



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
May 1, 2019
7:30 PM
COUNCIL CHAMBERS

Commission Members Present: Brett Iafigliola, Gary Pehanic, Garry Thompson, Peter Carpenter, Michelle Hawkins and Dave Fenderbosch. Mr. Paul Stibich was excused.
Audience: 4

Chairman Brett Iafigliola called the public meeting to order at 7:30 p.m.

1. **Planning & Zoning Case # 11-2019** - A request made by Donald Lopresto, owner of 9441 Lindbergh Blvd, PP# 291-30-029 for a variance of 8 feet to Section 1240.09(a)(2) to permit the driveway to be 23 feet wide in lieu of the Code maximum of 12 feet and a variance of 10 feet to Section 1240.09(a)(2) to permit the driveway to widen to 29 feet at the garage in lieu of the Code permitted maximum of 19 feet.

Mr. Iafigliola administered the oath.

Mr. Lopresto indicated that he is the only individual that lives in his residence and he has two vehicles, one stays in the garage and the other remains in the driveway. He does have family and friends that come over and park on the grass or pull off the driveway in order to fit. Since he has to replace the driveway, he would like to widen his driveway in order to accommodate the vehicles.

Mr. Iafigliola reviewed the drawings.

Mr. Smerigan stated that he understands the desire to make the driveway wider. The reasons for the limitations on the size of driveways is storm runoff and a desire not to have the entire front of a property paved. The one concern he has is the driveway being 24 feet all the way to the street as that seems excessive to him. In the past the Commission has allowed residents to come in and widen their driveways in order to add additional parking spaces but this request extends all the way to the street.

Mr. Iafigliola indicated that in order to satisfy Mr. Smerigan's concerns he asked the applicant if he was opposed to narrowing the width of the driveway at the road. Mr. Lopresto asked how narrow the drive would need to be at the road. There was a discussion and a sketch to show Mr. Lopresto what Mr. Smerigan was suggesting.

Lynn Hutchings, 9555 Lindbergh Blvd., stated that Lindbergh is not a curbed street and the properties are longer than the other homes in the area in other words, there is more grass because we are part of the old township.

Mr. Lopresto indicated that the suggestion is to narrow the drive to 15 feet at the street. Mr. Thompson indicated that he does not have any issues if the drive was widened to 16 feet at the street rather than the 15 feet.

Mr. Iafigliola moved to **approve** a request for Planning and Zoning Case #11-2019 for Mr. Lopresto owner of 9441 Lindbergh Blvd, PP #291-30-029 for a variance of eight (8) feet pursuant to Section 1240.09(a)(2) to permit the driveway to be 24 feet in lieu of the code maximum of 12 feet and a variance of 10 feet pursuant to Section 1240.09(a)(2) to permit the driveway to widen to 29 feet at the garage in lieu of the code permitted maximum of 19 feet with the stipulation that the driveway be 16 feet wide at the right-of-way line; the drive will run for a distance of 10 feet, up the driveway, before flaring out to the proposed 24 feet; Mr. Carpenter **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

2. Planning & Zoning Case #12-2019 – A request by Trinity Church, owner of 9500 Lindbergh Blvd, PP# 291-15-004 for a variance of 6” to Section 1272.03(d)(4) to permit a ground sign to be 4’6” in height lieu of the Code maximum of 4’; a variance to Section 1272.03(d)(4) to permit a wall sign; a variance of 29 feet to Section 1264.03(b) to permit a building side yard setback of 21 feet in lieu of the required 50 feet; variance of 10 feet to Section 1264.03(b) to permit a side yard setback of 10 feet in lieu of the required 20 feet for the existing parking lot; preliminary site plan approval for an addition to the existing church; and a lot split/consolidation of PPN’s 291-15-003 and 291-15-004.

Mr. Iafigliola administered the oath.

