



**VILLAGE OF OAKWOOD**  
**ARCHITECTURAL BOARD OF REVIEW**  
**MEETING MINUTES**

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**MEETING DATE:** DECEMBER 6, 2021

**TIME OF MEETING:** 7:30 P.M. MEETING

**PLACE OF MEETING:** OAKWOOD VILLAGE – COUNCIL CHAMBERS

**PRESENT:** Rand Broadstreet  
Patricia Christian - Chairperson  
Jackie McDonald  
Georgia Moore  
  
Ross Cirincione - Assistant Law Director  
Mayor Gottschalk  
Dan Marinucci

**ABSENT:** NONE

The Meeting was called to order at approximately 7:35 P.M. by Patricia Christian, Chairperson.

**NEW BUSINESS:**                   **CONTRACTOR:**    **CAMPBELL CONSTRUCTION**  
**CASE # ABR21-14:**               **MR. DAVID AULGER**  
**OWNER: CHAMBERS WASTE SYSTEMS OF OHIO**  
**DBA: WASTE MANAGEMENT, AARON JOHNSON**  
**7450 OAK LEAF OVAL, OAKWOOD VILLAGE, OH**  
**44146   PP #795-50-016**   Mr. Aulger is coming before the  
Board to request approval to erect a 2,025-sq. ft addition to the  
existing building. (Section 1101 & 1140 of the Codified  
Ordinance)

**Ms. Christian:** Do I hear a motion to table this case until more research information by the Planning Commission is available?

**MOTION TO TABLE CASE # ABR21-14: UNTIL FURTHER RESEARCH INFORMATION IS FORTHCOMING** was made by **Jackie McDonald**, seconded by **Rand Broadstreet** and upon roll call the **MOTION TABLED** unanimously.

**CASE # ABR21-15: OWNER: MR. JAMES JOHNSTON  
MR. CAL HEINTZ & ASSOCIATES, LLC  
21941 FORBES ROAD, OAKWOOD VILLAGE, OH  
44146 PP #795-03-003** Mr. Johnston is coming before the Board to request approval to erect a 30' X 60' (1,800-sq. ft.) addition to the existing building. (Section 1101 & 1140 of the Codified Ordinance)

**Mr. Johnston:** I understand Ed Hren needs a survey. I have no problem getting a survey. When we initially started this, I was trying to see if I could add on to the building. That is why I am in front of you tonight to see if I could do this before I spend \$10,000.00 on a survey, and I was told by the Planning Commission that I can't. I just didn't want to do this backwards.

There are other questions now with zoning and stuff. That was a motorcycle shop when I bought it. It's been a motor cycle shop since 1992, and now I hear you saying I might not be able to do that; I'm confused.

**Mr. Cirincione:** The problem we face is that we are not sure this conforms to the current zoning. The problem is with the prior application, which was tabled with Waste Management and that is: Is an expansion of a non-conforming use permissible at this location? I frankly don't know the answer to that, but I do know that is an answer we need to have before we move forward with it.

So, there are actually two problems. The first one is, is this going to be permissible under the current zoning and the proposed use? As I understand it, the proposed use is for repairs, storage and motorcycles awaiting repair. As noted by our Engineer, Ed Hren in his December 6, 2021 letter to the Planning Commission under the section of the Codified Ordinance which governs General Business District, **does not list this kind of use.**

It seems to be similar to the list which is under a different use which is Motor Service Districts. I spoke with Ed on this and **we need to legally clarify whether this is something that can be permitted on these premises.**

**Mr. Johnston:** Being that it was already a motorcycle shop, and while it was, the zoning changed, would it not be grandfathered in?

**Mr. Cirincione:** I believe it could be a non-conforming use. That is what we have to check out. You may be right. We have to take a look at that issue; is it grandfathered or not grandfathered in.

**Mr. Johnston:** I'm on the schedule to get a survey. Hopefully it will be sometime next week. I've already talked to somebody about that.

**Mr. Cirincione:** I would caution you about that. Until we research whether or not it is a permitted use, there is no sense in going out and spending that kind of money and then we conclude "you can't do it".

**Mr. Johnston:** I know Ed wants the survey, but I just want to know if I can do it.

**Mr. Cirincione:** We will try to have that answer for you in the next week or so. That will give you time to get the survey.

**Mr. Johnston:** Okay, that's fair. Thank you!

**Mr. Heintz:** This particular parcel was actually zoned Local Business District. This building was built in 1974 based on what I researched online in the Oakwood Village ordinances. It changed from Local Business to General Business in 1976.

**Mr. Cirincione:** We have to take a look at what that means legally.

**Mr. Heintz:** One of the things that is a factor in this is that the lot is only 75-feet wide. Everything that is in the General Business District now requires 200-feet of frontage. This parcel in that respect is not going by the definitions of your own ordinances. It was legal at the time it was setup and initially established, but once the district changed, then it became non-conforming from the perspective of how much frontage it had.

**Mr. Cirincione:** The problem then is if the expansion of the non-conforming is permissible or not? That is a legal question. I don't have the answer to that so we need to do the research.

