

**SPECIAL MEETING OF THE ZONING BOARD OF APPEALS
MEETING MINUTES
Mayfield Village
Oct 2, 2012**

The Board of Appeals met in SPECIAL session on Tues, Oct 2, 2012 at 7:30 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Prcela presided.

ROLL CALL

Present: Mr. Joseph Prcela Chairman
Mr. Paul Fikaris Chairman Pro Tem
Mrs. Shirley Shatten
Mr. Pat Caticchio
Mr. William Russ

Absent: Ms. Diane Calta Law Department

Also Present: Mr. John Marrelli Building Commissioner
Ms. Deborah Garbo Secretary

CONSIDERATION OF MEETING MINUTES: Sept 18, 2012

Mr. Russ, seconded by Mrs. Shatten made a motion to approve the minutes of Sept 18, 2012.

ROLL CALL

Ayes: Mr. Prcela, Mr. Fikaris, Mrs. Shatten, Mr. Caticchio, Mr. Russ

Nays: None

Motion Carried

Minutes Approved as written.

CONSIDERATION OF CASE NUMBER: #2012-06

Applicant: Cuyahoga County Public Library
500 SOM Ctr. Rd.
URS Corporation

1. A request for an 11% area variance from the allotted 100 sq. ft from Section 1185.15 (c) to allow for a 111 sq. ft. Monument Sign
2. A request for a 10' front setback from the intended 30' from Section 1185.15 (c)(4) to allow for a Monument Sign 20' from the ROW.

Abutting Property Owner Notification

SOM Ctr Rd.

510,507,503,499,483,475,469,465,447,435,,511,513,525,531,539,545,551,554

OPEN PORTION

Chairman Prcela called the meeting to order introducing Case #2012-06, two variances for consideration.

OATH

Chairman Prcela stated that anyone wishing to speak must be sworn in; he administered the oath to the Board Members, Applicants, & Appellants and asked anyone wishing to speak to state their name and address for the record:

1. Ivan Valentic, URS Corporation
2. Rick Christian, 510 SOM Ctr. Rd.
3. Joseph Byrne on behalf of Karen Major, 499 SOM Ctr. Rd.

Chairman Prcela turned it over to Ivan Valentic from URS to give his presentation.

Ivan Valentic thanked the Board for coming out tonight for a special meeting and giving him the opportunity to present. I'd like to begin with a little history of the site.

Power Point presentation by Ivan Valentic

Site's centrally located along SOM Ctr Rd.

When we started the project, we looked at what's along SOM Ctr Rd, what's their identity? We found there's a large forested area from North Chagrin that gets pulled across with some of the natural areas on the other side of SOM. We found mounding & natural landscapes all along SOM.

There's a grove of trees existing by the pool. We have the wetlands. We have a lot of mounding by the ballfields.

Our front yard is a wetland area. We wanted something with some scrubby material, something along the wetlands plan that doesn't get too high and allows for view to the building. Our approach was to define that front yard.

We looked at the mounds. We didn't want a full mound going across the whole property. We wanted something more sculptured, more architectural that provides identity along SOM.

Site. The building ends up getting pushed back into the landscape which engages the trail. We wanted to draw people off the trail and enter through the Library. We have a wetland area to the west we're preserving. The building hugs that wetland area. Towards SOM Ctr Rd, our front yard is our storm water area. You can see some sculpted mound areas.

Special BOA mtg minutes

Oct 2, 2012

Pg #3

Chairman asked if detention area is dry. Ivan explained it'll be dry for the most part. In the wet seasons it might hold 3" of water, but it's largely a dry detention basin. You can see where the basin hugs the mounds and creates a rolling basin along SOM.

Our issue is that we have a building that's set pretty far back. The frontage of the building is 300' from the west curb line of SOM Ctr. Rd. We wanted an identity along SOM. The mounding and natural landscape provides that identity.

We have a wall across the whole front. We looked at different walls and came up with our sign. The wall is 50' long, engaging that mound and the landscape. Along SOM you see the lawn turf in the right-of-way. We're leaving that. The intent of the sign is that it's holding back that nature, holding back that natural landscape behind it. It engages the mound, and that lawn from the right-of-way rolls up into the front of the sign.

