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CITY OF NORTH CANTON, OHIO

IN RE: )  
 )  
 Zoning and Building )  
 Standards Board of )  
 Appeals )  
 )  
 ) **TRANSCRIPT OF PROCEEDINGS**  
 )

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Transcript of Proceedings, held before the Zoning  
 and Building Standards Board of Appeals, taken by the  
 undersigned, Shannon Roberts, a Registered  
 Professional Reporter and Notary Public in and for the  
 State of Ohio, at the offices of North Canton City  
 Hall, 145 North Main Street, North Canton, Ohio, on  
 Tuesday, the 25th day of September, 2018, at 6:00 p.m.

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APPEARANCES:

- R. Clint Zollinger, Chairman
- Brian Mihalcin, Member
- Sam Bacon, Member
- Christine Clevenger, Member
- Timothy Fox, Director of Law
- Patrick DeOrion, Director of Administration
- John Stigalt, Chief Building Officer
- Robert G. Graham, PE, City Engineer
- Christine Whittenberger

- - - - -

1           MR. ZOLLINGER: Okay. We are going to  
2 call the meeting to order. We'll start --  
3 call the roll, please.

4           MS. WHITTENBERGER: Mr. Bacon.

5           MR. BACON: Here.

6           MS. WHITTENBERGER: Mr. Griffith.

7           (No response.)

8           MS. WHITTENBERGER: Mr. Mihalcin.

9           MR. MIHALCIN: Here.

10          MS. WHITTENBERGER: Ms. Clevenger.

11          MS. CLEVENGER: Here.

12          MS. WHITTENBERGER: Mr. Zollinger.

13          MR. ZOLLINGER: Here.

14                 Okay. A quorum is present for the Board;  
15 four of the five members are present. I will  
16 point out -- I should have pointed this out  
17 at previous meetings, and I -- it's a habit  
18 I've gotten myself into now. Just so you  
19 know, it takes three of us to approve a  
20 variance; not -- and that's the majority of  
21 the Board, even though there are five of us.  
22 So you need three of four votes at least to  
23 get any variance approved from the Board this  
24 evening.

25                 With that, the next item is the approval

1 of the minutes of the August 28th, 2018  
2 minutes. Do I have a motion to approve those  
3 minutes?

4 MR. BACON: So moved.

5 MR. ZOLLINGER: Second?

6 MR. MIHALCIN: Second.

7 MR. ZOLLINGER: Go ahead and call the  
8 roll, please.

9 MS. WHITTENBERGER: Mr. Bacon.

10 MR. BACON: Yes.

11 MS. WHITTENBERGER: Mr. Mihalcin.

12 MR. MIHALCIN: Yes.

13 MS. WHITTENBERGER: Ms. Clevenger.

14 MS. CLEVENGER: Abstain.

15 MS. WHITTENBERGER: Mr. Zollinger.

16 MR. ZOLLINGER: Yes.

17 Okay. We are going to move to the  
18 business portion. And the agenda has the  
19 application for Shiloh Run and Alexandria  
20 Parkway going first. But we are going to go  
21 out of order this evening, because I -- I  
22 anticipate the other item is going to not  
23 take as much time. And I'd like to have  
24 those -- that matter taken care of first.

25 So why don't we call the item B in the

1 business portion of the agenda first?

2 MS. WHITTENBERGER: Application Number  
3 ZBOA 2018-23, 550 North Main Street, Agile  
4 Sign and Lighting Maintenance, Inc. and GS  
5 Sheera Company, LLC. They are requesting a  
6 variance for a replacement of changeable copy  
7 sign panel to an electronic changeable copy  
8 sign panel. The variance is necessitated by  
9 Section 1151.07(b)(2).

10 MR. ZOLLINGER: Okay. One thing I  
11 forgot; we have a court reporter that is  
12 taking down everything we are saying this  
13 evening. So it's important, if you get up  
14 and speak, that you -- if you respond to any  
15 of our questions, you do so verbally. Avoid  
16 shaking the head, nodding, "uh-huh,"  
17 "huh-uh," those sorts of things. It makes  
18 the court reporter's job a lot easier.

19 Also, this is a judicial-like proceeding.  
20 So anyone who does speak will be -- need to  
21 be put under oath. Again, this isn't meant  
22 to scare anybody or intimidate anybody; it's  
23 just that we have a record that we have to  
24 make. This is -- what we decide tonight can  
25 be appealed, where someone in the room might

1           decide that we did or did not do our job  
2           right.

3                        So we would like -- if you do plan --  
4           even if you think or may not -- you think you  
5           are going to speak tonight, if you could  
6           please stand and raise your right hand and  
7           have the court reporter swear you in.

8                        (Whereupon, individuals were sworn by the  
9           Court Reporter.)

10                      MR. ZOLLINGER: Thank you. And if you do  
11           get up and speak, make sure you state your  
12           name and your address for the record  
13           beforehand.

14                      So with regard to the application on 550  
15           North Main, we'll first hear from anyone who  
16           would like to speak in favor of this variance  
17           application.

18                      Go ahead and come forward. Yes, sir.

19                      MR. BELKNAP: I'm the Applicant.

20                      MR. ZOLLINGER: Okay. Go ahead. Go  
21           ahead and state your name into the microphone  
22           there.

23                      MR. BELKNAP: Lou Belknap of Agile Sign,  
24           at 3528 --

25                      THE REPORTER: Say your name again.

1 MR. BELKNAP: Lou Belknap, B-e-l-k-n-a-p,  
2 at Agile Sign, at 35280 Lakeland Boulevard,  
3 Eastlake, Ohio.

4 THE REPORTER: Thank you.

5 MR. BELKNAP: And that's 44095. We are  
6 applying for -- basically, it's a face change  
7 on a -- I believe it's -- John said it was a  
8 non-conforming sign, so that's what we are  
9 asking for.

10 The sign itself already has an  
11 illuminated cabinet, which they have not  
12 used, because they didn't want to put the  
13 funds into it to repair the sign, knowing  
14 down the road they were going to do a digital  
15 read-out for their pricing.

16 But the sign cabinet, which is exposed  
17 here in the red, that actually is an  
18 illuminated cabinet. And I went up and  
19 verified that, because there was a concern  
20 whether or not it was illuminated. And it --  
21 it is wired and it does have lamps in it.  
22 They just chose not to turn it on.

23 MR. ZOLLINGER: It's illuminated now,  
24 isn't it? I drove by it on the way here.

25 MR. BELKNAP: The -- it does get -- it

1 does illuminate, but it needs repaired, and  
2 they didn't want to put the money into  
3 repairing it, because they wanted to change  
4 it out to a digital.

5 MR. ZOLLINGER: Okay.

6 MR. BELKNAP: So we -- we went out and  
7 serviced it, and they said, well, I'd rather  
8 not put any money into it, because they are  
9 upgrading to the digital pricing. And it  
10 fits in the same cabinet. There is no size  
11 change of the cabinet at all. It's made  
12 to -- to fit right into the same  
13 configuration.

14 So that's what our request is for. So  
15 there is already electric there, and it can  
16 be controlled -- the pricing can be  
17 controlled from within, instead of going out  
18 and doing it manually, the pricing.

19 MR. ZOLLINGER: And you're just changing  
20 that one rectangular sign where it --

21 MR. BELKNAP: That is right.

22 MR. ZOLLINGER: -- shows price per  
23 gallon?

24 MR. BELKNAP: Just the one -- right  
25 there, it says "Regular."



1 MR. ZOLLINGER: Okay.

2 MR. BELKNAP: Uh-huh.

3 MR. ZOLLINGER: And what -- give me,  
4 like, an idea, like, electronically, what do  
5 you have to do to -- to reconfigure the sign,  
6 you know, to make it digital? What do you --

7 MR. BELKNAP: They actually make -- the  
8 industry makes real shallow LED inserts that  
9 fit into a whole panel. Like on his gas, he  
10 should have a standard pricer, so they just  
11 make a whole new face with that insert in it.  
12 And we take the old face out and put a whole  
13 new face in. And it's digitally printed from  
14 inside. It's digitally controlled from  
15 inside the gas station.

16 MR. ZOLLINGER: Okay.

17 MR. BELKNAP: So it's a wireless system.

18 MR. ZOLLINGER: Okay.

19 MR. BELKNAP: As far as communication.

20 MR. ZOLLINGER: Is that part of the sign  
21 panel, the other digital part?

22 MR. BELKNAP: It's a whole new panel. So  
23 it's --

24 MR. ZOLLINGER: Comes in one -- one  
25 assembly or --

1           MR. BELKNAP: One assembly, uh-huh. They  
2           are back to back, because it's two-sided.  
3           The cabinet itself is -- I think ours is 6  
4           inches deep. So there are, like, 2-inch  
5           modules that go on the back of the pricer, so  
6           they are back to back, and there is plenty of  
7           space in between them. We just got the  
8           internals out; no lamps, no ballasts. It's  
9           just an LED system.