**Mr. Heintz:** On behalf of James and myself, our intentions of knowing that we did not have a survey, and wouldn't get full approval is that we would at least go through the process and get preliminary approval subject to having the survey. Now this other nuance that just showed up this afternoon at 5:42 P.M. relative to the legality of whether or not he can even be a motorcycle shop in this district can be resolved.

We can present our position if we don't violate any setbacks, and then the subsequent meeting relative to the ABR is acceptable and provides us with a preliminary approval. Once you get the piece with the legality, and the survey that shows whether we need a variance or not, we can work through that process.

**Mr. Cirincione:** I'm sorry, I would have to disagree. I think that's backwards. I think we need to establish whether it's legal or not before we have the discussion and either granting or denying the preliminary plans.

**Mr. Heintz:** So, can we establish what needs to be established between now and the next meeting?

**Mr. Johnston:** You guys are going to do the research and let me know if it's legal or not. If it is, I come back and present everything. If it's not then it's a moot point.

**Mr. Heintz:** What about the survey? Where is the survey going to fit in?

**Mr. Cirincione:** We don't want to see the applicant spend money if the use is not permitted. Once we come to an opinion, then we will let you, the Planning Commission and ABR know and go from there. Once we issue the opinion, I would make sure the applicant and his representative are notified with a copy of that. We would copy the Planning Commission members as well.

**Mr. Johnston:** The research that you have to look up, discuss and decide on is whether or not I can add on to my existing shop that is there, or is my existing shop going to be a problem now also?

**Mr. Cirincione:** We will take a look at it. We don't want to leave any of these questions outstanding.

**Mr. Johnston:** I've been there for a year. I bought it in December of last year, and I've been open all year.

**Mr. Cirincione:** You're doing those kinds of repairs now?

**Mr. Johnston:** I bought the existing business, and I kept it open instead of watching it close.

**Mr. Cirincione:** We're going to try to get that to you next week so that hopefully you will have time to get the survey taken care of.

**Mr. Johnston:** The surveyor knew I was coming tonight, and he told me to call him tomorrow to let him know how things went. I'll tell him to keep me on the schedule for some time towards the end of next week. Hopefully I'll know something before your next meeting. When will that be, January 4, 2022?

**Mrs. Hines:** The next Planning Commission meeting will be held on Monday, January 3, 2022.

**Mr. Johnston:** That I can work with.

**Mr. Marinucci stated for the record:** For over a month, I have been working with Cal Heintz on this project. I have been trying to get a mixture of the building codes. The issues are finally all resolved. They are doing their due diligence.

**MOTION TO TABLE CASE # ABR21-15: UNTIL ALL ISSUES AS DISCUSSED HAVE BEEN CLEARED UP BY THE PLANNING COMMISSION** was made by **Jackie McDonald** seconded by, **Georgia Moore** and upon roll call the **MOTION TABLED** unanimously.

**CASE # ABR21-16:**            **APPLICANT: BENEXT AWNING & GRAPHICS,  
MR. ALDO DURE, OWNER  
BUSINESS OWNER: PMF CLE FITNESS STUDIO,  
MR. ROBERT MATHIS, OWNER  
23250 BROADWAY AVENUE, OAKWOOD VILLAGE,  
OH 44146 PP #795-19-020** Mr. Dure is coming before the Board to request approval for a 29.1-sq. ft. wall sign on existing building. (Section 1101.01, 1140.03 & 1185 of the Codified Ordinance)

**Mr. Dure:** (*Referring to drawings*) These are the channel letters. They will be flash mounted into the wall. The square footage is 29.1-sq. ft. with a 12-foot elevation. There will be LED lightings inside the letters. The PMF CLE letters will be red. The acrylic sheets will be 1/8" thickness. It will be vinyl applied, so during the day the PMF CLE letters will look black (dark) and at night the Fitness Studio letters will light up white.

**Ms. Christian:** Is there any landscaping to be done?

**Mr. Dure:** This building is in a shopping center. I'm just doing the signage and not responsible for the landscaping.

**Mayor Gottschalk:** Are you located next to Woodcraft in the shopping center?

**Mr. Dure:** I'm next door to Sam's Club and on the other side is Woodcraft.

**Mayor Gottschalk:** This is going to be a spin studio, and I'm hearing there may be as many as 40 bicycles there. The concern was if the music coming from it would affect Woodcraft. However, that has been worked out because Woodcraft had paneling put in even before any of this occurred, so there isn't any concern about the noise factor to them.

**MOTION TO APPROVE CASE # ABR21-16: SUBJECT TO CONTINGENCIES MADE BY THE PLANNING COMMISSION** was made by **Jackie McDonald**, seconded by **Rand Broadstreet** and upon roll call the **MOTION PASSED** unanimously.

**MOTION TO ADJOURN MEETING** was made by **Rand Broadstreet**, seconded by **Georgia Moore** and upon roll call the **MOTION PASSED** unanimously.

**Meeting Adjourned at approximately 7:46 P.M.**

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**Patricia Christian**  
Chairperson

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**Cynthia Hines**  
Recording Secretary