

CITY OF CLEVELAND HEIGHTS  
BOARD OF ZONING APPEALS  
MINUTES OF THE MEETING  
JANUARY 17, 2018

MEMBERS PRESENT:	Gail E. Bromley George A. Gilliam Liza Wolf Thomas Zych	Chair   Vice Chair
MEMBERS ABSENT	Benjamin Hoen	
STAFF PRESENT:	Vesta A. Gates Karen Knittel Kimberly Bolton Richard Wong	Zoning Administrative Assistant City Planner Assistant Law Director Planning Director

CALL TO ORDER

Ms. Bromley called the regular meeting to order at 7:00 p.m. at which time all members were present except Mr. Hoen whose absence was excused.

APPROVAL OF THE MINUTES OF THE SEPTEMBER 27, 2017 PUBLIC HEARING

Mr. Zych moved to approve the September minutes as written and distributed. Mr. Gilliam seconded the motion which carried 4-0.

APPROVAL OF THE MINUTES OF THE NOVEMBER 15, 2017 PUBLIC HEARING

Mr. Gilliam moved to approve the November minutes as written and distributed. Ms. Bromley seconded the motion which carried 2-0-2. Ms. Wolf and Mr. Zych were not present at that meeting and so must abstain.

THE POWERS OF THE BOARD AND PROCEDURES OF THE  
BOARD OF ZONING APPEALS PUBLIC HEARINGS

For the benefit of the applicants, representatives, and the public, Ms. Bromley stated that these hearings are quasi-judicial and certain formalities must be followed as if this were a court of law. Those who wish to speak regarding each case will be placed under oath. Following a presentation by City staff, each applicant may present his or her case. The Board will open a public hearing to obtain testimony from any other persons and the applicant will have a chance to respond to any such testimony. The Board will then ask questions of the applicant and render its decision. The formal nature of these proceedings is necessary because the applicant is asking for an extraordinary remedy called a variance. A variance is formal permission for the applicant not to comply with the municipal ordinances by which all other citizens are bound. The factors and criteria weighed by the Board with respect to the granting of variances are set forth in the Zoning Code and have been made available to all applicants. The burden is upon each applicant to establish the right to a variance under these criteria. The applicant must demonstrate circumstance unique to the physical character of his or her property, not personal difficulty, hardship or inconvenience. All variances granted by this Board are subject to review by City Council.

PUBLIC HEARING

JANUARY 17, 2018

CALENDAR NO. 3441

Hanna Commercial Real Estate/Charles Zuchowski, 2490 Lee Blvd., C1 Office District, requests a variance to Code Section 1163.06 (f) (11) to permit a 16 sq. ft. 'available for lease' freestanding sign, 5' tall (window sign permitted).

All those who wished to testify regarding this request were sworn in by Ms. Bolton.

Ms. Knittel's staff report was as follows:

This office building is located in a C-1 Office District which is bounded by Mayfield Road, Lee Boulevard, and Monticello Boulevard. To the east and south of this site are properties zoned C-2 Local Retail and to the north and west are properties which are located in the same C-1 Office District.

**Relevant History**

In 2008, a variance was granted to permit one 4 foot diameter wall-mounted

exterior 'available' sign (Calendar Number 3150). This variance included a condition that the sign could be displayed for a maximum of 12 months of the effective date of the variance.

A similar variance was granted to permit a temporary wall sign on 3070 Mayfield Road where the former building had multiple small windows that were recessed between vertical 'fins'. (Cal. No. 3238, December 2010) The variance had a condition that the sign would be removed 12 months after the effective date of the variance. (Currently, this site is the location of a Family Dollar Store.)

**Project**

The applicant is marketing the building to be a technology center and is requesting a variance to install a 16 square foot temporary freestanding 5 foot tall sign. The applicant proposes locating the sign 10 feet from the Mayfield Road right-of-way and 12 feet from the Lee Boulevard right-of way.

Code section 1163.06(f)(11) specifically states that freestanding temporary signs are not permitted in commercial districts. Code section 1163.06(e)(5) permits window signs no greater than 10% coverage of any one window and also permits those signs to be aggregated into one window panel as long as the sign does not cover more than 30% of the window panel.

The typical window size on the building is 3'10" by 5'10" or 22.4 square feet. Therefore the applicant would be permitted to place one 6.7 square foot window sign (30% of the 22.4 square foot window) facing either Mayfield Road or Lee Boulevard.

NOACA traffic volume maps show that this area of Mayfield Road has a 24 hour traffic volume of 11,295 vehicles. When traveling west on Mayfield Road the building's side is not visible from a vehicle located east of the Mayfield Road and Lee Boulevard intersection.

The Future Land Use Map of the adopted Master Plan shows this parcel as being office or multi-family. Also, the Master Plan recommends that Mayfield Road become a technology and innovation corridor.

If approved, conditions should include:

The temporary sign shall be displayed no longer than 12 months after the effective date of this variance.

That being the end of staff's report, Ms. Bromley asked the applicant's representative to come to the microphone.

Dan Catalano, Hanna Commercial Estate, 1350 Euclid Ave. Cleveland, Ohio represented the applicant. To address the points of practical difficulty Ms. Bromley suggested that he could either read his responses or just talk them out.