10          MR. ZOLLINGER: All right. Any other  
11          questions?

12          MR. MIHALCIN: This was an existing  
13          frame?

14          MR. BELKNAP: It is an existing sign,  
15          uh-huh.

16          MR. BACON: Same size it is now?

17          MR. BELKNAP: I'm sorry?

18          MR. BACON: Same size it is now?

19          MR. BELKNAP: Exactly. They literally  
20          just take the old face out and put a new face  
21          in, with a digital panel on it.

22          MR. ZOLLINGER: Any other questions?  
23          Anything else, sir?

24          MR. BELKNAP: That's all I have got.

25          MR. ZOLLINGER: All right. Thank you

1 very much.

2 Anybody else that would like to speak  
3 regarding this application? Anyone?

4 (No response.)

5 MR. ZOLLINGER: Okay. Again, I'm not  
6 even sure the variance is necessary here. I  
7 guess you can say that this is more than just  
8 a panel replacement, because we're dealing  
9 with electronics, but under 1151.16(2)(B),  
10 when a space is reoccupied by a similar use  
11 and a new occupant -- sir, I'm sorry, you did  
12 just buy this property, right, this Sunoco  
13 station?

14 MR. BELKNAP: I -- I can't answer that.  
15 I don't know for a fact how soon -- how long  
16 they have had it. John may know.

17 MR. ZOLLINGER: When did you -- when did  
18 you occupy that premises?

19 MR. BELKNAP: I don't. I'm not the  
20 owner.

21 MR. ZOLLINGER: Okay.

22 MR. BELKNAP: I'm the sign company. So I  
23 don't know the answer to that.

24 MR. STIGALT: About six months ago, they  
25 purchased and remodeled.

1 MR. ZOLLINGER: Okay.

2 MR STIGALT: And I'd also like to say,  
3 Mr. Chairman, that the sign is sitting inside  
4 the right-of-way by 30 inches. So it makes  
5 it even more in non-conformity.

6 MR. ZOLLINGER: Yeah, I understand that.  
7 Thank you. Thank you. I understand that,  
8 but I'm not sure -- and maybe somebody else  
9 has other thoughts in response to what I'm  
10 going to say, but 1151.16(2) says when the  
11 space is reoccupied by similar use and a new  
12 occupant requires no external building or  
13 site renovation, they can -- the  
14 non-conforming sign can be altered or  
15 modified or reconstructed. It doesn't talk  
16 about facing a panel in that degree.

17 And then under C, we have to decide  
18 whether this is changing more than just the  
19 panel. I don't think it is, based on the  
20 testimony I heard. So even though it's  
21 non-conforming, I don't know that the  
22 variance -- I'm not even sure the variance is  
23 necessary here. I'm going to give it some  
24 more thought.

25 If anybody has any more thoughts about

1 it, in response to what I have said --

2 MR. OSBORNE: Mr. Zollinger, were you  
3 going to take other comments?

4 MR. ZOLLINGER: Yeah.

5 Does anybody have any more questions of  
6 the Applicant before we --

7 Go ahead.

8 MS. CLEVINGER: So -- but the sign is  
9 non-conforming, but wasn't it grandfathered  
10 in, because it was already there, then the  
11 ordinances were passed that make it  
12 non-conforming, correct?

13 MR. ZOLLINGER: Right.

14 MS. CLEVINGER: So --

15 MR. ZOLLINGER: Yeah. But if he were to  
16 do something like change the framing of the  
17 sign, we would have -- we would make him --  
18 say, no, it has got to be conforming --

19 MS. CLEVINGER: Right.

20 MR. ZOLLINGER: -- or get a variance.  
21 And here, he is not changing the framing.

22 MS. CLEVINGER: Correct.

23 MR. BACON: He's putting a new frame -- a  
24 new frame; so --

25 MR. ZOLLINGER: Yeah. Sir.

1           MR. OSBORNE:  Chuck Osborne, 307 Fairview  
2           Street, Southeast, North Canton, Ohio.  I'm  
3           going to differ with you on the requirement  
4           for a variance, because you are changing the  
5           whole design and illumination of a sign.

6           These are starting to crop up all over  
7           everywhere.  What disturbs me about these  
8           electronic signs -- I have seen many, and  
9           they are so bright, the whole area within  
10          hundreds of feet is just illuminated.  It's  
11          like illuminating a ball field almost.

12          I don't know what our code says regarding  
13          these.  I'd like to see something, if you  
14          don't already have it, to regulate when they  
15          are illuminated.  Is there a reason to have  
16          these signs illuminated when the business  
17          isn't even operating, all night long,  
18          flashing, and -- many of them are so bright,  
19          and, you know, they regularly change colors  
20          and the intensity changes.  It's actually  
21          distracting.

22          There is one over there -- you get off of  
23          77, and you are right there at 62 and -- or  
24          Fulton.  You are waiting for the light.  It  
25          is so bright.  I mean, especially when --

1           maybe you have a -- wet conditions. The  
2           reflection of that highly illuminated  
3           lighting, I don't like these -- and  
4           certainly -- I don't know if there is a way  
5           of controlling the intensity, that you can  
6           just dial up or dial down.

7                     Is that possible?

8           MR. BELKNAP: Well, if it's electronic --  
9           it's a full electronic sign; yes, they are.

10          MR. OSBORNE: There should be some kind  
11          of controls that we limit the intensity of  
12          the illumination, so they are not blinding  
13          traffic, drivers.

14                 At any rate, I just -- granted, it's in  
15          the same spot and the same fixture, but the  
16          character, by switching to these high  
17          intensity LEDs, or whatever they are,  
18          requires some looking into. Thank you.

19                     MR. ZOLLINGER: Thank you.

20          MR. MIHALCIN: Can I ask a question of  
21          the Applicant?

22                     MR. ZOLLINGER: Sure.

23          MR. MIHALCIN: I have a question for the  
24          Applicant, if you'd come back up to the  
25          podium, please.

1 MR. BELKNAP: Sure.

2 MR. MIHALCIN: It's my general  
3 observation that when the gas station is not  
4 open during business hours, or outside of  
5 business hours, the electronic signs are  
6 turned off at gas stations.

7 MR. BELKNAP: I mean --

8 MR. MIHALCIN: You are not the owner, I  
9 know.

10 MR. BELKNAP: I don't know if that's on a  
11 time clock. But, I mean, you want me -- any  
12 sign you can put on a timer. So, I mean --

13 MR. MIHALCIN: Okay.

14 MR. BELKNAP: -- it's a matter of will  
15 the Applicant -- or will the owner want to  
16 turn it off at night. I can't answer that.

17 MR. MIHALCIN: There is no sense to  
18 advertise the price of gas when there is no  
19 one --

20 MR. BELKNAP: Yes.

21 MR. MIHALCIN: -- at the store.

22 MR. BELKNAP: It can be done. I won't --  
23 I won't say they'll do it, but it can be  
24 done.

25 MR. ZOLLINGER: All right. I mean, it's



1 all -- it's illuminated at night right now,  
2 where it is -- in the middle of the night.

3 MR. BELKNAP: I'm not aware of that;  
4 so --

5 MR. ZOLLINGER: But the sign itself, you  
6 don't have pictures of the sign, do you, of  
7 what you are going to put in there?

8 MR. BELKNAP: That's what's on this  
9 drawing. Do you not have this drawing?

10 MR. MIHALCIN: We have that.

11 MR. ZOLLINGER: We have that. That's the  
12 existing one.

13 MR. MIHALCIN: So --

14 MS. CLEVINGER: How -- wasn't the other  
15 sign illuminated?

16 MR. BELKNAP: Yes.

17 MS. CLEVINGER: And how long was it at  
18 that business?

19 MR. BELKNAP: Well, I don't know how  
20 long -- I'll get back here.

21 MS. CLEVINGER: And were there complaints  
22 from neighbors or passers-by?

23 MR. BELKNAP: The sign has been there for  
24 a long time. Like John said, I think they  
25 just acquired it six months ago or whatever.

1 MR. BACON: Right up the road.

2 MR. BELKNAP: Yeah. And that's kind of  
3 what it looks like. It has been there for a  
4 long time.

5 MS. CLEVINGER: And, actually, what's  
6 illuminated is just the price?

7 MR. BELKNAP: Yes.

8 MS. CLEVINGER: Yeah.

9 MR. BELKNAP: But it's just a manual  
10 letter. You have to go out there and change  
11 it manually.

12 MS. CLEVINGER: Correct.

13 MR. ZOLLINGER: So it looks like --

14 MR. BELKNAP: Illumination-wise, it would  
15 be almost identical to what you have.

16 MR. ZOLLINGER: Yeah. And just -- just  
17 so the record -- I don't know if we can  
18 have -- introduce this into the record, but  
19 it's a -- it's basically the same rectangular  
20 red background, except for the one little --  
21 one area where the price per gallon piece of  
22 it is going. So the only -- the only  
23 lighting would -- only digital lettering is  
24 the price.

25 MR. BELKNAP: That is correct.

1 MR. ZOLLINGER: Not the whole sign --

2 MR. BELKNAP: That is correct.

3 MR. ZOLLINGER: -- like you see on the  
4 prices --

5 MR. BELKNAP: Digital pricing.

6 MR. ZOLLINGER: Okay. Thank you --

7 MR. BELKNAP: Uh-huh.

8 MR. ZOLLINGER: -- very much.

9 Any other questions?

10 MR. FOX: Just an observation,  
11 Mr. President. There is a section regarding  
12 the signs specifically on illumination. It's  
13 1151.13(k); title is "Illumination." And it  
14 states that the signs will be required to  
15 comply with the lighting ordinance that we  
16 have in 1155.11, as far as intensity and so  
17 forth.

