

# Board of Zoning Appeals

## Munson Township

Minutes of July 17, 2014

Chair Bobbie Nolan called the meeting to order at 6:30pm with Lucy Longo, Richard Wright, Alternate Danielle Pitcock, Gabe Kezdi and Court Reporter Lisa Stropko present. Alternate Michael Waclawski and Don Alexander were absent. The Pledge of Allegiance was said.

Lucy Longo moved and Richard Wright seconded to approve the minutes of June 19, 2014 as amended. Motion carried.

Mrs. Nolan explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. They take facts as presented and apply certain standards of law to then make a decision. A court reporter is present so that anyone wishing to speak for or against the case must be sworn in for the record. The record is made up of testimony and evidence presented. If a case goes to court, decisions are based on what is presented the evening of the hearing. Anyone not in agreement with the decision of the Board could take the case to the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

**CASE 14-06: Ritesh Patel for Maithu & Pavan Inc., 12388 Mayfield Rd., Chardon OH – requests five (5) 1.25 x 9.4 ft. canopy signs (for a total of 6). Violates SEC. 1003.6a1 (in part) each commercial, industrial or medical use may be permitted one (1) wall sign.**

Tim Kearns, Zoning Inspector, was sworn in. He asked if the Board would like to hear the cases together. Mr. Wright said they are two different requests and he would like to hear them separately. Mr. Kearns then read the variance request and violation for Case 14-06 and presented photos of the proposed locations of the canopy signs. He added that the owner has cleaned up the corner and showed pictures of what the area looks like currently and what it would look like with the proposed signage.

Mrs. Nolan asked Mr. Kearns for clarification on the canopy signs. She then asked for a recess at 6:40pm. The hearing resumed at 6:43pm.

Mr. Patel was sworn in. He explained that Mr. Sullivan of Riley Petroleum would be representing him. Bob Sullivan was sworn in. He provided some history of the Sunmart and said it was originally a Sunoco station that had signs over the dispensers with the Sunoco logo. Mr. Sullivan went on to explain that in looking at the location it is a bit rough looking and in a nice community they want to put in a station that will look presentable and will represent the area and the township.

Mr. Wright clarified that Mr. Patel is the owner and that Mr. Sullivan represents Marathon and is the gasoline representative. Mr. Kezdi asked if the yellow block wall would be painted. Mr. Patel responded "yes". Mr. Wright questioned if they were discussing two different stations in the two

cases. It was clarified that both variance requests were pertaining to the same address and the same station.

Mrs. Nolan stated for the record that 12 affected property owners were notified in Case 14-06. There was no public comment.

Richard Wright moved and Lucy Longo seconded that the variance requested in Case 14-06 for appellant Ritesh Patel be approved as stated. Discussion following the motion included: the business has been there quite a while so there has been a beneficial use; the variance is not that substantial because the signage is going on the existing street; the essential character of the neighborhood will look better; adjoining properties will not suffer a detriment because they will have something better to look at; the delivery of government services would not be affected; the spirit and intent is represented and is a deserving variance; and the owner did know of the zoning requirement to apply. Upon the roll call, all members voted yes, 5-0. Motion carried.

**CASE 14-07: Ritesh Patel for Maithu & Pavan Inc., 12388 Mayfield Rd., Chardon OH – request to erect an 8 x 5 ft. (40 sq. ft.) ground sign 10.9 ft. in height. Violates SEC. 1003.6a2 Signs permitted in the commercial, industrial and medical use zoning districts – one ground sign which shall have a maximum area of 16 square feet per sign face and shall be no higher than six feet.**

Mr. Kearns read the variance request and violation. He showed photographs of the proposed sign and the intended location. Mrs. Longo commented there were two signs, but apparently one was knocked down in a storm.

