

Minutes of the Zoning Board of Appeals Meeting of August 20, 2015 - 6:00 P.M.

MEMBERS PRESENT: Regis Barrett, Chairman
Earl Bloam
Wally Parker
Dean Bredenbeck

ABSENT: Craig Farkas

ALSO PRESENT: David Kulcsar, Building Commissioner
Barbara Stanton, Secretary

Chairman Barrett – I would like to call the Zoning Board of Appeals meeting to order. Roll call was taken and the following members were present: Regis Barrett, Earl Bloam, Wally Parker, Dean Bredenbeck. Absent: Craig Farkas.

A motion was made by Dean Bredenbeck, second by Regis Barrett to approve the minutes from July 16, 2015. **Vote Resulted: Yes – Regis Barrett, Earl Bloam, Dean Bredenbeck. Abstain - Wally Parker.**

Chairman Barrett: A request from Elias Maroun of Quest Property Management for a variance to provide required off street parking spaces for a restaurant located at 4218 Ridge Road P.P. #431-22-019. Hannah DeFord from LS Architects was present as support. Ms. DeFord: We did the as built drawings for Elias. I have assisted him with square footage, calculations and so forth. I am very familiar with the code. Mr. Maroun gave a brief history of his family and business background. Mr. Maroun is self employed for about 24 years. Mr. Maroun: When the property came available I acquired it. We want to grow as a family and want this business to be owner operated. The first priority is the residents concern regarding the parking. The community needs an upscale restaurant/banquet hall. The appraisal report showed a 200 occupancy limit. I started remodeling the inside. I am asking for a variance for the parking. Based on the new code this parcel requires 114 parking spaces. At this time we have 49 spaces. The code is calling for a total square footage of 50 square feet per parking space. The kitchen is extremely large in relation to the usable square footage. There is 3,700 square feet out of 7,000 square feet that is actually dining area. I've approached the lady across the street that just purchased the building regarding the parking lot that I partially own. I am trying to get something in writing that I am able to use the parking spaces after hours as patron parking. Additionally, I have contacted valet services to provide this service. Mr. Maroun passed out a letter from St. Thomas More Parish to the Board. The letter states that they are considering providing the 15 parking spaces needed based on the number of tables in the restaurant. The code is specifying the higher of the two requirements; square footage vs the number of tables. Regarding the parking, I am not like the prior owners. I have reached out to other businesses trying to possibly use valet parking. Chairman Barrett: There has been a problem with the parking when the restaurant was active. Customers would park everywhere. It was a constant battle. The code was re-written in 1992 and this is the code you will need to meet. You will need to meet the new standards. Earl Bloam: What is the requirement for parking spaces with today's code? Commissioner Kulcsar: The square footage and I assume the 20% reduction which is part of the formula of exception that 114 spaces would be needed. Dean Bredenbeck: Did you take the maximum allowed? Commissioner Kulcsar: It is a gross square footage. Dean Bredenbeck: How does the 20% compare to the number that we were give by Mr. Maroun? Ms. DeFord: The 20% is extremely low for a restaurant. The part of the code that addresses this is part of a merchandise area which is a retail shop. There is really nothing in the code that addresses restaurants specifically. Typically kitchens are not included in the square footage. Dean Bredenbeck: Is the number you calculated close to the 20%? Ms. DeFord: It is closer to 50%. The kitchen takes up almost 50% of the building. Mr. Maroun: The building has been added on a few times. Chairman Barrett: The last time the building was expanded they enlarged the banquet area. It is to the end of the sidewalk. At that time they placed an addition in the back for trash collection and they have a large grate where they would wash the mats off from the kitchen near the alley. Mr. Maroun: I would not permit that. Dean Bredenbeck: Does the Building Department have an option on the number of parking spaces given? Commissioner Kulcsar: I do feel the 114 parking spaces required is excessive. The other formula that could be used based on the seating which is one parking space per three seats which would be 54 parking spaces. Dean Bredenbeck: How many parking spaces do you currently have on the property? Ms. DeFord: There are 14 spaces on the property and there is a portion of parking spaces that are across the street that Mr. Maroun currently owns. Commission Kulcsar: The Mayor's concern is in the