18 And it -- it points out specifically that  
19 there is not permitted to be any flashing,  
20 moving, intermittent lighting, including  
21 beacon lights, and -- except for permitted  
22 time and temperature and message signs.  
23 Shall not be lighted to disturb traffic  
24 control or any other public information --  
25 informational signs.

1           So there is an ordinance in effect;  
2           1151.13(k), and it points to 1155.11. So  
3           even if this Board would approve it, and  
4           it -- the sign is put in with the lights, if  
5           the lights are contrary to the outdoor  
6           lighting regulation, then they would have to  
7           be adjusted, so they would be in compliance.

8           MR. ZOLLINGER: Yeah. Do you understand,  
9           we can grant a variance for you, or your --  
10          the owner, but if the lighting is too  
11          bright -- and I don't know that it would be,  
12          based on what you are showing me.

13          MR. BELKNAP: Correct.

14          MR. ZOLLINGER: It's not flashing. You  
15          know, you might still -- they could still run  
16          into a problem if somebody --

17          MR. BELKNAP: Sure.

18          MR. ZOLLINGER: -- if it doesn't comply  
19          with 1155 --

20          MR. BELKNAP: I don't see it being an  
21          issue. But, I mean, if he has got to meet  
22          the code --

23          MR. ZOLLINGER: Yeah.

24          MR. BELKNAP: -- you know, that would be  
25          the owner's obligation to you.

1 MR. ZOLLINGER: Right. So I don't think  
2 we even need to address that. And if we  
3 grant a variance, it would just be a separate  
4 issue for --

5 MR. BELKNAP: And just so you know, it  
6 doesn't flash and it doesn't move, other than  
7 the price change. It's not a message board.

8 MR. FOX: Yes, sir.

9 MR. BELKNAP: It's strictly numerals.

10 MR. FOX: Okay.

11 MR. MIHALCIN: If I'm not mistaken, the  
12 only conformance would be to any -- like, any  
13 level of acceptable footcandle at a certain  
14 distance from the sign itself.

15 MR. FOX: That's correct.

16 MR. STIGALT: Mr. Chairman --

17 MR. ZOLLINGER: Yes.

18 MR. STIGALT: -- also, there were  
19 requirements for site renovations for this  
20 project. He had gone to the Planning  
21 Commission for a complete re -- revamp on the  
22 site.

23 MR. ZOLLINGER: Okay.

24 MR. STIGALT: Just to let you -- that's  
25 part of the thing that you had read about, if

1           there is a site renovation, that the occupant  
2           can --

3           MR. ZOLLINGER:   Okay.

4           MR. STIGALT:   -- use -- just to let you  
5           know that he -- he had gone to Planning, and  
6           it wasn't re -- re -- renovation of a site  
7           plan -- or the site.   Excuse me.

8           MR. ZOLLINGER:   All right.   Well, my --  
9           my thinking is -- does anyone else want to  
10          speak on behalf of or with regards to this  
11          application?

12          (No response.)

13          MR. ZOLLINGER:   My thinking is, they are  
14          just replacing a panel, and a panel can  
15          include electrical components.   But that  
16          being said, to make things right here, I'm  
17          going to say I'm in favor of granting a  
18          variance, based upon the factors of an area  
19          variance, that the property -- this will  
20          yield a reasonable return and be beneficial  
21          use of the property without it; that there  
22          are special conditions.

23          They bought the property.   The sign was  
24          already there like that.   They are not  
25          looking to change it substantially.   It's the

1 minimum necessary. This sign is not that  
2 invasive. It's not a big, giant, flashing  
3 sign that you do see in other parts of Main  
4 Street, in other -- in other areas. It's  
5 just -- it's basically the same sign, with  
6 one -- one area where the price is going to  
7 be digital.

8 The -- the ordinance does not speak to  
9 digital itself. It does talk about  
10 illumination, as the Law Director pointed  
11 out. If Council wants to take that up, I  
12 think it's probably not a bad idea. But  
13 that's not what we are here to decide today.

14 I don't think it changes the essential  
15 character of the neighborhood. I don't think  
16 it adversely affects delivery of governmental  
17 services. And -- and the conditions didn't  
18 exist as a result of the current owner. And  
19 the property's predicament feasibly can be  
20 obviated -- cannot be obviated for some other  
21 variant -- something other than a variance.  
22 It would make it easier to change the price  
23 by doing it from inside than outside with the  
24 giant thing that you pull it off.

25 So I'm in favor of granting a variance,

1 and those are the reasons why.

2 Anybody else?

3 MR. BACON: I move we grant the variance.

4 MR. ZOLLINGER: If there is no other  
5 discussion, I'll take a second.

6 MS. CLEVINGER: Second.

7 MR. ZOLLINGER: Call the roll, please.

8 And then, you know, a "yes" vote will mean we  
9 are -- he's in favor of the variance, and a  
10 "no" vote means he's not.

11 MS. WHITTENBERGER: Mr. Bacon.

12 MR. BACON: Yes.

13 MS. WHITTENBERGER: Mr. Mihalcin.

14 MR. MIHALCIN: Yes.

15 MS. WHITTENBERGER: Ms. Clevenger.

16 MS. CLEVINGER: Yes.

17 MS. WHITTENBERGER: Mr. Zollinger.

18 MR. ZOLLINGER: Yes.

19 Okay. The variance has been granted.

20 Thank you, sir.

21 MR. BELKNAP: Thank you very much.

22 MR. ZOLLINGER: Okay. We'll move on to  
23 item A of the agenda.

24 MS. WHITTENBERGER: Application Number  
25 ZBOA 2018-18, Shiloh Run, Southeast, and



1 Alexandria Parkway, Southeast; Applicant AMC  
2 Land Company is requesting a variance to  
3 install two permanent dead-end streets longer  
4 than 600 feet on the following streets; to  
5 wit, Shiloh Run, Southeast, 1,780 feet in  
6 length from the intersection of Shiloh Run,  
7 Southeast, and Halifax Way, Southeast, to the  
8 proposed cul-de-sac of Shiloh Run, Southeast;  
9 and, two, Alexandria Parkway, Southeast,  
10 1,625 feet in length from the intersection of  
11 Alexandria Parkway, Southeast, and Halifax  
12 Way, Southeast, to the proposed cul-de-sac of  
13 Alexandria Parkway, Southeast.

14 MR. ZOLLINGER: Okay. Thank you.

15 If the applicant can step forward, and go  
16 ahead and give your name and address for the  
17 record. Then I have something I need to  
18 address.

19 MR. ARTMAN: Good evening. My name is  
20 Brent Artman. I represent the land owner,  
21 AMC Land Company. My company is Artman  
22 Engineering, and it's located at 13710  
23 Cleveland Avenue, Northwest, in Uniontown.

24 MR. ZOLLINGER: Okay. Thank you, sir.  
25 One issue -- preliminary issue we have to

1 address here is we heard a request to -- for  
2 this variance in our May meeting, and it was  
3 denied. May was four months ago.

4 And under 1179.08 of the City's code, if  
5 we deny an appeal, we need not hear the  
6 application within six months, unless new  
7 evidence is submitted. The -- what I have  
8 been given so far is very -- is identical to  
9 what was submitted to us in May for this  
10 variance. So do you have new evidence? Are  
11 you looking to do something different here?

12 MR. ARTMAN: Yes, sir.

13 MR. ZOLLINGER: Okay. Go ahead and  
14 explain. Because what we are going to -- we  
15 as a Board, what we are going to need to do  
16 is we are going to have to vote on --

17 MR. ARTMAN: I understand.

18 MR. ZOLLINGER: -- whether we want to  
19 hear this right now.

20 MR. ARTMAN: We -- something concerned in  
21 the last meeting was the fact that the  
22 cul-de-sac would not be able to accommodate  
23 the turn -- turning movements of a fire  
24 apparatus vehicle. We have increased all of  
25 those to meet the National Fire Protection

1 Association. We have increase the diameter  
2 of those. Now the radius of the -- or the  
3 radius of that cul-de-sac would be 50 foot of  
4 pavement, to be able to accommodate those  
5 vehicles.

6 MR. ZOLLINGER: Meet -- the radius would  
7 be 50 feet?

8 MR. ARTMAN: Yeah, the diameter -- the  
9 right-of -- or the radius of the right-of-way  
10 is 60. Therefore, the pavement would be 50;  
11 providing a 100-foot diameter turnaround.

12 MR. ZOLLINGER: Okay. I thought the City  
13 code was 50. Is that -- isn't that right?

14 MR. ARTMAN: It was 50 to the  
15 right-of-way. We have increased that to 60.

16 MR. ZOLLINGER: Okay. You are going to  
17 increase it to 60?

18 MR. ARTMAN: We are providing an  
19 additional 10 feet.

20 MR. ZOLLINGER: So in May, you only  
21 requested 50 feet, a 50-foot radius?

22 MR. ARTMAN: Yes. And one of the major  
23 concerns was the fire trucks turning around  
24 in that cul-de-sac.

25 MR. ZOLLINGER: Okay. And we have some

1 other evidence from the Fire -- new letter  
2 from the Fire Chief, dated August 24th, 2018,  
3 and some run data. Was that provided to you  
4 before the meeting?

