerned  
5 about the way the corner looks, but please consider  
6 the environment. Would you as a group like to have  
7 thousands of gallons of fuel stored 50 feet from  
8 your property? Any of you, yes, no?

9 If this were my property and I was having  
10 thousands of gallons of fuel stored next to my  
11 property, I would -- I would be beside myself.

12 **MR. GOKORSCH:** Let me be clear. If I  
13 thought that was a safety issue or if the board  
14 thought there was a safety issue, it would have been  
15 a whole different meeting. So please understand my  
16 first concern and our first concern was and is  
17 safety.

18 **MS. JERIC:** It should be the  
19 environment, too.

20 **MR. GOKORSCH:** I wanted to stress that.  
21 Any other questions?

22 **MR. WAGNER:** John Wagner.

23 I spoke with Laura Shriver from the Ohio  
24 EPA in Twinsburg this afternoon. She indicated on  
25 the retention or detention tanks, some of them are

1 open on the bottom and will actually recharge into  
2 the aquifer. Is that the case in these tanks, or  
3 will they be a total pumpout?

4 **MR. WELLERT:** Is that a question?  
5 Should I answer that?

6 You're correct, there are two options.  
7 They can be contained or open. I should look at my  
8 plan to see what we proposed, but I'll tell you in  
9 general I've shied away from the open bottom. One,  
10 it doesn't always work well in a small site. We get  
11 water that comes in, a lot of times there's clay  
12 soils and can cause settling and cause some issues.

13 I look at these for each site. Sandy  
14 soil -- it's actually a good thing to have recharge  
15 to the groundwater system through a large depth of  
16 sand. This water is clean and it's safe.

17 This site, I'll look at the soil type and  
18 make that determination, but right now I'm leaning  
19 strongly toward an enclosed tank that won't  
20 discharge.

21 **MR. WAGNER:** Are you leaning toward  
22 some sort of a separation for the oil and gas?

23 **MR. WELLERT:** We don't typically do  
24 that. It's a problem for maintenance and the spills  
25 are rare.



1           **MR. WAGNER:**           We hope so.  
2           Eastlake (inaudible) very well managed.  
3           This one is 4,600 square feet I think here in  
4           Russell, 42; Eastlake is 5,600, very similar.  
5           There's 21 feet of coffee, there's self-serve. I  
6           mean, it's amazing.

7           **MR. GOKORSCH:** John, I don't propose to  
8           be an expert, but I do appreciate the fact that  
9           there are experts available to us that really will  
10          make sure that we do this correctly.

11          **MR. WAGNER:**           But moving up to the  
12          lighting, 47K, 55,000K. And, again, I have photos  
13          there of some other ways it's happening some of the  
14          flooding lighting in the stores that are quite  
15          different.

16          Circle K seemed to be pretty standard on  
17          their lighting fixtures, the bumpout ones under the  
18          canopy, and then the shading ones on the side of the  
19          building. Most cases you can see light pass from  
20          all of the (inaudible) station right across the  
21          street will do a much better job.

22          The dark sky we have above this Circle K is  
23          beautiful, but it's going to be quite a change when  
24          the lighting goes in unless something is done about  
25          that. Thank you.

1           **MR. GOKORSCH:** Thank you, John.

2           Any other questions?

3           Okay. If not, we will have a motion to --

4           **MR. GRASSI:**           Make motion to close.

5           **MS. MOORE:**           I'll make a motion to  
6 close the hearings for conditional use request 515  
7 and variance request 516.

8           **MR. BOUCHEK:**       Second.

9           **MR. GOKORSCH:** All in favor?

10           (Thereupon, the Board members answered in  
11 the affirmative.)

12           **MR. GOKORSCH:** Okay. The way I'd like  
13 to proceed is I would like to take a look at the  
14 condition -- the area of the variances first, and  
15 we'd like to do these one at a time.

16           Jen, we'll be doing a roll call vote on  
17 each of the individual area variances so that every  
18 vote for every member is being recorded for every  
19 variance. We'll follow that up with the conditional  
20 use variance, and I think there might be a couple  
21 conditions we will put on on that conditional use  
22 variance in particular for future reviews, et  
23 cetera. Okay.

24           **MS. MOORE:**       Before we begin and delve  
25 into it, some items just to note for the record. At

1 the beginning of these hearings we had questions  
2 regarding the standing of the applicant. There has  
3 been testimony and evidence presented that the owner  
4 of the property currently housing Circle K does, in  
5 fact, have purchase agreements for the other parcels  
6 in question.

7 We received testimony from those owners  
8 verifying that, in fact, they have valid purchase  
9 agreements, which allow an authorized Circle K to  
10 make application to present the proposals that are  
11 before us. So we find that the applicant has  
12 standing to bring these issues to us.

13 Under Section 9 of the Board of Zoning  
14 Appeals, 9.2 lists the "Powers" of this board.  
15 Under B, "To authorize, upon appeal, in specific  
16 cases, such variance from the terms of this Zoning  
17 Resolution as will not be contrary to the public  
18 interest, where, owing to special conditions, a  
19 literal enforcement of the Resolution will result in  
20 unnecessary hardship, or, where applicable,  
21 practical difficulties, so that the spirit of this  
22 Resolution shall be observed and substantial justice  
23 done."

24 Section 1 of our zoning resolution states  
25 as the "Statement of Purpose" in part that "It has

1    been determined, due to the location of the Township  
2    within the area, the natural limitations of soil and  
3    geological [sic] conditions which affect water  
4    supply and sewage treatment, the limited capability  
5    of the Township to provide urban services, the  
6    current character of development within the  
7    Township, and the expressed objective of the  
8    residents of the community, that Russell Township  
9    shall be essentially a low density residential  
10   community with non-residential development generally  
11   limited to that necessary for the convenience of  
12   residents."

13                    It goes on a little further "To  
14   achieve these basic objectives, to promote public  
15   health, safety, and general welfare, to insure the  
16   preservation of open space, adequate light and air,  
17   freedom from congestion and objectionable or noxious  
18   uses, and to provide for the orderly and efficient  
19   growth of the community."

20                    In our comprehensive land use guide plan of  
21   2015, it recognizes that the land use survey showed  
22   that the majority of Russell residents want the  
23   township to remain the same. Residents are  
24   concerned about potential for degradation and are  
25   willing to invest in the community to keep Russell

1 green.

2 It goes further on to recognize our  
3 population characteristics and that there has been  
4 an increase in the over 55 age group and a sizable  
5 increase in the 65 to 74 age group, which grew from  
6 under 4 percent in 1970 to close to 9 percent in  
7 1990 so that we recognize that the nature of our  
8 community has made the availability of conveniences  
9 important today just as it was back then.

10 Moving on to the variances that are before  
11 us -- too much paperwork. The applicant has  
12 proposed a series of variances that all relate to a  
13 specific site plan. We're going to take each of  
14 these one at a time, as the chair has indicated,  
15 allowing for the board members to comment as to the  
16 various factors under Duncan so that we can place on  
17 the record our views with respect to each of the  
18 variances before they're put to vote.

19 We'll begin with item number 1. The  
20 applicant has asked for a variance to zoning code  
21 Section 5.3.1 M, "Maximum Lot Coverage." Our zoning  
22 resolution requires no more than 40 percent, the  
23 site plan that has been provided is requesting a  
24 maximum lot coverage of 70 percent for a variance  
25 request of 30 percent.

1           The first factor is whether the property in  
2 question will yield a reasonable return or whether  
3 there can be any beneficial use of the property  
4 without the variance.

5           **MR. GOKORSCH:** There's been no comment  
6 on -- there's no return. We have had commented and  
7 said the property's been trying to be sold many,  
8 many years and it hasn't been sold. But this board  
9 is not basically involved in maximizing someone's  
10 revenue.

11           **MS. MOORE:**           Any other comments?

12           The next factor is whether the variance is  
13 substantial.

14           **MR. GOKORSCH:** Well, I think it's  
15 substantial given the fact that it's a 70 percent  
16 coverage versus a 40 percent. So it's a substantial  
17 change.

18           It was mentioned many times that, however,  
19 the lot coverage today, impervious surface, is  
20 actually going to go down with this plan and the  
21 concern -- our concern is the management of the  
22 water that comes off the surface which is going to  
23 change dramatically.

24           Any other comment?

25           **THE NOTARY:** Can you use your

1 microphone?

2 **MR. GOKORSCH:** I'm sorry.

3 **MR. BOUCHEK:** Just to reiterate it is  
4 substantial and it's a 75 percent increase in lot  
5 coverage.

6 **MS. MOORE:** The third factor is  
7 whether the essential character of the neighborhood  
8 would be substantially altered or whether adjoining  
9 properties would suffer a substantial detriment as a  
10 result of the variance.

11 We heard testimony from at least two of the  
12 neighboring property owners, one who has indicated  
13 that it would, in fact, be a substantial detriment  
14 to her property, specifically to the valuation of  
15 the property, and to have underground storage tanks  
16 located very close to her property line.

17 We also received testimony from another  
18 property owner who testified that there has been  
19 difficulty in selling her property, which is one of  
20 the parcels in question, that she is a long-time  
21 resident of Russell, that she grew up here and her  
22 parents came from here.