Directional Sign. On the right is a temporary directional sign for people that are traveling along SOM so they know to turn into that driveway. That sign doesn't require a variance. It's just a directional sign that marks the driveway.

Sign Illustration. Notice the natural scrubby landscape. We pushed a tree out in the front of the sign to look like it fits into the landscape. It cuts into and buries a portion of that mound. The Architectural Review Board asked us to move the 500 address that you see. It was originally shown below the text. They want it to align with the text. We agreed to do that. We might need to adjust that tree a little bit, but 500 will move up by where the tree is. The wall is 5' high x 50' long. The individual dark bronze text style lettering matches what's on the building.

Mr. Caticchio states the plan says Century Gothic Font, but it looks like standard font. Ivan confirms it is Century Gothic Font.

Ivan continues, the 12" high letters is maximum per code. We're not seeking a letter variance. We're seeking a sign area variance because of the long title "Cuyahoga County Public Library Mayfield Branch". We go over the square footage by 11%.

Mr. Marrelli explains the sign code. If you would take the 12" letters and read them straight across, the most you get is 40 sq. ft out of it. The way our sign code reads is that you have to picture frame the sign above and below the letters as if it was a rectangle, so that throws them over 111, when you add 12" to the top, middle & bottom. The distance from the top to the letter, you have to add that to the bottom as if it was a rectangle and that's what throws it over the 100 sq. ft.

Residents Joseph Byrne & Rick Christian's concerns re 'Hardship'

Joseph Byrne @ 499 SOM Ctr. Rd asked, the wall size is not the sign size?

Mr. Marrelli replied no, the wall is a landscape wall.

Special BOA mtg minutes

Oct 2, 2012

Pg #4

Joseph Byrne asked where the hardship is.

Ivan said our sign is 111 sq. ft because we have such a long title.

Joseph Byrne asked, why can't you put "Mayfield Branch" underneath?

Rick Christian @ 510 SOM Ctr. Rd asked, why don't you reduce the size of your font?

Ivan replied the speed limit on SOM is 35 mph. If you refer to the United States Sign Council Design, they say you always want to be total .7" tall. They have guidelines and we're less than those guidelines because the code maximum is 12".

Joseph Byrne asked, is the name of the Library the hardship? Where's the hardship? Don't you need a hardship to apply for a variance?

Mr. Marrelli said the hardship is in the setback and the setback plays into the letter size.

Ivan asked that he be allowed to finish his presentation. The other variance we're looking for is the setback. The current code says the sign has to be setback 30' from the right-of-way. We're asking to move it up 10', so it's 20' from the right-of-way which will put us 40' from the west curb of SOM Ctr. Rd. The reason we're asking for that is so the sign is more legible. The hardship is that we have 2 lanes of traffic, a 14' wide median and another 2 lanes of traffic. The people on the far west lane as they're approaching are pretty far from the sign. We're looking to push the sign closer so we could keep the lettering as small as possible and meet the visibility requirements.

Mr. Marrelli said plus you'd be in the detention pond if you go back another 10 feet.

Joseph Byrne asked why that wasn't built into the design. They already have footers in position.

Rick Christian asked if they got a variance to change the ground level. They raised the ground.

Mr. Marrelli replied there was an approved site plan by our Engineer with elevations on it. There was no variance.

Rick Christian said they raised the elevation of the ground by 2 whole feet.

Mr. Marrelli said they cut out 2 feet.

Rick Christian said no, they didn't.

Chairman Prcela interjects and recommends Ivan finish his presentation and then we'll open up to discussion. The only thing this Board is here to look at is the signage variances.

Joseph Byrne asked if someone can define what the term 'variance' means.

Mr. Marrelli said let me finish with Mr. Christian first. Anything that he says is because he lives next door and doesn't like the building.

Rick Christian said that's not the point. The point is the driveway was there. The ground was level with that driveway. It was up maybe ½ foot.