past the Police Department remembers very well the problems with patrons parking on Ridge Road and ticketing them. Chairman Barrett: The residents would complain to the owner regarding patrons parking along the side street. In my opinion you will need to come up with something very close to the minimum parking spaces for me to approve the variance. Mr. Maroun: You are looking at two different individuals. The maximum capacity is 200 and I want to maximize this to 160. You cannot penalize me for the previous owner's actions. I cannot take a financial hardship, which I am because of the parking situation. I am trying to find a solution. Ms. DeFord: If we could essentially establish the actual required parking? There was further discussion regarding using St. Thomas More property and valet parking. Commissioner Kulcsar: It would help if you would be able to explain your business plan. Mr. Maroun: I am still in the preliminary stages. I would like to have small functions, such as bridal or baby showers. The maximum employees I would hire would be 15. The hours would be from approximately 4:00 to 10:00. Ms. DeFord: Would you have a banquet and restaurant open at the same time? Mr. Maroun: My intention is not to open a restaurant right away. My primary goal is to have banquet style parties. I would like small events that would take place on possibly Thursday, Friday, Saturday or Sunday. It has been vacant since 2013. They had a 200 capacity occupancy permit but I do not have it. In order for me to move forward, I will need to know if the variance for parking will be granted. This would be a benefit the City and it has been vacant for a long time. I do not feel I should be penalized for what went on in the past. Wally Parker: You will need maximum parking when an event is held. It is not like a restaurant where patrons come and go. You cannot determine if the patrons will use valet parking. Earl Bloam: You do not have a contract with a valet service or St. Thomas More at this time. Ms. DeFord: You could put in the agreement that the patrons will need to use the valet service and if they did not they would be in violation of the contract. Mr. Maroun: We need to look at the code because it is unclear. Commissioner Kulcsar: The code is clear but I agree that this is excessive. The schedule states it is determined by the gross floor area. It does not exclude anything but storage up to 20%. That is how it is formulated. Ms. DeFord: It is questionable about how this addresses the type of building that this is. Commissioner Kulcsar: The code also states "similar too" which would be night clubs, and halls. If it is more of a banquet/party center I would think the similar use would be a night club. There was further discussion regarding the code. Mr. Maroun: The reason I am here is because I do not have the physical occupancy permit. The previous owners did not have it. I asked Dave if the Building Department had it and Dave couldn't find it. The City should have the occupancy permit on file. Commissioner Kulcsar: The certificate of occupancy is not transferable. You did inherit an unusual property and will you need to try to have a plan to satisfy the parking. As it is drawn up right now, the Building Department would not recommend the variance. Ms. DeFord: It is possible to give an occupancy based on a contract with an approved contract with a valet service and that contract needs to be maintained 100% if the time? The key element is getting the final approval from St. Thomas More to use the parking. There was concern from the Board about how many customers would take advantage of the valet service. Commissioner Kulcsar: Present to the Board for example; if you are only having a small party what would be your plan for parking. If you have a party of 160 what would be that plan. There was further discussion regarding valet parking or having employees park the vehicles. Dean Bredenbeck: There are a lot of factors that contribute to a decision. You would have more control over your employees and where they should park and the concerns of the residents in the area. Ms. DeFord: A suggestion is to have in the agreement that the valet parking must be used for banquets. It would seem easier to control the parking situation. Dean Bredenbeck: No one would want to send a message that the City is business unfriendly. Earl Bloam: We want you to succeed and we would like to see a plan. Commissioner Kulcsar: May I suggest the Board defer or table the request until more information is submitted. After further discussion a motion was made by Dean Bredenbeck, second by Wally Parker to table the request from Elias Maroun of Quest Property Management for a variance to provide required off street parking spaces for a restaurant located at 4218 Ridge Road. **Vote Resulted: Yes – Regis Barrett, Earl Bloam, Wally Parker, Dean Bredenbeck.**

Wally Parker: Can I have an update regarding the corner of Biddulph and Ridge. I am concerned that without some sort of barrier for the parking lot someone may get hurt. Commissioner Kulcsar: They need to re submit their parking and site plan for the Planning Commission. Their intentions are to have their plans together and have the work completed prior to winter. If it is not completed we will address it.

A motion was made by Earl Bloam, second by Wally Parker to adjourn the meeting. **Vote Resulted: Yes – Regis Barrett, Earl Bloam, Wally Parker, Dean Bredenbeck.**

Barbara Stanton, Secretary


Regis Barrett, Chairman