23 She testified as to the character of the  
24 corner of that property -- of the intersection of 87  
25 and 306, that at one time we had three gas stations,

1 we have one right now, and remarked about the new  
2 plan providing open space and a more aesthetic and  
3 more pleasing view of that corner than currently  
4 exists.

5 Are there any other comments?

6 **MR. DOWNING:** No.

7 **MR. GOKORSCH:**No.

8 **MS. MOORE:** The next factor, whether  
9 the variance would adversely affect the delivery of  
10 governmental services.

11 **MR. GOKORSCH:**There's no comments  
12 regarding this. We did have the police chief and  
13 the fire chief, however, say that the plan was safe  
14 and the public safety was not in danger.

15 **MS. MOORE:** The next item is whether  
16 the property owner purchased the property with  
17 knowledge of the zoning restriction, and in the  
18 application the property owner acknowledged being  
19 aware that variance -- that variances would be  
20 necessary and noted that insufficient land exists in  
21 the area to accommodate the development without  
22 requesting the variances.

23 Are there any other comments?

24 The next factor is whether the property  
25 owner's predicament feasibly can be obviated through



1 some method other than a variance.

2 As to the item in question on the maximum  
3 lot coverage, there have been various plans that  
4 have been submitted throughout this process. At the  
5 end of the day, the lot coverage that's been  
6 requested is currently being requested at 70  
7 percent, and that has remained relatively unchanged  
8 from the beginning of the site plan until the  
9 present site plan.

10 **MR. GOKORSCH:** Comments?

11 **MS. MOORE:** The next factor is  
12 whether the spirit and intent behind the zoning  
13 requirement would be observed and substantial  
14 justice done by granting the variance.

15 The applicant responded to the application  
16 saying the spirit and intent of the zoning  
17 requirements and land use plan will be upheld by  
18 granting the variances. The proposed use is  
19 conditionally permitted in the zoning code. This is  
20 the redevelopment and expansion of an existing use.  
21 The consolidation of several properties into one  
22 parcel, the demolition of two aged and vacant  
23 facilities, the creation of more green space and the  
24 elimination of three sewer connections.

25 **MR. GOKORSCH:** I think we should also

1 note that the water management is being put in in  
2 addition to having additional green space.

3 **MS. MOORE:** Are there any other  
4 comments?

5 And the last factor is such other criteria  
6 which relate to determining whether the zoning  
7 regulation is equitable.

8 **MR. GOKORSCH:** I think we'll get to  
9 those as we go through the rest of them.

10 **MR. GRASSI:** Yep.

11 **MR. GOKORSCH:** Yeah. Okay.

12 **MS. MOORE:** How would you like to  
13 proceed?

14 **MR. GOKORSCH:** What I'd like to do is  
15 let's take a vote on this request. We'll have a  
16 roll call vote, please, Jen, motion, please.

17 **MR. GRASSI:** I motion we open -- go  
18 ahead.

19 **MS. MOORE:** I'll move to accept item  
20 number 1 of the variance request regarding zoning  
21 code Section 5.3.1 M modifying the 40 percent  
22 requirement to a 70 percent maximum lot coverage.

23 **MR. DOWNING:** I'll second.

24 **MS. DORKA:** Mr. Gokorsch?

25 **MR. GOKORSCH:** Yes.

1           **MS. DORKA:**           Ms. Moore?

2           **MS. MOORE:**           Yes.

3           **MS. DORKA:**           Mr. Boucek?

4           **MR. BOUCHEK:**           Yes.

5           **MS. DORKA:**           Mr. Downing?

6           **MR. DOWNING:**           Yes.

7           **MS. DORKA:**           Mr. Grassi?

8           **MR. GRASSI:**           Yes.

9           **MR. GOKORSCH:** Okay. We have two  
10 driveway width variance coming up here, can we  
11 combine both of those?

12           **MS. MOORE:**           Sure. So we're going  
13 to consider item number 2 and item number 3.  
14 Item number 2 is a variance from zoning code Section  
15 6.5 F 5. The driveway width for State Route 306,  
16 the current zoning resolution requirement is a 30  
17 foot maximum, the requested width is 90 feet, the  
18 variance request is 60 feet.

19           As to item number 3 involving the zoning  
20 code Section 6.5 F 5. Driveway width per State  
21 Route 87, again the maximum width under our zoning  
22 resolution is 30 feet, there has been a request for  
23 90 feet with a variance of 60 feet.

24           **MR. BOUCHEK:**           Can I make one correction  
25 on that? We are assuming that this is going to be

1 an approximate request?

2 **MR. KING:** Subject to Ohio  
3 Department of Transportation approval.

4 **MR. WELLERT:** Correct. That would be a  
5 not to exceed distance subject to ODOT's rules.

6 **MR. GOKORSCH:** Thanks, Dushan. Thank  
7 you.

8 **MS. MOORE:** We'll begin with Duncan  
9 factor number 1, whether the property in question  
10 will yield a reasonable return or whether there can  
11 be any beneficial use of the property without the  
12 variance.

13 I would suggest that we incorporate our  
14 answer to this question from our last variance  
15 consideration unless you want to go through each.

16 **MR. GOKORSCH:** Yeah, I think we need to  
17 add something here on the driveway width. There's a  
18 couple of things that are important on the driveway  
19 width. One is ODOT has to review and approve this.  
20 So that is a condition that is on this as a -- H  
21 for -- Duncan H factor, we have to add that in  
22 somewhere, right?

23 **MS. MOORE:** Agreed.

24 **MR. GOKORSCH:** All right.

25 **MS. MOORE:** I'm not suggesting that

1 for all of them, just as we go through one by one to  
2 make that determination.

3 **MR. GOKORSCH:** Okay.

4 **MS. MOORE:** Is that okay?

5 **MR. GOKORSCH:** Yeah.

6 **MS. MOORE:** So as to will it yield a  
7 reasonable return, are there any additional comments  
8 beyond the comments already provided in response to  
9 Duncan factor A thus far with the prior variance?

10 **MR. GOKORSCH:** No.

11 **MS. MOORE:** Item B, whether the  
12 variance is substantial.

13 **MR. GOKORSCH:** It is substantial, and on  
14 this one it should be noted that the standard was  
15 set years ago -- that is the standard for the width  
16 set years ago and we might want to put that in the H  
17 also.

18 **MR. BOUCHEK:** Can we also add a  
19 condition on this that the -- obviously the width  
20 may not be greater than 90, but also that the drive  
21 is going to be 40 feet?

22 **MR. GRASSI:** I thought we did.

23 **MR. BOUCHEK:** Is there a way to  
24 stipulate that?

25 **MR. GOKORSCH:** I'm not sure.

1           **MR. WELLERT:**       As dimensioned on the  
2 plan?

3           **MR. GOKORSCH:** Yeah, is it already in  
4 the plans, that 45?

5           **MR. GRASSI:**     Forty.

6           **MR. WELLERT:**       I'm pretty certain it's  
7 40.

8           **MR. BOUCHEK:**       It is, but you also  
9 testified that that could be changed also by any  
10 ODOT approvals.

11           **MR. WELLERT:**       I think not to exceed 40  
12 feet in width. It would --

13           **MR. BOUCHEK:**       So is that a condition  
14 that you would agree to?

15           **MR. WELLERT:**       If it's necessary, it  
16 would not exceed 40 feet in width.

17           **MS. MOORE:**       My concern is the  
18 variance has been put to us requesting 90 feet. The  
19 applicant has indicated that it is -- they recognize  
20 and they acknowledged it would be subject to ODOT's  
21 approval.

22                   We have recognized that -- or I think we  
23 are recognizing that this particular request is  
24 borne out of a safety concern.

25           **MR. WELLERT:**       Correct.

1           **MS. MOORE:**           Specifically making sure  
2           that the driveways are wide enough for the refilling  
3           trucks to be able to navigate into the area in a  
4           safe manner that does not compromise people who are  
5           traveling on the roadways. So that I think that at  
6           the appropriate time when we're through the factors  
7           and the motion is made that we, in making it  
8           contingent on ODOT's approval and allowing for the  
9           90 foot, that we are in the place that we want to  
10          be, because we really don't have any other piece to  
11          add to that unless there's disagreement by the  
12          board.

13           **MR. BOUCHEK:**           That's fine.

14           **MS. MOORE:**           So the answer to B is  
15          yes?

16           **MR. GOKORSCH:** Yes.

17           **MS. MOORE:**           Item C, whether the  
18          essential character of the neighborhood would be  
19          substantially altered or whether adjoining  
20          properties would suffer a substantial detriment as a  
21          result of the variance. Go ahead.

22           **MR. GOKORSCH:** We have heard testimony  
23          that currently there is 200 feet of driveway on the  
24          306 side of the current site. And so this 90-foot  
25          width even at 90 feet would be a reduction in what

1 it was. This is a reduction of where we are today.

2 **MS. MOORE:** Would we want to  
3 incorporate our response to C that we've voiced  
4 earlier into this as well?

5 **MR. GOKORSCH:** Yeah, I think so.

6 **MS. MOORE:** Item D, whether the  
7 variance would adversely affect the delivery of  
8 governmental services.

9 **MR. GOKORSCH:** The answer is no.

10 **MS. MOORE:** And reincorporate our  
11 response from before?

12 **MR. GOKORSCH:** Yes.