Mr. Marrelli asked Rick, are they done?

Rick Christian said no, but they've got footers poured and they're 2 foot over the existing driveway. I'm worried about water coming into my yard.

Mr. Marrelli said if you recall, 10 months ago I was fighting your battle. I said we will make sure no water goes on your property. True or not true?

Rick Christian said true. I'm telling you they raised the grade 2 foot.

Mr. Marrelli said it'll be taken care of.

Joseph Byrne said I'm a builder by trade. I've applied for my own variances in my field. I have two issues. Once you set precedent here, what's going to stop Deacon's from doing a big sign?

Mr. Marrelli said Deacon already has their variances approved for their project, about 6 months ago. Their building's too close to the street.

Joseph Byrne asked, what's the point of having an ordinance? Our Village is no longer a Village.

Mr. Marrelli asked, do you think Deacon's would be better off if they were 50' off the road?

Joseph Byrne said I think Deacon's was landlocked.

Mr. Marrelli said that's what a lot of the variances are about, so people can do business and thrive and that our rules don't stifle them.

Joseph Byrne said my definition of a variance is an exception to the rule. What I do for a living, we always have to present a hardship. I don't see someone going down SOM Center 50 mph as a hardship.

Mr. Marrelli asked, do you see the wall being in the detention pond as being a hardship?

Joseph Byrne replied I see everything being re-designed properly to meet our building codes in our city.

Mr. Caticchio said that's the reason this Board of Appeals exists, to take into consideration exceptions to the code.

Joseph Byrne asked, what makes it so special that we should accept their variance?

Mr. Caticchio gives an example. If the sign can't be read easily from the road, what's the point of having the sign at all? We have to consider whether or not it's essential that that sign can be read by the people driving by.

Mr. Marrelli asked Joseph, do you want a traffic jam or accidents because the sign had to be pushed back far enough to meet the code and people can't see it to know where they're going?

Joseph Byrne replied, my point is the exception to the rule and setting precedent.

Chairman Prcela said having served as Chairman, I hear where you're coming from. In the 3 years I've been on board, we've granted some variances and we've denied some. Each one stands on its own and that's why they come here. I hear what you're saying, yes, applicants do need to show a hardship.

Joseph Byrne said the footers are already in the ground, you guys are already building the sign. This is retroactive.

Ivan said the contractor wasn't directed to pour those footers. If the variances aren't approved, that's on that contractor's dime.

Joseph Byrne said until this meeting now, I had no idea what the sign looked like.

Mr. Marrelli said normally you wouldn't unless you came to Architectural Review Board meetings, Council meetings or Planning Committee meetings.

Joseph Byrne said I like the design, I like the slope. There're 3 of us across the street that have stared at an empty field for 20 yrs.

Mr. Marrelli said your next door neighbor Carmen Miozzi sits on the Architectural Review Board.

Joseph Byrne said Carmen's variance passed for his monster garage in the back. I understand one hand washes the other.

Chairman Prcela doesn't feel that comment can be let go.

Joseph Byrne said no one else in town has a garage like that.

Chairman Prcela clarifies for the record, that variance was approved before Carmen sat on the Architectural Review Board.

Special BOA mtg minutes

Oct 2, 2012

Pg #7

Joseph Byrne said I voted to allow him to do that. I feel it's his property and he should be able to do what he wants. For tonight, if you can just lay out the hardship for both variances, we can move on.

Mr. Caticchio asked for dimensions.

Ivan replied sign is 5' tall, 50' long, 20 feet off the right-of-way & 40 feet off the road. Letters are back lit and will be turned off when the building closes or by 11:00 p.m.

Joseph Byrne said understand my point, once these variances are approved, what's to stop them from applying for a variance to keep the lights on all night for security reasons. I'm trying to prevent a series of precedence being set to where it leads to more than it needs to be.

Mr. Caticchio said no series of events are going to be approved, now or in the future. This is one approval for one thing, period, end of story. It will not affect any future proceedings before this Board.

Chairman Prcela asked John to explain where the 111' measurement comes from.

