

JUNE 23, 2016  
SPECIAL COUNCIL MEETING MINUTES  
PARMA COUNCIL CHAMBERS  
5:30 P.M.

The Special Council Meeting was called to order by President of Council Sean P. Brennan presiding:

COUNCIL MEMBERS PRESENT:

BRIAN BROCHETTI  
MARK CASSELBERRY  
JEFFREY CROSSMAN  
VITO DIPIERRO  
ALLAN DIVIS  
DEBORAH LIME  
KRISTIN L. SABAN  
SCOTT M. TUMA

COUNCIL MEMBERS EXCUSED:

LARRY NAPOLI

Mr. Ramser - Mr. President, the Roll of Council has been called, and I find a quorum of Council members present. The following officials and department heads were also present: Mayor Timothy DeGeeter, Chief of Staff Michael Culp, Clerk of Council Kenneth Ramser.

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**NOTICE OF SPECIAL MEETING OF COUNCIL**

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The State of Ohio )  
Cuyahoga County) ss: Clerk of Council Kenneth A. Ramser: Greetings  
City of Parma )

WHEREAS, it appears that the public business of this City requires that the Council meet in Special Session to consider such business as may come before it, and,

WHEREAS, I have convened and do hereby convene said City Council to meet in Special Session on the 23rd day of June, 2016, at 5:30 PM, Eastern Daylight Savings time, at the Council Chamber in said City, to consider such matters as may come before it as fully and completely as might be done in regular session of said Council:

1. Vote on Proposal to Vary - Robert Euerle, 5301 Hauserman Road

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You are therefore commanded to summon: Mayor Tim DeGeeter, Auditor Brian Day, Law Director Timothy Dobeck, Treasurer Thomas Mastroianni, Council President Sean P. Brennan, Brian Brochetti, Mark Casselberry, Jeffrey Crossman, Vito Dipierro, Allan Divis, Deborah Lime, Larry Napoli, Kristin L. Saban, Scott M. Tuma, and Kenneth A. Ramser, Clerk of said Council, to meet in Special Session as aforesaid for the purposes aforesaid.

Hereof fail not and have you then and there this Writ, with your return thereon in what manner you have executed the same.

In testimony whereof, I have hereunto set my hand and caused the Corporate seal of said City to be hereunto affixed, this 21st day of June, 2016

/seal/

/s/ Sean P. Brennan  
City of Parma COUNCIL PRESIDENT SEAN P. BRENNAN

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ROLL CALL ORDER  
SCOTT M. TUMA  
BRIAN BROCHETTI  
MARK CASSELBERRY  
JEFFREY CROSSMAN  
VITO DIPIERRO  
ALLAN DIVIS  
DEBORAH LIME  
LARRY NAPOLI  
KRISTIN L. SABAN

CERTIFICATE OF SERVICE  
NOTICE OF SPECIAL MEETING OF COUNCIL

I, Lynne Thomay, of the City of Parma, Ohio, do hereby certify that on June 21, 2016, I received the notices of a Special Meeting of Council, a copy of which is attached hereto, and that in accordance with the instructions given to me, I have served each person named in the notice with the notice by Electronic Mail (e-mail) with the notice on June 21st, 2016, at 3 PM, which date and time is more than twelve hours prior to the time of the Special Meeting.

Signed /s/Lynne Thomay  
Lynne Thomay, Deputy Clerk I  
City of Parma, Ohio.

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DISPENSE WITH THE REGULAR ORDER OF BUSINESS

Motion made by Councilman Tuma seconded by Councilman Casselberry to dispense with the regular order of business and to waive the Rules of Council, at this time, in order to hold this special Council Meeting. Motion carried.