13 **MS. MOORE:** Item E, whether the  
14 property owner purchased the property with the  
15 knowledge of the zoning restriction.

16 **MR. GRASSI:** Yes.

17 **MS. MOORE:** May we reincorporate our  
18 prior response?

19 **MR. GOKORSCH:** Yes.

20 **MS. MOORE:** Item F, whether the  
21 property owner's predicament feasibly can be  
22 obviated through some method other than a variance.

23 Comments?

24 **MR. GOKORSCH:** I think the answer is no,  
25 particularly since ODOT is going to basically tell



1 us what the width has to be.

2 **MS. MOORE:** Mm-hmm.

3 G, whether the spirit and intent behind the  
4 zoning requirement would be observed and substantial  
5 justice done by granting the variance.

6 Comments?

7 **MR. GOKORSCH:** I think the fact that  
8 there's a reduction in the total number -- total  
9 width of driveway on 306 is important. I think  
10 that's a very important factor.

11 **MS. MOORE:** Item H, other criteria  
12 which relate to determining whether the zoning  
13 regulation is equitable.

14 **MR. DOWNING:** None noted.

15 **MS. MOORE:** Are there any other  
16 comments?

17 I'll make a motion to accept item number 2  
18 and item number 3 of the variances regarding 6.5 F  
19 5, the driveway widths on State Route 306 and State  
20 Route 307, contingent on and subject to ODOT  
21 approval of the width of those driveways and their  
22 design.

23 **MR. BOUCHEK:** I second.

24 **MR. GOKORSCH:** Roll call vote, please.

25 **MS. DORKA:** Mr. Gokorsch?

1           **MR. GOKORSCH:** Yes.

2           **MS. DORKA:**           Ms. Moore?

3           **MS. MOORE:**           Yes.

4           **MS. DORKA:**           Mr. Boucek?

5           **MR. BOUCHEK:**           Yes.

6           **MS. DORKA:**           Mr. Downing?

7           **MR. DOWNING:**           Yes.

8           **MS. DORKA:**           Mr. Grassi?

9           **MR. GRASSI:**       Yes.

10           **MR. GOKORSCH:** I believe we can take the  
11 next two and combine them.

12           **MS. MOORE:**           Item number 4 and item  
13 number 5 of the requested variance will be taken  
14 together. Both involve zoning code Section 6.5. F  
15 7. These regard the location of the gasoline and  
16 fuel storage tanks relative to the north line, which  
17 would require 50 feet minimum per our resolution,  
18 and on the east line, which would require a 50-foot  
19 minimum per our resolution. The requested distance  
20 that is on the site plans reflects 10 feet with a  
21 requested variance from our resolution of 40 feet on  
22 the north line and the east line.

23           As to factor A, whether the property in  
24 question will yield a reasonable return or whether  
25 there can be any beneficial use of the property

1 without the variance.

2 **MR. GOKORSCH:** I think our prior answers  
3 still stand.

4 **MS. MOORE:** Item B, whether the  
5 variance is substantial.

6 **MR. GOKORSCH:** It is substantial.

7 **MS. MOORE:** Any other comments?

8 **MR. BOUCHEK:** It is substantial and it  
9 is an 80 percent reduction in the setback.

10 **MS. MOORE:** Item C, whether the  
11 essential character of the neighborhood would be  
12 substantially altered or whether adjoining  
13 properties would suffer a substantial detriment as a  
14 result of the variance.

15 **MR. GOKORSCH:** We had testimony from the  
16 next-door neighbor saying her property would be less  
17 valuable because there were tanks nearby.

18 **MR. DOWNING:** Mr. Chairman, it's also  
19 going to be in some of the other sections also, but  
20 the fire chief did indicate that the modern  
21 technology for storage tanks, construction and  
22 delivery of fuel to the pumps has basically  
23 eliminated the risks that people generally are  
24 fearing seeing things explode on TV.

25 **MR. GOKORSCH:** Any other comments from

1 the board?

2 **MS. MOORE:** I'd like to comment.

3 While I understand the concern, and it's difficult  
4 for us to be in this position, I recognize that the  
5 testimony that's been provided by the professionals  
6 indicate to us that there is not a significant  
7 substantial risk, and we have not been provided  
8 evidence that contradicts or puts into question  
9 what's been put in front of us by the fire chief and  
10 by the engineer. And so we need to react to the  
11 evidence that's been placed in front of us, and I  
12 hope that that -- I hope that helps.

13 **MR. GOKORSCH:** We hope you understand.

14 Any other comments?

15 **MS. MOORE:** Item D, whether the  
16 variance would adversely affect the delivery of  
17 governmental services.

18 **MR. GOKORSCH:** There's no testimony on  
19 this.

20 **MS. MOORE:** I'm sorry. Did you say  
21 we're incorporating the testimony on this?

22 **MR. GOKORSCH:** No, I said there was no  
23 testimony that said there was going to be an impact.

24 **MS. MOORE:** Right. Got it. Thank  
25 you.

1           The next item is whether the property owner  
2 purchased the property with the knowledge of the  
3 zoning restriction.

4           **MR. GOKORSCH:** Yes.

5           **MS. MOORE:**           The next item is whether  
6 the property owner's predicament feasibly can be  
7 obviated through some method other than a variance.

8           **MR. GRASSI:**           No, cannot.

9           **MR. GOKORSCH:** We should note here that  
10 a previous plan was drawn up that had basically  
11 incorporated the tanks in a different spot. We  
12 should also note that the previous gas station that  
13 was there had the tanks very close to the street  
14 within 50-foot limit here, and this placement of the  
15 tanks removes that danger from that corner  
16 intersection.

17           **MS. MOORE:**           I will add to that. The  
18 danger that was understood with the prior location  
19 of the tanks --

20           **MR. GOKORSCH:** Yes.

21           **MS. MOORE:**           -- was due to the fueling  
22 of a tanker near our roadways and close to our  
23 roadways. That was the safety concern there, not  
24 the tanks themselves but where they were being  
25 refueled.

1           **MR. GOKORSCH:** Thank you for that  
2 clarification.

3           **MS. MOORE:**           The next item is whether  
4 the spirit and intent behind the zoning requirement  
5 would be observed and substantial justice done by  
6 granting the variance.

7           **MR. GOKORSCH:** Comments?

8           We'll incorporate the previous --

9           **MS. MOORE:**           I'd say we incorporate  
10 the previous answers.

11           And the last item, such other criteria  
12 which relate to determining whether the zoning  
13 regulation is equitable.

14           **MR. DOWNING:**       None noted.

15           **MR. GOKORSCH:** None noted.

16           **MS. MOORE:**       I would add that it's  
17 important to this board that the placement and the  
18 type and the design of the underground storage tanks  
19 comply with all applicable federal, state and local  
20 regulations in regard to safety and that our action  
21 would be contingent on such compliance.

22           **MR. GOKORSCH:** I'll entertain a motion.

23           **MS. MOORE:**       I'll move to approve  
24 items number 4 and 5 as related to zoning code  
25 Section 6.5. F 7, gasoline and fuel storage tank

1 locations relative to the north line and the east  
2 line contingent on the placement, type and design of  
3 said tanks meeting all compliance and regulatory  
4 requirements that apply under the federal, state and  
5 local laws.

6 **MR. BOUCHEK:** I second.

7 **MR. GOKORSCH:** Secretary, roll call  
8 vote, please.

9 **MS. DORKA:** Mr. Gokorsch?

10 **MR. GOKORSCH:** Yes.

11 **MS. DORKA:** Ms. Moore?

12 **MS. MOORE:** Yes.

13 **MS. DORKA:** Mr. Boucek?

14 **MR. BOUCHEK:** No.

15 **MS. DORKA:** Mr. Downing?

16 **MR. DOWNING:** Yes.

17 **MS. DORKA:** Mr. Grassi?

18 **MR. GRASSI:** Yes.

19 **MR. GOKORSCH:** Okay. I think we can  
20 take the next two together also, please.

21 **MS. MOORE:** Next we have items number  
22 6 and number 7 as related to zoning --

23 **MR. BOUCHEK:** They're different. No,  
24 they're different.

25 **THE NOTARY:** I'm sorry?

1           **MR. BOUCHEK:**       They're different.

2           **MS. MOORE:**       Right, but I can note  
3 that.

4           **MR. BOUCHEK:**       You can? Okay.

5           **MS. MOORE:**       I'll start over.

6           **MR. BOUCHEK:**       I'm sorry.

7           **MS. MOORE:**       The next one we'll take  
8 together. Item number 6 and item number 7 both  
9 regarding 6.5 F 10, which are the location of the  
10 waste disposal facilities relative to the east line  
11 and the south line respectively.

12                   Item number 6 seeks to have a 10-foot  
13 actual distance between the waste disposal facility  
14 and the east line, item number 7 seeks to have a  
15 31.29-foot location for the waste disposal facility  
16 relative to the south line.

17                   The requirements under our resolution are  
18 for a 50-foot minimum to the lot lines. The  
19 variance request for item number 6 is a 40-foot  
20 variance and for item number 7 it's an 18.71-foot  
21 variance.

22                   Item A, whether property in question will  
23 yield reasonable return or whether there can be any  
24 beneficial use of the property without the variance.

25           **MR. GOKORSCH:** We can incorporate our



1 prior answers.