Mr. Zych suggested that in order to get more of a dialog, the statement of practical difficulty contained in the staff report should be entered into the record.

Ms. Bromley stated that she would also prefer that. She asked staff if the Board had approval to do that since the Board had inquired about that issue at the last meeting.

Ms. Knittel apologized, stating she had not been at the last meeting and was unaware of the Board's request.

Mr. Zych further stated that if the Board agrees to accept the applicant's statement of practical difficulty as written to be included in the record, the applicant can supplement that with whatever else he wants to say at this point.

Mr. Catalano stated that he wasn't sure what that meant.

Ms. Bromley explained that what the applicant submits will be entered into our record so you don't have to read it. The Board would prefer to have you explain your proposal and then we will ask questions.

Ms. Bromley asked Ms. Bolton if the Board needed to vote on it.

Ms. Bolton stated that was not necessary.

Mr. Catalano continued, explaining that the location for the sign was chosen for the best view of AM traffic and it is not blocked by the tree. He pointed out that the previous real estate sign was actually located behind the tree. He stated the idea is to market this property as a technology center, along the future technology corridor and the goal is to bring the building up to that standard. We are doing some minor changes inside the building, like painting walls and cosmetic updates for now and over the next few months we hope to attract technology based tenants. Drivers heading towards University Circle will not easily see a sign in the window. Those are the people we are trying to attract and pull closer to home. We want them to see Cleveland Heights as the new University Circle but closer to where they live. This is the primary objective to get that buzz going. We don't want to slow up or interrupt traffic but we do want people to see the sign. The sign will be of the highest quality. We have a standard sign that we use that will not detrimentally affect the value of surrounding area. I will be happy to answer any questions from the Board.

Ms. Bromley observed that there was no one present from the public and so asked the Board if there were any questions.

#### PUBLIC HEARING OPENED/PUBLIC HEARING CLOSED

There being no questions or comments from the Board Ms. Bromley asked for a motion.

Ms. Wolf moved to grant Hanna Commercial Real Estate/Charles Zuchowski, 2490 Lee Blvd., C1 Office District, a variance to Code Section 1163.06 (f) (11) to permit a 16 sq. ft. 'available for lease' freestanding sign, 5' tall where a window sign is permitted based on the finding of the practical difficulty that any other signage in the window or on the building would not be visible to any potential tenants. They are trying to attract technical people to Cleveland Heights and the proposed sign will not be permanent. It will also be more visible to passing traffic than a sign on the building or in the window. If the variance is approved, conditions should include:

The temporary sign shall be displayed no longer than 12 months after the effective date of this variance and is subject to City Council approval.

Mr. Gilliam seconded the motion.

Mr. Wong interrupted the motion stating that yesterday City Council amended the ordinance requiring Council to review all standard variances.

Ms. Knittel clarified that the amended ordinance will not go into effect for 30 days.

Mr. Zych stated for the record, as he had done in other matters regarding this building, that he was on the Board of Directors for a not-for-profit that is a tenant in this building. As in the past, in his judgement, this is not grounds for recusal but he wanted this point to be on the record before the vote.

Ms. Bromley thanked Mr. Zych for his disclosure. There being no further comments from the Board, the motion carried 4-0.

#### OLD BUSINESS

Ms. Bromley asked for clarification about entering the statement of practical difficulty into the record because the Board was told previously that there would have to be an affidavit by the individual submitting the request. Is this the case?

Ms. Knittel stated that she would have to get clarification for the Board since she had not been present at the meeting in which this issue had been discussed.

Ms. Bolton stated that she had spoken to Assistant Law Director, Elizabeth

Rothenberg, about it but she had not gotten back to her.

Ms. Knittel stated another thing is that if there are members of the public present to hear a particular case, they don't necessarily have that written documentation and it would be useful for them to hear the rationale behind the Board's decision.

Ms. Bromley further commented that it is important for the Board to be consistent and make sure there is transparency.

#### NEW BUSINESS

Ms. Knittel reported that last evening, City Council passed zoning code amendments. One of the major changes for this Board is that when standard variances are reviewed by the Board, the decision of the Board is final. After the BZA meeting, the applicant will get written notification from us explaining why that variance was passed and what the practical difficulty was and if there are any conditions or that the variance was denied and why. Regarding a use variance, City Council will continue to make the final decision, as it does now. The code clarifies what documents will be sent to City Council for their review, so we tried to make sure there was a clear understanding of what needs to be considered.

Ms. Knittel further stated that next month will be a full agenda with 6 new cases.

Ms. Wolf asked if there was a way during staff's presentation that the applicant's practical difficulty statement could be shown up here so that the public could see it and the applicant didn't have to read through the whole thing.

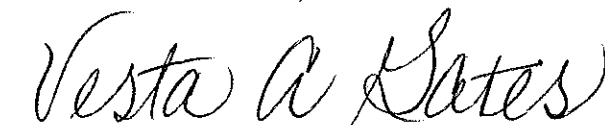
Ms. Knittel suggested that she could add it in as a slide so the public can read it.

#### ADJOURNMENT

There being no further business to come before the Board, the regular meeting was adjourned at 7:22 p.m.

Respectfully Submitted,

  
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Gail E. Bromley, Chair

  
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Vesta A. Gates, Secretary