5 MR. ARTMAN: Yesterday.

6 MR. ZOLLINGER: Okay. Okay. Is there  
7 any other new evidence? Is that -- is that  
8 the only thing that you're -- that's  
9 different from the May application?

10 MR. ARTMAN: That's the only thing  
11 different from the May application.

12 MR. ZOLLINGER: Okay. We, as a Board,  
13 need to decide whether we want to hear this  
14 right now. Because that constitutes new  
15 evidence. We -- you know, we have a  
16 six-month rule. It's important that our  
17 rules be followed and complied with. You  
18 know, once we start giving exceptions to  
19 these rules for no -- for not a good reason,  
20 the rules tend to vanish. So we need to  
21 decide whether this is a significant -- a  
22 substantial enough reason to rehear this now.

23 I don't know if anybody else has any  
24 thoughts about that.

25 MR. FOX: One of the considerations is

1           that -- is that the time frame when they were  
2           here last, that's past. And when they'll be  
3           back again will likely -- some brief period  
4           of time or some -- they'll be back again.  
5           And you have the opportunity this evening --  
6           I think everyone is prepared -- for where  
7           they're going, to perhaps resolve it now,  
8           versus another 30 days, 60 days or so.

9           MR. ZOLLINGER: Yeah, I mean, we have a  
10          lot of people here, you know, and I kind of  
11          feel the same way; we are going to be back  
12          here again. And we do have new evidence from  
13          the Chief, and it's significant evidence, in  
14          my opinion. That's not -- you know, the  
15          ordinance doesn't say the new evidence has to  
16          come from the Applicant.

17          MR. FOX: Correct.

18          MR. ZOLLINGER: So I think there are  
19          adamant grounds to go ahead and hear this  
20          now. Does anyone have any thoughts?

21          MR. BACON: I agree.

22          MR. MIHALCIN: Does the applicant want  
23          the opportunity to table this, based on  
24          resubmitting the variance request, with what  
25          is described in this letter? It's your

1 opportunity; it's up to you.

2 MR. ARTMAN: Well, first off, I question  
3 the fact why we are even revisiting the  
4 connection with Grassmere.

5 THE REPORTER: I'm sorry.

6 MR. ARTMAN: I'm questioning why we are  
7 revisiting that. We already received the  
8 variance not to connect to Grassmere. We are  
9 here this evening to talk about the dead-end  
10 streets --

11 MR. ZOLLINGER: Well --

12 MR. ARTMAN: -- and the length of those  
13 streets, not necessarily connecting to  
14 Grassmere.

15 MR. ZOLLINGER: Why don't we wait --  
16 let's wait. That's go to the merits of the  
17 application. So why don't we wait and talk  
18 about that and tabling and all that stuff  
19 until we decide whether we want to hear this.  
20 Because we are getting into the merits a  
21 little bit right now. And I want to make  
22 sure -- we, as a Board, need to make sure we  
23 want to move forward with this.

24 MS. CLEVENGER: The radius of the  
25 cul-de-sacs, was that a significant reason to

1 deny the request the last time?

2 MR. BACON: No.

3 MS. CLEVINGER: No? Okay. I just  
4 thought that would --

5 MR. MIHALCIN: The length of the  
6 cul-de-sacs in -- being approximately almost  
7 three times what the ordinance allows.

8 MS. CLEVINGER: Okay.

9 MR. BACON: That hasn't changed.

10 MR. ZOLLINGER: So all we need to decide  
11 now is whether we have enough -- we have new  
12 evidence and we want to go ahead and hear  
13 this. Then we'll get into everything else.

14 So does anybody have anything they want  
15 to say about the new evidence? Otherwise, we  
16 should vote one way or the other on whether  
17 to re-hear this. I'll entertain a motion one  
18 way or the other.

19 MR. BACON: Unless they significantly  
20 amend the proposal, nothing is going to  
21 change.

22 MR. ZOLLINGER: Well, they have amended  
23 their proposal --

24 MR. BACON: I mean, total feet.

25 MR. ZOLLINGER: No. Listen, we'll get

1           into that in a second. What I'm trying -- we  
2           just need to move past whether we want to  
3           hear this. Did they submit new evidence?  
4           I'm saying -- and did -- and is there new  
5           evidence submitted? My position is there is  
6           new evidence, so let's go ahead and hear the  
7           merits and get into all this. So I -- so we  
8           just need a motion to go ahead and proceed  
9           and hear the merits of this --

10           MR. BACON: I'll so move.

11           MR. ZOLLINGER: Do I have a second?

12           MS. CLEVINGER: Second.

13           MR. ZOLLINGER: Okay. Well, call the  
14           roll.

15           MS. WHITTENBERGER: Mr. Bacon.

16           MR. BACON: Yes.

17           MS. WHITTENBERGER: Mr. Mihalcin.

18           MR. MIHALCIN: No.

19           MS. WHITTENBERGER: Ms. Clevenger.

20           MS. CLEVINGER: Yes.

21           MS. WHITTENBERGER: Mr. Zollinger.

22           MR. ZOLLINGER: Yes.

23           Okay. So it sounds as though, other than  
24           the 50-foot radius, you are not asking for  
25           anything different than what you asked for in



1 May?

2 MR. ARTMAN: No, sir.

3 MR. ZOLLINGER: Okay. Go ahead. Is  
4 there anything else you want to add at this  
5 point? I'm sure I'll have some questions.

6 MR. ARTMAN: Well, basically, I mean, we  
7 are here to -- obviously, as I said, to get  
8 variances for the two permanent dead-end  
9 streets being longer than 600 feet. As was  
10 stated, Shiloh Run is approximately 7 -- is  
11 going to approximately be 1,780 feet in  
12 length and Alexandria would be 625 {sic} feet  
13 in length.

14 They both presently exist in the manner  
15 that they -- in that manner now, except they  
16 do not have cul-de-sac turnarounds. We are  
17 extending Shiloh 187 feet of that 1,780 feet,  
18 and we are extending -- we are extending  
19 Alexandria Parkway approximately 400 feet of  
20 the 1,625 feet. So right now, they exist  
21 with those lengths in place. And as a matter  
22 of fact, there are some cul-de-sacs in there  
23 that exist now that would have greater  
24 length, particularly in the last phase.

25 They are proposing the two cul-de-sac

1 streets, as we talked about before, to  
2 provide larger estate lots within the  
3 development. They would provide more of a  
4 private setting for the homes, allow more  
5 buffering to the adjacent residences and  
6 between the new homes. It would result in a  
7 decrease in traffic, obviously, on these  
8 streets and make for a safer overall  
9 environment.

10 The reduced amount of roadway and larger  
11 estate lots also result in a significant  
12 decrease in storm water run-off from this  
13 portion of the development. Increased green  
14 space will allow for infiltration of storm  
15 water and generate less run-off to minimize  
16 the impact on the development on any of the  
17 flooding problems that may exist down the  
18 street, as we heard about in past meetings.

19 The connection of Shiloh Run and  
20 Alexandria Parkway will provide for more  
21 density than the smaller lots within the  
22 subdivision. That increased density,  
23 increased roadway, and smaller lots will  
24 allow for less storm water infiltration and  
25 more storm water run-off.

1           The decreased density and larger estate  
2           lots created by the cul-de-sac design will  
3           result in increased land values. We feel  
4           that the decreased lot sizes, in bringing the  
5           road all the way through, would result in  
6           decreased lot sizes {sic} and change the  
7           existing character of the neighborhood,  
8           basically, with lesser lot values or lesser  
9           home values within that portion of the  
10          development.

11          In addition, as I stated before, we --  
12          both cul-de-sacs would be a minimum radius of  
13          60 feet at the right-of-way line. The  
14          turnarounds will be designed and constructed  
15          in accordance with the International Fire  
16          Code for fire apparatus turnaround. It would  
17          be designated as no parking areas, to allow  
18          for emergency vehicle access and turnaround.

19          MR. ZOLLINGER: Okay. This letter from  
20          the Chief talks about a Knox lock. And I  
21          know we granted a variance for Grassmere.  
22          But I think what he is trying to propose as a  
23          compromise is do the Knox-Box, where only  
24          emergency vehicles can travel, you know,  
25          from -- through Grassmere, to, I think,

1 Shiloh Run; have that gate there. Kind of  
2 like what you see at the southern border of  
3 Hills and Dales, at Dunkeith and Glenmont.  
4 It's a similar thing.

5 And then -- and that way he would be okay  
6 with, you know, this -- going -- you know,  
7 with, I guess, Alexandria Parkway being a  
8 cul-de-sac. And -- and you wouldn't be  
9 hooking Alexandria and Shiloh together.  
10 You'd be -- I think you'd be putting Shiloh  
11 and Grassmere together. What's wrong with  
12 that?