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Mr. Brennan - We are here to vote on the Proposal to Vary for Robert Euerle at 5301 Hauserman Road. Are there any members at this time who would like to speak regarding the issue?  
Mathew Keehl - Many of you know me, I am Parma Police Officer. I have been a Police Officer for 10 years with the great City of Parma and my job obviously entails firearms. That is why I am here, on behalf of the Police Department and on behalf of Robert Euerle. We deal in firearms and we work with firearms. They are my lifesaving measure that I carry everyday. Rob and I have been friends for about 6 years. We actually met through the Police Department. He is an auxiliary Police Officer with us. So he is very familiar with firearms and has lots of extensive training as well as I do. I wanted to be here Monday as well, but unfortunately as you know as a Police Officer I had to work and there was no way out of that. At Rob's age, to see what he has accomplished is amazing. I have also been around in the City of Parma and have seen how it has been prospering thanks to everything that you have been doing. Especially Mayor DeGeeter with making great business sense here. That property at 5301 Hauserman was a sight for sore eyes for many years. As a Police Officer I am happy to see good business come in because it makes crime go down. With Rob's proposal, what better place to have firearms than at a place where you can train with firearms. I purchase a gun once a year and have a background check done. This is a great thing to purchase a firearm, train on the firearm and receive additional training down the road. The Police has its own training facility. I do not use it personally, we only use it for work. I would love to have that type of facility in the City here rather than going to Broadview Heights where I have to go now. I am here to back Rob Euerle and his plan.

Jeff Manco - 1786 Oaklawn Drive. I have actually known Rob for about 10 years. I met him because he worked for a landscaping company through a neighbor of mine. He wanted to branch out on his own. I have seen what he has done with his landscaping business, and to be able to take it to the building on Hauserman is incredible. With that, knowing Rob, what he has proposed for the Armory would be a great asset for the City of Parma. I work at Ford Motor Company. I have discussed the issue with several of the other employees. They think its great since it's right down the street to purchase, train and shoot the guns. I understand that you have a building and you are paying alot of money for the building. When you do not have revenue coming in to that building at the same time, that hurts. He is doing great with his landscaping business. I can almost guarantee that he will excel above and beyond no matter what he does. In regards to the firearms building, I am sure he will be top notch and take it to the next level.

Ray Rosenberger - 6232 North Canterbury. I have wanted to present this to Council on many occasions. I realize that there is a 3 minute limit. So we'll see how the 3 minute liberal rule comes into play. I want to say something directly to the applicant. I will speak through the Chair. You will not find a more ardent supporter of the U.S. Constitution and its Amendments than Ray Rosenberger. So please keep it in mind as I make my comments. In this Country we have zoning because of a U.S. Supreme Court ruling that took place in 1926. It was with the Village of South Euclid that started zoning in this country. It was the Euclid v. The Ambler Realty Company. We have a chaired approach to zoning in this Country. That chaired approach starts with the U.S. Constitution. It works its way down to the Ohio Constitution. It works way into the Ohio Revised Code and it works its way into Parma's Codified Ordinances. The requirement in the Ohio Revised Code is that to have zoning, one must follow certain sequences prior to adopting a Codified Ordinance. This process calls for the creation of a comprehensive land use plan. The whole reason that the applicants are here this evening is because of this plan. This plan found its way into existence in 2004. But prior to that, there is something else you need to do. You need to go out and solicit the opinions of the people as to what type of community they want to live in. That was done in 1999 and it became input to the comprehensive land use plan. They called it the quality of life survey and I also have a copy of that. This was as I said in 1999, and that is what created the zoning districts from which the Codified Ordinance came. I mentioned this once before, I had gone down through the use variances that have been submitted to the City of Parma since 2004. There had never been prior to CVS Drug Store where Council granted a use variance for a retail business in a residential district. That is really is at the heart of what I want to say to you. It is all founded on the U.S. Constitution, the Ohio Constitution and on your comprehensive land use plan. Because that comprehensive plan has no legal effect until its adopted by a city. Once it is adopted, it is akin to the Constitution. You have the Ohio Constitution and you have a Constitution of land management. So this evening, what you are being asked to do is to amend your Constitution. That Constitution spells out the way that you should go about rezoning. The way you should go about granting variances.

Mr. Brennan - Mr. Rosenberger your time has expired. If you would like to summarize your final point.

Mr. Rosenberger - The zoning in Parma is the result of a long process. The adoption of the 2000 comprehensive plan, all the Parma zoning except for CVS. If this variance is granted in my opinion, you will be abandoning your Constitution. Thank You.

