

DRAFT

MINUTES OF THE BOARD OF APPEALS MEETING MAYFIELD VILLAGE, OHIO TUESDAY, JUNE 19, 2012 – 7:30 p.m.

The Board of Appeals met in regular session on Tuesday, June 19, 2012 at 7:30 p.m. in the Main Conference Room at the Mayfield Village Civic Center. Chairman ProTem Fikaris presided.

ROLL CALL

<u>Present:</u>	Mr. Paul Fikaris Mrs. Shirley Shatten Mr. Pat Caticchio	Chairman ProTem
<u>Absent:</u>	Mr. Joseph Prcela Mr. William Russ	Chairman
<u>Also Present:</u>	Ms. Diane Calta, Mr. John Marrelli Mrs. Mary Betsa	Law Department Building Commissioner Acting Secretary

CONSIDERATION OF MEETING MINUTES: April 17, 2012

Mrs. Shatten, seconded by Mr. Caticchio, made a motion to approve the minutes of April 17, 2012.

ROLL CALL

Ayes: Mr. Fikaris, Mrs. Shatten, Mr. Caticchio
Nays: None
Motion Carried
Minutes Approved as written.

CONSIDERATION OF CASE NUMBER: #2012-02

Applicant: Deacon's Chrysler Jeep Dodge — 835 SOM Center Rd. Davison Smith Certo Architects, Inc.

Chairman Fikaris noted for the record that there are 8 variance requests for setbacks and letter height for the proposed remodel of Deacon's Chrysler Jeep Dodge Jeep Ram Dodge. They are as follows:

1. A request for a variance for two (2) proposed Ground Signs on SOM Center Rd. from Section 1185.15 (c) (4).
2. A request for a 6' height variance for Primary Ground Sign on SOM Center Rd. from Section 1185.15.
3. A request for a 25' setback variance for Primary Ground Sign on SOM Center Rd. from Section 1185.15.
4. A request for a 23' setback variance for Certified Pre-owned Ground Sign on SOM Center Rd. from Section 1185.15.
5. A request for a 23' setback variance for Identification Sign on Wilson Mills Rd. from Section 1185.15 (c) (5).
6. A request for a 6" letter / 10" badge height variance for Wall Signage on SOM Center Rd. from Section 1185.15 (c).
7. A request for a 55.08 sq. ft. variance request for Wall Signage on Wilson Mills Rd. from Section 1185.15 (c).
8. A request for a 6" letter / 10" badge height variance for Wall Signage on Wilson Mills Rd. from Section 1185.15 (c).

Randy Smith
Davis & Smith Architects

The oath of office was administered to Mr. Smith.

My name is Randy Smith, I am with Davis & Smith Architects representing Deacon's this evening.

We have several signs on the property. We have 3-4 ground signs under consideration and signs on the building itself. The easiest thing to do is go through the individual signs and take them one by one.

The first one is a proposal for two ground signs on SOM Center Road. We have one located by the main entrance. This is a monument sign. We have a Certified Used Car sign at the secondary entrance and we have a Service sign at the Wilson Mills entrance.

The first variance is for two ground signs along SOM Center instead of one.

We are asking that you put a 6 foot variance on the height. That sign is limited to 6 feet under Code. We are asking for 12 feet which matches the height of the existing sign.

We are requesting a 25 foot setback variance for the sign. The requirement is for 30 feet from the roadway. We are asking for 20 feet. The present sign is right on the property line.

We are also asking for a 25 foot setback, actually 23 foot setback on the Certified Used Car sign.

Providing a little background, Mr. Marrelli advised that the Architectural Review Board has gone through these signs ad naseum. We moved them up, moved them back, moved them down. This is for traffic safety and for visibility because there is a building next door right by the street. These signs on SOM have been studied intently. We don't want to have people slamming on the brakes when they pass the drive.

Mr. Smith continued, we are asking for a 23 foot setback on the Identification Sign on Wilson Mills Road.

The letters on the building itself vary depending on the badge identification. We would like a 6 inch variance and a 10 inch variance on the height. We would like 24 inch high letters. Not all of the letters are that high.

We are also asking for a variance on the square footage of the wall signage along Wilson Mills Road. The Code establishes square footage along SOM Center. We have complied with that. On Wilson Mills, we need a variance for that of about 55 square feet.

We also need a variance for the height of the sign as well.

Mr. Fikaris asked, there will be a Service sign? Was there another one right behind that?

Mr. Smith replied, there's a little Service direction sign here.

Mr. Marrelli stated, it is a directional sign.

Mr. Smith replied, we have a 30 foot setback.

Mr. Smith provided the tabulation on the site plan on the variances

Mr. Marrelli stated, if you look at the photographs, this is the facility in Willoughby off Route 20. This is basically the same that the Architectural Board reviewed and approved. These signs are the same size, right?

Mr. Smith replied, yes.

Mr. Fikaris asked, how far will that wall be away from SOM and Wilson Mills respectively?