13 MR. ARTMAN: If I'm simply adding a fire  
14 apparatus drive from the existing Grassmere  
15 to the cul-de-sac that we are showing on  
16 Shiloh, I still need a variance. I don't  
17 think that it was ever proposed that if we  
18 did put that in, that that would be  
19 acceptable.

20 MR. ZOLLINGER: That's what he -- I mean,  
21 that's what the Chief is saying.

22 MR. ARTMAN: My understanding is they are  
23 just wanting it to go through. I didn't read  
24 it as, if we did that, then this plan would  
25 be acceptable. I mean, if that's the case,

1           then I'm misunderstanding the letter.

2           MR. ZOLLINGER: Yeah, he says I'd like to  
3 suggest a connection with Grassmere as a  
4 primary option. He's saying, I don't like  
5 it; that's my best thing. As a Fire Chief, I  
6 would like to just have the road hook up.  
7 But he says the option solves all issues.  
8 But I understand that the cut-through traffic  
9 is a concern, so our added suggestion would  
10 be to install a gate, dividing the streets.  
11 This can be unlocked by a fire department  
12 Knox lock, therefore, only fire and police  
13 would be able to use this gate, since it  
14 requires a Knox-Box key.

15           The street can be maintained by City  
16 crews. The option works well in the City;  
17 Hill Top Apartments on South Main, for  
18 example. And like I said, Hills and Dales  
19 has this on its southern border. It has  
20 three streets going -- like, Dunkeith goes  
21 straight through, but there is a gate there  
22 on the southern border with a Knox lock.

23           So -- and what's proposed -- and this is  
24 his idea of a compromise, I guess. And I --  
25 you know, I think -- I don't know what other

1 Board members think. But, you know, I know I  
2 granted that variance on Grassmere. I voted  
3 for it. And I voted for the cul-de-sacs.  
4 But if you'll remember, we were given a  
5 letter from the Chief at the meeting, and I'm  
6 looking at my map, at the map on my phone. I  
7 mean, this is like -- and I'm trying to look,  
8 and I'm like, well, it doesn't look like it's  
9 any faster to me if you have -- if you go  
10 through Grassmere and you cut through all  
11 those roads or if you come off through  
12 Lancaster Gate.

13 But this run data tells me that I'm not  
14 correct. Because when I -- when I look at  
15 the total time to get from Easthill --  
16 Easthill and South Main, that intersection,  
17 to the end of Grassmere where the gate is,  
18 it's 3 minutes and 40 seconds. When I --  
19 when I -- but if I have to go from Easthill  
20 and South Main to the end of Shiloh Run,  
21 where it is now, that's 4 minutes and 58  
22 seconds. It's more than a minute -- it's a  
23 minute and 20 -- a minute and 18 seconds  
24 slower.

25 So as a Board member, you might say to

1 me, ha, a minute and 18 seconds, that's not a  
2 big deal. Well, anyone who has ever had to  
3 call an ambulance for themselves or a loved  
4 one can tell you a minute and 18 seconds can  
5 feel like 45 minutes. And I -- we can't just  
6 think about the people in the room here  
7 today. We have got to think about the people  
8 that are going to be living in these  
9 neighborhoods in years to come and how they  
10 would feel about that. So I'm -- I'm more  
11 concerned now than I was in May, because I  
12 have got this data that I didn't have before.

13 And, you know, at that meeting, that  
14 letter was, you know, kind of thrust upon us.  
15 And I know you weren't happy about it. I  
16 wasn't exactly happy about it either. But  
17 that's something we have to consider. So  
18 that's why I'm wondering why the Knox -- it  
19 doesn't seem -- that's something I haven't  
20 given much thought, a Knox lock or anything  
21 like that.

22 MR. ARTMAN: Just for a point of  
23 clarification, are you suggesting that if  
24 that road were to connect through, and the  
25 gate were placed on there, that it would be

1 acceptable to have the cul-de-sac on  
2 Alexandria Parkway? I mean, obviously, you  
3 probably can't even answer that, because --

4 MR. MIHALCIN: The Applicant's -- can I  
5 ask a question?

6 MR. ZOLLINGER: Yeah.

7 MR. MIHALCIN: The Applicant's  
8 representative is correct. He still needs a  
9 variance for the length of the cul-de-sacs,  
10 regardless of the safety EMS mentions.

11 MR. ZOLLINGER: Yeah, he would need -- he  
12 would need a variance for Alexandria Parkway,  
13 and he would need one for Shiloh Run, because  
14 it would --

15 MR. MIHALCIN: Yeah.

16 MR. ZOLLINGER: I guess it would be a  
17 cul-de-sac still.

18 MR. FOX: Right.

19 MR. ZOLLINGER: But I guess the question  
20 is if -- if they were willing to accept  
21 that --

22 MR. ARTMAN: Well, are you suggesting  
23 that that just be a fire access road or a  
24 publicly dedicated road all the way to  
25 Grassmere, with a gate? See, I just got this



1 letter yesterday, even though it was dated  
2 August 28th. So, I mean, I -- I had no time  
3 to --

4 MR. ZOLLINGER: Yeah, that's not --

5 MR. ARTMAN: And I -- and I --

6 THE REPORTER: Wait.

7 MR. MIHALCIN: That's the only reason I  
8 brought that up.

9 MR. ARTMAN: And I appreciate that. But  
10 it seems like that these come at the last  
11 second.

12 MR. ZOLLINGER: Yeah, I understand. It  
13 was actually my suggestion that you get  
14 the -- I don't know if you had seen it,  
15 because I was the one that -- I think I sent  
16 an e-mail --

17 MR. ARTMAN: Yes, sir.

18 MR. ZOLLINGER: -- Sunday, saying, please  
19 send --

20 MR. ARTMAN: Yes, I did receive it  
21 yesterday.

22 MR. ZOLLINGER: Because I was -- I  
23 remember what happened last time, and I  
24 didn't -- you know, I know what it's dated,  
25 but -- you know, that's why I'm -- I can't

1 speak for anyone else here. But I had new --  
2 I have new concerns about granting this  
3 variance, even though I voted for it before,  
4 because of this new information that the Fire  
5 Chief -- they did this run data thing.

6 But then the Knox-Box, he -- he's saying  
7 he'd be okay with that. And that alleviates  
8 some of my concerns, my new concerns that I  
9 have. I don't know what anyone else thinks  
10 about it. But if -- if you can shave a  
11 minute and 18 seconds, and the Fire Chief is  
12 okay with it -- you know, what you worry  
13 about when you are sitting up here, and what  
14 the Fire Chief is worried about, is, look,  
15 what happens when an emergency happens and  
16 some -- some tragedy occurs and maybe a  
17 minute and 18 seconds could have made a  
18 difference. You know, it's the kind of thing  
19 you don't want to have on your conscience.  
20 So that's --

21 MR. ARTMAN: Understandably so.

22 MR. ZOLLINGER: So I don't know what  
23 anybody -- anybody else have any thoughts on  
24 this?

25 MR. BACON: What the Chief has suggested,

1           you create a connector road between the  
2           cul-de-sacs of Shiloh Run and Alexandria  
3           Parkway, and you approve the connector road.  
4           If approved, the City will maintain it. You  
5           put a Knox -- a Knox-Box gate there --

6           MR. ARTMAN: Are you --

7           MR. BACON: A Knox-Box --

8           MR. ARTMAN: Are you referring between  
9           Grassmere and Shiloh?

10          MR. ZOLLINGER: Yeah, he's not clear  
11          about that.

12          MR. ARTMAN: He's not saying between the  
13          two cul-de-sacs. He's saying between --

14          MR. BACON: I don't know --

15          MR. ARTMAN: It dead-ends at Grassmere,  
16          and the Shiloh Run extension.

17          MR. FOX: I spoke with --

18          MR. BACON: It --

19          MR. FOX: I did speak --

20          MR. BACON: I --

21          THE REPORTER: Wait. One at a time.

22          MR. BACON: This is Shiloh Run, right?

23          MR. ARTMAN: The small cul-de-sac is  
24          Shiloh Run --

25          MR. BACON: Yeah.

1 MR. ARTMAN: -- and the dead-end street  
2 over on the left-hand side of the page is  
3 Grassmere. He's asking to have a Knox -- can  
4 I show him?

5 MR. ZOLLINGER: Yeah, go ahead. You  
6 might have more for me. Go ahead.

7 MR ARTMAN: He's asking to place a gate  
8 here and have access through to Shiloh Run,  
9 to be able to increase the travel time coming  
10 from Main Street, whether than all the way  
11 around the subdivision. Not necessarily  
12 connecting these two pieces.

13 MS. CLEVINGER: Access right now is  
14 Lancaster, getting over on this side, right?

15 THE REPORTER: Say again.

16 MS. CLEVINGER: I was asking if access  
17 was to -- to this side of these --

18 MR. ZOLLINGER: Access right now is  
19 Lancaster and Chadford --

20 MR. MIHALCIN: Yes.

21 MR. ZOLLINGER: -- coming off of  
22 Easthill.

23 MS. CLEVINGER: Right.

24 MR. ZOLLINGER: What did you -- I'm  
25 sorry, Mr. Fox.

1 MR. FOX: Yes, sir. And this was  
2 actually raised, in my notes, June 21st.

3 MR. ARTMAN: At our last meeting.

4 MR. FOX: Well, it was -- I'm not sure at  
5 the meeting. It was after the meeting. My  
6 notes reflect June 21st, that I had a  
7 conversation with an individual that said he  
8 represented AMC Land Company, and asked if  
9 there was anything that could be done to help  
10 reduce the Chief's concern about the run  
11 time.