Mr. Marrelli demonstrates on slide presentation. Letters are 12" across, there's 9" above it as border, then you have to take the same 9" and add it below as a border. If we just took the letters and put a line across underneath the letters, there would be no variance for size.

Chairman Prcela asked, we still would need the variance on square footage if we lost the '500'?

Ivan thinks so. We could shrink the letters and get rid '500'.

Chairman asked the purpose of '500'.

Mr. Marrelli said it's the address.

Rick Christian said but you're not putting SOM Center Rd, why?

Mr. Marrelli said we beat that to death at ARB.

Ivan said it's a design thing.

Joseph Byrne said personally I'd be more in favor of larger letters and further from the road. I don't want anything encroaching further than it has to.

Rick Christian said putting it further from the road, you're back into that pond.

Joseph Byrne replied that's not my problem or yours. That's a hardship created through their design. This whole thing was designed and submitted with a building setback that they have maintained. They would have had options to either reduce the size of that building, reduce the size of the parking lot, possibly pushing that building back further. I just don't understand all

Special BOA mtg minutes

Oct 2, 2012

Pg #8

the steps that were taken, that now they're saying they're too close to the road, everything they need is too close to the road so they have to push the sign forward.

Mr. Marrelli asked, are you saying moving the building would be an answer to a 10' sign setback?

Joseph Byrne said no. I'm saying back to the original blueprint of the design when it was in its architectural phase.....

Mr. Marrelli said there was no sign at that point.

Ivan said the sign came way at the end.

Joseph Byrne said I'm not hearing a hardship at all. The hardship was created by the building itself.

Chairman Prcela said my position is I do see a hardship on the setback, I don't know that I see one on the area.

Joseph Byrne asked why the building couldn't have been pushed back 10' and the parking lot 10'.

Ivan said there's no pushing the building back. The building is far back as it can go.

Joseph Byrne said the hardship was created by your company, your plans and your contractor.

Mr. Caticchio suggests everybody step back. Understand that the only thing before us tonight is the sign. The actual design of the building and the layout of the building on the land were done by the Architectural Review Board, Planning Commission & Council. The entire study of this site and how the building is placed has been decided by other entities in this community. Discussing whether or not the building could have been 10' forward or 10' back is not our responsibility. All we can do is deal with what we have before us.

Joseph Byrne asked, any idea what the planning cost your Village, hundreds of thousands spent architecturally? And they submitted plans for a building with no signage? What have we done for other buildings in the city here?

Mr. Marrelli said the same procedure that's going on right now. Signage can be done later, sprinklers come later, etc.

Joseph Byrne said I think the hardship is bull. It was self induced. I don't see a reason for it. Increase the letter size and don't move it closer to the road.

Chairman Prcela asked, is that your position as an abutting neighbor?

Special BOA mtg minutes

Oct 2, 2012

Pg #9

Joseph Byrne said yes, and as a professional. I've been approved and declined variances. If I couldn't prove the hardship, the variance was never approved.

Chairman Prcela said I always take what our Village residents say to heart. Is that sign a nuisance to you either way?

Joseph Byrne said I will restate. I'm in favor of larger letters, whatever you have to do to let people see it. Don't move it closer to the street. The fact there's a pond there is none of our problems.

Ivan said that's irrelevant.

Mrs. Shatten asked, where could they alternately put the sign?

Joseph Byrne said that's a great idea. Is there another location for the sign? I'm going to be looking straight out my door at this 5 foot 50 foot long wall.

Ivan said regardless if there's letters on it or not, the wall's going to be there.

Chairman Prcela asked why the wall's going to be there.

Ivan stated we wanted a design element along SOM Center Rd.

Joseph Byrne asked if it's stone or concrete.

Ivan said it's rubbed smooth concrete.

Joseph Byrne said not very attractive in my opinion. I'd much rather look at stone.

Mrs. Shatten asked what the trim is on it.

Ivan said no trim.

Rick Christian said it's just a concrete block 5' high.

Mrs. Shatten asked if 'Mayfield Branch' can be put underneath.