Bill Montville - Recent Parma Heights resident. This is very important to me. I am a certified NRA Instructor, five certifications and an Associate US Conceal Carry Association Instructor. No one here knows me. I will tell you right now that it is very important for people to be properly trained in the use of firearms. The genie is out of the bottle and firearms are not going to go away. People have to get properly trained on how to use them in a safe manner. That is a hardship for a lot of instructors in the area. We do not have access to private ranges for the most part. We utilize Gray's Armory or the public ranges out in Grand River or Ashland. Any place where somebody will accept us. It is very important that people get property trained by instructors and I am all for this facility to open and hopefully they will be instructor friendly.

Mr. Brennan - We will now move onto the Variance.

Mr. Ramser - We have a Variance for the applicant Robert Euerle, for the property located at 5301 Hauserman Road, PPN 442-01-003.

Councilman Divis - "The Parma Council Planning Committee met on Monday, June 13, 2016, to discuss the Variance, FOR THE APPLICANT Robert Euerle, 1801 Lorimer Rd. for property at 5301 Hauserman Rd. PPN 442-01-003.

The Parma Board of Zoning Appeals recommended to Council to GRANT the variance for Robert Euerle, 1801 Lorimer Road of Euerle Group, LLC, Parma, OH 44134 who has requested an "Use" variance of the City of Parma Codified Ordinances of Section 1153.02 – SINGLE-FAMILY HOUSE DISTRICTS - PRINCIPAL USES AND BUILDINGS. Within any Single-Family House District, no building or premises shall be erected, used, arranged or designed to be used, in whole or in part, for other than single-family detached dwellings. The Applicant is proposing to use property at 5301 Hauserman Road as a "Civilian Education Facility" including the operation of a gun range, federal firearms store, and weapon storage. Additional space is proposed to be used as classrooms for various type of training courses – concealed handgun, tactical training and self-defense. The current landscape business on the property will remain. The remainder of building has a proposed use of general retail business lease space. This variance, if granted, would result in allowing retail business uses in Single-Family House District. This variance has the following agreed upon stipulations:

1. All Property Maintenance issues shall be addressed and Landscaping acceptable to the Building Department shall be in place on or before the end of September 30, 2016.
2. The principals who are Rob Euerle and Gary Walters shall be on site 500 hours a year or more.
3. The "Uses" of the property must be related directly, meaning, only to health, wellness, firearms and education only.
4. The retail shall also be related to the same – health, wellness, firearms and education only.
5. We will not have automatic fire weapons or sometimes are called select fire weapons – weapons that can fire more than one round with a single pull of the trigger. And we will not have high powered rifles. We will have and I (Mr. G Walters) want to be clear and define what we are going to have: (a) we are going to have intermediate powered rifles which would include AR 15s; AK 47s and other home defense style rifles – and no armor piercing ammunition.
6. The decibel level shall measure 85 or less outside from 10 feet away.
7. All Federal and State laws and City of Parma Ordinances will be complied with. Meaning that if you can be cited and if it comes out that you are found guilty for breaking a Federal (or any of the above) thing then we have the right to revisit."

Also be it noted that a variance once granted, shall not be withdrawn or changed unless there is a change of circumstances or if after the expiration of six months no substantial construction is done in accordance with the terms and condition for which such variance was granted. In which case the Building Commissioner shall give notice in writing, and thirty days thereafter the variances will be deemed null and void, and all regulations governing such premises in question shall revert back to those in effect before the variance was granted.

**Therefore I move to grant the variance with the above stipulations"**

Motion made by Councilman Divis seconded by Councilman Casselberry to grant the variance. Councilman Crossman - First of all, there was representation made from a member of the audience. I just want a clarification from the Mayor that he was here on behalf of the Police Department. I just want to clarify if the Police Department is taking an official position on this variance.

Mayor DeGeeter - Not that I am aware of. Mr. Keehl is a Parma resident here off duty and on his own. I do know if you look at the BZA minutes, I believe that he also attended that hearing on his own off duty.

Councilman Crossman - I just wanted to clarify that perhaps he just meant that he was a member of the Police Department and he is nodding his head yes. Does the Administration have an official position on this variance request?