Mr. Lander indicated that they would like to add an addition to the north of the building and will be approximately 1900 square feet. The addition will be used for children’s ministry, Sunday school rooms, and the existing building does not provide this type of rooms. He stated that current building is 51 feet off the property line and the addition will need an additional 20 feet. The design of the addition calls for a gable roof in the front he would like to request that the church’s name be placed on the front of the building. They would like to move the existing sign in the front of the property closer to the driveway and road and will be within the setbacks. The sign will be 4’ 6” off the ground but will provide a re-design, if necessary, to which the sign would be four feet in height. Mr. Swidrak stated that a study was completed to the east, south, and west for different options for the addition. He believes that there is an error in the request for a variance of 29 feet to Section 1264.03(b) and he believes it should be 19 feet and the building side yard setback should be 31 feet in lieu of 50 feet. He stated that the addition will be 31 feet from the property line not 21 feet.

Mr. Lander stated that the lot split/consolidation request deals with negotiations with the northern property owner; this neighbor is not in favor of the variances, and we have had some discussions to determine what would help him be supportive.

Mr. Iafigliola asked if there would be changes to the existing parking lot. Mr. Lander stated that the current parking lot is 20 feet off the setback line, which is to code, if the lot split of 10 feet is granted to Mr. Galauner, the existing parking would then be out of code.

Mr. Smerigan stated that there are special signage conditions for churches in residential districts, they are permitted a monument sign and their sign as proposed complies with the maximum size requirement but not the height, therefore the sign as proposed would require a 6" variance. There are no specific provisions for wall signs for churches in residential districts, which would also require a variance. He does not feel that a wall sign is inappropriate, but would note that the sign be of appropriate size for the wall itself. The lot/split consolidation provides a sale of 10 feet to the neighbor to the north. This neighbor has, in the past, used a portion of this property and there were some negotiations for these 10 feet. If this sale goes through the variances listed in the public notice are required, if the lot split is not completed then the variance request will be reduced by 10 feet. To add to the south side of the building the church would need to remove the car port and make significant changes to the drive access; adding to the front would place the addition behind the sanctuary and creates internal design issues; adding to the rear they would need to remove part of the parking lot and replace further back on the sight in order to continue to comply with the parking requirement. There are some practical difficulties to locating this addition on the other three sides of the building. The current parking lot is in compliance with the setback requirements and would only need the 10-foot setback variance if they grant the 10-foot lot split. He stated that the Commission will also need to approve the preliminary site plan, due to the fact that we do not have all the necessary drainage and design information that the city engineer would require for final site plan approval.

Lynn Hutchings, 9555 Lindbergh Blvd., stated that when the Kingdom Hall originally moved in they agreed that there would be no excess parking on Lantern Drive and she was wondering if that same agreement could be included in this request. She stated that there have been a lot of near misses with people pulling out of the church driveway and people pulling out of Lantern onto Lindbergh, as she understands it streets have the right-of-way as opposed to driveways and asked if the people pulling out of Lantern would have the right-of-way opposed to someone turning out of the churches driveway. She did ask that a sign be installed indicating that Lantern has the right-of-way.

Mr. Smerigan stated that the Commission certainly has the ability as part of final site plan approval to stipulate signage with regard to traffic control. As part of the site plan review process the Commission will make sure that the minimum parking requirements are complied with based on the proposed use of the facility so there should be no parking outside of the parking lot, if they have events, they will need to make arrangements to accommodate event parking off site. Mr. Iafigliola indicated that since

Lantern is a public street and street parking is permitted; he does not believe it is within the Commission's authority to prohibit street parking. Ms. Hutchings stated that people would be ticketed with the prior church's activities because Lantern is a dead-end street and narrow. Mr. Lander stated that there have been no internal discussions regarding parking on side streets, if we had more than we could handle we would try to figure out how to handle the excess on site. He indicated that if a sign is deemed appropriate the church would have no objection.