2           **MS. MOORE:**           Item B, whether the  
3 variance is substantial. If we can start as to item  
4 number 6.

5           **MR. GOKORSCH:**Item number 6 is  
6 substantial.

7           **MS. MOORE:**           Any other comments on  
8 item 6?

9           **MR. BOUCHEK:**        It is substantial, it's  
10 an 80 percent reduction in the allowance.

11           **MS. MOORE:**        As to item number 7?

12           **MR. BOUCHEK:**        It's also substantial,  
13 it's a 37 percent reduction.

14           **MS. MOORE:**        Item C, whether the  
15 essential character of the neighborhood would be  
16 substantially altered or whether adjoining  
17 properties would suffer a substantial detriment as a  
18 result of the variance.

19           **MR. GOKORSCH:**We had considerable  
20 discussion on this relative to the landscaping  
21 but -- the brick type, et cetera, for this.

22                   Dushan, would you like to comment? I think  
23 you're on kind of the changes here.

24           **MR. BOUCHEK:**        We have made some  
25 improvements of the enclosure with the landscaping

1 around it and adding stone that is more in line with  
2 the architecture on the building, and we have added  
3 hedges and screening from the adjoining property.

4 **MS. MOORE:** Any other comments?

5 D, whether the variance would adversely  
6 affect the delivery of governmental services.

7 **MR. GRASSI:** No.

8 **MR. GOKORSCH:** No.

9 **MS. MOORE:** E, whether the property  
10 owner purchased the property with the knowledge of  
11 the zoning restriction.

12 **MR. GOKORSCH:** Yes.

13 **MS. MOORE:** F, whether the property  
14 owner's predicament feasibly can be obviated through  
15 some method other than the variance.

16 **MR. GOKORSCH:** It should be noted here  
17 that we did look for an alternate location for the  
18 trash enclosure on the other side, but given the  
19 traffic flow and given where the actual roadways  
20 are, there wasn't an obvious place to put it on  
21 either side.

22 **MR. BOUCHEK:** I may add that the  
23 applicant hasn't really proposed any other options  
24 for locating the enclosure.

25 **MS. MOORE:** Next, whether the spirit

1 and intent behind the zoning requirement would be  
2 observed and substantial justice done by granting  
3 the variance.

4 **MR. GOKORSCH:** Any comments?

5 **MS. MOORE:** Are we going to  
6 reincorporate our prior answers?

7 **MR. GOKORSCH:** Yes.

8 **MR. BOUCHEK:** Yeah.

9 **MS. MOORE:** Item H, such other  
10 criteria which relate to determining whether the  
11 zoning regulation is equitable.

12 **MR. DOWNING:** None noted.

13 **MS. MOORE:** I'll make a motion to  
14 approve item 6 and item 7.

15 **MR. BOUCHEK:** I second.

16 **MS. DORKA:** Mr. Gokorsch?

17 **MR. GOKORSCH:** Yes.

18 **MS. DORKA:** Ms. Moore?

19 **MS. MOORE:** Yes.

20 **MS. DORKA:** Mr. Bouchek?

21 **MR. BOUCHEK:** No.

22 **MS. DORKA:** Mr. Downing?

23 **MR. DOWNING:** Yes.

24 **MS. DORKA:** Mr. Grassi?

25 **MR. GRASSI:** No.

1           **MS. MOORE:**           Item 8 and item 9 and  
2 item --

3           **MR. GOKORSCH:**Ten.

4           **MS. MOORE:**           -- 10, do we want to take  
5 those together or separately?

6           **MR. GRASSI:**           Let's take them together.

7           **MR. GOKORSCH:**Do you think you can  
8 differentiate all 8, 9, 10 properly if we take them  
9 together?

10          **MS. MOORE:**           I can, and then we can do  
11 the motion separately if you want to do it that way.

12          **MR. GOKORSCH:**All right. Yes.

13          **MS. MOORE:**           Items number 8, 9 and 10  
14 all regard zoning code Section 6.5 F 11, which is  
15 the perimeter buffer. Our resolution requires a  
16 15-foot minimum. Eight seeks variance from that on  
17 the east line, 9 seeks a variance from that on the  
18 north line and 10 seeks a variance from that on the  
19 south line.

20                As to item 8 on the east line, the site  
21 plan asks for a 10-foot distance on the perimeter  
22 buffer, as to item 9 on the north line, the site  
23 plan requests a 5-foot perimeter buffer on the north  
24 line at minimum and item 10 the perimeter buffer for  
25 the south line a 1.5-foot minimum on that line.

1           The variance request as to item 8 is a  
2   5-foot variance, as to item 9 it's 10-foot variance  
3   and as to item 10 it's 13-and-a-half-foot variance.

4           Item A, whether the property in question  
5   will yield a reasonable return or whether there can  
6   be any beneficial use of the property without the  
7   variance.

8           **MR. GOKORSCH:** We can incorporate the  
9   prior answers.

10          **MS. MOORE:**            B, whether the variance  
11   is substantial. As to item 8?

12          **MR. BOUCHEK:**        It is substantial. It's  
13   33 percent reduction.

14          **MS. MOORE:**        As to item 9?

15          **MR. BOUCHEK:**        Yes. Again, 66 percent  
16   reduction.

17          **MR. GOKORSCH:** Agreed.

18          **MS. MOORE:**        As to item 10?

19          **MR. BOUCHEK:**        Yes. That is a 90  
20   percent reduction.

21          **MR. DOWNING:**        Mr. Chairman, should we  
22   note the fact that those high reductions are  
23   precipitated by the concrete buffer that contains  
24   the water around the edge of the perimeter of the  
25   property there?

1           **MR. GOKORSCH:** Yeah, we should note  
2 that. We should note that in H, I think. Is that  
3 the right place to make that?

4           **MR. BOUCHEK:** Yes.

5           **MR. GOKORSCH:** Yeah, we'll note that  
6 in H.

7           **MS. MOORE:** C, whether the essential  
8 character of the neighborhood would be substantially  
9 altered or whether adjoining properties would suffer  
10 a substantial detriment as a result of the variance.

11           **MR. GOKORSCH:** No.

12           **MS. MOORE:** Any other comments?

13           D, whether the variance would adversely  
14 affect the delivery of governmental services.

15           **MR. GRASSI:** No.

16           **MR. GOKORSCH:** No.

17           **MS. MOORE:** E, whether the property  
18 owner purchased the property with the knowledge of  
19 the zoning restriction.

20           **MR. BOUCHEK:** Yes.

21           **MR. GOKORSCH:** Yes.

22           **MS. MOORE:** F, whether property  
23 owner's predicament feasibly can be obviated through  
24 some method other than the variance.

25           **MR. GOKORSCH:** No.

1           **MS. MOORE:**           G, whether the spirit and  
2           intent behind the zoning requirement would be  
3           observed and substantial justice done by granting  
4           the variance.

5           **MR. GOKORSCH:** Yes.

6           **MS. MOORE:**           H, such other criteria  
7           which would relate to determining whether the zoning  
8           regulation is equitable.

9           **MR. GOKORSCH:** It should be noted  
10          clearly in this section that when we're talking  
11          about the -- we're talking about the distance  
12          between a 6-inch concrete curbing which was put in  
13          to make sure that all the water was contained and  
14          the side lot on two of the edges of the property.

15          The other variance, that is number 10, the  
16          perimeter buffer on the south line however is a  
17          one-and-a-half-foot variance from the nearby  
18          property which is owned by the township. It was  
19          noted earlier that currently the building that is on  
20          that property isn't built directly on the lot line,  
21          and so at one and a half feet, as odd as it seems,  
22          we are less out of compliance than we would have  
23          been.

24          That's all I've got.

25          **MS. MOORE:**           Okay. I'll make a motion

1 to approve item number 8 as to 6.5 F 11, the  
2 perimeter buffer on the east line.

3 MR. BOUCHEK: Second.

4 MS. DORKA: Mr. Gokorsch?

5 MR. GOKORSCH: Yes.

6 MS. DORKA: Ms. Moore?

7 MS. MOORE: Yes.

8 MS. DORKA: Mr. Bouchek?

9 MR. BOUCHEK: Yes.

10 MS. DORKA: Mr. Downing?

11 MR. DOWNING: Yes.

12 MS. DORKA: Mr. Grassi?

13 MR. GRASSI: Yes.

14 MS. MOORE: I'll make a motion on  
15 item number 9 to approve the variance request as  
16 relates to 6.5 F 11, the perimeter buffer on the  
17 north line.

18 MR. BOUCHEK: Second.

19 MS. DORKA: Mr. Gokorsch?

20 MR. GOKORSCH: Yes.

21 MS. DORKA: Ms. Moore?

22 MS. MOORE: Yes.

23 MS. DORKA: Mr. Bouchek?

24 MR. BOUCHEK: Yes.

25 MS. DORKA: Mr. Downing?



1           **MR. DOWNING:**           Yes.

2           **MS. DORKA:**           Mr. Grassi?

3           **MR. GRASSI:**    Yes.

4           **MS. MOORE:**           I'll make a motion as to  
5    item number 10 regarding the request to modify  
6    zoning code Section 6.5 F 11 as to the perimeter  
7    buffer on the south line.

8           **MR. BOUCHEK:**       Second.