Mayor DeGeeter - As you and I talked earlier today and as I have talked to a number of other Council members on this, lets go through a couple of things. One - A former Councilman came up last Monday and threw some accusatory comments out there which turned out to be not true. There was no delay from the BZA getting it to the Council Office. We are within the 40 days that is required for Council to act on this. Stepping back, if you look at the transcript of the BZA. BZA did their job. They asked questions. There is a 21 page transcript so I am very proud of those appointed members of the BZA. Having said that, I do not own firearms. I voted against the CCW when I was in the Legislature. I had tough votes down there. Today, I went to pay my respects to a former colleague of mine in the State Legislature, Bill Hartman. He was like a mentor/coach to me. In fact Former Mayor Dean DePiero had indicated that he was the best Legislator that ever served. Bill taught me when I was down there to vote your conscience on this. I am not advocating pushing for this that we need this. But, I also understand that we have an empty building that had a crazy history. Starting at the beginning of time, it served as a U.S. Army Reserve Armory. In 2010, the City received that it had become Federal Surplus. They auctioned off the parcel, at that point back in 2012, the first round of auction was won by the owner of a bizarre/flea market. He backed out. It was eventually purchased by Bill Gallagher. It has gone through a number of proposals that I know the Ward Council has been on top of with Mr. Gallagher. Then with our current applicant, Mr. Euerle. We do not want vacant buildings in Parma. We want thriving businesses. I understand that is a zoning issue. As the Council President indicated, it is not a gun issue. I would say on this, vote your conscience. You can't go wrong on that. We do not want to see an empty building. It has a long history starting with 2010 when the City put notice on all kinds of different proposals on there. Again, going back to the BZA, I believe that they put some good restrictions on there. This City will stay on top of Mr. Euerle and he will comply with City, State and Federal Codes on this applicant.

Mr. Brennan - Just so you know where my position is on this, I would basically echo the Mayor's comments. It is a vacant building and has been for awhile. Fact of the matter is that you can buy a gun just about anywhere these days. Again, its not a gun issue anyway. I respect our BZA very much. They do their homework. Who am I to say that they are wrong?

Councilman Crossman - To add to what the Mayor said, I think that the other confusion was that the Council did not receive the Board of Zoning Minutes until after the Committee Hearing on this. I think the preliminary questions that were discussed in that meeting reflected, are unfamiliarity with the issues that were raised at that meeting. I agree, the BZA does their job and asks pertinent questions. They were trying to come up with an arrangement that made sense. There were some concerns on this. The only other point I wanted to add is that Mr. Walters made the comment the other day that we should not vote with our emotions, we should vote with our head. I completely agree with that. I also agree with Mr. Rosenberger, you have to follow the law here. If you look at that Ordinance, 1127.09, Parma Codified Ordinances, it clearly identifies the standard for granting a variance, a use variance. I think it is incumbent for Council to follow the law. There are four points mentioned in the Ordinance for granting of a use variance. A) Where there is an unnecessary hardship that would result from the literal application of the provisions of the zoning code. Hardships which are unavoidable if the purpose and intent of the zoning code are to be realized. Hardships created by the owner are not an unnecessary hardship. Where exceptional circumstances or conditions only applicable to the property involved or to the intended use of the property do not apply to other property within the same district, is another factor. Where the granting of the variance will not be contrary to the general purpose intent, objectives of the zoning code or other adopted plans, and finally subsection C where granting of variance will not be materially detrimental to the public welfare. Those are the factors that we are stuck with because that is the law. Quite frankly, I have read the minutes from the BZA. We heard testimony at the Committee and again on Monday. I do not know if that standard has been met yet. This is a pretty significant change in use for this particular property in terms of the zoning. They are asking for extraordinary relief and all the arguments in favor of whether to allow guns in the City, and for this particular parcel does not apply. Just because they are available elsewhere does not necessarily address this specific issue of whether they should be permitted at this particular parcel. I will say, that based on all of the evidence that we have on the use of guns and

ubiquity of guns and the inclusion of guns through more and more stores and online availability and private sales with no background checks. It is hard to argue that against the proposition that more guns equal more violence. More guns equal more death. Right here in Parma, about 6 months ago, we had a murder. Do we want to keep adding more and more guns to our community? With that, I would say that Subsection C of the Ordinance certainly is not satisfied. I have not heard anything about an unnecessary hardship. I have a lot of stuff about how great the applicants are. I don't disagree. I have had good, frank conversations with Mr. Walters and Mr. Euerle. I find them both to be fine upstanding men. This has nothing to do with the way they are going to run the business. It is whether the zoning ordinance has been met. I do not think that it has. With that, I would move to approve the Variance request, subject to the limitation that no firearms are being sold.