Ivan replied it gets too low, it'll be hard to see.

Mr. Caticchio notes that 90% of people driving on SOM Ctr Rd do not live in Mayfield Village.

Rick Christian said they know this is Mayfield Village.

Mr. Fikaris asked, the proposed location of this sign is how many feet from the west curb?

Special BOA mtg minutes

Oct 2, 2012

Pg #10

Ivan replied 40'.

Mr. Fikaris said you also have 2 lanes at 18', that's another 36' and the median is how wide?

Ivan said to the center of the northbound lane is 100' from the face of the sign.

Mr. Fikaris asked, and that can conceivably be up to 200' away from the face of the neighboring properties that are facing west? So if you're looking at 200' on a 12" back lit letter on a dark night is the kind of vision I'm having from your window.

Joseph Byrne said you're telling me that the size requirement is based on people driving by. It has nothing to do with me looking out my window. I'm not going to even be able to see the Library out my window. All I'm going to see is the wall.

Mr. Fikaris said I'm trying to establish in my minds eye what the neighbors would be looking at.

Joseph Byrne invites Mr. Fikaris to come to his house.

Mr. Fikaris said if we're opposed to the setback variance on just a precedent, not a visual, i.e. sign's too bright, will keep me up at night, there's a difference. There has to be a hardship established and that's what this Board will determine. I want to make sure what we're looking at. Anything else is mute then, i.e. the size of the letters. If it's not an actual disturbance, if it's just it doesn't fit in with the wall, then that's why we're here.

Joseph Byrne said that's why I'm here, to find out what is so special about this project that they should have these two variances approved based on a hardship that they created.

Mr. Fikaris asked about an original drawing he thought he saw for a proposed monument sign that went north/south.

Ivan clarified it was talked about but never designed.

Joseph Byrne brings up the new MHS & Middle School monument signs. Those are very attractive signs.

Mr. Marrelli said there was no hardship for that, expect people were tired of watching letters fall off the bulletin board. It's the kind of thing, is it good for the neighborhood, is it good for the community as a whole, is it doing any harm?

Chairman Prcela said those monument signs actually might have set precedent for this.

Joseph Byrne said I looked at every sign in the Village since I got my notice. I had no trouble reading anybody's sign anywhere in the Village. I'm sure a lot of businesses would love to have larger signs.

Special BOA mtg minutes

Oct 2, 2012

Pg #11

Mr. Marrelli said our sign code is from 1962. That creates the rule they're trying to get relief from. The rules may not be accurate anymore in 2012 compared to 1960.

Joseph Byrne said I draw a lot of blueprints. When we design, we take all these things into consideration. How this project came this far along to now all of a sudden realize you're out of room.

Mr. Marrelli said we're at the end with this sign, the last piece, it's like what color you want the bedroom to be. You can build the whole house without knowing what color the bedroom's going to be until the end. I don't think 10' will matter to anybody.

Joseph Byrne said it matters to me, I live across the street.

Mr. Marrelli said if they don't put any letters on that, that wall's going in anyway. That's part of the landscape feature whether it has letters or it doesn't.

Mr. Caticchio states that wall could have been extended the full width of the property on SOM. They kept it down to 50' purposely.

Joseph Byrne asked, opposed to the maximum of what?

Chairman Prcela replied 300'.

Joseph Byrne said they should have built a 300' wall 3' high out of stone.

Mr. Caticchio asked, why?

Joseph Byrne said you just drive by. I have to wake up every morning and look at this thing.

Chairman Prcela said we're not debating the wall. The wall is going in.

Mr. Caticchio said if we don't approve this, there's going to be another sign behind the wall, and it'll be 10' high in order to be seen over this wall.

Chairman Prcela said we're trying to be sensitive to your concerns, you do live directly across and you've come here to voice your concerns. But, if that wall is staying in where it is, to me, the signage is almost a secondary afterthought from your perspective.

Joseph Byrne said the wall is approved as is, was there already a variance for the wall?

Mr. Marrelli replied it didn't need a variance. It's in the setback for landscaping. As soon as you put letters on it, you've created a sign. It changes the parameters. If it's a sign, it has a different setback.