12 So I spoke with Fire Chief Bacon, and he  
13 stated just that; that if a gate with a  
14 Knox-Box could be placed at the end of  
15 Grassmere, with a right-of-way dedicated road  
16 that wouldn't be blocked, that that would  
17 reduce his concern with the -- the run time.  
18 Was that passed on to you about that?

19 MR. ARTMAN: I believe that was your  
20 attorney?

21 MR. AVENI: Probably.

22 MR. FOX: Okay. But the thing is, I  
23 didn't notice any of that in the new  
24 application, so that was a --

25 MR. ARTMAN: I wasn't aware that that was

1 going to be an issue. I automatically  
2 assumed, since I received the variance not to  
3 connect to Grassmere, that that would not be  
4 a topic of conversation this evening.

5 MR. MIHALCIN: You're not here to hear  
6 that portion of the original application.  
7 Correct?

8 MR. FOX: Right.

9 MR. MIHALCIN: So the Applicant's  
10 representative is correct; we are only here  
11 to hear the change in the radius of the  
12 cul-de-sac and re-vote, reconsider the length  
13 of the cul-de-sac. Correct?

14 MR. ARTMAN: Yes.

15 MR. FOX: Yes.

16 MS. CLEVENGER: Is the Chief aware of the  
17 change in the size of the radius?

18 MR. ARTMAN: I -- I -- I handed the plans  
19 into the City. I'm not positive if they got  
20 to the Chief or --

21 MR. MIHALCIN: You have to get past the  
22 point -- the Fire Chief can suggest,  
23 recommend, or support something, but it has  
24 nothing -- no bearing -- no bearing on the  
25 actual ordinances themselves. And the only

1           one in front of us is the 600 -- the length  
2           of the cul-de-sacs, with the change being the  
3           modification to the radius. You're still  
4           keeping the two cul-de-sacs and they are  
5           staying the same length.

6           MR. ARTMAN: Yes. But we are going to  
7           present a little bit more supporting data as  
8           we continue in this meeting, basically  
9           associated with the land values,  
10          comparatively speaking, and the hardships  
11          that that would cause on the adjacent  
12          residences if we do not develop the plan that  
13          we have.

14          MR. MIHALCIN: Land values are not a  
15          consideration for granting a variance. I'm  
16          sorry. It's just not --

17          MR. ARTMAN: Decreasing adjacent land  
18          values, I would say, is a hardship.

19          MR. FOX: Well, I mean, we can entertain  
20          what evidence they are going to present  
21          that -- that will demonstrate that.

22          MR. ZOLLINGER: Yeah. Okay. Right. Go  
23          ahead with whatever evidence you want -- we  
24          are happy to hear whatever you have to say  
25          about that.

1 MR. ARTMAN: That's -- that's all I had  
2 at this point.

3 (Whereupon, Mr. Aveni confers with Mr.  
4 Artman.)

5 MR. ARTMAN: The owner is requesting we  
6 table it. We'll have discussions with the  
7 Fire Chief, and we'll come back with a  
8 different proposal.

9 MR. ZOLLINGER: You're going to -- you  
10 want to table it?

11 MR. ARTMAN: Yes, sir.

12 MR. ZOLLINGER: Okay. Okay. I guess  
13 we'll just -- we'll need a motion to table.  
14 That's -- I think that's all we have to do  
15 then. If that's --

16 MS. CLEVENGER: I make a motion to accept  
17 his --

18 MR. BACON: Second.

19 MR. ZOLLINGER: Okay. There is a motion  
20 to table. Any discussion from the Board?

21 (No response.)

22 MR. ZOLLINGER: Any discussion from  
23 anybody else here? Anybody want to say  
24 anything about the motion here.

25 Go ahead, sir. Go ahead and state your



1 name first.

2 MR. AVENI: My name is Jim Aveni.

3 THE REPORTER: Can you spell it?

4 MR. AVENI: A-v-e-n-i. AMC Land Company.

5 THE REPORTER: Thanks.

6 MR. AVENI: Can we have some discussion  
7 here to -- so I can kind of explain to the  
8 group here why we are here and why we are  
9 tabling it, so that they understand our  
10 confusion, in having to table it, is we were  
11 not -- unaware that we were revisiting the  
12 Grassmere connection, because our belief is  
13 we had the variance granted to us.

14 As such, we are coming to present  
15 evidence and your situation and how it  
16 affects your values as a hardship to the need  
17 for the cul-de-sac lots, in order to complete  
18 the development as the community would want.

19 And so because of the new evidence that  
20 showed up yesterday from the Fire Chief,  
21 revisiting the Grassmere connection as an  
22 alternative that we should consider -- I  
23 believe. That's how it's being presented?

24 MR. ZOLLINGER: Yeah.

25 MR. AVENI: That we need to look at it

1 and say can we accept this and modify our  
2 plans accordingly to -- to basically give you  
3 back the variance that has been granted?

4 MR. ZOLLINGER: Yeah, you know, my  
5 understanding -- my take on this -- and you  
6 tell me if I'm wrong -- is there just --  
7 because I don't work in City Hall. And I --  
8 I am a private citizen, like you. But it  
9 sounds like there hasn't been a meeting of  
10 the minds as -- with between the Chief and --  
11 and -- and the neighborhood -- or the  
12 developer about, you know, what might work.  
13 And maybe if the Knox-Box issue is hashed  
14 out, that might get a good compromise. Does  
15 that --

16 MR. ARTMAN: Well, there has been no  
17 communication, one way or the other.

18 MR. AVENI: We get a letter right before  
19 the meeting, the day before. This is the  
20 second time it has happened to us.

21 MR. ZOLLINGER: Yeah.

22 MR. AVENI: I believe that we will need  
23 to, as the developer, pursue going to the  
24 Chief and having a -- calling a meeting --

25 MR. ZOLLINGER: I would suggest that all

1 parties --

2 MR. AVENI: -- and --

3 MR. ZOLLINGER: -- be proactive in this.

4 MR. AVENI: Yeah. And try to get some  
5 kind of understanding of what they are  
6 willing to accept, so we can bring to you  
7 something that doesn't get blind-sided on the  
8 day before --

9 MR. ZOLLINGER: Right.

10 MR. AVENI: -- for another time.  
11 Because --

12 MR. ZOLLINGER: I said --

13 MR. AVENI: -- it's a waste of your time  
14 to be here. It's a waste of all these  
15 people's time to be here. When we get thrown  
16 a left -- something out of left field, when  
17 we are just trying to put a development in  
18 and be done with it.

19 MR. FOX: Well, to be fair, without  
20 having the Chief doing a test run --

21 MR. AVENI: Right.

22 MR. FOX: -- was there a belief that  
23 having or not having this Knox-Box and gate  
24 at Grassmere would increase the run time? I  
25 mean --

1 MR. ARTMAN: There was never a  
2 discussion.

3 MR. FOX: Not discussion. I mean a  
4 concern.

5 MR. AVENI: The concern presented the  
6 last time when we were voted, the night we  
7 were voted against, however you want to  
8 phrase it, was the equipment being able to  
9 turn around. That's what we were told, is  
10 that for a fire truck to back down the street  
11 to a turnaround was very difficult, and that  
12 the cul-de-sac was part of the problem, and  
13 that it wasn't big enough to get the big fire  
14 ladder, whatever, to make the turn.

15 So we did our research and we looked up  
16 the International Fire Code, thinking that  
17 the problem with the cul-de-sacs wasn't they  
18 were cul-de-sacs -- obviously, they are long  
19 and they are cul-de-sacs -- but that the root  
20 of the -- the Chief's concern was the  
21 diameter to be able to turn his equipment  
22 around.

23 So we came back with bigger cul-de-sacs,  
24 marked no parking, because the concern of,  
25 well, they don't want to move cars out of the

1 way if someone is parked in the cul-de-sac.  
2 So we put no parking lanes, fire -- fire  
3 lane. Because we don't want anyone to get  
4 hurt. We don't want anyone to have a  
5 problem.

6 But, you know, dead-end cul-de-sacs exist  
7 everywhere. And the whole purpose of this  
8 body is to look at this unique situation or  
9 specific situation and couch it against the  
10 one-size-fits-all rules that are played out  
11 in the code, and try to adjust as necessary  
12 through variances and other things.

13 Because if you just go back to just  
14 follow the rules and tell us the cul-de-sac  
15 has got to be so many feet long, then, you  
16 know, there's nothing --

17 MR. ZOLLINGER: Sir --

18 MR. AVENI: You need --

19 THE REPORTER: Wait. Wait. I'm sorry.

20 MR. ZOLLINGER: Well, sir, if the  
21 Chief -- and maybe --

22 (Whereupon, a phone rings.)

