

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
Mayfield Village  
April 15, 2014**

The Board of Appeals met in regular session on Tues, April 15, 2014 at 7:30 p.m. at the Mayfield Village Civic Center Conference Room. Chairman Pro Tem Fikaris presided.

**ROLL CALL**

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

**Absent:** Mr. Joseph Prcela Chairman  
Ms. Diane Calta Law Department

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

**CONSIDERATION OF MEETING MINUTES: March 18, 2014**

Mrs. Shatten, seconded by Mr. Russ made a motion to approve the Minutes of March 18, 2014.

**ROLL CALL**

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

Nays: None

**Motion Carried**

**Minutes Approved as Written.**

**CONSIDERATION OF CASE NUMBER: #2014-02**

**Applicant: Weber Wood Medinger  
730 Beta Drive  
Temporary Building Signage  
A Sign Above**

1. A request for a 112 Sq. ft. area variance from Section 1185.15 (f) to allow for a 128 Sq. ft. temporary single sided leasing banner on the building at 730 Beta Drive facing 1-271.

**NOTE:** At the Zoning Board of Appeals meeting of Oct 15, 2013, a 28 Sq. ft. area variance was granted to allow for a 44 Sq. ft. temporary leasing banner at this site.

**Abutting Property Owners**

**Beta Drive:**

6671, 767-781, 761, 701, 600, 700, (731/735/739), 6685, 6650, 660, (6690/6700), 6680, 6660, 6670, 681, 780, 651, (730/740/750/760)

**OPEN PORTION**

Chairman Pro Tem Fikaris called the meeting to order. As of this afternoon, the applicant has modified the variance request to a 128 sq. ft. leasing banner.

Mr. Marrelli explains history of banner. Oct of 2013 this gentleman was here, asked for a variance for a 44 sq. ft. sign that was supposed to be removed today. I went out today and took pictures of it, see photos in front of you. It hasn't been maintained. It's torn apart. The Principal of Webber Wood feels that sign wasn't big enough because somebody down the road has one bigger. They want to replace this. It needs to be taken down if nothing else. It's a bad representation of the building & the sign when driving by, seeing it waving in the wind. We're here to figure out what the hardship is that they can't lease this building without this banner. Because you do everything in inches instead of square feet, I estimated this at 120 sq. ft.

**OATH**

**Chairman Pro Tem Fikaris stated that anyone wishing to speak must be sworn in, administering the oath to the Board Members, Applicants, & Appellants and asked anyone wishing to speak to state their name and address for the record.**

**David Smith 8982 Dutton Dr. Twinsburg** said I work for A Sign Above. I represent the Realtors. I was at the site Monday. Sign's taken a beating. The initial proposal was 120 sq. ft. I went up and measured the existing structure. I've revised the proposal to 128 sq. ft.

Chairman Pro Tem Fikaris said on Oct 15<sup>th</sup> we approved a sign at 760 Beta. Tonight is for 730 Beta. This is not a second sign, it's a replacement sign.

Mr. Marrelli said I'll refresh your memory. At the last meeting we were given a chart that shows "Letter Height" & "Distance for Maximum Impact", that being the justification for the hardship for a 44 sq. ft. proposed banner. You said at that time that was the size you had to have for visibility according to that chart. Today it's not big enough. My question to David is, why is it different now?

David Smith said no, it's not big enough. I brought a photo of the existing building from the freeway, superimposing the new banner next to the old. The calculations are incorrect now that I look back. I think we could make this banner larger. We're not getting any exposure. We're trying to keep with the other buildings.

Mr. Marrelli said now they've put their name on it. Last time it was just their phone number. It's like they're advertising their company.

David Smith said real estate broker law requires the affiliation be placed on a banner like this. Why they didn't introduce that the first time I don't know. It's almost like a trademark. As long as it's there, it doesn't matter, they don't expect people to read it.