Motion made by Councilman Crossman seconded by Councilman Tuma to grant the variance with the amendment that would not allow the sale of firearms.

Councilman Brochetti - Did you have a chance to run your opinion by the Law Department? Did they have a take? Mr. Mayor do you know whether or not the applicant has satisfied Subsection C?

Mayor DeGeeter - I do not. I have not had any discussions and I do not know if the Law Department makes that determination. I think if you look at the code, that make a determination made by the BZA, followed by Council.

Councilman Crossman - I have had conversations with the Law Department. I am sorry that they are not here. To answer your question, there was never a specific conclusion as to whether the standard has been met. I think that the direction was for Council to consider each of these factors in the determination whether the variance should be granted.

Councilman Dipierro - I would like to hear from the applicant and how this would effect him going forward.

Applicant - This is a thinly veiled gutting of what we are trying to do with this particular property. The very fact that the motion is being put forward to remove the sale of firearms from the variance is unrelated to the variance. It is a gun control measure and thinly veiled gun control measure. We have asked for our variance. We asked for it in all its particulars. We went through the BZA process, we agreed to every stipulation put forward by the BZA. Some with reluctance but nevertheless in an effort to put this through. We have followed through with every step. We have appeared here for the 4th time this evening. We would respectfully ask that the Council not grant this particular motion, but the variance as read into the record to begin the evening.

Councilman Dipierro - Just for the record, I support that position.

Councilman Tuma - To the Ward Council, any objection from residents in the area?

Councilman Dipierro - I had one email from a resident who objects to everything. Besides that, No. We have had more objection from every other business that has been in there. I have spoken with the people who are closest to the building and they are OK with it. I have not had any objection than that one email from a guy that rejects everything.

Councilman Tuma - To the applicant, trying to give this a fair hearing here. One of the things that you indicated is that you felt that the Councilman was essentially trying to undercut all that has been done here under the guise of zoning when you are saying it is a 2nd Amendment issue that he is arguing. It is a use variance, so I think that would be something that is appropriate to discuss. It is what the property will be used for. It is a fair question to ask since it is a use variance. More to point here, under the zoning laws, whether or not any of those 4 points have been met. I did ask last time, I am trying to understand what the hardship is at this property. It is currently a landscaping business. So, what would be the hardship by not granting the variance to the applicant? I would ask this no matter of what your business would be.

Applicant - First with regard to your opening remarks, I only questioned the particular Council member that was supporting the present motion. I had a lengthy conversation with the bringer of the motion today, and I have certainly not had that conversation with any other Council member. With respect to the hardship, this is a building that has been constructed to be used for what we are proposing to do in this particular building. There is a range sitting in there. It is prepared and ready to be returned to its capacity as a range. That range is the heart of everything that we are proposing to do here. Gun instruction, gun education, sale of health and wellness items, merchandise and services. I appreciate that this is a volatile issue at this particular point in time. It certainly has been brought up on the floor several times about events in Orlando. I do understand that the timing here is not great.

The hardship for the owner at this time, there would have to be substantial remodeling. There would have to be an entirely different variance to make this building work in its present setting. No one, that I am aware of, has had any objection to what we are proposing that is within any kind of shouting distance within this property. We are simply asking that it be returned to its best and highest use. It is the only use that has ever been had for this property.

Councilman Crossman - I still have not heard a hardship. I think your comments are disrespectful towards me. I have been nothing but honest and upfront with you. I would quite frankly expect that an attorney would understand the zoning issues. I do not take your comments well.