Joseph Byrne said pretty sneaky guys, I like how you slipped that in there.

Special BOA mtg minutes

Oct 2, 2012

Pg #12

Mr. Fikaris makes a point why variances exist under the current law, i.e. Deacon's monument sign would be in the middle of their showroom. Mr. Marrelli concurred their sign right now is on the right-of-way line.

Joseph Byrne said Deacon's has a hardship because of the property. This was a huge open field. You guys could have easily moved this building back in the planning process. It was bad planning.

Mrs. Shatten said they had the path in already.

Joseph Byrne said I want my point to be made very clear. We want to keep our Village a Village. I understand SOM Center is a huge thorough way, a major commercial draw, we want people to come to this Library and stop at Yours Truly, and you want them to see the sign. I understand that. I just think our ordinances are in place to keep things under control. This should have been addressed much much earlier.

Mr. Caticchio said what is past is past. It's beyond our control. We have two issues before us tonight.

Joseph Byrne said you're not realizing the fact that these footers have been in the ground for one month.

Mr. Marrelli said the wall was going to happen, it's a matter of whether you put letters on it or not.

Chairman Prcela said having served on the Ordinance Review Committee, I believe some of our ordinances are antiquated. What was the intent in 1962 probably wouldn't be the intent now.

Mr. Marrelli said not to digress, but if we were to follow our rules on sign coverage for the Musca Plaza, all of those storefronts would have 12" high black letters. That's all they'd be allowed. They put \$700,000.00 into redoing that façade, and for them to have to put 12" high letters would look ridiculous. You could say "They created their own problem". What they figured out was it's time to modernize the building and it's time for us to allow more modern techniques.

Mr. Caticchio said sometimes the rules were created in an era which did not account for every possibility. There is a Board of Appeals that can grant variances. That's our job and that's why we're here.

Chairman Prcela addresses Rick Christian @ 510 SOM Ctr Rd. You live across the street?

Rick Christian clarified he lives next door. I'll be behind the sign. I get to look at the wall.

Chairman Prcela asked Mr. Christian if he'd like to state anything on the record.

Special BOA mtg minutes

Oct 2, 2012

Pg #13

Rick Christian said the wall's going to be there. He's got to look at the letters. The only other thing you can do is put in an east/west sign next to the driveway which would be creating a whole other problem, a visual problem. Eventually there's going to be a stop light there because there's going to be too many people cutting across SOM. How would you like to have a traffic light in front of your house?

Joseph Byrne said the way this town's rolling, it's not going to be a Village much longer.

Mr. Marrelli said at the end of the day, where their driveway is, that's going to be a road back to hundreds of acres of maybe office development.

Joseph Byrne said which is why the Library is so damn close to SOM.

Rick Christian said because they took that property from Costanzo, gave it to the Library and gave it to Progressive.

Mr. Marrelli said not gave it. We're not going to go back to the beginning of time when the buffalo roamed.

CONCLUSION

Chairman Prcela said we've heard everybody's position. My position is if the wall is already approved and the Library wants a sign, I prefer that it be on the existing design element rather than another structure. I would also say that the setback as presented to the Board of Appeals, I think the setback shows, whether it's design or built-in, there's an existing hardship in regard to detention. I could argue either way on the 11 square feet overage. I could see 'Mayfield Branch' coming out.

Mr. Russ concurs with Chairman's position.

Mr. Caticchio states I think whatever is being presented is quite reasonable, whether or not there's a hardship may be a little bit questionable. It doesn't have to be a hardship. We may not have a hardship, but it is a 'practical difficulty'.

DECISION

Mr. Caticchio, seconded by Mrs. Shatten made a motion to approve both area and setback variance requests as set forth in Case #2012-06 for the Cuyahoga County Library signage at 500 SOM Center Road.

ROLL CALL

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

NAYS: None

Motion Carried.

Variance #1 & #2 Approved.

Right to Appeal

Chairman Prcela 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

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

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 8:25 p.m.

Chairman

Secretary