9           **MS. DORKA:**           Mr. Gokorsch?

10          **MR. GOKORSCH:**Yes.

11          **MS. DORKA:**           Ms. Moore?

12          **MS. MOORE:**           Yes.

13          **MS. DORKA:**           Mr. Boucek?

14          **MR. BOUCHEK:**       No.

15          **MS. DORKA:**           Mr. Downing?

16          **MR. DOWNING:**       No.

17          **MS. DORKA:**           Mr. Grassi?

18          **MR. GRASSI:**    Yes.

19          **MS. MOORE:**           Item number 11 regards  
20    zoning code Section 6.5 F 13, the side yard setback  
21    for buildings and structures, specifically the  
22    building.

23                Our zoning resolution requires a 70-foot  
24    minimum, it is requested for a 1.5-foot actual.  
25    It's a variance request of 68.5.

1           A, whether the property in question will  
2 yield a reasonable return or whether there can be  
3 any beneficial use of the property without the  
4 variance.

5           **MR. GOKORSCH:** I think our prior answers  
6 can be used.

7           **MS. MOORE:**           B, whether the variance  
8 is substantial.

9           **MR. GOKORSCH:** The answer is yes.

10          **MR. BOUCHEK:**        And to add it's a 98  
11 percent reduction in setback.

12          **MS. MOORE:**        C, whether the essential  
13 character of the neighbor would be substantially  
14 altered or whether adjoining properties would suffer  
15 a substantial detriment as a result of the variance.

16          **MR. GRASSI:**        No.

17          **MR. GOKORSCH:** Go ahead.

18          **MR. GRASSI:**        No.

19          **MS. MOORE:**        Any other comments?

20          **MR. GOKORSCH:** It will be noted later in  
21 H.

22          **MS. MOORE:**        D, whether the variance  
23 would adversely affect the delivery of governmental  
24 services.

25          **MR. DOWNING:**       No.

1           **MS. MOORE:**           E, whether the property  
2 owner purchased the property with the knowledge of  
3 the zoning restriction.

4           **MR. GRASSI:**           Yes.

5           **MS. MOORE:**           F, whether the property  
6 owner's predicament feasibly can be obviated through  
7 some method other than a variance.

8           **MR. GOKORSCH:**No.

9           **MS. MOORE:**           G, whether the spirit and  
10 intent behind the zoning requirement would be  
11 observed and substantial justice done by granting  
12 the variance.

13          **MR. GRASSI:**           Yes.

14          **MR. GOKORSCH:**Yes.

15          **MS. MOORE:**           H, such other criteria  
16 which relate to determining whether the zoning  
17 regulation is equitable.

18          **MR. GOKORSCH:**Here it should be noted  
19 that this particular building is actually more in  
20 compliance than the previous building was that was  
21 built directly on the lot line before the zoning was  
22 put in. It also should be noted that the adjoining  
23 property is a green space, empty parcel, and it's  
24 owned by the township as green space.

25          **MS. MOORE:**           I should also note that

1 we did not receive any testimony from the township  
2 trustees objecting to this variance request.

3 Any other comments?

4 **MR. DOWNING:** No.

5 **MS. MOORE:** I'll make a motion to  
6 accept item number 11 as relates to zoning code  
7 Section 6.5 F 13.

8 **MR. BOUCHEK:** Second.

9 **MS. DORKA:** Mr. Gokorsch?

10 **MR. GOKORSCH:** Yes.

11 **MS. DORKA:** Ms. Moore?

12 **MS. MOORE:** Yes.

13 **MS. DORKA:** Mr. Boucek?

14 **MR. BOUCHEK:** No.

15 **MS. DORKA:** Mr. Downing?

16 **MR. DOWNING:** No.

17 **MS. DORKA:** Mr. Grassi?

18 **MR. GRASSI:** Yes.

19 **MS. MOORE:** Item 12 regards zoning  
20 code Section 6.5 F 13, which requires 70-foot  
21 minimum per a side yard setback for buildings and  
22 structures. This regards the canopy. The site plan  
23 proposes an actual minimum of 45.5, which is a  
24 variance request of 24 and a half feet.

25 Item A, whether the property in question

1 will yield a reasonable return or whether there can  
2 be any beneficial use of the property without the  
3 variance.

4 **MR. GOKORSCH:** I think we can use our  
5 prior answers.

6 **MS. MOORE:** Item B, whether the  
7 variance is substantial.

8 **MR. GRASSI:** Yes.

9 **MR. GOKORSCH:** Yes.

10 **MR. BOUCHEK:** Yes.

11 **MS. MOORE:** Item C, whether the  
12 essential character of the neighborhood would be  
13 substantially altered or whether adjoining  
14 properties would suffer a substantial detriment as a  
15 result of the variance.

16 **MR. GRASSI:** No.

17 **MR. BOUCHEK:** No.

18 **MR. DOWNING:** No.

19 **MR. GOKORSCH:** No.

20 **MS. MOORE:** D, whether the variance  
21 would adversely affect the delivery of governmental  
22 services.

23 **MR. GRASSI:** No.

24 **MS. MOORE:** E, whether the property  
25 owner purchased the property with the knowledge of

1 the zoning restriction.

2 **MR. GRASSI:** Yes.

3 **MR. BOUCHEK:** Yes, same as before.

4 **MS. MOORE:** F, whether the property  
5 owner's predicament feasibly can be obviated through  
6 some method other than a variance.

7 **MR. GRASSI:** No.

8 **MR. GOKORSCH:**No.

9 **MS. MOORE:** G, whether the spirit and  
10 intent behind the zoning requirement would be  
11 observed and substantial justice done by granting  
12 the variance.

13 **MR. GRASSI:** Yes.

14 **MS. MOORE:** And any other comments?

15 **MR. GOKORSCH:**Yes.

16 This is important here. This is the canopy  
17 we're talking about and this is very similar to 8, 9  
18 and 10 -- items 8, 9, 10, the perimeter buffer.  
19 This is not a building, this is actually the canopy,  
20 and the concern on the side yard setbacks for the  
21 buildings, the concern, and I know I'm right on  
22 this, was the fire concern if the buildings are too  
23 close together. As such it should be noted that  
24 this is not a building, this is a canopy.

25 **MR. GRASSI:** Canopy.

1           **MS. MOORE:**           Any other comments?

2           **MR. GRASSI:**           No.

3           **MR. DOWNING:**        No.

4           **MS. MOORE:**           H, such other criteria  
5 which relate to determining whether the zoning  
6 regulation is equitable.

7           Anything to add there?

8           **MR. GRASSI:**           No.

9           **MS. MOORE:**           I'll make a motion to  
10 accept item number 12.

11          **MR. GRASSI:**           Second.

12          **MS. DORKA:**           Mr. Gokorsch?

13          **MR. GOKORSCH:** Yes.

14          **MS. DORKA:**           Ms. Moore?

15          **MS. MOORE:**           Yes.

16          **MS. DORKA:**           Mr. Boucek?

17          **MR. BOUCHEK:**        No.

18          **MS. DORKA:**           Mr. Downing?

19          **MR. DOWNING:**        Yes.

20          **MS. DORKA:**           Mr. Grassi?

21          **MR. GRASSI:**        Yes.

22          **MS. MOORE:**           Item number 13 and 14 I  
23 will try together?

24          **MR. GOKORSCH:** Yes, please.

25          **MR. GRASSI:**           Yes.

1           **MS. MOORE:**           Both regard zoning code  
2 Section 6.5 F 4. The requirement under our zoning  
3 resolution is for 200-foot minimum of lot frontage.  
4 Item number 13 regards Chillicothe Road and requests  
5 an actual lot frontage of 170.32 feet, which is a  
6 variance of 29.68 feet. Item number 14 seeks an  
7 actual lot frontage for Kinsman of 140.73 feet,  
8 which is a variance of 59.27 feet.

9           Item A, whether the property in question  
10 will yield a reasonable return or whether there can  
11 be any beneficial use of the property without the  
12 variance.

13           **MR. GOKORSCH:** Refer to our prior  
14 answers.

15           **MS. MOORE:**           B, whether the variance  
16 is substantial as to item 13.

17           **MR. GOKORSCH:** No.

18           **MS. MOORE:**           Any other comments?  
19 Is the variance --

20           **MR. GOKORSCH:** You got a percentage for  
21 us?

22           **MR. BOUCHEK:**        It's a 15 percent  
23 reduction.

24           **MS. MOORE:**           As to item 14, is the  
25 variance substantial?



1           **MR. BOUCHEK:**       That is substantial.  
2       That is 29.6 percent reduction.

3           **MS. MOORE:**       C, whether the essential  
4       character of the neighborhood would be substantially  
5       altered or whether adjoining properties would suffer  
6       a substantial detriment as a result of the variance.

7           **MR. GOKORSCH:**No.

8           **MS. MOORE:**       D, whether the variance  
9       would adversely affect the delivery of governmental  
10      services.

11          **MR. GRASSI:**       No.

12          **MS. MOORE:**       E, whether the property  
13      owner purchased the property with the knowledge of  
14      the zoning restriction.

15          **MR. GRASSI:**       Yes.

16          **MR. GOKORSCH:**Yes.

17          **MS. MOORE:**       F, whether the property  
18      owner's predicament feasibly can be obviated through  
19      some method other than a variance.