Mr. Caticchio asked, at 70 mph, can people read the phone number?

David Smith said as a consumer I've been in situations where I've picked up the phone number or name. I can't speak for anybody else.

Mr. Caticchio said at 70 mph, they pick up this phone number, but they don't even know where this building is. There's no indication on this sign where that building is located. They don't even know what subdivision they're in going down the highway, they'd have to go to the next exit. What I don't understand, and this is nothing personal, just a general observation, but if I had a business, I would know where I wanted to go. How do I find where I want to go? I'm not going to go to the yellow pages anymore. What do you do, you pick up your I-Pad, cell phone, or go to your PC and within seconds you'll know if there's anything in the area of which you're interested in. The point I'm trying to make is, why should the Village have to put up these humungous signs? We have a 6 month flip on these signs. We're getting into the habit of renewing them after they're down for 30 days. In a multi-tenant building as this, we literally can have these signs up in perpetuity.

Mr. Marrelli said with 30 units, you're always going to have something empty. We have no agreement that if you rent 80% of your space, you have to take it down. These will be up forever, there's always going to be space available. Signs are allowed in the front yard on Beta.

Mr. Caticchio said I remember when the freeways first went up, there was the big bahaha about keeping our highways clean and no signs within 360 ft. of it.

Chairman Pro Tem Fikaris said, so that I'm straight on this Mr. Smith, you're stating that the hardship in this case is you believe the readability of your present sign this Board approved six months ago was calculated on incorrect data? The data as presented to us on Oct 15<sup>th</sup> was incorrect or you thought as your personal or professional opinion, that didn't apply? Was it a misinterpretation of your calculations?

David Smith said that's a standard calculation. I use that in several different states; CA, FL, Ohio. All their size distance calculations are very similar. We rely on that information to help guide our clients. When it came to reality in this case, we just didn't measure up right. I'm not saying the calculation is wrong.

Mr. Marrelli said your calculation's still wrong. You're saying 24" letter height is good up to 240'. This building's only about 120' from the freeway, maybe 200'. By that, you should be at 18" letters. You're requesting 39" letters, which means you could see it 400' away.

David Smith said if the data on that was accurate, yes, it would be.

Mr. Marrelli said you supplied the data.

David Smith, as I said the data is accurate. On every website I go to that's the numbers they show. I'm arguing in real time it doesn't seem to match up.

Mr. Marrelli said according to this you should have 12” or 15” letters at 120 feet.

David Smith said I just know the banner that sits now is doing them no good and they’d like it larger.

Mr. Caticchio said I go back to my original point that at 75 mph you’re not going to pick up the entire phone number and secondly, ten miles down the road, they would have forgotten it anyway. How far should we go perpetuating this problem? John, how many buildings are facing the freeway there?

Mr. Marrelli replied 5 or 6.

Mr. Caticchio asked, how many rear signs do we have there now?

Mr. Marrelli replied, two.

Mr. Caticchio said you can bet your boots you’re going to have more of these until every building has one.

Mr. Marrelli said you won’t see one on the Hotel or Mayfran & Preformed Line who are single tenants. Then there’s an open field, then we have two multi-tenant buildings, who both have these banners. What’s happening is across the freeway in Highland Hts, they’ve got huge For-Lease signs all over. They allow them by right, they see their freeway as a frontage. That’s why you see names of their restaurants and advertising on the backs of their buildings, just like they were on the front.

Mr. Caticchio refers to our zoning code Section 1185.15 (c) Maximum Area and Number of Signs Permitted; “No sign shall have letters larger than 18 inches in height, nor shall any one sign exceed 100 square feet in area.” Mr. Marrelli said that applies to a ground sign.

Mr. Caticchio refers to 1185.15 (f) For Rent, Lease, Sale Signs; “Such signs shall not exceed six feet in height and sixteen square feet in area when attached to buildings.” Are we giving him a variance from 16 sq. ft. to 128 sq. ft.? Mr. Marrelli said yes. Mr. Caticchio thinks that’s much too much. I don’t think these signs will ever do any good.