Mr. Smith replied, about 30 feet.

Mr. Marrelli replied, the building now is a lot closer than it will be when it's completed.

Mr. Smith replied, right now the building comes up within 5 feet of the property line.

Mr. Fikaris questioned the need for the 12 monument foot sign in front in lieu of all that signage along SOM Center Road.

Mr. Marrelli asked, you have a profile of that?

Mr. Deacon stated, that's this sign right here on page 4. It's actually just a little bit shorter than the current one, right?

Mr. Smith replied, by an inch or two, yes.

Mr. Marrelli asked, does your present sign have a base on it?

Mr. Deacon replied, it does.

Mr. Marrelli asked, it has two or three panels?

Mr. Deacon replied, it has two panels and then it's just 5 panels, so these will actually probably be a little bit smaller panels but we are adding. The 5 star one will go away. Jeep will replace that. The overall height of this sign is actually one inch shorter than what's currently out there. So we are not going for a larger sign.

Mr. Marrelli stated, if they would have not changed that sign or if they would have just changed the copy because there was a variance previously on the height, they wouldn't have to submit it.

Mr. Smith replied, that was one of the things I reviewed with Architectural Review Board. The existing sign sits right there in the middle of the site. They felt it would be better if it were closer to the main entrance drive so we shifted it over.

Mr. Marrelli replied, it is also practically hanging on a telephone pole.

Mr. Smith agreed.

Mr. Deacon stated, the new sign is actually a little bit further back off of SOM than the current one.

Ms. Calta asked, the two ground signs that are on SOM, how far apart are they?

Mr. Smith replied, about 80-90 feet.

Mr. Marrelli replied, there's one on each driveway. Before that there was just one stuck in the middle.

Mr. Fikaris asked, and the square footage on the side on Wilson Mills, I take that to be in accordance to what they put in across the way?

Mr. Smith replied, yes. That sign is actually only 12 square feet.

Mr. Deacon replied, it has an overall height of 4 feet. It's a fairly small sign.

Mr. Marrelli asked, do you have a picture of that one?

Mr. Smith replied, no.

Mr. Marrelli asked, it's in the book though right?

Mr. Deacon replied, yes, it's on page 10.

Mr. Smith replied, and the actual copy of that sign is even smaller than the four square feet, but the four square feet is the overall.

Mr. Marrelli asked, if it did not have a base on it, it would be even smaller?

Mr. Smith stated yes. We have worked with the Architectural Review Board to make sure there is room around the signs for some landscaping and plantings that are probably 16-18 inches high or so.

Mr. Fikaris asked, does anybody have any other questions?

Mr. Marrelli presented a letter from Tom Deacon who wanted everyone to know that he is the Managing Partner of one of the properties. There's many properties on this site. It's not one

property. There are a number of ownerships. He is stating for the record that he is the Manager of 6678 Wilson Mills LLC and that entity also owns the commercial property known as 6678 Wilson Mills Road which is Parcel No. 007-050 and as the Manager of that LLC he wanted to inform us that he has the sole and exclusive authority over all matters pertaining to those parcels and that no decisions can or should be made without his prior written permission. With that being said, the sign on Wilson Mills is on that parcel. Basically, he is saying, you guys don't have any authority to do anything with this because I am the manager and if I don't tell you that you are allowed to act on that then you can't.

Mr. Caticchio asked, is he the Manager or Owner?

Mr. Deacon replied, he's a 50% owner with me.

Ms. Calta stated, I had a conversation with Tom. As far as a legal perspective, my opinion is that this application isn't being brought on behalf of 6678 Wilson Mills, LLC. That's the entity that owns the real estate. The application is being brought by the dealership. The dealership has the authority to bring forward the application. This is just something to make everyone aware of.

Mr. Caticchio asked, under those issues, what right does the dealership have? Do they have leases?

Ms. Calta replied, as part of the Development Agreement for this whole project, I don't know if anybody remembers back, the rezoning. When that moved forward, we entered into a Development Agreement with the dealership. Some of the conditions of that require that if the property was rezoned, which it was, it went on the ballot and was rezoned, just that one parcel, the dealership needs to consolidate all of the parcels under one entity. That entity will likely have some sort of agreement with the dealership for the lease of the property. They aren't going to be owned by the same, you have your franchise, real estate. Right now, the real estate is held many different ways. This parcel is held under this LLC. The other parcel is under Midfield Deacon Limited Partnership. Some others are in some other entities. The ownership of each of those parcels is different. Some, I think your Dad just owns.

Mr. Deacon replied, there's a total of 6 parcels. Three of them my Dad owns 100%. Two of them where the buildings are on now, my Dad owns 55%. My uncle owns 45%. My uncle's son who is my first cousin Tom, we own that other small lot next to the Shell station, 50/50. The dealership, my Dad and I own 72%. My uncle and my cousin own the other 28%. They are minority shareholders. I haven't seen the Operating Agreement. His brother wrote the Operating Agreement for that 6678. I am the 50% owner. My Dad and I very much want to do this project. They as minority shareholders are not as much willing to do it. That's been part of the hold-up for all this time.