Mr. Ramser - I have been instructed by the Law Department to take a roll call vote. I want to be clear on the variance amendment that we are looking for from Mr. Crossman and it is to not allow weapon sales.

Councilman Crossman - It would be to approve the variance subject to the BZA's stipulations that the applicant agreed to, also that no firearm sales will occur on the premises.

Councilman Brochetti - For a range to be effective, does it need to have the gun sales? You referenced the range in Broadview Heights and other public ranges. Do those have firearm sales? Also, if you eliminate firearm sales at the range, does the range not run well?

Applicant - I am not familiar with all the ranges in the area, but I think it made direct reference to the one in Broadview Heights. I teach there several times a month. That would be the Stonewall Range at I-77 and Route 82. It has a substantial firearms shop attached to the range. It is central to the business. With this particular property, the sale of firearms is critical to the business.

Mr. Brennan - I hope everyone is clear that we are voting on the amendment at this time. We will have a separate motion to approve the variance itself.

Yes: Tuma, Crossman, Saban

No: Brochetti, Casselberry, Dipierro, Divis, Lime. Motion fails.

Mr. Brennan - We are back to original motion. Any discussion on the motion to approve the variance?

Councilman Crossman - I would like to make another motion. I will defer to Councilwoman Saban.

Councilwoman Saban - I presenting a motion to eliminate the sales of the AR15's and AK47's. Can we make an amendment to just sell the handguns that they would be teaching the CCW classes?

Mr. Brennan - There may be other of those styles of assault weapons. We want to make sure that you are going to make a motion, it is a very clear motion.

Councilwoman Saban - Yes. The weapons in question are the military style assault weapons. Can we make a motion where they would just sell the handguns that the CCW classes are taught with.

Councilman Crossman - Perhaps I can clarify.

Mr. Brennan - Mrs. Saban, do you have anything further you wanted to say?

Councilwoman Saban - If you are looking to protect your home and your family, these particular weapons in question are military style weapons. Can we amend it so they are selling a specific type like a handgun, where they are training in the CCW to protect their families?

Councilman Crossman - What she is trying to say is that if you are going to allow gun sales, only those guns that are used for CCW training classes may be sold.

Councilwoman Saban - I apologize. It is such an emotional topic. This is a tough one for me. She withdraws her motion.

Councilman Crossman - I will withdraw my second. Motion made by Councilman Crossman seconded by Councilwoman Saban that the variance be granted subject to the restriction with only the sale of handguns at this location.

Mr. Ramser - I just want to be clear that this is not to allow sales other than handguns.

Yes: Crossman, Saban

No: \*Tuma, Brochetti, \*Casselberry, Dipierro, Divis, \*Lime. Motion fails.

\*Councilman Tuma - Stated that should have been an all or nothing proposition.

\*Councilman Brochetti - Agrees that at a national and state level we need to revamp our gun policy. I do agree and appreciate what the Democratic members are doing in the House right now, but I do not think this is the right way to do it.

\*Councilman Casselberry - Just allowing handguns is too vague. Too many other weapons that people can train on.

\*Councilwoman Lime - Up until yesterday evening I was pretty much the opposite. Today I had the opportunity to visit the only real gun store in Parma except for Dick's Sporting Goods. Yes, it is in a retail business district but it abuts residential property. They sell these guns, so its sort of a double standard. That's why my vote is the way it is tonight.

Councilman Casselberry - I had a similar experience as Mrs. Lime. As uncomfortable as I may be with guns, I spent a lot of time at that shop trying to educate myself on this matter. I may not still be comfortable, but its a place that I almost did not even know it was there. We have not had any incidents. The owner was up front and very frank. He almost contradicted some of the things the men said here tonight. I asked what is the best weapon for home defense. He laughed and said I want my pistol. Just his opinion. Good points and counterpoints. I needed to find out for myself.

Councilman Crossman - I appreciate everyone's candor on this issue. I also appreciate everyone entertaining our motions. I know that this discussion sometimes gets carried away and emotional and I respect that. So now we are going to vote on the variance. I still have not heard if the standard has been met yet. What is the hardship? When we are voting on the variance that we need to keep in mind that the Ordinance is there for a reason to provide guidance.

Councilman Dipierro - I think it is time to vote.