20          **MR. GOKORSCH:**No.

21          **MS. MOORE:**       G, whether the spirit and  
22      intent behind the zoning requirement would be  
23      observed and substantial justice done by granting  
24      the variance.

25                Any other comments?

1           **MR. BOUCHEK:**       No.

2           **MR. GRASSI:**       (Shaking head from side  
3 to side.)

4           **MS. MOORE:**       H, such other criteria  
5 which relate to determining whether the zoning  
6 regulation is equitable.

7           **MR. GOKORSCH:**At this point we probably  
8 should note that the frontage -- you know, the  
9 frontage is kind of landlocked here because of the  
10 green space that we've cut out on the corner. You  
11 can't invent any more -- we can't invent any more  
12 frontage. I mean, this is as much as is going to be  
13 possible here on this site.

14           **MS. MOORE:**       I'll make a motion to  
15 accept items number 13 and 14.

16           **MR. BOUCHEK:**       Second.

17           **MS. DORKA:**       Mr. Gokorsch?

18           **MR. BOUCHEK:**       Are we taking them  
19 individually?

20           **MS. MOORE:**       I stated it together. I  
21 can do it the other way if you want me to.

22           **MR. GOKORSCH:**Would you like it  
23 individually? We'll do it one at a time.

24           **MR. BOUCHEK:**       Let's do it that way.

25           **MS. MOORE:**       I'll withdraw that.

1 I will make a motion to accept item number  
2 13.

3 MR. BOUCHEK: I second.

4 MS. DORKA: Mr. Gokorsch?

5 MR. GOKORSCH: Yes.

6 MS. DORKA: Ms. Moore?

7 MS. MOORE: Yes.

8 MS. DORKA: Mr. Boucek?

9 MR. BOUCHEK: Yes.

10 MS. DORKA: Mr. Downing?

11 MR. DOWNING: Yes.

12 MS. DORKA: Mr. Grassi?

13 MR. GRASSI: Yes.

14 MS. MOORE: I'll make a motion to  
15 accept item number 14.

16 MR. BOUCHEK: I second.

17 MS. DORKA: Mr. Gokorsch?

18 MR. GOKORSCH: Yes.

19 MS. DORKA: Ms. Moore?

20 MS. MOORE: Yes.

21 MS. DORKA: Mr. Boucek?

22 MR. BOUCHEK: Yes.

23 MS. DORKA: Mr. Downing?

24 MR. DOWNING: Yes.

25 MS. DORKA: Mr. Grassi?

1           **MR. GRASSI:** Yes.

2           **MS. MOORE:**           Item number 15 regards  
3 zoning code Section 6.5.J 6 F. It regards the  
4 location of exterior waste storage areas. The  
5 zoning resolution requires the rear of the building,  
6 the site plan proposes the front of the building  
7 which faces in a way that doesn't face either 306 or  
8 87. So the variance request is for the front of the  
9 building.

10           A, whether the property in question will  
11 yield a reasonable return or whether there can be  
12 any beneficial use of the property without the  
13 variance.

14           **MR. GOKORSCH:**I think our prior answers  
15 will do here.

16           **MS. MOORE:**           B, whether the variance  
17 is substantial.

18           **MR. GRASSI:**           Yes.

19           **MR. GOKORSCH:**Yes.

20           **MS. MOORE:**           C, whether the essential  
21 character of the neighborhood would be substantially  
22 altered or whether adjoining properties would suffer  
23 a substantial detriment as a result of the variance.

24           **MR. GRASSI:** No.

25           **MR. GOKORSCH:**No.

1           **MS. MOORE:**           D, whether the variance  
2 would adversely affect the delivery of governmental  
3 services.

4           **MR. GRASSI:**           No.

5           **MR. BOUCHEK:**        No.

6           **MS. MOORE:**           E, whether the property  
7 owner purchased the property with the knowledge of  
8 the zoning restriction.

9           **MR. GRASSI:**           Yes.

10          **MR. BOUCHEK:**        Yes, same as before.

11          **MS. MOORE:**           F, whether the property  
12 owner's predicament feasibly can be obviated through  
13 some method other than a variance.

14          **MR. GRASSI:**        No.

15          **MR. BOUCHEK:**        No.

16          **MR. GOKORSCH:** No.

17          **MS. MOORE:**           G, whether the spirit and  
18 intent behind the zoning requirement would be  
19 observed and substantial justice done by granting  
20 the variance.

21          **MR. GRASSI:**           That's a hard one.

22          **MR. DOWNING:**        There's no places to  
23 park.

24          **MS. MOORE:**           I would suggest yes, that  
25 substantial justice would be done given that the

1 front of the building is located facing not a  
2 street. To have the waste be in back of that  
3 building would be right on the street. And so I  
4 believe that it would be substantial justice to have  
5 it at the front of the building to ensure that it --  
6 we don't have garbage right on the street.

7 **MR. GRASSI:** Can we add that with  
8 the -- you can add what they're going to do to that  
9 storage area.

10 **MR. GOKORSCH:** We'll get to H in a  
11 second.

12 **MR. GRASSI:** Okay.

13 **MS. MOORE:** H, such other criteria  
14 which relate to determining whether the zoning  
15 regulation is equitable.

16 **MR. GOKORSCH:** I think a couple things  
17 need to be noted here. One, as it was stated  
18 earlier, that a lot of this is going to be covered,  
19 going to be made, you know, presentable.

20           Secondarily it should be noted this is a  
21 corner lot. As a corner lot, there are two fronts  
22 on a corner lot, and every time we come up against  
23 houses on corner lots or buildings on corner lots we  
24 face this same kind of issue: How do you deal with  
25 the backyard when the backyard is somebody else's

1 front yard?

2 **MS. MOORE:** I'll make a motion to  
3 accept item number 15.

4 **MR. BOUCHEK:** Second.

5 **MS. DORKA:** Mr. Gokorsch?

6 **MR. GOKORSCH:** Yes.

7 **MS. DORKA:** Ms. Moore?

8 **MS. MOORE:** Yes.

9 **MS. DORKA:** Mr. Boucek?

10 **MR. BOUCHEK:** No.

11 **MS. DORKA:** Mr. Downing?

12 **MR. DOWNING:** Yes.

13 **MS. DORKA:** Mr. Grassi?

14 **MR. GRASSI:** Yes.

15 **MS. MOORE:** Item number 16 is the  
16 sign variance regarding zoning code Section 4.11  
17 H 1 a, the number of wall signs, seeking to exceed  
18 the code allowance of one to seven for a variance  
19 request of six additional signs.

20 **MR. BOUCHEK:** We need to modify this  
21 request since three of the signs are now allowed  
22 under a different section.

23 **MR. GOKORSCH:** Were the wall signs --  
24 were the wall signs the ones that were modified,  
25 Dushan, or was it the wall sign area?

1           **MS. MOORE:**           As I understand it, the  
2           number of wall signs is the issue with zoning code  
3           Section 4.11 H 1 a. So the concessions relative to  
4           the square footage do not impact this zoning  
5           request. Does that make sense?

6           **MR. GOKORSCH:** Yeah.

7           **MS. MOORE:**           Item A, whether the  
8           property in question --

9           **MR. BOUCHEK:**       We have ruled that sign  
10          2, 3 and 4 will be --

11          **MR. GRASSI:** Temporary.

12          **THE NOTARY:** I'm sorry. Louder,  
13          please.

14          **MR. GRASSI:** Two, three and four will  
15          be temporary.

16          **MR. BOUCHEK:**       Will be temporary signs,  
17          so they would not need to be counted in the number  
18          of signs; isn't that correct?

19          **MR. GRASSI:**       They're temporary.  
20          Thirty days is what -- those are 30-day signs.

21          **MR. WELLERT:**       It was my understanding  
22          by agreeing to that that they could be renewed every  
23          30 days, but I didn't understand that to be to have  
24          to come before the board for approval of those, we  
25          could just rotate the signs every 30 days, correct?



1           **MR. GOKORSCH:** The question is -- we're  
2 at item 16, number of wall signs. Currently the  
3 code allows one wall sign, you're asking for seven,  
4 and what was noted by Dushan is of the seven, two  
5 are actually temporary signs. So should those be  
6 excluded.

7           **MR. BOUCHEK:**       Three of them are  
8 temporary.

9           **MR. GOKORSCH:** I'm sorry. Three are  
10 temporary signs. So should those temporary signs be  
11 excluded on the actual number? So should the actual  
12 number actually be not seven but four?

13           **MR. WELLERT:**       I would agree, as long as  
14 temporary signs can be excluded from a wall sign  
15 then, yes.

16           **MR. GOKORSCH:** Okay.

17           **MS. MOORE:**       Is our attorney still  
18 here?

19           **MR. GOKORSCH:** Yeah, she's here.

20           **MS. MOORE:**       Can I just ask her?  
21 (Thereupon, a discussion was held off the  
22 record.)

23           **MS. MOORE:**       So after more digging,  
24 there is a definition of "temporary" that is earlier  
25 within the chapter, and it specifically says "such

1 signs shall not include commercial advertising signs  
2 which are intended to publicize or promote  
3 particular businesses or products."