Ms. Calta stated, any approval by this Board or any of the other Board is going to be subject to the Development Agreement requiring those parcels be consolidated.

Mr. Caticchio asked, is that under consolidation now?

Mr. Deacon replied, we are working on that right now. Actually, my Dad is in control of five of these lots which we would consolidate and Tom and I were also 50/50 owners of the collision center on Mayfield Road. I have offered to sell him my stock to buy this lot. We are trying to do some global exchange of shares. That's unfortunately the family business. It's been an uphill battle for all of us involved. We are making progress. Hopefully that will not become an issue because I think at this point we are working through that. But I think he wanted to throw that out there that he has some authority or power on that.

Mr. Marrelli stated, for the record, I told him that he should be here if he had interests in that parcel and didn't want any action. He didn't come.

Mr. Marrelli stated, okay, so you have 8 variance requests for sizes, setbacks, letter heights.

Mr. Caticchio asked, all of these were all reviewed by Planning and Zoning and the Architectural Review Board?

Mr. Marrelli replied, Architectural Review Board, not Planning and Zoning. A sign package was not presented to the Planning and Zoning Commission.

Mr. Caticchio asked, is that necessary?

Mr. Marrelli replied, no. What happens is they worked out a site plan and the building, architecture and sign packages are for Architectural Review Board. Unfortunately they needed variances so then they come to your Board. With all that being done, it goes back to the Planning Commission with his consolidation plat for final review, landscaping, grading, drainage, bushes, and trees.

Mrs. Shatten moved to accept all the requests for variances. If there had not been so much research done, it would be different. But they have done so much.

Mr. Marrelli replied, it has been gone over many times.

Mr. Deacon stated, the Architectural Review Board recommended moving the main sign down. It probably made more sense.

Mr. Fikaris stated, I can't recall from the Minutes, but they were okay with the 12 foot sign? That will be the highest sign in the Village.

Mr. Marrelli replied, it's already there.

DECISION

1. A request for a variance for two (2) proposed Ground Signs on SOM Center Rd. from Section 1185.15 (c) (4).
2. A request for a 6' height variance for Primary Ground Sign on SOM Center Rd. from Section 1185.15.
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Mrs. Shatten, seconded by Mr. Caticchio made a motion to approve variance requests 1-8.

Mr. Fikaris asked, will there need to be any language with these in regards to this e-mail?

Ms. Calta replied, no. Just with the understanding that this is more for informational purposes. It is subject to the terms of the Development Agreement. No permits will be issued until such time as all of the conditions are satisfied.

ROLL CALL

AYES: Mr. Fikaris, Mrs. Shatten, Mr. Caticchio

NAYS: None

Motion Carried

Variations Approved

Mr. Marrelli stated, we are waiting on the consolidation plat and landscape design.

Mr. Smith stated, we have all of that information and will bring it back.

Mr. Fikaris stated, that being the case, you have up to 10 days to submit the approval and request for variances.

Right to Appeal

Chairman Pro Tem Fikaris stated written notice will be mailed by the Building Department confirming the decision and any interested party has the right to appeal within 10 days.

ADJOURNMENT

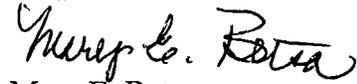
Mrs. Shatten, seconded by Mr. Caticchio, made a motion to adjourn the meeting.

ROLL CALL

Ayes: All
Nays: None

**Motion Carried
Meeting adjourned at 7:55 p.m.**

Respectfully submitted,



Mary E. Betsa
Acting Secretary

Debbie Garbo

From: John Marrelli
Sent: Thursday, June 14, 2012 7:24 PM
To: Diane Wolgamuth; 'Diane A Calta'
Cc: Debbie Garbo
Subject: FW: 6678 Wilson Mills-Parcel# 831-39-007/ 831-39-050
FYI, I will relate this to the BOA if applicable to the sign variances for next week

From: Tom Deacon [mailto:deaconcars@aol.com]
Sent: Thursday, June 14, 2012 4:10 PM
To: John Marrelli
Subject: 6678 Wilson Mills-Parcel# 831-39-007/ 831-39-050

Mr. Marrelli,

It was a pleasure speaking with you earlier today.

As we discussed, I am the manager of 6678 Wilson Mills, LLC. This entity owns the commercial property known as 6678 Wilson Mills Road (Parcel#831-39-007/831-39-050).

As manager of 6678 Wilson Mills, LLC I wanted to inform you that I have the sole and exclusive authority over all matters pertaining to those parcels of commercial property, and that no decisions can or should be made without my prior written permission.

Should you have any questions please feel free to contact me directly at 216-924-8800.

Sincerely,

Thomas E. Deacon, Manager
6678 Wilson Mills, LLC

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