Gary Galauner, 9450 Lindbergh Blvd., stated that he is the neighbor to the immediate north. He purchased his property 12 years and the previous church was just newly constructed. He stated that living next to a church wasn't his first choice but it didn't look like a church it had a low profile front of the building, the roof looks like a residential roof, the 50 feet to the property line is a comfortable area so it looks residential and feels residential and assumes that this is because they had to follow certain codes to protect residents like him. He is assuming that this board is here to protect residents like him, to say you built it keeping the neighbors in mind. When he pulls into his driveway the church is hardly noticeable, it is a nice-looking church and blends in, now this will be a bigger building and an eyesore. In the future when he sells his property no one will want to live next door to a big church. So, it was a give and take for Mr. Lander and there were a lot of good discussions. He is using the church property that he kind of assumed the responsibility of cutting the grass; the church doesn't need it and he uses for his kids. The code states 50 feet and he feels like the code needs to remain in place and he is willing to work with the church. He did have a deal with the church but that fell through and now he is back to trying to protect what the code says and that is 50 feet. There are some negotiations happening regarding the lot split/consolidation as he wanted to 10 feet so when or if he sells in the future he can tell the new buyer that he got 10 feet of property from the church so even though the church is bigger the property gained 10 feet which he would use as a better pitch when he is selling his property; that was the give and take and it seemed like a arrangement might happen but something fell through. Mr. Galauner indicated that he is trying to be a good neighbor.

Mr. Lander indicated that he does not disagree with anything Mr. Galauner stated. One of Mr. Galauner's first concerns was the land that he uses from the shrubs north. We discussed the fact that he would still be able to use the property in a variety of facets. He is not the owner of the church and is not set up in such a way that he makes the ultimate decisions, he tried to represent that to Mr. Galauner during the discussions. The church is willing to lease the property but there were a lot of people within the church that do not feel comfortable moving the property line officially. We have no problem writing up a lease, even a transferrable one, that would allow the church to remain the owners of the property and give Mr. Galauner the use the property.

Mr. Iafigliola asked how the church determined the size of the monument sign. Mr. Swidrak stated that when the existing sign board is removed, we will lose a little square footage. We are trying to raise the sign in order to be outside of the landscaping. The sign also needs to be approved by ABR. Mr. Iafigliola indicated that the existing sign is relatively high on the property and understands that he will be moving down. Mr. Swidrak indicated that the sign is higher than the road evaluation, but not significantly higher.

Mr. Fenderbosch indicated the he believes the sign is currently visible and would ask why the applicant would like it moved. Mr. Lander indicated that the sign is visible from the south but not from the north.

Mr. Iafigliola asked if the sign would be lite externally or internally. Mr. Swidrak indicated that there would be ground up lighting.

Mr. Iafigliola stated that the other signage being discussed is the wall sign which will be placed on the gable portion of the addition. Mr. Swidrak stated that although the addition does not require a gable end we wanted to attempt to make the facility look more like a church. Mr. Iafigliola asked how they determined the size of the signage. Mr. Swidrak indicated that he felt proportionately the proposed size worked well with the gable end, also staying within the limits of the wall signage. Mr. Iafigliola asked if the wall sign would be lite internally or externally. Mr. Swidrak replied no. Mr. Thompson indicated that the plans indicate ground lighting. Mr. Fenderbosch asked if they received ABR approval. Mr. Swidrak indicated that ABR requested that they return with a formal application for the sign. He stated that there is a desire to light up the front of the church and would prefer leaving the ground lighting.

Mr. Iafigliola asked Mr. Lander if he was asking for a lot split/consolidation or removing that from the proposal. Mr. Lander indicated that he would ask the Commission to consider the variances without the lot split and consolidation. Mr. Iafigliola indicated that the side yard setback variance request is now 19 feet due to the lot split and consolidation being removed.