Mr. Kezdi asked if the existing pole sign would be eliminated. Mr. Patel responded yes and explained that the proposed sign would go further towards Mayfield Road. Mr. Kearns interjected that where Mr. Patel is standing in the photograph is where the sign would be. Mr. Sullivan explained their intent is to eliminate the "Diesel Sold Here" sign as part of the process, as well as the Sunmart sign and old phone booth.

Mr. Kezdi commented that the overall height of the sign would be 15 feet to the top. Mr. Wright questioned how 10.9 feet was determined. Mr. Sullivan said they figured it would be at a good eye level. Mr. Wright commented that 15 feet seemed high. Mrs. Longo felt it would be easier to see at that height. Mr. Patel explained that when he drives to the station he does not notice it until he gets right up to it. Mr. Kezdi asked how high the existing canopies are and would the sign interfere with the view of the canopies. Mr. Patel responded "no". Mr. Sullivan estimated the canopies to be 22 feet high. Mr. Patel felt the sign would sit down farther. Mr. Wright then asked if the size of the sign was set in concrete. Mr. Sullivan explained that the sign manufacturer they use has certain dimensions and this particular sign is the smallest they could utilize. Mrs. Longo compared the old to the new sign height-wise, but had erroneously pointed out the wrong pole which was for a light. Mr. Sullivan approached the table and said everything should be no higher than the light pole.

Mrs. Nolan asked if he had a measurement of the existing sign. Mr. Sullivan said he could only guess that it is eight or nine feet. Mrs. Nolan wanted clarification of the sign location. Mr. Patel and Mr.

Sullivan approached the table and pointed out the proposed location on the photographs which would be just in front of the rocks and angled in order to be seen from either road.

Mrs. Nolan asked the Board if they would like to recess. They did not. She stated for the record that there were 12 affected property owners notified in Case 14-07. There was no public comment.

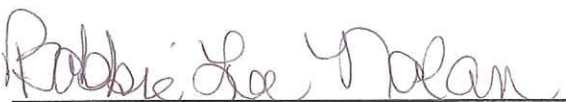
Gabe Kezdi moved and Danielle Pitcock seconded that the variance requested in Case 14-07 be approved as requested. Before findings of fact or a roll call, Mrs. Nolan said she would like the variance request to be amended so that the height would be approved for 16 feet rather than 10.9 feet. The pole is 10.9, but with the sign it would be 15.9 feet. Mr. Kearns read from the zoning resolution "grade to base of sign" which is what he used to determine the height. Mrs. Nolan said that would be for another discussion. Secretary Friebertshauser advised the Board that the variance could not be amended for those measurements because it was increasing the variance request. The case would have to be re-advertised and affected property owners notified. She advised that the appellant could request a continuance if they wished to keep the extended height.

Mr. Patel and Mr. Sullivan conferred on the subject and decided they would request the sign be 10.9 feet in height from top to bottom.

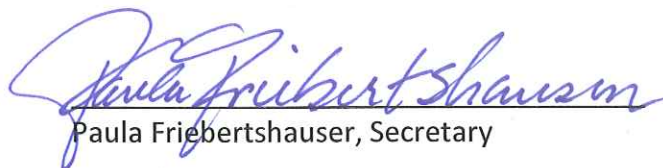
To clarify, Gabe Kezdi moved and Danielle Pitcock seconded that the variance requested in Case 14-07 for a ground sign with a total height of 10.9 feet to the top of the sign be approved as requested. Discussion following the motion was as follows: as you have seen there is a beneficial use, however it is an endeavor to clean up the business; the variance is substantial, but with a good explanation of the location, the essential character of the neighborhood would be improved by eliminating signs; there would be no impact on the delivery of government services; and we feel the spirit and intent with the improvement is desirable. Upon the roll call, all members voted yes, 5-0. Motion carried.

Richard Wright moved and Lucy Longo seconded to approve the findings of fact for Case 14-05 for Craig & Joy Lanese. Motion carried.

The meeting was adjourned at 7:25pm.



Bobbie Nolan, Chair



Paula Friebertshauser, Secretary