Mr. Marrelli said for some reason the marketers feel these are valuable. Me personally, I don’t believe it. I’ve never heard anybody moving into one of these buildings say I moved in because I saw the sign.

### **Sign Content**

Mr. Fikaris said I know it’s a sticky wicket to limit what the sign says.

Mr. Marrelli said that’s true because of freedom of speech.

Mr. Fikaris said this number answers to a broker who represents multiple properties.

Mr. Marrelli said they could call this number and say; I’m not interested in this building, but do you have something in Beachwood? Are we advertising for other places?

Mr. Caticchio comments that's exactly what we're doing. This sign doesn't say "Beta Drive or Mayfield Village".

Mr. Marrelli said it puts their phone number on the freeway basically. Do you do all the signs for this company?

David Smith replied I believe we do.

Mr. Marrelli asked, how many banners do you have up on the freeway anywhere?

David Smith replied we're doing one now in Avon 1-90 "Available Space For-Sale" with this phone number.

Mr. Caticchio asked, are we advertising for the Owner or the Broker?

Mr. Marrelli replied, the Broker. There's nothing that ties that number to this building.

Mr. Caticchio said it doesn't even tell you the use. There's no information on here. I repeat, with today's communications and information available on the internet, there's no need for this kind of sign. Do you know how many square feet are available for lease in the building right now?

David Smith replied 45,000 sq. ft.

Mr. Caticchio asked, how long has this space been empty?

David Smith replied the broker we're working with has had it for one year and it's been empty the entire time.

Mr. Marrelli said we had a manufacture company move in there one year ago, took approximately 8,000 sq. f.t and then somebody else moved out. They come and go. Deacon's has some of his stuff in there while he's under construction. Businesses come and go.

Mr. Caticchio said we're not in the business to make business for them.

Mr. Marrelli said the point that hit home for me is what you said about us putting a billboard on the freeway for this broker. Doesn't say how many square feet? Industrial? Office?

Mr. Caticchio said and by the time you put more information on than what's there now, nobody will be able to read it going that fast.

### **Existing Banners**

Chairman Pro Tem Fikaris said I think there's an issue to be considered that there's existing signage.

Mr. Caticchio said that's the trap we dig ourselves into. Each time we perpetuate this by giving a variance, the demand becomes greater. Depending on the stand the Board takes, the next guy will come in for a 200 sq. ft. variance.

**Temporary Sign Code referred to Planning Dept. for zoning review and recommendation.**

Chairman Pro Tem Fikaris said barring a future review of that, and specify some maximum square footage specifically along that corridor, that would be something for the Law Director.

Mr. Caticchio agrees. Our Zoning Code should definitely be changed.

Mr. Marrelli goes on the record to refer this issue to David Hartt & Ted Esborn of the Planning Dept. If these multi-tenant occupancies continue to come in saying they need exposure to the freeway to rent their buildings, then I think we need to address it somewhere other than at the Board of Appeals. David, do you work in other cities where you're allowed to put these up by right, that their sign code allows freeway banners?

David Smith replied, yes. We're as far as Florida and Philadelphia. We make banners this size and larger.

Mr. Marrelli said you're located in Twinsburg and I never see any banners on their buildings.

David Smith said there's no manufacturing facility or building that faces the freeway by 480. They actually just reduced their signage code to a 16 sq. ft. ground sign allowable. They also utilize lineal footage from the road and also a calculation of so many square feet per frontage to be applied. I understand what you're saying. I want to take back to my client an understanding on how this proceeds. When they look at 600 Beta, they're going to ask; "Why are we being penalized when they have a banner that large and we can't market with them". In the end, if the playing field is equal / even for everybody.

Mr. Marrelli said it will be, but you won't be even with across the freeway which is another town.