4 So the section -- the next section is  
5 design of signs, and that section identifies a flat  
6 or wall, meaning a sign painted on or attached to  
7 and erected parallel to the face of and erected and  
8 confined within the limits of the outside wall of  
9 the building. So we will need to treat signs 2, 3  
10 and 4 as wall signs.

11 **MR. GOKORSCH:** So 7 is the right number.

12 **MS. MOORE:** So I'll restate. Item  
13 number 16 is seeking a variance of the zoning code  
14 Section 4.11 H 1 a, number of wall signs from one to  
15 a proposed seven with a variance request of six.

16 Item A, whether the property in question  
17 will yield a reasonable return or whether there can  
18 be any beneficial use of the property without the  
19 variance.

20 **MR. GOKORSCH:** I think our previous  
21 answers serve here.

22 **MS. MOORE:** B, whether the variance  
23 is substantial.

24 **MR. GOKORSCH:** Yes.

25 **MR. GRASSI:** Yes.

1           **MS. MOORE:**           C, whether the essential  
2 character of the neighborhood would be substantially  
3 altered or whether adjoining properties would suffer  
4 a substantial detriment as a result of the variance.

5           Yes, the essential character of our  
6 neighborhood would be substantially altered. The  
7 commercial properties that are within our 306, 87  
8 area comply with the wall signage and/or our --  
9 and/or grandfathered as to the wall signage.

10           Having the proposed seven is significant  
11 and would change the commercial area and run afoul  
12 of the resolution, spirit and intent.

13           Item D, whether the variance would  
14 adversely affect the delivery of governmental  
15 services.

16           **MR. GRASSI:**           No.

17           **MS. MOORE:**           Item E, whether the  
18 property owner purchased the property with the  
19 knowledge of the zoning restriction.

20           **MR. GRASSI:**   I'd say yes.

21           **MR. BOUCHEK:**       Yes.

22           **MR. GOKORSCH:** Yes.

23           **MS. MOORE:**           F, whether the property  
24 owner's predicament feasibly can be obviated through  
25 some method other than a variance.

1           **MR. GRASSI:**           Yes.

2           **MR. BOUCHEK:**        Yes.

3           **MR. GOKORSCH:**Yes.

4           **MS. MOORE:**           Whether the spirit and  
5 intent behind the zoning requirement would be  
6 observed and substantial justice done by granting  
7 the variance.

8           **MR. GRASSI:** No.

9           **MR. GOKORSCH:**No.

10          **MS. MOORE:**        Item H, such other  
11 criteria which relate to determining whether the  
12 zoning regulation is equitable.

13           Any comments?

14           As to item number 16, I'll make a motion to  
15 approve.

16          **MR. GRASSI:**        Second.

17          **MS. DORKA:**        Mr. Gokorsch?

18          **MR. GOKORSCH:**No.

19          **MS. DORKA:**        Ms. Moore?

20          **MS. MOORE:**        No.

21          **MS. DORKA:**        Mr. Bouchek?

22          **MR. BOUCHEK:**        No.

23          **MS. DORKA:**        Mr. Downing?

24          **MR. DOWNING:**        No.

25          **MS. DORKA:**        Mr. Grassi?

1           **MR. GRASSI:**    No.

2           **MS. MOORE:**            Item number 17 regards  
3 zoning code Section 4.11 H 1 a (1), the wall sign  
4 area. Our code allows a 50-square-foot maximum, the  
5 plan seeks to get approximately 291.7 square feet of  
6 signage. Our current resolution allows somewhere  
7 between 66 to 70 square feet of signage. So the  
8 variance request is the difference between the 291  
9 and the 66 to 70.

10           Dushan, do you have a number for us?

11           **MR. BOUCHEK:**        We need a clarification  
12 on this. Since signs 2, 3 and 4 are signs, are you  
13 still requesting 16 square feet for those or --

14           **MR. WELLERT:**        I'm sorry. I wasn't --

15           **MR. BOUCHEK:**        Since signs 2, 3 and 4  
16 have been ruled as signs, are you going to request  
17 them as 16 square feet or as per plan, 27, 24 and 24  
18 square feet?

19           **MR. WELLERT:**        I would say 16.

20           **MR. BOUCHEK:**        All right. So the  
21 original number -- the last number we discussed was  
22 291.7 square feet for all seven signs is correct?

23           **MR. WELLERT:**        (Nodding head up and  
24 down.)

25           **MR. BOUCHEK:**        Okay.

1           **MS. MOORE:**           Item A, whether the  
2 property in question will yield a reasonable return  
3 or whether there can be any beneficial use of the  
4 property without the variance.

5           **MR. GOKORSCH:**Our previous answers  
6 serve.

7           **MS. MOORE:**           B, whether the variance  
8 is substantial.

9           **MR. GRASSI:**           Yes.

10          **MR. GOKORSCH:**Yes.

11          **MR. BOUCHEK:**        Yes.

12          **MS. MOORE:**           C, whether the essential  
13 character of the neighborhood would be substantially  
14 altered or whether adjoining properties would suffer  
15 a substantial detriment as a result of the variance.

16          **MR. GRASSI:**           Yes.

17          **MR. GOKORSCH:**Yes.

18          **MS. MOORE:**           D, whether the variance  
19 would adversely affect the delivery of governmental  
20 services.

21          **MR. GRASSI:**           No.

22          **MR. GOKORSCH:**No.

23          **MS. MOORE:**           E, whether the property  
24 owner purchased the property with the knowledge of  
25 the zoning restriction.

1           **MR. GRASSI:**           Yes.

2           **MR. GOKORSCH:**Yes.

3           **MS. MOORE:**           F, whether the property  
4 owner's predicament feasibly can be obviated through  
5 some method other than a variance.

6           **MR. GRASSI:**           Yes.

7           **MR. BOUCHEK:**        Yes.

8           **MR. GOKORSCH:**Yes.

9           **MS. MOORE:**           G, whether the spirit and  
10 intent behind the zoning requirement would be  
11 observed and substantial justice done by granting  
12 the variance.

13           **MR. GOKORSCH:**No.

14           **MR. GRASSI:**           No.

15           **MS. MOORE:**           H, such other criteria  
16 which relate to determining whether the zoning  
17 regulation is equitable.

18           **MR. BOUCHEK:**        Same as before.

19           **MS. MOORE:**           As to item number 17,  
20 I'll make a motion to approve.

21           **MR. GRASSI:**           Second.

22           **MS. DORKA:**           Mr. Gokorsch?

23           **MR. GOKORSCH:**No.

24           **MS. DORKA:**           Ms. Moore?

25           **MS. MOORE:**           No.

1           **MS. DORKA:**           Mr. Boucek?

2           **MR. BOUCHEK:**        No.

3           **MS. DORKA:**           Mr. Downing?

4           **MR. DOWNING:**        No.

5           **MS. DORKA:**           Mr. Grassi?

6           **MR. GRASSI:**        No.

7           **MS. MOORE:**           Item number 18 regards  
8 zoning code Section 4.11 H 1 b, the number of ground  
9 signs. Our code currently allows one, there's a  
10 proposal for two. The variance request is one.

11           A, whether the property in question will  
12 yield a reasonable return or whether there can be  
13 any beneficial use of the property without the  
14 variance.

15           **MR. GOKORSCH:**Our prior answers serve.

16           **MS. MOORE:**        B, whether the variance  
17 is substantial.

18           **MR. GRASSI:**        Yes.

19           **MR. GOKORSCH:**No.

20           **MS. MOORE:**        C, whether the essential  
21 character of the neighborhood would be substantially  
22 altered or whether adjoining properties would suffer  
23 a substantial detriment as a result of the variance.

24           **MR. GOKORSCH:**No.

25           **MR. GRASSI:**        No.



1           **MS. MOORE:**           D, whether the variance  
2 would adversely affect the delivery of governmental  
3 services.

4           **MR. GRASSI:**           No.

5           **MR. GOKORSCH:**No.

6           **MS. MOORE:**           E, whether the property  
7 owner purchased the property with the knowledge of  
8 the zoning restriction.

9           **MR. GRASSI:**           Yes.

10          **MS. MOORE:**           F, whether the property  
11 owner's predicament feasibly can be obviated through  
12 some method other than a variance.

13          **MR. GOKORSCH:**No.

14          **MS. MOORE:**           G, whether the spirit and  
15 intent behind the zoning requirement would be  
16 observed and substantial justice done by granting  
17 the variance.

18          **MR. GOKORSCH:**Yes.

19          **MS. MOORE:**           H, such other criteria  
20 which relate to determining whether the zoning  
21 regulation is equitable.

22          **MR. GOKORSCH:**It needs to be noted here  
23 that this is a corner lot -- excuse me, it's almost  
24 a corner lot. This lot has a green space on the  
25 corner where a single sign could have been placed;

1     however, because the corner is township land and  
2     it's green space, each of the streets, Kinsman Road  
3     and Chillicothe Road, will need individual signs.

4             **MR. BOUCHEK:**         I'll also note that the  
5     applicant has agreed to improve the look of the sign  
6     by a full and complete stone base.

7             **MS. MOORE:**         I'll move to approve item  
8     number 18.

9             **MR. GRASSI:**         Second.

10            **MS. DORKA:**         Mr. Gokorsch?

11            **MR. GOKORSCH:** Yes.

12            **MS. DORKA:**         Ms. Moore?

13            **MS. MOORE:**         Yes.