Councilwoman Lime - Less than two months ago I sat here with the CVS variance. Here is the point, whether these guys are here or not. That use for that building fits our use variance code. It was constructed and built as an Armory and a shooting range. The Federal Government does not need to say we don't care if you don't like it in the middle of a neighborhood. All of my life I drove by there and there were Army trucks there. It has always had a different type of a use than most. We all know that there have been a ton of businesses that have come in here and tried to make it work. They would have had to apply for the use variances and walked away. The hardship is that it is in a residential neighborhood. It is an Armory and a firing range. He is actually bringing it back to the use that it was. He did not create the hardship. The Federal Government created the hardship. They created the hardship for every other business that would even try to go in there. I can't believe that Ward 1 did not complain about a shooting range and selling guns when I had over a thousand complaints about a CVS. Mr. Crossman, I disagree with you. I read that use variance code. They meet the criteria of a use variance. We need to move on with this.

Councilman Crossman - You are entitled to your opinion and I disagree. In terms of the subject of unnecessary hardship, he bought the property subject to the zoning. The zoning is residential. He does not get the benefit of how the property was used in the past. Regardless of the fact that it was used for an Armory, that does not matter. It is zoned for residential. That zoning might have been applied before, during or after whatever the use was before. He bought it subject to the conditions of the property.

Mr. Brennan - If that is the case then we would not grant any variances.

Councilman Dipierro - That building has never been used as a residential building. It has always been used as a commercial building and as an Army barracks.

Councilwoman Lime - It is not their fault, it is the forefathers who said they wanted this. Maybe they should have zoned this correctly when they came in here 50 or 60 years ago. It never was done. What developer is going to come in and clean that up and put single family homes there? It is not going to happen. Not in today's economy. Look at the Police Station. We went through a lot of developers looking at that property. There will always be issues. I do not see a developer coming in. Is he going to get 5 homes over there? Is he going to get 15 homes over there? That is going to be the driving force over there. What kind of money can he make. In our City, what new development of homes is going in? It is not going to happen. So you have to look at the use of the building in a single family district. Our forefathers should have rezoned it correctly so we would not be sitting here having this discussion. Unfortunately, they did not so we have to correct it.

Councilman Tuma - I want to say that both Mrs. Lime and Mr. Crossman eloquently stated their positions and it is OK to differ on an issue. It is an emotional issue. But sticking to the zoning variance issue, one of the things that the Building Department talked about was that some of these older parcels need to be re-examined. Early on they may not have been zoned in way you would like to see things zoned now. Times have changed and traffic patterns have changed. That would be something that I would encourage the Mayor and Administration to take on. That would be beneficial because when you do come across parcels like this, it might be an easier road for both the applicant and not putting



Council in a position where we have to split hairs on issues. It is up to us moving forward to see that these things are taken care of. To Mrs. Saban, emotions can occur but we are human. You have to make a decision on what you think is right. Mr. Crossman has his view of the law and Mrs. Lime has her view. This is not an easy vote because there are many different sides to this. Looking at this strictly from a zoning issue, it is really going to be a matter if there is a hardship or not.

Mr. Ramser - For the record, you are voting on the original variance with the stipulations set forth.

Yes: Tuma, Brochetti, Casselberry, Dipierro, Divis, Lime  
No: Crossman, Saban. The Variance is hereby granted.

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REPORT ON ABSENT OFFICIALS

Motion made by Councilwoman Lime seconded by Councilman Casselberry to excuse Councilman Napoli from said meeting. Motion carried.

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ADJOURNMENT

Motion made by Councilman Crossman seconded by Councilman Casselberry to adjourn said meeting at 6:31 P.M. Motion carried.

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CERTIFICATION

I, Kenneth A. Ramser, Clerk of Council for the City of Parma, Ohio, do hereby certify this to be a true and correct copy of the Minutes from the Special Council Meeting held on Thursday, June 23, 2016.

***/s/ Kenneth A. Ramser***

***/s/ Sean P. Brennan***

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Kenneth A. Ramser  
Clerk of Council

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Sean P. Brennan  
President of Council

(Minutes completed on June 24, 2016)  
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