Mr. Iafigliola asked Mr. Swidrak to recap the reasons the church cannot expand the church to the west, south or east sides. Mr. Swidrak indicated that the original design was towards the east; the design would have expanded the sanctuary space and getting more classrooms. This design also included changing the look of the building and brought it a little more contemporary and set the tone for the facility not looking like a residence in a residential neighborhood. Mr. Iafigliola indicated this is not being currently proposed. Mr. Swidrak replied yes, we are not proposing and that was with feedback from the neighbor's as well as working with ABR. He stated that they could build further if the expansion were to go to the south; this would also allow us to

continue to the road and stay within all the setbacks and rebrand the church, with ABR's approval, and not require any variances. We are not looking to expand to the east for financial reasons due to budget. The parking lot right now is based on the seating inside the sanctuary and once that is expanded parking will need to be added and parking is the single most expensive portion. He stated that the south area could be built on but may need a variance to move the drive to the south as a two-way drive would still be needed and the covered drop off area would be eliminated, which would be unfortunate. If we were to expand to the west there is an option for the same square footage but would have to replace the parking. In terms of the building there are some mechanical units in the back that would be an added expense. These are the reasons we determined the current proposal was best. He feels this option also offers a better scale of the building that fits into the neighbor. The houses on either side are taller than the proposed addition and does not have a second story which the neighboring houses do. If this was a residential unit you could build closer to the property line and build much larger than the proposed addition. He stated that the reason churches have conditional uses in residential neighborhoods is because they do create a sense of community and want to have an identity in a neighborhood.

Mr. Iafigliola indicated that the applicant was present a couple of meetings ago requesting their conditional use permit and at that time they were asked if they intended to anything different to which the applicant replied to his knowledge no, they would have services on Sunday with occasional meetings during the week. He then asked what has changed between that meeting and this current meeting as this information could have been given to the Commission during the conditional use meeting. Mr. Lander stated that during his conversation with Mr. Smerigan and the building department we wondered if we should make the conditional use permit contingent on our desire to expand and the advise he received was to separate them and ask for a conditional use permit on its own merits and then return for the expansion variances.

Mr. Iafigliola asked if additional parking would be needed. Mr. Swidrak indicated that the code states the parking is based on the assembly space for churches or places of worship. The education classes that are being added is an accessory use to assembly and is not a separate use. He stated that education classes are usually for adults or children and the children are not driving to the church so there is no additional parking load.

Mr. Iafigliola asked Mr. Galauner if he was opposed to the plan as presented without the lot split. Mr. Galauner replied correct. Mr. Iafigliola indicated that this is based on the fact that the church will be closer to his property and violating the code. Mr. Galauner replied correct.

Mr. Pehanic asked if the addition could be made without the lot split. Mr. Smerigan indicated that the lot split was only proposed to accommodate the neighbor, Mr. Galauner. Mr. Smerigan indicated that the lot split makes the variance worse. Mr. Pehanic indicated that the existing building is located on one parcel and the addition will be built on another parcel. Mr. Iafigliola replied no; this is all one big parcel. Mr. Lander indicated that if the lot split does not happen the addition would be 31 feet off the property line.

Mr. Iafigliola stated that the Commission was given a proposed lot split/consolidation and would be an agreement between to private entities but if it would garner the neighbor's support, would Mr. Galauner be in favor of the proposed addition. Mr. Galauner replied yes. Mr. Lander inquired even with Mr. Galauner's objections would the Commission be favorable towards the variance requests, or, would the Commission only be favorable with Mr. Galauner's support. Mr. Iafigliola stated that, in his opinion, the question is the variance substantial, he would say it was borderline; the next question is: is the neighborhood substantially altered and the answer would what is being proposed would not substantially alter; the next question is: does it adversely affect delivery of government services and the answer is obviously not; the fourth question is: could the issue be resolved by other means, other than a variance; this is where he has a hang up because the applicant does have other options, the applicant may not like them but they would not negatively impact the City; the fifth question he also struggles with and that is: does it preserve the spirit and intent of the zoning requirement; he is struggling to say that the applicant is not within the spirit of the zoning requirement for conditional use of a church; the last question is: would substantial justice be done by granting the variance – in this case the applicant could make an argument that substantial justice would be done but unfortunately he believes it would violate the substantial justice of the neighbor who has no real say with regard to the property but at the same time the zoning code is here to protect the neighbors. If we could move past the issues he struggles with and obtain the neighbor's support these questions might be answered differently.