23 MR. ZOLLINGER: What is that?

24 The Chief, in our May meeting, he made  
25 the concerns about the cul-de-sacs, but he

1           talked about run times. And I remember that,  
2           because I specifically said, I don't see a  
3           problem with run times when I look at a map.  
4           And now I'm finding that maybe I wasn't  
5           correct. So he did talk about run times,  
6           too, you know, as a concern.

7           I understand what you are saying. I --  
8           you know, as an attorney, with clients, I  
9           find when everybody is proactive and -- and  
10          just bugs everybody else, things get done.  
11          That's how I have to be with my clients  
12          sometimes. That's how sometimes other  
13          lawyers have to be with me, because I get  
14          busy. People have just got to be proactive  
15          and contact each other and try to work this  
16          out.

17          And -- and if you have to come back for  
18          another variance for the Knox-Box -- I don't  
19          know. I mean, I don't even know if you  
20          would, because if it would be considered a  
21          cul-de-sac or not, I'm not sure. But I would  
22          try to work something out, and, hopefully,  
23          you don't have to come back here. And if you  
24          do, it would be a very easy proceeding.

25          As far as us granting variances, I mean,

1 we grant them, but I -- I take it very  
2 seriously, because -- and you -- and this is  
3 a significant, significant deviation from the  
4 ordinance. And these ordinances are put in  
5 place by elected officials. We are not  
6 elected officials. We are appointed. We are  
7 volunteers.

8 So when we make -- do a variance, you are  
9 asking us to take what an elected official  
10 put in place, and to change it. And lots of  
11 times, what you are asking us to do is  
12 something that you should -- you know, the  
13 elected officials should -- you should be  
14 asking the elected official to do. Now, I'm  
15 not saying that's the case here, but I'm just  
16 telling you, that's the kind of burden, you  
17 know, we are all dealing with with this  
18 stuff.

19 But I -- you know, if -- we'll vote on  
20 the motion to table.

21 MR. AVENI: Okay.

22 MR. ZOLLINGER: If anybody else wants to  
23 speak, that's fine. But I -- you know,  
24 hopefully, this can be worked out. And I'd  
25 like -- personally, I can't make anybody do

1 anything. But I'd like to see people talk  
2 more about the Knox-Box issue and try to get  
3 it worked out. That's just my -- you know,  
4 it would be nice if that -- that could be  
5 done. And we can --

6 MR. BACON: Can I ask something?

7 MR. ZOLLINGER: Yeah.

8 MR. BACON: The cul-de-sac radius and so  
9 forth is one issue. That's not a big deal.  
10 That can be handled. The reason for the  
11 connector, I mean, secured connector, so  
12 people can't use it as a cut-through, and  
13 because these -- these people all have an  
14 interest in it; most of them live there.  
15 They don't live in Mickey Mouse homes. They  
16 have pretty decent houses.

17 MR. AVENI: Yes, they do.

18 MR. BACON: If you have a fire down  
19 there, the fire department has two issues;  
20 number one, save lives, and number two is get  
21 to the fire. And you minimize the damage, so  
22 on, so forth.

23 If you ever saw a fire department in  
24 action in a big fire like that, of a decent  
25 home, you have got a lot of apparatus. If



1           you have something down there, you have Plain  
2           Township helping us; we probably have other  
3           people coming in for assistance.

4                     You have a lot of apparatus. You can't  
5           turn those around in a cul-de-sac and get  
6           them out. You have got to have someplace  
7           else to get them out and rotate them around.  
8           That's why this connector is necessary;  
9           somebody can get out. There are two reasons.  
10          Not one reason. Another reason, you have an  
11          ambulance through there and save, what, a  
12          minute --

13                    MR. ZOLLINGER: A minute.

14                    MR. BACON: -- a minute and a half?

15                    MR. ZOLLINGER: A minute and 18 seconds.

16                    MR. BACON: That's a lot of time. There  
17          is a good reason to have that connector,  
18          other than the cul-de-sac. And all these  
19          people here realize that their homes are  
20          important to the fire department, and  
21          whatever the fire department does is with the  
22          idea in mind of protecting property and  
23          lives. That's all they are there for.

24                    MR. AVENI: I understand that. And I  
25          appreciate that explanation. Thank you.

1 MR. ZOLLINGER: Anybody else have  
2 anything?

3 Sir, go ahead.

4 THE REPORTER: Can I get your name,  
5 please?

6 MR. SPERA: John Spera, 1380 --

7 THE REPORTER: Can you spell the last  
8 name?

9 MR. SPERA: S-p-e-r-a. 1380 Shiloh Run.  
10 For our benefit, could you read this letter  
11 that you are talking about, so that we know  
12 the issue --

13 MR. ZOLLINGER: Is there a copy? There  
14 is a copy there. Go ahead and read it.

15 MR. SPERA: Oh, okay.

16 MR. ZOLLINGER: Yeah.

17 MR. SPERA: Thank you.

18 MR. ZOLLINGER: I read part of it. Go  
19 ahead.

20 MR. SPERA: Anyone else want one?

21 MR. ZOLLINGER: The run data is on page  
22 2, I believe.

23 Anybody else?

24 Mr. Osborne.

25 MR. OSBORNE: Chuck Osborne, 307 Fairview

1 Street, Southeast, North Canton, Ohio. I am  
2 concerned that we are looking at this again.  
3 It's the same deal. Just because they have  
4 widened the cul-de-sacs, we still have the  
5 main issue here. We have streets that are  
6 far -- and you mentioned this,  
7 Mr. Zollinger -- far in excess of the City  
8 code.

9 Elected officials do not put this in  
10 place by their own desire. They have  
11 experts. They have land use planners. This  
12 600 feet, as I recall, when we passed this  
13 zoning code back in '03, came from Stark  
14 County subdivision regulations. So it's a  
15 very widely used benchmark. So I think you  
16 are being distracted by, oh, okay, we  
17 increased the cul-de-sacs from 50 to 60 feet.

18 I believe in following laws that are  
19 sound, very soundly arrived at, scrutinized,  
20 accepted, and have been in place for decades.  
21 So to -- to waive this requirement, you might  
22 as well strike it from our code then.  
23 Because you are starting down this path --  
24 they are already far in excess of the 600,  
25 again, as Mr. Zollinger has pointed out. So

1 I -- I believe in following our laws that --  
2 that have proven to work.

3 And as Mr. Bacon points out, there are  
4 many other reasons why we limit the lengths  
5 of these streets with cul-de-sac turnarounds.  
6 As far as the comment about it reducing  
7 traffic, I don't see how it reduces traffic,  
8 because people who go down that street, to  
9 get back out, they have to go back out the  
10 same way they came in. So you are doubling  
11 the traffic, is the way I look at it.

12 So it's not a substantial change or a  
13 significant change from what they asked for  
14 earlier. So I think you should vote to turn  
15 it down now, and there should be a  
16 significant change in -- in their plan here.  
17 We are still looking at -- what is it --  
18 1,780 feet in length on Shiloh Run and 1,625  
19 on Alexandria. How are you going to deal  
20 with that? Are you just going to be  
21 distracted by, oh, a bigger cul-de-sac and we  
22 are just going to forget they are far in --  
23 Shiloh Run is three times the code.

24 So that's my thought. Thank you.

25 MR. ZOLLINGER: Thank you, sir. Now,

1           there is a motion to table on the floor -- on  
2           that -- that's pending right now. So just so  
3           everybody knows, we are -- that's what we are  
4           looking to address at this point.

5           Go ahead, sir. Go ahead and give your  
6           name first.

7           MR. RIEGLER: Yes. My name is Charles  
8           Riegler, R-i-e-g-l-e-r, 1419 Hanover Court,  
9           Southeast, Canton, Ohio 44709. I'm here as a  
10          resident of the Monticello allotment, and  
11          what I'm hearing is this community made a  
12          decision. We were involved. It was a  
13          Democratic process for phase eight. Do you  
14          want a bunch of little lots, extra streets,  
15          or do you want to have larger estate lots?

16          The community agreed that it was in the  
17          best interest to have larger, fewer lots,  
18          less traffic. And that's our concern as  
19          residents. I'm not hearing that you are  
20          opposed to that proposal, to make larger  
21          estate lots versus a bunch of small lots.  
22          That's what the community desires.

23          You have heard there are already  
24          cul-de-sac streets longer in existence in  
25          that allotment than we are proposing. We are

1 not extending cul-de-sacs by 1,700 feet. I  
2 believe I heard one is 100 feet, and the  
3 other one is, like, 400 feet.

4 And right now, nobody can turn around in  
5 there, because it just dead-ends. They are  
6 dead-end -- because I have been down there.  
7 They are dead-end into the grass. So if I  
8 want to go down there and turn around, I have  
9 to go into the grass.

10 So am I clear that you are really not  
11 opposing the estate lots concept, which would  
12 require cul-de-sacs; that you are merely  
13 concerned with some safety issues, to make  
14 sure those are addressed? Am I correct in  
15 that assumption?

16 MR. ZOLLINGER: The item before the Board  
17 is whether these cul-de-sacs -- the variance  
18 for these cul-de-sacs, to lengthen the  
19 cul-de-sac roads, whether we should grant a  
20 variance or not. That's all we are -- we are  
21 slated to decide.