David Smith said that's an understandable position, you can't circumvent that. But if the Board agrees that banners of such a size are not permissible, or can't be agreed upon, at least they don't have to wonder why the people down the street are getting the attention. In looking at the 600 Beta banner, it says Building For-Sale, has a phone number, and it's the same size we're requesting.

Mr. Marrelli said you would assume it's that building For-Sale.

David Smith said that would certainly be a logical conclusion. I do see the point once they're contacted, that gives the broker opportunity to open up the avenue but their goal of course is to market that building for their client.

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Chairman Pro Tem Fikaris asked for confirmation of the banner size approved for 600 Beta. For the record, a 104 sq. ft. area variance was granted in Sept 2012 to allow for a 120 sq. ft. temporary banner at 600 Beta Dr.

David Smith said, if I could step back a minute. When the last banner failed the way it did, we felt with an approval we should use a rigid material. So I went with three (3) eight foot pieces. If we got the approval and needed to market that down to 120, that's just a matter of losing a few linkage. So we would be matching up to that banner size.

Chairman Pro Tem Fikaris states, this case is a 6 month application. That gives us some time to sort this thing out. I think it's important to set the number of square feet at the same number of square footage as 600 Beta to be consistent.

Mr. Caticchio suggests also adding the use, i.e. industrial.

Mr. Marrelli said historically this building's has had a For-Lease sign on it off and on x 10 years. I've seen them lease space. I was involved in build-outs with people moving in. In the last five years there was probably 3 new tenants and a couple left. The Plain Dealer used to work out of the there. They had a setup in their print shop. Companies got bought, absorbed and moved out, that happens. I don't see any end to the perception that there's a need for this signage, which you correctly stated, in this day and age who the heck needs a sign? That's neither here nor there.

Mrs. Shatten notes there's a sign on this building now.

Mr. Marrelli confirmed that sign has to come down today. It was approved for this building Oct 15, 2013 (6 months ago).

Mrs. Shatten said with the broker's name on it, we're not advertising for our Village, we're advertising for the broker.

Mr. Marrelli said we don't know what happens when somebody answers the phone.

Mrs. Shatten said I'd like to wait six months without approving a sign and have them reapply in six months.

Mr. Caticchio said that's another thing to consider, establishing a long time frame in between granting their signs.

### **Hardship vs Practical Difficulty**

Chairman Pro Tem Fikaris suggests putting Ted Esborn's number on there. If somebody calls the number and they're not interested in that particular property, Ted can shop the rest of the properties in the Village. My question is, is there any precedent with the For-Sale sign that was granted, that we could deny this one?

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Mr. Marrelli said theoretically, the owner is supposed to present some kind of hardship. I don't know how they can justify a hardship now, when they've had it for 10 years. Not these people, but the people before them have been advertising this way for a good ten years.

Chairman Pro Tem Fikaris asked, does anyone have any more discussion?

Mrs. Shatten said it's hard to put too much on a sign for people traveling on a freeway. The phone number is really what counts. What disappoints me is it's not the phone number to that building, it's a number to a company selling many buildings.

Chairman Pro Tem Fikaris asked if it's better to say no first and then look at this, or say yes first because it's only for 6 months. I'm thinking in terms of not setting precedence.

Mr. Caticchio said we've already set one precedence, and they came along increasing the size they want.

David Smith said we're not asking for more. We're asking for the same size they're getting. We don't want anything larger.

Mr. Marrelli said they're asking for equal to the guy down the street.

Mr. Caticchio said we don't have to consider that at all. You're not asking for 10% or 15% over the code, you're asking for 80% more than the code allows. The code is partially at fault in this situation. What you have to understand is, codes evolve by the demands that are made upon it. Believe me, this code will be changed the next time around.

Mr. Marrelli said the test of time is telling me that this sign is not doing anybody any good to begin with because it hasn't been effective. I don't recall hearing any argument for a hardship yet.