Mr. Lander asked if the Commission would grant a small recess in order for him to consult with Mr. Galauner. Mr. Iafigliola indicated that the Commission would take a small recess at Mr. Lander's request.

Mr. Lander stated that he has some concerns over the lot split/consolidation that he would like to place on the record. One of the concerns if the addition was built without granting a lot split, we would be 31 feet off the property line; if the lot split is granted, we will be 21 feet off the new property line. Hypothetically in the future if we wanted to build another addition towards the road, if we did that within our current building only and not considering the variance for the addition, we could do that and be 51 feet off the line no variances needed; if we give 10 feet to Mr. Galauner the new property line is

now 41 feet and if we want to build to the east we would need a variance for any eastern expansion of the current building because the new line would be 41 feet off the property line. He stated that one of his concerns is that the church would be subject to a variance for any further, if we wanted to expand the existing building. He asked if granting this variance with the new proposed setbacks of 21 feet off of a lot split/consolidation new lines set a precedence that the Commission would be favorable towards the church taking its new foot print and moving it towards the east. Mr. Smerigan indicated that historically if we have a structure that is closer to the line than as permitted but someone extends that structure straight in line with the existing wall and does not get any closer to the line, whether they were either non-conforming or whether they had a variance, we have historically permitted them to match that setback.

Mr. Lander indicated that the reason he wanted to speak with Mr. Galauner about a lease rather than an actual lot split is because we border a lot of people on the south and there is a good number of them that have also absorbed the churches property as their backyard, one of which even has a shed, and one concern is if people read the minutes online and understand what is happening we will have created a precedent that is not in the churches favor and start to think that they could do something similar. They could ask for 10 feet of property so their shed is on the line and if that is not granted then they will appeal any decisions by the Commission. Mr. lafigliola stated that the individual that has a shed over the property line does not have as strong of a claim as to why the church should grant him property. Mr. Lander replied no it doesn't but his understanding is that the church has to wait 30 days before they can apply for a permit with the building department. He then asked what happens if a neighbor objects to the approvals. The Clerk indicated that any appeals are appealed to City Council, who then makes a determination.

Bill Paradis, 10512 Laurel Lane, Brecksville, stated that his concern is if Mr. Galauner moves and the church decides on another expansion to the east, and if the new neighbor who purchases Mr. Galauner's house strongly objects to the addition how loud would his voice be at that point, would it not be as loud because of precedent. Mr. lafigliola indicated that this is a pretty hypothetical what if. Mr. Paradis stated it is hypothetical. He stated that right now Mr. Galauner has a strong voice would the new neighbor have just as strong of a voice even though he purchased the house knowing what was next door he decides he doesn't want an expansion. Mr. Smerigan indicated that this is a different circumstance. The present situation is with an existing neighbor and you are bringing the building closer to the neighbor. Once the variance is granted that then becomes the setback for the property so the new setback will be 21 feet. This will officially be the setback from the neighboring property so for a neighbor to come in after this setback is in place and object to the church staying within that setback their standing is substantially different. Mr. Paradis replied even if the building continues expanding forward. Mr. Smerigan indicated that the Commission will set what is the

reasonable setback for this property. Mr. Iafigliola stated that hypothetically the same neighbor could object again.

