

RUSSELL TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 4, 2019

BE IT REMEMBERED, that upon the hearing of the above entitled matter, held at the Russell Township Fire Department, 14840 Chillicothe Road, Novelty, Ohio, before the Russell Township Board of Zoning Appeals, and commencing on Monday, the 4th day of March, 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

Jessica Sustar, Assistant Secretary

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1 **MR. GOKORSCH:** Call to order.
2 Roll call, please.
3 **MS. DORKA:** Mr. Gokorsch.
4 **MR. GOKORSCH:** Here.
5 **MS. DORKA:** Ms. Moore.
6 **MS. MOORE:** Here.
7 **MS. DORKA:** Mr. Downing.
8 **MR. DOWNING:** Here.
9 **MS. DORKA:** Mr. Buchek.
10 **MR. BUCHEK:** Here.
11 **MS. DORKA:** Mr. Grassi.
12 **MR. GRASSI:** Here.
13 **MR. GOKORSCH:** Any announcements
14 this week?
15 **MR. WRENCH:** Meeting was
16 advertised in the Chagrin Valley Times. I would
17 ask that you turn cellphones on mute, please.
18 Welcome, I'm assuming that you are the version
19 of John Iske tonight?
20 **MS. VAN DE KAMP-PEET:** Yes. So my
21 name is Savanna, S-a-v-a-n-n-a, Van de Kamp,
22 V-a-n d-e K-a-m-p, hyphen Peet, P-e-e-t. John
23 and I are colleagues at Circle K. John had
24 another thing to do tonight, but I'm very
25 familiar with the project and have been working

1 on it as long as we have had our application in,
2 coming up on two years now.

3 **MR. GOKORSCH:** Well, welcome. I'm
4 not going to do my usual welcome speech because
5 I think everybody here knows what the process
6 is. We are going to just ask everybody to just
7 speak out and make sure they identify
8 themselves, giving a name and address so the
9 Court Reporter can get it properly.

10 I also want to make sure that anyone
11 who wants to speak is sworn in today. So
12 anybody prepared to speak today, please raise
13 your right hand.

14 (Thereupon, the audience was sworn in
15 by Mr. Gokorsch.)

16 **MR. GOKORSCH:** With that, this is
17 Variance Request 516, continued after the
18 marathon session two months ago. We were
19 requested to push this review until we had a
20 full Board present and we do have a full Board
21 present tonight. Tonight we are looking at
22 three areas variances relative to lighting and
23 signage on the site. With that, I guess we'll
24 begin.

25 Let's take them one at a time. On

1 the lighting, on the 15 foot setback, so if you
2 will please explain what your requirements are.

3 **MS. MOORE:** Do you want to make
4 a motion to open the meeting?

5 **MR. GOKORSCH:** Please.

6 **MS. MOORE:** I make a motion to
7 open the meeting beginning with the continuance
8 of variance number 516.

9 **MR. BOUCHEK:** I second.

10 **MR. GOKORSCH:** All in favor?
11 (Thereupon, the Board unanimously
12 voted, aye.)

13 **MS. VAN DE KAMP-PEET:** So the first
14 variance we are looking for is a little help
15 with the light pole setback. You all should
16 have received, with our last application, the
17 sign package plan. To summarize it for everyone
18 here in the audience and members of the Board,
19 we are looking for just under, I would say, 9
20 feet variance.

21 The code allows 15 feet and -- I
22 apologize, I don't want to read this verbatim,
23 but I just -- we are looking for a little help
24 with our setback. We are not going to make the
25 15 feet for the residential zone.

1 **MR. GOKORSCH:** Is there an exhibit
2 that you would like us to look at?

3 **MS. VAN DE KAMP-PEET:** I didn't bring
4 anything additional with me that you wouldn't
5 have already received. I heard you say earlier
6 that you didn't receive anything in color.
7 Everything I brought with me is color. If at
8 any time you would like to look at the colorized
9 signage plan, I can send that forward.

10 **MR. GOKORSCH:** We'll probably want
11 it for the exhibits. Particularly the
12 luminescence charts. Regarding the first
13 variance, the variance on the pole, which
14 exhibit would you like us to look at?

15 **MS. VAN DE KAMP-PEET:** Are you guys
16 marking this into --

17 **MR. GOKORSCH:** We want to
18 understand; the paperwork we have was one --

19 **MS. VAN DE KAMP-PEET:** Just a copy of
20 our lighting plan? Give me a minute, please.
21 So the exhibit that corresponds with this
22 variance would be the Red Leonard Associate
23 lighting consultant, and that is these plans
24 marked RL5564, which is our store number.

25 **MR. GOKORSCH:** We are going to

1 have a problem here --

2 **MR. GRASSI:** This is the very
3 first page on this one we should be looking at.

4 **MS. VAN DE KAMP-PEET:** Sure, yeah.
5 It gives you a high level overview, an aerial
6 view of the site.

7 **MS. MOORE:** You are asking for
8 three poles, right?

9 **MS. VAN DE KAMP-PEET:** I'm sorry.
10 Give me a moment.

11 **MR. GOKORSCH:** On this exhibit, I
12 believe the questions are labeled A through D.
13 However, there are four of those in the exhibit,
14 but you are asking for a variance on three of
15 them. I want to make sure we get those correct.
16 I want to understand where the poles are located
17 on the exhibit.

18 **MS. VAN DE KAMP-PEET:** Sure, and I
19 need to as well. I'm good now. If you go to
20 page 8 of our -- it is not going to be Red
21 Leonard. Can I bring this up to show you?

22 **MR. GOKORSCH:** I think we have it
23 up on our desk right now.

24 **MS. VAN DE KAMP-PEET:** This is
25 different; this would have been submitted with

1 our site plan. You have it right here.

2 **MR. GRASSI:** Here?

3 **MS. VAN DE KAMP-PEET:** Yes. So
4 anything there that is a 21. There are three
5 poles and they are all at the perimeter: A, B
6 and this one is C. And essentially what we are
7 asking for help on is these on the outside of
8 what the standard setback is. So anything
9 marked 21A, B and C.

10 **MS. MOORE:** Shane, do you have
11 a map of the parcel numbers?

12 **MR. WRENCH:** I don't believe I
13 do.

14 **MR. GOKORSCH:** Let the record show
15 for this continuation of 516, there are three
16 separate requests; we will refer to them as A, B
17 and C. A being this first on regarding the
18 maximum pole height. B being the one sign
19 permitted on a site, and C being a wall sign
20 with maximum coverage.

21 We'll refer to them as A, B and C
22 tonight, that will make it easier. Also note
23 that I have noted on the exhibits, which we'll
24 probably put into the record here, sheet 8,
25 we've got three poles that we're talking about

1 that I've designated as 516-A north, 516-A west
2 and 516-A east.

3 And Savanna, I want to make sure
4 these are the three we are talking about. Would
5 you please come up and verify that?

6 MS. VAN DE KAMP-PEET: Yes, I agree.

7 MS. MOORE: What is that
8 exhibit number?

9 MR. GOKORSCH: We don't have an
10 exhibit number for this sheet.

11 MS. MOORE: This is a new
12 record, should we make this A?

13 MR. GOKORSCH: We can make this A
14 from tonight. Once again, I want to understand
15 why you are asking for the request for the
16 height of these three poles.

17 MS. MOORE: Is she asking for
18 height or location?

19 MS. VAN DE KAMP-PEET: Sure,
20 absolutely. So we are looking for relief from
21 what the standard setback is. These are at the
22 edge of our property and the size of our lot and
23 building in the way that everything configured
24 with the property that we are buying, doesn't
25 allow us enough room, unfortunately, to adhere

1 to that standard setback and still lay out our
2 lot the way that we want it and still keep our
3 green space that we are trying to keep.

4 In an effort to meet all of our other
5 zoning requirements, we are looking for help
6 with these three poles being under what is
7 required. I will say, with regards to lighting,
8 a lot of concessions have been made to date in
9 terms of not illuminating our canopy fascia.
10 That was a change we made at the request of the
11 Board. Just with hearing concerns of residents
12 about lighting.

13 The Red Leonard Associates lighting
14 plan I originally referred you to details out
15 all the specifications of our LED lighting.
16 They are all flush mounted, under the canopy
17 with minimal impact outside of it.

18 **MR. GRASSI:** What is the height
19 of these poles?

20 **MR. GOKORSCH:** 14.5 feet; it shows
21 in the lighting exhibit.

22 **MS. VAN DE KAMP-PEET:** And I will say
23 I will do my best to answer questions. I'm not
24 the engineer who put the site plan together.
25 I'm in the real estate department, but I'm happy

1 to get you that information.

2 **MR. GRASSI:** Are they all the
3 same height or what?

4 MS. VAN DE KAMP-PEET: Yes, they are
5 all the same height. When we are talking feet
6 as a unit of measurement, it's a setback --

7 **MR. GRASSI:** Right. I was just
8 wondering how high they were. Are all three
9 going to be the same?

10 MS. VAN DE KAMP-PEET: Yes, all the
11 same height.

12 **MR. BOUCHEK:** I have some
13 questions on the lighting. This photometric
14 that Red Leonard required, before you
15 provided -- before today, you provided a
16 photometric with light poles that were around
17 18 foot high. Now, according to this, now it's
18 showing them at 14.5 foot high, all the light
19 poles.

20 Can you describe what the difference
21 is? Did you add poles? Did you keep same
22 amount of poles? How did you make the changes
23 from the 18 foot high poles to the 14.5 high
24 poles?

25 MS. VAN DE KAMP-PEET: That is a

1 great question. As to why, I'm not entirely
2 positive as to why they are shorter, unless --
3 I'm looking at the variances that we sought at
4 our last meeting.

5 **MR. BOUCHEK:** Well, the maximum
6 height you are allowed is 15 feet, per
7 ordinance. I believe you reduced them so you
8 would not be asking for variance for the height
9 of the poles. I believe that is the reason.

10 What I'm asking, do you have any idea
11 what you changed from your previous photometric
12 lighting design to this one?

13 **MS. VAN DE KAMP-PEET:** So any LED
14 lights that were specified in the plan would
15 have stayed the same. When we are talking about
16 the pylon height, which is what we call the
17 poles that hold up the canopy, we would have
18 reduced the height to minimize the impact on the
19 residential neighborhood.

20 And also, you are exactly right, to
21 not have to seek that variance. A higher canopy
22 is always desirable for us. If your sign is
23 more visible, it is easier -- not the case on
24 this site -- for larger, taller vehicles to
25 clear. When we reduced that, it would have been

1 at the behest of the Board.

2 **MR. GOKORSCH:** Maybe I'll ask the
3 question in a little different way. In the
4 previous submittal, you had 18 foot fixtures.
5 Now, you have 14.5 foot fixtures that are
6 compliant. Did you add more fixtures to the
7 site? Did you make changes to the site? Did
8 you add other lighting to compensate for the
9 fact that you didn't have the extra lights?

10 **MS. VAN DE KAMP-PEET:** No. Our
11 lighting plan, we submitted it once. Nothing
12 has changed, other than height.

13 **MR. GOKORSCH:** Does that help
14 you, Dushan?

15 **MR. BOUCHEK:** Yes.

16 **MR. GOKORSCH:** To be clear, there
17 is no change in the number of poles?

18 **MS. VAN DE KAMP-PEET:** No, not to my
19 knowledge. Everything has stayed the same. I
20 have not received an updated lighting plan, and
21 I looked through what was submitted to the Board
22 today and everything has the same date on it.

23 **MR. BOUCHEK:** So you basically
24 changed the height of the poles?

25 **MS. VAN DE KAMP-PEET:** Yes.

1 **MR. BOUCHEK:** One more item about
2 the latest photometric plan. I have had
3 objections previously about the F fixtures that
4 are on the canopies that are flooding the front
5 of the building -- I mean the parking side of
6 the building, your entryway.

7 My concern is that those fixtures
8 will shine on the intersection of Chillicothe
9 and Kinsman. And I believe that somebody agreed
10 if that does happen, you will make modifications
11 and avoid blinding anybody at the corner of the
12 intersection. Because those lights on top of
13 the canopy shine directly back at the
14 intersection.

15 **MS. VAN DE KAMP-PEET:** Sure, so we
16 don't like anybody being blinded at the
17 intersection either. Red Leonard does lighting
18 surveys. So we are buying something out in
19 Summit County, an existing building that is a
20 new acquisition for us.

21 And we had Red Leonard go out and do
22 a lighting survey and just take a look at
23 everything during the day, inventory what they
24 have, but also to answer questions like this.
25 When we are re-branding it, but we are going to

1 keep the same infrastructure, they will evaluate
2 the lighting at night.

3 I'm sure day one, it would be very
4 apparent if it was an issue, but that is
5 something we certainly would be very amenable to
6 have them out to take a look at.

7 **MR. GOKORSCH:** I do have a
8 question on these three pictures in particular.
9 The photometrics plots that you show, even
10 though not color, it appears these three
11 pictures are directional and that most of the
12 lighting is put on the pavement in the driving
13 area; is that correct?

14 **MS. VAN DE KAMP-PEET:** Yes.

15 **MR. GOKORSCH:** Are these
16 directional fixtures?

17 **MS. VAN DE KAMP-PEET:** Yes.

18 **MR. GOKORSCH:** They can be
19 directed to make sure the light does not bleed
20 onto the adjoining properties?

21 **MS. VAN DE KAMP-PEET:** I have to be
22 honest, I'm not positive. I don't want to say,
23 yes.

24 **MR. GOKORSCH:** Where that might be
25 particularly valuable is one of the fixtures,

1 labeled 516-A west, is sitting right adjacent to
2 the green space on the corner. That may be
3 advantageous actually for us to light that green
4 space at night. And right now, it is showing no
5 light on that green space whatsoever.

6 MS. VAN DE KAMP-PEET: If that is
7 something we are able to do, I am more than
8 willing to do that.

9 MR. GOKORSCH: Although let the
10 record show that that could be accommodated. Do
11 you understand what I'm saying, Shane?

12 MR. WRENCH: Yes.

13 MR. GOKORSCH: We are not
14 necessarily installing lighting fixtures on that
15 parcel there, but if there is a lighting fixture
16 right there that is directional there adjacent
17 to it --

18 MS. VAN DE KAMP-PEET: I would be
19 happy to shine that right on our monument sign
20 if needed.

21 MR. GOKORSCH: Any other questions
22 on 516-A?

23 MS. DORKA: You were up to
24 Exhibit 23 last time.

25 MR. GOKORSCH: Well, this is a

1 continuation. We'll start with the first
2 exhibit then.

3 **MR. DOWNING:** I forget; was it
4 letters or numbers that we used before?

5 **MS. DORKA:** Numbers.

6 **MR. DOWNING:** Are you happy with
7 A-1?

8 **MR. GOKORSCH:** So we are going to
9 ask you to come up and sign and date these
10 notes.

11 **MS. VAN DE KAMP-PEET:** Right now?

12 **MR. GOKORSCH:** You can if you
13 want.

14 **MS. VAN DE KAMP-PEET:** Sure; lest we
15 forget.

16 **MS. MOORE:** Did they provide
17 application with the Duncan Factors answer for
18 these three items?

19 **MR. WRENCH:** This continued from
20 last meeting, so this was just a continuance.

21 **MS. MOORE:** Technically, we
22 closed the last one.

23 **MR. WRENCH:** Okay, so this
24 wouldn't be variance request 516 then, if it was
25 closed.

1 **MR. GOKORSCH:** We are going to
2 have an application for this particular -- with
3 the Duncan Factors filled out, yeah.

4 Savanna, the concern to the Board
5 here is that this application 516-A, B and C are
6 all area variances, okay? And we are handling
7 them, if you will, as individual variances. But
8 the Duncan Factors, which would be filled out
9 prior to it, have not been filled out for any of
10 these.

11 So we don't have Duncan Factors to
12 work from. We could review the Duncan Factors
13 as a Board, we can do that without --

14 **MS. MOORE:** We could ask about
15 each Duncan Factor for each one of those, if you
16 want to do that.

17 **MR. GOKORSCH:** Yeah. Do you
18 understand --

19 MS. VAN DE KAMP-PEET: I'm sorry, can
20 you delve into what a Duncan Factor is?

21 **MR. GOKORSCH:** Sure. Duncan
22 versus State of Ohio was a case and in that case
23 law, there were a series of factors. And those
24 factors, we review any time there is an area
25 variance. All right?

1 Any time there is an area variance to
2 be voted on, we review the Duncan Factors, one
3 at a time, to make sure they were addressed.
4 You have not submitted Duncan Factors for this,
5 because -- it isn't done.

6 So what was suggested here is that in
7 the absence of these, we can tell you what the
8 Duncan Factors are, and what you can do is
9 answer them to the best of your ability.

10 MS. VAN DE KAMP-PEET: To the best of
11 my ability, sure.

12 MS. MOORE: Can we do that? We
13 closed variance request 516.

14 MR. GOKORSCH: Well, we do have to
15 go through the Duncan Factors.

16 MS. MOORE: But we technically
17 don't even have an application in front of us.

18 MS. VAN DE KAMP-PEET: I don't know
19 that we were asked or told that we needed to do
20 an application. It was my and the engineer's
21 understanding that this was entirely a
22 continuation of --

23 MS. MOORE: We closed the last
24 hearing and issued finding of facts and we
25 adopted those at the last meeting. So from my

1 perspective, the variance request 516, and then
2 the conditional use permit, was closed.

3 **MR. WRENCH:** Well, I understand
4 515 was.

5 **MS. MOORE:** Both of them were.
6 They both had finding of facts and those were
7 adopted. So I think, technically, Circle K
8 needs to file an application with these three
9 variances to have it properly before us. And I
10 recognize I'm calling on technicalities, but --

11 **MS. VAN DE KAMP-PEET:** And bringing
12 it up when we are here tonight. Had that not
13 occurred to anyone before --

14 **MR. GOKORSCH:** What I would like
15 to do is I would like to review the Duncan
16 Factors from the Board's standpoint with your
17 input and let's see if that can be agreed to by
18 the prosecutor and see if it is going to be an
19 issue.

20 **MS. MOORE:** We don't have a
21 prosecutor here.

22 **MR. GOKORSCH:** No, we don't, but
23 we will have him review it after the meeting. I
24 don't know what else to do here. We have
25 everybody else here, we have the submissions --

1 MS. VAN DE KAMP-PEET: Right. And I
2 would really appreciate flexibility here. We
3 have the properties under contract and went
4 through an extension and done everything we can
5 and everything we've been told to do. If we
6 knew we needed to submit a new application --

7 MR. GOKORSCH: I understand.

8 MS. VAN DE KAMP-PEET: I approached
9 you working with us. I guess what I'm
10 wondering -- I'm happy to go through and answer
11 any questions, but what can I expect at the end
12 of this evening? Are you saying you will be
13 able to rule and just check with your prosecutor
14 after?

15 MR. GOKORSCH: That is what I'm
16 suggesting; I don't know whether that is valid
17 or not. I'm suggesting we go through the Duncan
18 Factors as a Board for each piece as if an
19 application were here.

20 Allow you to put your testimony in if
21 there is any issues, and then have that reviewed
22 by the prosecutor and see if there is anything
23 that we've stepped over the line on.

24 MS. VAN DE KAMP-PEET: Okay.

25 MR. RISTAU: Mr. Chairman, my

1 name is Tim Ristau, I am a resident of Russell
2 and also an attorney. What I'm wondering is
3 whether or not, even though it is indicated that
4 you adopted findings of fact and adopted
5 everything, whether or not you can go back and
6 reopen that at this point in time to eliminate
7 the concern that has been raised here that there
8 is no application for these three variances.

9 **MR. GOKORSCH:** That's an
10 interesting question.

11 **MR. RISTAU:** I do not represent
12 Circle K; they have their own counsel. I
13 represent one of the property owners here that
14 is involved with this. This has been going on
15 months and months and months.

16 **MR. GOKORSCH:** I understand. I
17 don't know if we can reopen it or not. Once we
18 have the finding of facts and they have been
19 submitted, I think we are pretty much done. I
20 would like to proceed with the Duncan Factors on
21 this tonight and see if there is an issue

22 **MR. RISTAU:** I understand.

23 **MR. WRENCH:** While you go
24 through those, can I go back to the office and
25 get an application? Then the application is

1 submitted, filled out and signed by Savanna.

2 MS. VAN DE KAMP-PEET: I'm happy to
3 do that.

4 MR. GOKORSCH: Sure.

5 MR. DOWNING: Wasn't there a
6 lighting plan somewhere along the line that
7 showed posts and stuff like that that we have
8 already looked at? They were there. In
9 reviewing it, to me, it seems we are in a
10 continuation and not starting from scratch.

11 MR. GOKORSCH: We did have a
12 previous lighting plan and that lighting plan
13 was discussed and debated and that is why we are
14 here tonight. It was part of the original
15 package.

16 MS. MOORE: I'm going to make a
17 motion under Zoning Resolution 9.2(a). "The
18 Board of Zoning Appeals has certain powers that
19 are identified and one is under 9.2(a), to hear
20 and decide appeals where it is alleged there is
21 error in any decision made by an administrative
22 official in the enforcement of this Resolution.
23 For such an appeal, no fee shall be charged."

24 The motion is based on the
25 recognition that this is a unique circumstance

1 where we made a decision, and in that decision,
2 there were certain portions of the variance
3 request before us that were denied. The
4 applicant has resubmitted on those specific
5 items, providing detail for our consideration.

6 In moving to put this in front of us,
7 the Zoning Inspector had not had the applicant
8 fill out a new application and charge a new fee
9 for it, which was, if anything, an inadvertent
10 error. It was not out of malice; it was not
11 done with an intent to not go through the
12 appropriate procedure.

13 And so I would make a motion under
14 9.2(a) to reopen the variance request 516 for
15 the narrow purpose of hearing the three variance
16 requests that are contained in tonight's packet.

17 **MR. BOUCHEK:** I'll second.

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

19 (Thereupon, the Board unanimously
20 voted, aye.)

21 **MS. VAN DE KAMP-PEET:** I guess my
22 question is: If we are reopening -- I'm happy
23 to do it, but do we need to fill out another
24 application?

25 **MS. MOORE:** As the Board

1 Chairman indicated, we'll ask you each of the
2 factors for each of these. You can just put it
3 on the record and that way we don't have to run
4 across the street.

5 MS. VAN DE KAMP-PEET: Okay, perfect.

6 MR. GOKORSCH: Since you are not
7 familiar with the Duncan Factors, I will read
8 them verbatim for you. The Board is way too
9 familiar with the Duncan Factors.

10 Before we begin, maybe we should ask
11 for any other public input here. Please note
12 there is none.

13 MS. MOORE: Actually, on the
14 public input, I see the property owner for
15 Edgewood Auto. If you don't mind stating your
16 name for the record. I would like to show her
17 the one photograph of the directional light that
18 is 1516A east. I would like to get her opinion
19 on that. Could you state your name for the
20 record?

21 MS. GRAY: Jane Gray, Edgewood
22 Auto Body.

23 MR. GOKORSCH: Hi, Jane. Here is
24 the border of your property here, Edgewood is
25 over here. And here is the lamp we are talking

1 about 516-A east. Now, my concern when I
2 mentioned the lighting, notice the all white
3 here on their property and there is none on
4 yours.

5 **MS. GRAY:** Um-hum.

6 **MR. GOKORSCH:** Well, my concern
7 over on the other side was that I would probably
8 want the light to extend onto that lot here. So
9 my question is: Is this an issue to have this
10 next to your parking lot?

11 **MS. GRAY:** It would be all
12 right if it extended onto our property. We have
13 a light -- we have an old light at about the
14 same place, don't we?

15 **MR. GOKORSCH:** So what you are
16 saying is it would not be an issue.

17 **MS. GRAY:** It might be a plus.

18 **MR. GOKORSCH:** We are okay with
19 plus. Let the record state it would be a
20 positive if the light were to bleed over to the
21 property to the east.

22 **MS. GRAY:** I'm wondering if we
23 are going to have to remove ours.

24 **MR. GOKORSCH:** Possibly. Thank
25 you for your input.

1 MS. VAN DE KAMP-PEET: We look
2 forward to being a good neighbor.

3 MR. GOKORSCH: Okay, let's review
4 the Duncan Factors. Are you ready, Savanna?

5 MS. VAN DE KAMP-PEET: Yes, sir.

6 MR. GOKORSCH: Whether the
7 property in question will yield a reasonable
8 return and whether there could be any valid use
9 of the property without the variance. I would
10 think with or without the variance, the property
11 would be usable. Is that correct?

12 MS. VAN DE KAMP-PEET: You know, I
13 want to answer that question, but I am thinking
14 that on our application, we went through and
15 addressed -- maybe not specific to --

16 MR. WRENCH: This last packet,
17 there is no application, that's the problem.
18 Your previous ones, you did.

19 MS. VAN DE KAMP-PEET: Where we went
20 through and talked about what a hardship would
21 be --

22 MR. WRENCH: Correct.
23 Governmental services impact and all of those.

24 MS. VAN DE KAMP-PEET: I wish I had
25 that in front of me. I do know that in a

1 certain capacity, that was addressed. Would you
2 mind reading all the Duncan Factors, and then
3 can we go through?

4 **MR. GOKORSCH:** Sure. Actually, if
5 you want, we can give you a copy. Can we give
6 her a copy of those so she has them?

7 **MS. VAN DE KAMP-PEET:** Here, I'll
8 come up.

9 **MR. GOKORSCH:** This is standard
10 procedure for all area variances. They are
11 usually all filled out by the applicant ahead of
12 time. Okay, Duncan A, whether the property in
13 question will yield a reasonable return and
14 whether there can be any beneficial use of the
15 property without the variance. I would think,
16 yes.

17 **MS. VAN DE KAMP-PEET:** If that is
18 applicable in this instance?

19 **MR. GOKORSCH:** That there could
20 be beneficial use of the property without this
21 particular variance for this land.

22 **MS. VAN DE KAMP-PEET:** Yes, it is not
23 a deal killer.

24 **MR. GOKORSCH:** B, whether the
25 variance is substantial. Input from the Board?

1 **MR. GRASSI:** I think it is
2 substantial.

3 **MR. GOKORSCH:** Other Board
4 members?

5 **MR. DOWNING:** It is substantial.

6 **MS. MOORE:** Agreed.

7 MS. VAN DE KAMP-PEET: I'm not a
8 zoning expert, but I don't believe a few feet is
9 substantial when the neighbor in question sees
10 it as an added value.

11 **MR. GOKORSCH:** We'll get to that
12 in Factor H, but there is other criteria in H
13 which is what it fits.

14 MS. VAN DE KAMP-PEET: Okay.

15 **MR. GOKORSCH:** "Whether the
16 essential character of the neighborhood will be
17 substantially altered and whether adjoining
18 properties will suffer substantial detriment as
19 a result of the variance."

20 I think we had input from the
21 adjoining property owner saying that it would be
22 a positive and not a detriment. I also would
23 note that the other lot, which is vacant, would
24 also receive lighting. So I would say the
25 essential character would not be substantially

1 altered. Do we all agree?

2 (Thereupon, all Board members
3 responded, yes.)

4 **MR. GOKORSCH:** D, whether the
5 variance would affect the delivery of
6 governmental services. I take it the answer is,
7 no.

8 E, whether the property owner
9 purchased the property with the knowledge of the
10 zoning restrictions, I think the answer is, yes.

11 **MS. VAN DE KAMP-PEET:** At the time,
12 we weren't sure and we've gone through several
13 renditions of this layout. At one point, we had
14 the building facing the other way. I'm not
15 trying to refute everything that you're saying.
16 I'm just saying --

17 **MR. GOKORSCH:** It is really simple
18 though. Did you know there were zoning
19 restrictions in place in Russell Township when
20 you bought the property?

21 **MS. VAN DE KAMP-PEET:** Oh, period;
22 relating to lighting, not that --

23 **MR. GOKORSCH:** Well, there is a
24 lot of zoning restrictions.

25 **MR. DOWNING:** A whole book.

1 MS. VAN DE KAMP-PEET: Yes, I suppose
2 so.

3 MR. GOKORSCH: Whether the
4 property owner's predicament can be obviated
5 through some other method, other than a
6 variance.

7 MS. VAN DE KAMP-PEET: No, I think
8 the only way that this works -- and again,
9 lighting for us is about safety.

10 MR. GOKORSCH: Whether the spirit
11 and intent behind the zoning requirement would
12 be observed and substantial justice done by
13 granting the variance. I think the answer is,
14 yes; for me the answer is, yes. The idea is to
15 make sure people are safe and make sure it
16 doesn't bother adjoining property owners.

17 H, other criteria that the Board
18 believes we are able to determine the zoning is
19 equitable. I believe this is where you said you
20 had a comment on. Any other criteria you think
21 is important here?

22 MS. VAN DE KAMP-PEET: I think I
23 already chimed in, maybe too early, in saying I
24 see it as an added value, not only for safety,
25 but also any other type of benefit this lighting

1 would provide to our neighbors, whether that is
2 an empty lot, or safety for the auto repair
3 customers.

4 **MR. GOKORSCH:** It should also
5 be noted that the applicant has said that
6 they'll look at adjusting the luminescence of
7 the lighting to make sure it doesn't impact the
8 neighbors. Any other input from the Board? We
9 will take a motion.

10 **MS. MOORE:** I'll move to
11 approve the variance request for 6.5 J, 6BII,
12 regarding light pole setback for three poles as
13 identified on Exhibit A-1 by number 21-A-1, a
14 6.04 setback, which is a variance of 8.96. A
15 west, a 5.21 setback, which for a variance of
16 9.79, and A east, a 9.11 setback for a variance
17 of 5.89.

18 **MR. BOUCHEK:** I second.

19 **MR. GOKORSCH:** Roll call and vote,
20 please.

21 **MS. DORKA:** Mr Gokorsch.

22 **MR. GOKORSCH:** Yes.

23 **MS. DORKA:** Ms. Moore.

24 **MS. MOORE:** Yes.

25 **MS. DORKA:** Mr. Bouchek.

1 **MR. BOUCHEK:** Yes.

2 **MS. DORKA:** Mr Downing.

3 **MR. DOWNING:** Yes.

4 **MS. DORKA:** Mr. Grassi.

5 **MR. GRASSI:** Yes.

6 **MR. GOKORSCH:** Moving on. The
7 next variance request is for two signs. I'll
8 read it for you. "Requesting a variance from
9 section 411.H.1(a), Each commercial, office or
10 limited business may be permitted one of the
11 following signs on the premises: A wall or
12 projecting sign."

13 The applicant is seeking to have two
14 wall signs, thus requiring a variance of one
15 additional wall sign. So could you please point
16 out the two signs that you are requesting here.

17 **MS. VAN DE KAMP-PEET:** Sure. I'm a
18 little more familiar with this. So you all have
19 received a sign package plan, it is 8 and a half
20 by 11 in color. If you go to page 4 of 8, I
21 think that is the best picture. What we are
22 calling our wall sign -- shoot, that is a window
23 sign.

24 So sign one is shown on the back of
25 the building. That is our illuminated Circle K

1 square sign.

2 **MR. GOKORSCH:** That's the first
3 wall sign.

4 MS. VAN DE KAMP-PEET: Yes, sir. If
5 you go back to page 4, sign two and sign three
6 are what we are asking for help on. So those
7 are window -- four-foot by two and a half foot
8 window signs. And we are asking to be permitted
9 to have both of those shown on the front of the
10 building.

11 I would like to say that in order to
12 avoid seeking further variances, we took a look
13 at this and reduced the number of signs we would
14 have preferred to have, and speak on our
15 standard sign plan.

16 We took our Circle K off the front of
17 the building. In our architect's opinion -- and
18 I agree -- it allows it to blend in more with
19 the neighborhood. We don't have Circle K here
20 and this isn't illuminated, projecting into the
21 residential areas. It is a really big deal for
22 us.

23 And definitely working with Russell
24 Township to try and fit the style of the
25 neighborhood that you are wanting, we took away

1 our front sign and we are just asking to be
2 allowed to have our advertising signs on the
3 front of the building.

4 **MR. GOKORSCH:** I appreciate that.
5 I want to make sure I'm clear, 516-B, this says,
6 that the applicant is seeking to have two wall
7 signs, right? I note on your application,
8 page 3 of 8, on wall sign, which is the Circle K
9 on the front, facing Chillicothe Road. And I
10 notice two window signs.

11 **MR. WRENCH:** That's what I
12 wondered: Is it window or wall?

13 **MR. GOKORSCH:** Well, there's the
14 canopy also. All right. Let's try to clarify.
15 So the second wall sign is the sign on the
16 canopy; is that correct?

17 **MS. VAN DE KAMP-PEET:** I was under
18 the impression it was these two on the building
19 and that the canopy is considered separate from
20 the building.

21 **MR. GOKORSCH:** We are talking
22 about not on the building, but on the site,
23 right? I'm just trying to clarify which signs
24 we are talking about. The window signs you said
25 are inside, however, considerable in size.

1 There is one on Chillicothe Road, on
2 the building. Is the second wall sign the sign
3 on the canopy?

4 MS. VAN DE KAMP-PEET: Yes. I
5 apologize. I guess the way this is worded, our
6 second sign -- and again, I would love some
7 input from the Code. But the second sign is
8 either the canopy, or on the building, the wall.

9 **MR. GRASSI:** But you referred to
10 the second and third sign as the window signs,
11 that is what I'm looking at. You called them
12 wall signs and I see them as window signs,
13 that's what I'm confused about.

14 MS. VAN DE KAMP-PEET: I guess
15 "wall," in this sense, means one on the back of
16 the building and one on the canopy.

17 **MR. GRASSI:** Right.

18 MS. VAN DE KAMP-PEET: Not in any way
19 relating to signs two and three. I was
20 surprised seeing we needed a variance for that.
21 We're asking permission to have a sign on our
22 canopy and have a sign on the back of our
23 building.

24 **MR. GOKORSCH:** Okay. So please
25 make the note that in 516-B, we are talking

1 about a sign one, designated on page 3 of 8,
2 facing Chillicothe Road. And sign four, on the
3 same page 3 of 8, a non-illuminated canopy
4 fascia facing Kinsman Road.

5 MS. VAN DE KAMP-PEET: One of the
6 reasons that is important, just to give you a
7 little context, we don't solely see that as
8 advertising. But some of our sites, like the
9 one I was telling you we're buying in Summit
10 County, it is a BP, we'll keep that canopy BP as
11 long as we are contractually obligated to do.

12 It is important for our customers to
13 know what they're putting in their car. So the
14 sign on the canopy not only advertises for our
15 store, but also helps to bill that this is
16 Circle K fuel, our brand of fuel. And I think
17 it is an important distinction to make for our
18 business.

19 MR. GOKORSCH: To clarify further,
20 on page 6 of 8, that canopy sign, it noted that
21 it is an illuminated logo sign, whereas on the
22 other side, it is noted it is a non-illuminated
23 canopy fascia.

24 MS. VAN DE KAMP-PEET: So the sign
25 itself would be illuminated. The canopy, in

1 some cases, the entire thing is backlit with
2 LEDs. I believe one of our early versions
3 proposed that and we agreed not to backlight the
4 entire canopy fascia, the red that you see all
5 the way around.

6 It would be just the Circle K sign
7 that would be illuminated now. It is not a
8 mistake; the sign is illuminated, but the rest
9 of the canopy is not backlit.

10 **MR. GRASSI:** So just the color
11 red and the Circle K would be on the south side;
12 that is the only one?

13 **MS. VAN DE KAMP-PEET:** Correct.

14 **MR. GOKORSCH:** So to be 100
15 percent clear here, we are talking about sign
16 one, which will be an illuminated sign facing
17 Chillicothe Road.

18 **MS. VAN DE KAMP-PEET:** I want to
19 triple check that we are calling that
20 illuminated, yes.

21 **MR. GOKORSCH:** Sign four, which
22 would be an illuminated sign in the canopy,
23 which would not be lit, facing Kinsman Road; is
24 that correct?

25 **MS. VAN DE KAMP-PEET:** The canopy

1 will not be lit; the Circle K logo sign will be
2 lit, yes.

3 **MR. GOKORSCH:** So a sign on
4 Kinsman and a sign on Chillicothe.

5 **MS. VAN DE KAMP-PEET:** Yes, sir.

6 **MR. GOKORSCH:** Now that we have
7 that clarified, any other questions from the
8 Board?

9 **MR. BOUCHEK:** Yes, I have
10 questions. Which sign, sign one or sign four,
11 are you asking the variance for?

12 **MS. VAN DE KAMP-PEET:** Our canopy,
13 sign four.

14 **MR. BOUCHEK:** So you are allowed
15 to have one sign, so that would be sign one.
16 And just to make sure, you are asking for a
17 variance for the sign on the canopy?

18 **MS. VAN DE KAMP-PEET:** Yes, sir.
19 Thank you for that clarification.

20 **MR. BOUCHEK:** Is there any
21 signage or identification to Circle K at the
22 pumps themselves?

23 **MS. VAN DE KAMP-PEET:** I want to say,
24 yes, I believe we have small --

25 **MR. BOUCHEK:** So you mentioned

1 you would like your customers to identify they
2 are using Circle K gas. Isn't that already
3 taken care of at the pumps?

4 MS. VAN DE KAMP-PEET: To be honest,
5 I'm trying to think. I just filled up on my way
6 here at Circle K, but we have a branding
7 agreement with Marathon. I want to say that I
8 know those pumps have our color scheme on there.

9 I'm not sure, to be honest. I don't
10 want to tell you the wrong thing. Know it would
11 be super clear to someone, were it not on the
12 canopy.

13 MR. BOUCHEK: I have one other
14 question. You already have a ground sign that's
15 on Kinsman Road which identifies your whole
16 facility and everything. Is there any
17 particular reason why you need another sign that
18 faces Kinsman road?

19 MS. VAN DE KAMP-PEET: In my opinion,
20 yes. Again, the canopy is a fair amount taller
21 than the monument sign, which we specifically
22 agreed to go low profile on. I think you can
23 see the canopy from further away.

24 Not only is that a benefit to
25 advertising, but again, the further away drivers

1 can see something and make a decision about
2 where they're going to turn, makes it safer.
3 Nobody is turning last-minute to get into Circle
4 K. They can make those decisions and plan
5 accordingly.

6 **MR. GOKORSCH:** Any other questions
7 from the Board?

8 **MR. DOWNING:** That sign is like
9 12 feet long, it is not a small sign.

10 **MR. GOKORSCH:** This one here you
11 are saying?

12 **MR. DOWNING:** Yeah. This is a
13 major sign.

14 **MR. GRASSI:** It's 3 feet by
15 12 feet, so that's pretty big.

16 **MR. GOKORSCH:** Our concern,
17 Savanna, this is a huge sign as it is being set
18 up here. Could the sign be changed
19 dimensionally?

20 **MR. DOWNING:** That's huge.

21 **MS. VAN DE KAMP-PEET:** Perhaps; I'm
22 not sure if that is something we order standard.
23 I've actually never been asked that. What I
24 wouldn't want to do is have to come back. I'm
25 not sure -- I mean, again visibility is

1 important, not size, I think. It is that size
2 so people can see it a half mile back.

3 I don't know if this comes in a
4 standard kit for us. I would be happy to look
5 into it and see. I do know that we have
6 internal standards that we have to adhere to.
7 If that is something that we speak to our canopy
8 vendor and it would be \$10,000 to do something
9 custom for a one off job, I don't know that that
10 is something they would do.

11 **MR. BOUCHEK:** Mr. Chairman, I'm
12 not sure what you are asking. I don't know if
13 I'm qualified to even --

14 **MR. GOKORSCH:** Well, we have a
15 dimensional requirement for our sign.

16 **MR. BOUCHEK:** Yes, 50 square
17 feet for each sign.

18 **MR. GOKORSCH:** So my thought was
19 if this is a 50 square feet or less sign, it
20 would be less intrusive and more in compliance
21 with our regulation.

22 **MR. BOUCHEK:** Before we
23 continue, I don't mean to get ahead of us, but
24 your third request regarding the variance for
25 the size of the sign. That doesn't meet the 50

1 square foot size; you are asking for 88.5 square
2 feet. Which sign are you talking about? Are
3 you talking about sign one?

4 **MR. WRENCH:** No.

5 **MR. GOKORSCH:** That is the two
6 combined. That's the 38.5?

7 **MS. VAN DE KAMP-PEET:** You are
8 referring to the total overage, not that one
9 sign is necessarily outside of that; the total
10 square feet that it is over.

11 **MR. GRASSI:** Of both the signs?

12 **MS. VAN DE KAMP-PEET:** Yes.

13 **MR. WRENCH:** Of the two walls?

14 **MR. GRASSI:** On Chillicothe is
15 total of 88 feet in signage?

16 **MR. WRENCH:** Correct, 88.5 feet.

17 **MR. BOUCHEK:** So you are
18 basically saying sign one is 50 square feet and
19 sign four, on the canopy, is 38.5 feet, which is
20 88.5. Doesn't our ordinance read that it is 50
21 square feet per sign?

22 **MS. VAN DE KAMP-PEET:** Let me dig
23 into the dimensions here on both of the proposed
24 signs. Yeah, so if you look at page 5 of 8 of
25 the sign package plan, signage details calls the

1 illuminated on the back sign one, on the back of
2 the building, at 50 square feet. And then gives
3 us the details on page 6 of 8 of the dimensions
4 of the canopy sign.

5 **MR. GOKORSCH:** The Circle K sign
6 as it is written here is 12 by 3, which is
7 38 square feet, which is well within the 50 foot
8 requirement.

9 **MR. BOUCHEK:** Let me make sure I
10 understand the interpretation of the regulation.
11 They're allowed one wall sign per the regulation
12 and they are allowed 50 square feet for each
13 sign, no matter what sign. If we grant them the
14 variance for two signs, each one is allowed to
15 be 50 square feet; is that correct?

16 **MR. GOKORSCH:** Yes, I believe so.

17 **MR. DOWNING:** So if you don't
18 like the size, you have got to get it defined
19 now.

20 **MR. BOUCHEK:** So just for your
21 benefit, your request for your third variance is
22 really not required.

23 **MR. WRENCH:** If 22 is approved,
24 then 23 is too.

25 **MS. VAN DE KAMP-PEET:** Oh,

1 subsequently. Okay, great.

2 **MR. BOUCHEK:** We still have to
3 rule on this, if you can have two signs.

4 **MS. VAN DE KAMP-PEET:** Would I need
5 to retract that then?

6 **MS. MOORE:** Just withdraw it.

7 **MR. GOKORSCH:** So to be clear
8 here, we are really talking about a variance for
9 a second sign, that second sign is 38.5 feet.
10 That second sign will be facing Kinsman Road.
11 It will be on -- it will be lit and it will be
12 on the fascia above the pumps; is that correct?

13 **MS. VAN DE KAMP-PEET:** Yes, sir.

14 **MR. GOKORSCH:** Any other questions
15 from the Board? Now we know what we are talking
16 about? Any other input from the folks here?

17 **MR. BUTTERS:** Yeah, Charlie
18 Butters, River Glen Drive. Driving around,
19 after all this started, I go all over the place
20 around Akron and Cleveland and I see Circle Ks
21 everywhere and I see that fascia sign.

22 And it sounds like, oh, it's 13 feet
23 wide, but when you are driving around, it is not
24 that big. And you know that is the Circle K.
25 If you make it smaller, I think it is going to

1 change their whole outlook on what they do.
2 Because I have been conscious of that, I see
3 them and that is that. I think not lighting the
4 fascia is a big step.

5 **MR. GOKORSCH:** Thanks, Charlie.
6 If there are no other inputs -- oh, there's one
7 more.

8 **MR. WAGNER:** My name is John
9 Wagner, I live on Fox Hollow. I haven't been
10 sworn in yet.

11 (Thereupon, the John Wagner was sworn
12 in by Mr. Gokorsch.)

13 **MR. GOKORSCH:** Please state your
14 name.

15 **MR. WAGNER:** John Wagner. The
16 Circle K up in Eastlake, Ohio just went into
17 operation at the end of 2017 or early 2018. It
18 is very similar -- it's on a corner -- to this
19 one. They only have one ground sign there in
20 Eastlake, Ohio. They do have two canopy signs,
21 one at either end.

22 **MR. GOKORSCH:** Thanks, John. We
23 are talking about one canopy sign here, the
24 other side of the canopy won't be it and won't
25 have any signs.

1 **MR. WAGNER:** But they only have
2 one ground sign up there.

3 **MR. GOKORSCH:** Is it a corner
4 lot?

5 **MR. WAGNER:** It is on a corner
6 lot, the corner of East 357th Street.

7 **MR. GOKORSCH:** This,
8 unfortunately, is not on a corner lot, because
9 the corner lot is a vacant lot, an un-buildable
10 lot. We discussed this last week, the need for
11 one sign on each of the streets and we've
12 approved that. Any other input?

13 **MR. WAGNER:** On page 6 of 8 it
14 shows five pump islands, and on another page, it
15 shows six pump islands. Is there going to be
16 five pump islands or six? Page 3 of 8 shows six
17 islands and page 6 of 8 it shows five.

18 **MS. VAN DE KAMP-PEET:** Page 6 of 8 --
19 I'm not sure if you want me to answer that or if
20 all questions are directed to the Board. I'm
21 happy to.

22 **MR. GOKORSCH:** Go ahead.

23 **MS. VAN DE KAMP-PEET:** Page 6 of 8,
24 really that is not the full scope of the island.
25 It is going to be six MPDs, fuel dispensers,

1 multiple petroleum dispensers. Page 6 of 8
2 exists just to illustrate what is defined and
3 where it is going to be positioned. It is not
4 meant to replace our site plan or illustrate --

5 **MR. GOKORSCH:** To clarify, there
6 will be 12 fuel dispensing stations?

7 MS. VAN DE KAMP-PEET: 12 pumps on
8 each side, six MPDs with the capability to fuel
9 on either side, so 12. People hear 12 and think
10 that is a lot.

11 **MR. GOKORSCH:** I understand. Any
12 other input?

13 **MR. BOUCHEK:** I do have one more
14 thing about signage, if I may.

15 **MR. GOKORSCH:** Sure.

16 **MR. BOUCHEK:** I'm looking at
17 page 8 of 8, which is your ground signs. You
18 have two ground signs and you have agreed to add
19 the stone base on the bottom, which I see here.
20 Does did sign itself -- how is it supported? Is
21 it bolted down to the base, or does it need
22 supports from the two ends?

23 MS. VAN DE KAMP-PEET: You are
24 talking about the lip that goes over the stone,
25 is it --

1 **MR. BOUCHEK:** I'm talking about
2 the manufactured sign your company will build.

3 **MS. VAN DE KAMP-PEET:** I'm not sure
4 exactly how that is constructed; I can get you
5 details on it. I would assume it is bolted
6 down. It is definitely not balancing
7 precariously on top. I don't know if that is
8 cemented on or bolted.

9 **MR. GOKORSCH:** Is the concern that
10 the dimension of the sign will be expanded
11 because of the support structures?

12 **MR. BOUCHEK:** My concern is that
13 usually these type of signs aren't just bolted
14 down at the base, they need supports on the
15 ends. So what I suggested in previous meetings
16 was that if that is the fact and you do need to
17 do support the manufactured box sign at the two
18 ends, that would carry the masonry stone up on
19 both ends of the sign.

20 **MS. VAN DE KAMP-PEET:** Okay, that is
21 not a problem.

22 **MR. BOUCHEK:** You would agree to
23 that if that is the case?

24 **MS. VAN DE KAMP-PEET:** Sure.

25 **MR. BOUCHEK:** All the way to the

1 top of the sign?

2 MS. VAN DE KAMP-PEET: I know for a
3 fact there won't be anything out to the top of
4 this supporting the sign. But let me look into
5 it and see what we can do. I believe this is
6 pretty close to as shown in real life.

7 MR. BOUCHEK: If this is the
8 case and they are just able to bolt it down at
9 the bottom for wind load, that is fine; if you
10 need additional support to hold it in place on
11 the end, then all I'm asking is that you add
12 masonry on the end.

13 MS. VAN DE KAMP-PEET: Add that
14 architectural detail.

15 MR. GOKORSCH: Please let the
16 record state that. You did bring that up last
17 time too.

18 MR. GRASSI: I have one
19 question. Where that says "message" is that
20 going to be flashing "cash, credit"? We
21 discussed that two meetings ago and you folks
22 agreed that it would not be flashing.

23 MS. VAN DE KAMP-PEET: I don't know.

24 MR. GRASSI: They agreed that it
25 would not to be flashing. I have seen very few

1 that flash.

2 MS. VAN DE KAMP-PEET: I think that
3 everything comes equipped to toggle remotely
4 from a computer, but I don't believe that it is
5 our standard to have anything flash like that,
6 it is very distracting.

7 MR. GRASSI: That was agreed
8 upon. That was one of our conditions that we
9 asked and you folks agreed it would not be
10 flashing.

11 MS. VAN DE KAMP-PEET: The intent is
12 certainly to honor anything --

13 MR. DOWNING: Well, it is on
14 record.

15 MR. GOKORSCH: They did agree to
16 no flashing.

17 MR. DOWNING: Can I just point
18 out that the previous sign listed a cash
19 price -- cash, credit. And this sign basically
20 no longer deals with the type of payment, just
21 unleaded or diesel.

22 MR. GRASSI: I think that was
23 going to be put in the message.

24 MS. VAN DE KAMP-PEET: I think what
25 that refers to, we have a program now, our

1 Easy-K or the price that it is if you are in our
2 rewards program. Again, I don't want to state
3 for fact, but I would assume that is what that
4 would be. And that would only be updated as
5 prices change. Again, not flashing. And I
6 wrote it on here.

7 **MS. MOORE:** Just so you have
8 it, Mr. Downing brought it up the last time, so
9 Resolution 4.11.C(2) specifically says: "No
10 sign shall include any parts or elements which
11 revolve, rotate, spin, or otherwise make use of
12 motion or attract attention."

13 So if there is any sort of movement
14 to that sign that is regular, that is something
15 that would need to come before us.

16 **MS. VAN DE KAMP-PEET:** Okay. I'll
17 get more detail on what we have got planned
18 there.

19 **MR. BOUCHEK:** One more question
20 pertaining to signs. Going to sign number one,
21 which is your building sign facing Chillicothe.
22 Would you happen to know what the dimensions of
23 that sign is?

24 **MR. GOKORSCH:** Fifty square feet.

25 **MR. BOUCHEK:** That doesn't help

1 me.

2 **MR. GOKORSCH:** Oh, you mean
3 length and width.

4 **MR. BOUCHEK:** Yes.

5 **MS. VAN DE KAMP-PEET:** And these side
6 view dimensions, I don't think, equal 50.

7 **MR. GOKORSCH:** I don't see it.

8 **MS. VAN DE KAMP-PEET:** I don't
9 either. If it is not noted here, I don't know
10 it off the top of my head. Sorry, I wish I did.
11 I wish I could be more help.

12 **MR. GOKORSCH:** Any other
13 questions? Okay. There is nothing else from
14 the field here. We should go to the Duncan
15 Factors again for this variance. And to be
16 clear, this variance is for a second sign of
17 38.5 square feet, facing Kinsman Road, on the
18 canopy.

19 "Whether the property in question
20 will yield a reasonable return, or whether there
21 can be any beneficial use of the property
22 without the variance." I would think the
23 property would be usable without the variance.
24 It is just a question of it being more visible.
25 Do you agree?

1 MS. VAN DE KAMP-PEET: Sure.

2 MR. GOKORSCH: Whether the
3 variance is substantial. We're talking about a
4 second sign here. A second sign on basically a
5 corner lot facing the street. This is a second
6 sign. Do we agree?

7 MS. MOORE: Yes.

8 MR. GOKORSCH: Whether the
9 essential character of the neighborhood would be
10 substantially altered, or suffer a substantial
11 detriment as a result of the variance.

12 MR. GRASSI: No, I don't think
13 so.

14 MS. VAN DE KAMP-PEET: I don't
15 believe so.

16 MR. GOKORSCH: Board says, no;
17 applicants says, no.

18 MR. DOWNING: Just as a point of
19 verification, they similarly include here that
20 they actually remove the sign that was on the
21 building itself.

22 MR. GOKORSCH: Yeah, we should
23 probably put that in H. Whether the variance
24 adversely affects the delivery of governmental
25 services.

1 **MR. DOWNING:** No.

2 **MR. GOKORSCH:** Whether the
3 property owner purchased the property with
4 knowledge of the zoning restrictions. The
5 answer is?

6 MS. VAN DE KAMP-PEET: We did.

7 **MR. GOKORSCH:** Whether the
8 property owner's predicament feasibly can be
9 obviated through some other method than
10 variance. No, if you are going to have two
11 signs, you are going to need a variance.

12 Whether the spirit and intent behind
13 the zoning requirement would be observed and
14 substantial justice done by granting the
15 variance.

16 I think this and H come into play
17 where other signs were removed by the applicants
18 in order to minimize the visual impact on the
19 corner. It should also be noted that the
20 lighting was removed from the canopy for the
21 same reason.

22 MS. VAN DE KAMP-PEET: We also did a
23 low profile monument sign. It is the smallest
24 we've ever done and that is actually something
25 custom that we had to ask our architect for. We

1 were happy to do it.

2 **MR. GOKORSCH:** Then H, any other
3 criteria the Board believes relates in
4 determining whether the zoning is equitable. Do
5 we want to put anything in there at all,
6 anything else?

7 **MR. DOWNING:** No, we are done.

8 **MR. GOKORSCH:** Do we have
9 exhibits to add to this; I think this was
10 submitted.

11 **MR. DOWNING:** This was
12 submitted.

13 **MR. GOKORSCH:** All right. I don't
14 think we have any notes on any of them.

15 **MS. MOORE:** I'll make a motion
16 to approve the variance request regarding
17 Resolution number 4.11.H.1(A) to add a second
18 wall sign, which would be placed on the canopy
19 as sign number four and be illuminated with the
20 condition that the canopy itself is not
21 illuminated.

22 The sign would be as depicted within
23 the submittal by the applicant and will be at
24 the south elevation as shown on sheet number
25 S-C-1, and would be 38.5 square feet in

1 dimension.