14            **MS. DORKA:**         Mr. Boucek?

15            **MR. BOUCHEK:**        Yes.

16            **MS. DORKA:**         Mr. Downing?

17            **MR. DOWNING:**        Yes.

18            **MS. DORKA:**         Mr. Grassi?

19            **MR. GRASSI:**        Yes.

20            **MS. MOORE:**         Item number 19 regards  
21     zoning code Section 4.11 H 1 b, the ground sign.  
22     The code allowance is for a 16-square-foot maximum,  
23     the applicant requests 52 square feet for the ground  
24     signs and that's 26 point what percent?

25            **MR. GOKORSCH:** We always turn to you.

1           **MS. MOORE:**           Do you have that,  
2 Mr. Wellert?

3           **MR. WELLERT:**        I'm sorry. I don't. I  
4 didn't have that.

5           **MR. GRASSI:**        You want to present --

6           **MS. MOORE:**        That's 26.6 square feet  
7 per sign.

8           A, whether the property --

9           **MR. BOUCHEK:**        Before you do that, just  
10 a clarification. The code allows 16 square feet and  
11 the provided actual is 53.3 square feet, not 52 as  
12 shown on the sheet 8. So we're looking at 53.3  
13 square feet.

14           **MR. WELLERT:**        (Nodding head up and  
15 down.)

16           **MS. MOORE:**        Do you agree to that?

17           **MR. KING:**           Except it's per sign, so  
18 it would be what you said.

19           **MS. MOORE:**        26.6 per sign.

20           **MR. KING:**           Yes.

21           **MS. MOORE:**        A, whether the property  
22 in question would yield a reasonable return or  
23 whether there can be any beneficial use of the  
24 property without the variance.

25           **MR. GOKORSCH:** I think our prior answers

1 stand.

2           **MS. MOORE:**           B, whether the variance  
3 is substantial.

4           **MR. GRASSI:**           Yes.

5           **MR. GOKORSCH:** Yes.

6           **MR. BOUCHEK:**           Yes.

7           **MS. MOORE:**           C, whether the essential  
8 character of the neighborhood would be substantially  
9 altered or whether adjoining properties would suffer  
10 a substantial detriment as a result of the variance.

11           **MR. BOUCHEK:**           They may as a result of  
12 the changing copy on the sign.

13           **MR. GOKORSCH:** They may.

14           **MS. MOORE:**           D, whether the variance  
15 would adversely affect the delivery of governmental  
16 services.

17           **MR. GRASSI:**           No.

18           **MR. BOUCHEK:**           No.

19           **MR. GOKORSCH:** No.

20           **MS. MOORE:**           E, whether the property  
21 owner purchased the property with the knowledge of  
22 the zoning restriction.

23           **MR. GRASSI:**           Yes.

24           **MR. BOUCHEK:**           Yes.

25           **MR. GOKORSCH:** Yes.

1           **MS. MOORE:**           F, whether the property  
2 owner's predicament feasibly can be obviated through  
3 some method other than a variance.

4           **MR. GOKORSCH:** Yes.

5           **MR. BOUCHEK:**        Yes.

6           **MS. MOORE:**           G, whether the spirit and  
7 intent behind the zoning requirement would be  
8 observed and substantial justice done by granting  
9 the variance.

10          **MR. GOKORSCH:** No.

11          **MR. GRASSI:**         No.

12          **MS. MOORE:**           H, such other criteria  
13 which relate to determining whether the zoning  
14 regulation is equitable.

15          **MR. GOKORSCH:** I think the ground sign  
16 question and the wall sign question area have to be  
17 taken together in H there, that is -- the question  
18 is: Would people be able to identify the Circle K  
19 property easily in this location. And locating at  
20 the top of a hill here, located in a fairly rural  
21 area, and so the question is: Do they need this  
22 much signage, do they need this large of a sign is  
23 the real issue.

24          **MR. BOUCHEK:**        Agreed.

25          **MR. GRASSI:**         I agree.

1           **MS. MOORE:**           And to be clear, item 19  
2 regards the ground signs.

3           **MR. GOKORSCH:**Ground signs.

4           **MR. BOUCHEK:**        Correct.

5           **MS. MOORE:**        I'll make a motion to  
6 approve item number 19.

7           **MR. GRASSI:**        I'll second.

8           **MS. DORKA:**        Mr. Gokorsch?

9           **MR. GOKORSCH:**No.

10          **MS. DORKA:**        Ms. Moore?

11          **MS. MOORE:**        Yes.

12          **MS. DORKA:**        Mr. Boucek?

13          **MR. BOUCHEK:**       No.

14          **MS. DORKA:**        Mr. Downing?

15          **MR. DOWNING:**       No.

16          **MS. DORKA:**        Mr. Grassi?

17          **MR. GRASSI:** No.

18          **MS. MOORE:**        And there is an item  
19 number 20 that's not listed but was presented in  
20 regard to 6.5.J 6 c ii, and it is a request for  
21 three exterior lights on poles to be set back at  
22 less than 15 feet from the lot line in the locations  
23 depicted on the site plan, specifically an exterior  
24 light in the north central part of the property, one  
25 in the mid-part of the property near the building

1 and one on the east line of the property near the  
2 waste disposal facility.

3 **MR. WELLERT:** Correct.

4 **MS. MOORE:** Our resolution requires  
5 15 feet. We've not been identified -- we've not  
6 been given the exact feet for each pole, just an  
7 open less than 15 feet.

8 **MR. KING:** Yeah. I don't think we  
9 know the -- so I think our best guess is it's 2 feet  
10 inside, but, I mean, he needs the full-size drawing  
11 to actually do those to scale, which --

12 **MS. MOORE:** Given our ruling so far,  
13 do you want to withdraw this item with an intent to  
14 bring it back to us at a later date?

15 **MR. KING:** Yes, because we're going  
16 to have to come back with signs.

17 **MS. MOORE:** Thank you.

18 **MR. GOKORSCH:** You have one more.

19 **MS. MOORE:** Mr. King, the height of  
20 the poles, are you going to address at that time as  
21 well?

22 **MR. KING:** Yes, but I believe we're  
23 going to -- they will stay at 15 feet provided they  
24 may have to add one just for the safety.

25 **MR. GOKORSCH:** Fifteen feet.

1           **MR. KING:**           Yeah.

2           **MS. MOORE:**           I'll make a motion to  
3 approve a conditional use variance under -- with  
4 application 515, which contains all of the area  
5 variances that have been approved thus far, along  
6 with the conditions for those variances that were  
7 identified per motion.

8           **MR. BOUCHEK:**       I second.

9           **MS. DORKA:**        Mr. Gokorsch?

10          **MR. GOKORSCH:** Yes.

11          **MS. DORKA:**        Ms. Moore?

12          **MS. MOORE:**        Yes.

13          **MS. DORKA:**        Mr. Boucek?

14          **MR. BOUCHEK:**        Yes.

15          **MS. DORKA:**        Mr. Downing?

16          **MR. DOWNING:**        Yes.

17          **MS. DORKA:**        Mr. Grassi?

18          **MR. GRASSI:**        Yes.

19          **MR. GOKORSCH:** Thank you very much  
20 everyone for putting up with us and the details we  
21 had to go through. However, this is all going to go  
22 into the record and it's going to be there forever,  
23 and this has a major impact on our town and our  
24 township and we want to make sure we did it right  
25 and make sure it's done properly.



1           We also want to make sure that whoever sits  
2     in this seat 20, 30 years from now, as they dig up  
3     the archives, understands what we did and why we did  
4     it and appreciates the fact that we followed the  
5     rules.

6           So thank you all. I really do appreciate  
7     you being here. We do appreciate your comments and  
8     we're going to move ahead.

9           We have addition business here tonight.  
10          Would the board like to take a short break?

11          **MR. DOWNING:**        I sure would.

12          (Thereupon, the proceedings were  
13          adjourned at 10:34 p.m.)

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C E R T I F I C A T E

STATE OF OHIO, )  
 ) SS:  
SUMMIT COUNTY. )

I, Carina C. Meszaros, a Registered Merit Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that these proceedings were taken by me and reduced to Stenotypy, afterwards prepared and produced by means of Computer-Aided Transcription and that the foregoing is a true and correct transcription of the proceedings so taken as aforesaid.

I do further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, OH, on this 8th day of February, 2019.



*Carina C. Meszaros*

Carina C. Meszaros, RMR

My commission expires March 11, 2019.

- - -

<b>A</b>				
<b>abandoned</b> 81:23 82:3	<b>actual</b> 34:13,14 43:17 50:19 64:11 68:20 75:16 84:5 112:13 114:19 121:24 124:23 128:5,7 137:11,11 147:11	132:22 139:3 142:14 144:22 148:9	<b>afoul</b> 139:11	135:18 146:22
<b>able</b> 4:1 9:5 10:11 23:17 26:18 27:9 47:22 68:25 72:3 76:4 103:3 149:18	<b>add</b> 17:18 39:6 40:17 53:2,19 54:3 72:2 80:17 81:14 100:17 100:21 101:18 103:11 109:17 110:16 114:22 122:10 127:7 134:7,8 151:24	<b>adjourn</b> 29:24,25 30:2	<b>afternoon</b> 87:24	<b>allowed</b> 46:22 78:10 135:21
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