Mr. Galauner indicated that he likes that the lot split is in his favor, but now he is nervous because we all of a sudden he gave the church the go ahead to take the building 21 feet closer to his property, yes he is getting 10 feet out of it, but now it sounds like this will give them the ok to suddenly start going forward. Today it's a small little church but tomorrow it's a larger church and the day after that it's an even larger church and now suddenly this church has gotten bigger with his permission. He understands that the church has a plan but they also had a plan to not do anything and once they got that plan, they decided to do something different, and once they get this, then all of a sudden, they won't need his permission any more and will now build bigger. Mr. Thompson indicated that currently the church can add to the front and the south without the Mr. Galauner's permission. Mr. Galauner replied if he gives them the access to move 21 feet closer to his property, now that 21 feet can now be extended forward as well and that makes him nervous because this small church is more visible in his driveway. Mr. Thompson stated that they could move closer to the street now. Mr. Galauner indicated that the church couldn't if he objects to the new addition. Mr. Smerigan indicated that the church can currently add to the front of the building. Mr. Galauner replied not with the addition because it is 21 feet towards his property. Mr. Smerigan indicated that they can currently add to the front of the existing building. Mr. Galauner replied that this approval would let them come 21 feet towards his property, which is what would be agreed upon if he gets the lot split, but now they can take the 21 feet towards his property and build out towards the street farther. He stated that if he were to object to another expansion proposal his objection will not be as loud. He is nervous that this little church will not fit their needs and will grow and it sounds like the church is eager to build forward. Mr. Paradis indicated that is not the plan at this point. Mr. Galauner indicated that this is his one chance to stick up for himself.

Mr. Iafigliola moved to **approve** Planning and Zoning Case #12-2019, a request by Trinity Church, owner of 9500 Lindbergh Blvd., PPN #291-15-004 for a variance of six (6) inches pursuant to Section 1272.03(d)(4) to permit a ground sign to be 4'6" in height in lieu of the code maximum of four (4) feet; Mr. Thompson **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Smerigan indicated that the next issue that should be addressed is the lot split/consolidation plat because the variances will be different depending on whether or not this issue is granted and will be impossible to vote on the remaining variances.

Mr. Lander stated that when we discuss giving away land we try to think of hypotheticals. In realistic terms our church has not grown to the point over the last five years where we would need to build an addition to our sanctuary or parking lot, so we

are thinking of hypotheticals. He does not know what will happen to the church as currently they are located in a plaza and will be moving into a building. We have not known a massive growth that would require an addition to the east and may never happen but he does understand the neighbor's reservation. Mr. Galauner indicated that he is not trying to make this complicated. He just met Mr. Lander two weeks ago and things are constantly rapidly changing. He wants to know if the Commission believes that he is giving the church permission to constantly build to the east by him agreeing to the 21 feet. Mr. Pehanic stated that if they build to the east then they have to address the expensive of adding to the parking lot. Mr. Lander indicated that building further to the east would require an expansion of the parking lot to the west. Mr. Thompson indicated that they would still need to come back before the Commission for a variance. Mr. Galauner replied but not without his approval. Mr. Thompson indicated that he could voice his disapproval but this could pass. Mr. Galauner asked Mr. Lander what his expectations are, would they build in 10 or 20 years. Mr. Lander replied he cannot answer that question. The church will celebrate its 20 years in January and have been between 125 and 175 people the entire 20 years. Mr. Galauner asked what will the new building house. Mr. Lander indicated that the occupancy of the building is 215. He indicated that he is not withdrawing the lot split/consolidation proposal, based on their discussions with Mr. Galauner and understanding the disposition of the Commission.

Mr. Galuaner stated that he is the one that wanted the lot split but the hypotheticals concern him, what would be his voice after the lot split is granted and the variances are granted for the 21 feet. Mr. Smerigan indicated that Mr. Galauner has stated, on the record, that by agreeing to the lot split and the variance the church building being 21 feet from his property line is acceptable, if, in the future they were to take the sanctuary base and extent it forward and that piece is 41 feet from the property line Mr. Galauner has already stated, on the record, that the church building 21 feet from his line is acceptable so how can the building being 41 feet from the line not be acceptable. That is why he said earlier that if there is a building at 21 feet from the property line and they were to come in and request a variance to do an addition just for the sanctuary at 41 feet from the property line there is almost no basis for the Commission to deny that request and we never has. He indicated that Mr. Galauner will still have the right to come and object but based on the facts and all the evidence presented to the Commission he does not think that the Commission could come to any conclusion other than to grant the approval. Mr. Iafigliola indicated that it seems to him that Mr. Galauner would prefer that the lot split be denied as well as everything else. Mr. Galauner stated that he is in favor of what is in front of him but cannot be in favor of what could be in front of him in the future as he is only approving this request. He is not approving this plus what could be in the future. Mr. Smerigan stated that the present request is all the Commission can act on as all the other discussions are hypothetical. Mr. Galauner stated that he wants the lot split but will be objecting the next time they want to add to