22 These other issues with the Knox-Box are  
23 being kicked around as possible compromise  
24 alternatives. But that's the issue we have  
25 before us.

1           MR. MIHALCIN:  Whether this is a --  
2           whether these two cul-de-sacs connect or  
3           whether they don't.  This developer has  
4           complete control of the size of those open  
5           lots, completely.  So whether he builds big  
6           homes or small homes is up to him.  How he  
7           affects your property values is up to him.

8           MR. RIEGLER:  But in order to have those  
9           lots that have -- you can't connect them,  
10          because that requires a lot more  
11          infrastructure, and -- with smaller houses, a  
12          lot more roads and a lot more --

13          MR. MIHALCIN:  We're talking about  
14          connecting between two -- the ends of two  
15          cul-de-sacs.  That's it.

16          MR. RIEGLER:  So you are not --

17          MR. MIHALCIN:  I have no opposition to  
18          anyone -- whether they -- this developer -- I  
19          don't want to get into property values.  This  
20          is not why we are here.

21          MR. RIEGLER:  Thank you.

22          MR. ZOLLINGER:  Yeah, I mean, for me  
23          personally, I think it's a beautiful  
24          neighborhood.  We are not seeing -- trying to  
25          change the character of the neighborhood.

1           That's not what we are here to address.

2           We are here to address the length of  
3           cul-de-sacs. And, again, there is a -- a  
4           motion to table. I think that -- that I  
5           think is still pending. So -- but go ahead,  
6           sir. Go ahead.

7           MR. FOX: I believe the rationale for  
8           tabling is that the Applicant wishes to  
9           modify the application from what we have  
10          right now. And it would be unfair, perhaps,  
11          for him to do it on the fly, to continue,  
12          when -- with -- it appears without this type  
13          of modification, that it wouldn't be  
14          approved. And then you are looking at a  
15          denial, and then another six months.

16          MR. ZOLLINGER: Yeah, we are trying to  
17          avoid another six months delay. So with that  
18          being said, I mean, you can talk -- you know,  
19          this is not a -- really a free public speech  
20          forum. It's more of a judicial forum. I'm  
21          trying to keep this on message. That's why I  
22          keep reminding you guys, everybody here,  
23          that, you know, right now, it's a motion to  
24          table is what we are talking about.

25          Go ahead, sir.



1 MR. SERRA: Tom Serra, 1535 Alexandria  
2 Parkway, Monticello. I serve on the Planning  
3 Commission, so I know what -- the time you  
4 guys put in, and I appreciate it.

5 Two things; Chuck Osborne does not live  
6 in Monticello, so I just want to make that  
7 clear. Another item, a minute and 18  
8 seconds; 78 seconds. How long will it take  
9 the fire department to unlock that Knox-Box?

10 MR. ZOLLINGER: The run data, if you look  
11 at it, it takes that -- it takes that into  
12 account. They simulated with how long it  
13 would take to unlock the lock box, open it  
14 up, drive the truck through. So the time  
15 that I gave you takes into account the time  
16 it would take to deal with that.

17 MR. SERRA: Okay. Please make sure that  
18 is correct, because --

19 MR. ZOLLINGER: Yeah, you can look at the  
20 letter. They say that in the letter. I  
21 mean --

22 MR. BACON: A couple seconds.

23 MR. ZOLLINGER: Yeah, they break -- they  
24 break that out.

25 MR. SERRA: Okay. Another concern is on

1 the Planning Commission, one of the things  
2 that are in our ordinances is that we review,  
3 on a final plat, is two items, two major  
4 items; the appropriate use and value of the  
5 property within and adjacent to the area will  
6 be safeguarded. That's one of the concerns  
7 we have with the residents that showed up  
8 tonight. If it does become smaller lots,  
9 they are going to be smaller value homes, and  
10 we are concerned about that. I know you guys  
11 say that's secondary, but it's really not.

12 And the other thing is the development  
13 will result in harmonious grouping of  
14 buildings within the proposed development in  
15 relationship to existing proposed use on  
16 adjacent properties. We have very nice homes  
17 in this area, and we are proud of it. We  
18 want to keep that integrity of these homes.  
19 Again, smaller lots, if you connect those two  
20 roads, could hurt the value of our homes.  
21 Thanks for your time.

22 MR. ZOLLINGER: Thank you, sir.

23 MR. BACON: What we have here basically  
24 is a safety issue. We have to approach it  
25 that way.

1 MR. ZOLLINGER: Anybody else?

2 Yes, ma'am.

3 MS. SANDRU: Julia M. Sandru,  
4 S-a-n-d-r-u. Do you need an address?

5 THE REPORTER: Sure.

6 MS. SANDRU: It's 1327 Alexandria  
7 Parkway, Southeast, North Canton. I am  
8 currently the last home on Alexandria  
9 Parkway, on the east side of the street.  
10 There was a makeshift cul-de-sac there.  
11 Three years ago, the North Canton emergency  
12 medical services came out to my home. They  
13 did not say, sorry, we can't come, because we  
14 can't turn around. They were there when I  
15 needed them.

16 And then within the last three years,  
17 North Canton City police came out to my home.  
18 They were there, because I needed them. They  
19 did not say, I'm sorry, we can't come,  
20 because we can't turn around. They were  
21 there with the small cul-de-sac that we have  
22 now. Enlarging it and continuing it all the  
23 way around will make it much easier for them  
24 to access the homes at the end of Alexandria  
25 Parkway and on Shiloh.

1           So I am very appreciative for their  
2 services. It means a lot to me. I just want  
3 to see this done, so we can better serve them  
4 and us. Thank you.

5           MR. ZOLLINGER: Thank you, ma'am.

6           Anybody else?

7           Yes, sir.

8           MR. CHARNOVIC: Frank Charnovic,  
9 C-h-a-r-n-o-v-i-c. I live on 1575 Pilgrims  
10 Knob. I am one of them that has a double  
11 lot. My lot behind me -- I purchased it --  
12 dead-ends right next to that lady's on  
13 Alexandria. Talk about safety, talk about  
14 turn around; I have had several times, my  
15 house personally, ambulance come up through  
16 there. They have had no problem turning  
17 around. They have had no problem getting  
18 there.

19           I've personally seen big car traveler  
20 loaders come in there. They are just  
21 probably the same size as your fire trucks.  
22 I have seen big, on a weekly basis, buses  
23 come in, obviously. And on a regular basis,  
24 big garbage trucks come in there. Nobody has  
25 any problem turning around in that thing.

1           And I thought they all had reverse in them to  
2           start with. And it's not like they are going  
3           down a 90-degree turn, where they have to get  
4           to someplace, where they have to slow down to  
5           nothing.

6                     And I personally, today, stopped at  
7           Hilbish -- Easthill, rather, at the light on  
8           Main Street. I drove that the speed limit.  
9           I stopped there, because that's the way the  
10          fire department, police, or anybody else  
11          would have to come if you open up the other  
12          way. I used to be a former chemist for four  
13          years. I used to do a lot of  
14          standardizations. I took one of my timers,  
15          National Bureau of Standards, certified. It  
16          took me about the same time, within a couple  
17          seconds, to go -- open up the other way or go  
18          through Alexandria Parkway.

19                    And, now, I wasn't in the development  
20          that way, because it was blocked, so it would  
21          have took another few seconds to get there.  
22          And none of those roads down there, going the  
23          other way, are nearly as wide as our  
24          development. A lot easier to get there.  
25          Personally, I have seen it. Personally, I

1           have had to -- the response to get there.  
2           You are hearing from people that had it  
3           already. This isn't somebody guessing.  
4           Thank you.

5           MR. ZOLLINGER: Thank you, sir. Okay.  
6           We have, again -- right now, what we have  
7           pending is a motion to table.

8           Does anybody else wish to speak? I'm  
9           trying to be very liberal and allow people to  
10          speak. But, again, our issue is a motion  
11          right now. Anything else?

12          (No response.)

13          MR. ZOLLINGER: Okay. So there is a  
14          motion and a second to table. Any discussion  
15          for the Board?

16          (No response.)

17          MR. ZOLLINGER: If not, I'll have a roll  
18          call.

19          MS. WHITTENBERGER: Mr. Bacon.

20          MR. BACON: Yes.

21          MS. WHITTENBERGER: Mr. Mihalcin.

22          MR. MIHALCIN: Yes.

23          MS. WHITTENBERGER: Ms. Clevenger.

24          MS. CLEVENGER: Yes.

25          MS. WHITTENBERGER: Mr. Zollinger.

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MR. ZOLLINGER: Yes.

The motion to table is passed. I would just encourage every -- all the parties to actively, proactively talk to each other. I'm not saying that to cast doubt or blame on anybody, but let's try to get something worked out. And I'm hopeful that it can be. Thank you very much.

MR. FOX: Motion to adjourn.

MR. ZOLLINGER: Motion to adjourn.

MR. MIHALCIN: Motion to adjourn.

MR. BACON: Yes.

MS. CLEVINGER: Yes.

MR. ZOLLINGER: Did you get that?

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(This proceeding concluded at 7:12 p.m.)

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