2 **MR. BOUCHEK:** I'll second.

3 **MR. GOKORSCH:** Roll call and vote,
4 please.

5 **MS. DORKA:** Mr. Gokorsch.

6 **MR. GOKORSCH:** Yes.

7 **MS. DORKA:** Ms. Moore.

8 **MS. MOORE:** Yes.

9 **MS. DORKA:** Mr. Bouchek.

10 **MR. BOUCHEK:** No.

11 **MS. DORKA:** Mr. Downing.

12 **MR. DOWNING:** Yes.

13 **MS. DORKA:** Mr. Grassi.

14 **MR. GRASSI:** Yes.

15 **MR. GOKORSCH:** Okay. Moving on

16 here, I understand you are going to withdraw the
17 last request, 516-C, because it won't be
18 necessary because we have said that the 38.5
19 square foot sign is approved and the 50 square
20 foot sign is approved.

21 **MS. VAN DE KAMP-PEET:** Sure, yes. I
22 mean, I guess there is no way you could just
23 approve it noting it is redundant, could you?

24 **MS. MOORE:** Within the last
25 motion, we identified it is 38.5, so it has

1 already been approved.

2 MS. VAN DE KAMP-PEET: Okay.

3 MR. GOKORSCH: Thank you, Savanna.

4 MS. VAN DE KAMP-PEET: Thank you for
5 having me.

6 MR. GOKORSCH: We have some other
7 work to do. If there is other inputs. I don't
8 think we have any other inputs here.

9 John, do you have something for the
10 rest of the meeting?

11 MR. WAGNER: I just have a
12 question about the canopy lighting on the
13 building.

14 MR. GOKORSCH: We already
15 discussed lighting.

16 MR. WAGNER: Well, I still want
17 to put in my opinion. The drawing shows three
18 big lights that light the front of the building.
19 The ones up in Eastlake are 2,500 lumens --

20 MR. GOKORSCH: For the record
21 here, in a previous meeting, we discussed the
22 canopy illuminating the front of the building
23 and it was agreed that if those three lights
24 were causing any glare, any issues relative to
25 traffic on Kinsman Road, they would be removed.

1 **MR. WAGNER:** That is not the
2 problem. We have a dark sky. We have an
3 observatory out in Montville; you can't have
4 that kind of light flooding up in here. I have
5 driven by, I think, 200 Circle Ks, 200 pictures
6 of Circle Ks around here, and they are just
7 atrocious with the canopy lighting.

8 It does a beautiful job at
9 illuminating it for the customers, but it is not
10 a dark sky thing. The pole lights they have
11 along the edge of that, they are convex. They
12 were not properly shielded at any site I've
13 seen.

14 Up in Mayfield Heights, there is a Circle K
15 at one corner at Som and Mayfield and a BP on
16 the other corner. The Circle K lights, even
17 though it's a smaller station, they really
18 trespass. The BP, their under-canopy lights are
19 flush, they are not convex.

20 **MS. MOORE:** I would note that
21 members of the Board may share your opinion, but
22 we are limited with what we can do because the
23 Zoning Resolution is very limited with the
24 restrictions on the lighting.

25 And Circle K has an obligation to

1 comply with our building Resolution relative to
2 the lighting requirements within the Resolution.
3 Circle K has not come to us to seek a variance
4 on the lighting requirements in terms of lumens.
5 If that comes before us, certainly we would
6 address that.

7 But I would urge you to bring your
8 concerns to our Zoning Commission so they can
9 consider that in reviewing the Zoning Resolution
10 to see whether there needs to be additional
11 provisions within our Zoning Resolution to
12 accommodate what you are suggesting.

13 **MR. WAGNER:** That won't work for
14 this station; it would be for the next Circle K.

15 **MS. MOORE:** Unfortunately, we
16 are limited by what our Zoning Resolution has in
17 it right now.

18 **MR. WAGNER:** But it is 2,500
19 lumens. I have got a picture of the flood
20 lights, they are huge.

21 **MS. MOORE:** I'm not disagreeing
22 with you. We can't take that information
23 because the Zoning Resolution doesn't have
24 provisions. So take that information to the
25 Zoning Commission so that they can consider that

1 with the Zoning Resolution to make amendments.
2 We can only act on what is in our Zoning
3 Resolution.

4 **MR. WAGNER:** So you are going to
5 permit three searchlights that are probably tens
6 thousands of lumens --

7 **MS. MOORE:** You are not hearing
8 what I'm saying.

9 **MR. GOKORSCH:** I would suggest,
10 John, if dark skies is a requirement, if you
11 believe that that is a requirement that should
12 be put in place for Russell, then I think you
13 need to get to the Zoning Board and make sure
14 that we plug that in, because if it was in the
15 Resolution, we could enforce it.

16 But it is not in the Resolution.
17 Although I agree, I really like it. It is not
18 in the Resolution, so we can't enforce it,
19 particularly for this applicant.

20 **MR. WAGNER:** What about the
21 2,500 lumens --

22 **MR. GOKORSCH:** As I said earlier,
23 discussion in previous meetings as to the three
24 lights shining on the building, they agreed,
25 specifically, those lights will not encroach.

1 **MR. WAGNER:** I have seen them at
2 other stations where they --

3 **MR. GOKORSCH:** For the Zoning
4 Inspector here, you are going to make sure these
5 things don't encroach, right?

6 **MR. WRENCH:** Yes.

7 **MS. MOORE:** And that makes it
8 comply with our lumen requirement within our
9 Resolution, there is not a variance for that.

10 **MR. WAGNER:** Will they add
11 shielding to that? I mean, there is nothing
12 wrong --

13 **MR. WRENCH:** The shielding
14 requirement is over 2,500.

15 **MS. MOORE:** Right.

16 **MR. GOKORSCH:** We have got other
17 business here. Signing of the previous month's
18 minutes.

19 **MS. DORKA:** I have everyone
20 (inaudible) --

21 **MR. GOKORSCH:** Thank you,
22 Savanna.

23 **MS. DORKA:** -- he was not at
24 the meeting. I can attach the sign-in page
25 separate, so I can edit this if you approve it.

1 **MR. GOKORSCH:** Any inputs on the
2 minutes of January 7th?

3 **MS. MOORE:** I move to approve
4 those as presented with the amendment that was
5 just made.

6 **MR. GOKORSCH:** Will someone
7 second?

8 **MR. GRASSI:** Second.

9 **MR. GOKORSCH:** All in favor?
10 (Thereupon, the Board unanimously
11 voted, aye.)

12 **MR. GOKORSCH:** Do we have any
13 public comments?

14 **MS. MOORE:** The public is gone.
15 Did you find out about the sign-in sheet?

16 **MS. WALDER:** Yes, I don't have
17 an answer back. I did put a request both to the
18 APA and to the Trustee.

19 **MS. MOORE:** Thank you.

20 **MR. GOKORSCH:** Yeah, hang on.
21 We've get an answer here and find out what to do
22 with the sign-in sheet. Although, Charlie did
23 stay through the meeting. I think we are done.
24 Does somebody want to make a motion here?

25 **MR. GRASSI:** I make a motion we

1 close the meeting.

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

3 (Thereupon, the Board unanimously
4 voted, aye.)

5 (Thereupon, the proceedings were
6 concluded at 8:21 o'clock p.m.)

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C E R T I F I C A T E

STATE OF OHIO,)
) SS:
SUMMIT COUNTY,)

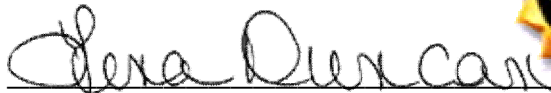
I, Lena M. Duncan, a Stenographic Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that these proceedings were taken by me and reduced to Stenotypy, afterwards prepared and produced by means of Computer-Aided Transcription and that the foregoing 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.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio, on this 17th day of March, 2019.



Lena M. Duncan, Stenographic Reporter and Notary Public in and for the State of Ohio.

My commission expires February 19, 2020.

- - -

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