the front even though he may not have a powerful voice he will object strongly. So, on the record he is approving this request but will be objecting strongly if they move this to the east using his 21 feet.

Mr. Smerigan indicated that the Commission can only vote on what is presented. Hypothetical issues of what may happen in the future could be considered but the fact is the Commission cannot have hypothetical issues be a factor in their vote as they can only vote on what is presented.

Mr. Galauner indicated that the present plan is what he is giving his consent to. Could the applicant add onto the front with this approval? Mr. Iafigliola indicated that has not been presented to the Commission.

Mr. Iafigliola moved to **approve** the lot split/consolidation of PPN #291-15-003 and 291-15-004 pursuant to the lot split and consolidation plat drawn by K.C. Professional Services, LLC dated March 11, 2019; Mr. Thompson **seconded**. Poll: 6 ayes; 0 nays.
Motion carried.

Mr. Iafigliola asked the applicant if he would consider down lighting the wall sign so that it looks more like a residential building rather than a commercial building. Mr. Smerigan indicated that under the sign code, signs in residential districts are not permitted to be illuminated. The illumination of the wall sign is not permitted by the code so unless there was a variance to permit it to be illuminated it will not be illuminated. They can light the building and the sign could be lite as part of that, but the sign itself cannot be illuminated.

Mr. Iafigliola moved to approve Planning and Zoning Case #12-2019 a variance pursuant to Section 1272.03(d)(4) to permit a wall sign; a variance of 29 feet pursuant to Section 1264.03(b) to permit a building side yard setback of 21 feet in lieu of the required 50 feet; a variance of 10 feet to Section 1264.03(b) to permit a side yard setback of 10 feet in lieu of the required 20 feet for the existing parking lot; and preliminary site plan approval for an addition to the existing church; Mr. Thompson seconded.

Mr. Iafigliola stated that the plans indicate dimensional wall signage with ground/flood lighting but as Mr. Smerigan indicated the sign is not permitted to be and it is showing it to be lit. Mr. Smerigan indicated that the Commission would have to indicate a stipulation that the wall sign would be authorized to be illuminated otherwise when the ABR review the proposal will take the position that it cannot be. Mr. Iafigliola indicated that the Commission is indicating that it cannot be illuminated unless special permission is received. Mr. Smerigan indicated that if the Commission does not include this stipulation in the motion the sign cannot be illuminated. He suggested that a stipulation

be added that these variances are based on the recordation of the lot split/consolidation plat because otherwise if they never execute nor record the plat to move the building closer to the neighbor's home.

Mr. Iafigliola **amended** his motion to add the condition that the lot split/consolidation plat be recorded with the county; Mr. Thompson **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT – Mr. Iafigliola indicated that the Commission's Council Liaison Mr. Haviland has resigned his Council position and he would like to take a moment to express his thanks and gratitude to Mr. Haviland and the professionalism he brought to the board over the years and wishes him well in his next endeavors.

OTHER BUSINESS - None

APPROVAL OF MINUTES: Mr. Thompson moved to **approve** the meeting minutes of April 17, 2019 as amended; Mr. Pehanic **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Hawkins). **Motion carried**.

ADJOURNMENT: Mr. Iafigliola moved to **adjourn**; Mr. Pehanic **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**. Meeting adjourned at 10:09 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date