David Smith said we stated that the banner is invisible from the road, now whether that equates to a real hardship in your opinion, I don't know. The banner is not functioning or doing its job.

Mr. Marrelli said no offense, but when it's flapping in the wind, I don't know how anybody can read it. The Board has two choices, say you're done with this or say one more six month period and refer it to the Planning Department and they need to come up with an answer within the next 6 months if we're going to keep doing this or ban them outright. You can do this broker a favor and let them put one more sign up for one more 6 month period. I would bet my paycheck nobody will rent this because of the banner. When Chelm owned this property, I asked their broker David Perlberg if they're getting interest from street traffic. He said no. He said the machine shop people that came from Highland Hts to here were at the Hilton Garden when they saw the For-Lease sign in the front. You want to see what the street looks like, the landscaping, and the parking. You don't make a phone call based on the back of the building. If you drive past for ten years and see a For-Lease sign all the time, you start to think there must be something wrong.

Mr. Caticchio said that's the other issue the brokers and the owners should take note of. When the stores start advertising like that, they're usually going out of business.

Chairman Pro Tem Fikaris said the question I'm weighing is; precedence of approval vs. precedence of non-approval. If non-approval, what if these guys want to cause a fuss by saying look at the other guys sign, why not this one?

Mr. Caticchio said no one is going to go to court for a \$1500 sign. That broker knows just as well as we do that this is not what generates contacts.

Chairman Pro Tem Fikaris said, will all due respect. It's a why not, it's worth a shot. Why not go to the Board of Appeals and see if I can throw my business card up there for nothing.

David Smith said understand that we've been in business for over 30 years. This is what we do. I have 20 people that rely on their families making income from this. I take offense to that. We're proud of the work we do. Banners fail, not to mention what we go about and how we do it. The fact is companies advertise this way everywhere. Now, if the building's faulty....

Mr. Marrelli said you could stretch this and say you have a topographical hardship because the traffic is so far away that you need it to be this big to be visible. You're in the sign business and you know this, when you have a sign up for so long, nobody sees it any more.

Mr. Caticchio makes another point. When a sign starts to degenerate, and starts looking tacky, people don't want to read it.

Mr. Marrelli said whenever you drive through an urban area and see buildings and signs flapping in the wind, falling down and things look tattered, you say "let me out of here". I don't think that's a good representation for our Village, that's almost like a black eye for us. I don't know why those boards they stuck on the building are still there. You'd think they'd take those down. If I was the manager or broker of this building and drove by this building, I'd be yelling at somebody. Each day 100,000 people go past this building.

Chairman Pro Tem Fikaris said maybe those rail boards are spec to this new sign.

Mrs. Shatten said when I came here today, after reading the materials, I wanted to give them a bigger sign. Once I learned the contact number belonged to the broker and not specifically to this building, I changed my mind.

## **DECISION**

Chairman Pro Tem Fikaris asked if anyone has any further discussion.

Mr. Marrelli said you could ask for a moratorium on giving any variances for temporary signs until the Planning Department studies this and comes back with a recommendation.

Mr. Caticchio said the Planning Department could look at both engineering and architecture.

Mr. Marrelli said they could. I would surmise they'd scour the laws of adjacent areas with some consistency in mind.

Mr. Caticchio, seconded by Mr. Russ made a motion to deny the area variance request to allow for a 128 sq. ft. temporary leasing banner at 730 Beta Drive as noted:

- **Temporary Sign Code referred to Planning Department for zoning review and recommendation.**

**ROLL CALL**

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

NAYS: None

**Motion Carried.**

**Variance Denied.**

Mr. Caticchio suggested to David Smith that perhaps next time he bring the owners of the building with him so the Board could talk to them.

Right to Appeal

**Chairman ProTem 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. Russ made a motion to adjourn the meeting.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Meeting adjourned at 8:25 p.m.**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary