

**MINUTES OF VIRTUAL MEETING
BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE
November 17, 2022**

New Business:

- 1. 6111 Oak Tree Blvd., Farmers Insurance** – Requesting variance to 1151.13 (e) of 12.44 sq. ft. to permit a sign to be larger in size (42.44 sq. ft. requested, 30 sq. ft. permitted).

The meeting was called to order by Chairman Mark Moreal at 5:38 p.m. and the following responded to Roll Call:

PRESENT: **Mark Moreal, Chairman
Councilperson Chris Walchanowicz
Pasquale Monteleone Jr.
Carol Fortlage
Charles Bredt**

ALSO

PRESENT: **William Doyle, Assistant Law Director
Anne Lynch, City Planner
Michael Gero, Building Official**

Chairman Moreal stated that at this time he would like to ask the Board if there were any corrections, changes or additions to the October 13, 2022 meeting.

A motion was made by Carol Fortlage, seconded by Council Person Walchanowicz, to approve the Minutes of October 13, 2022.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
November 17, 2022**

ROLL CALL: **Yeas: Fortlage, Walchanowicz, Moreal, Monteleone
Nays: None
Abstain: Bredt
MOTION CARRIED**

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
November 17, 2022**

Chairman Moreal stated that before the Board would get started, he would like to read the Board of Zoning Appeals opening statement.

Chairman Moreal then proceeded to read the Board of Zoning Appeals opening statement.

The Board of Zoning Appeals is a quasi-judicial body and, as such, its role is similar to a judge in a court case. The Board will hear evidence and testimony that is factual and will make decisions based upon the facts which are presented and the rules as set forth in the Zoning Code principles of Ohio law.

The City of Independence has adopted a Zoning Code and, per the City's Charter, has appointed a five-member Board of Zoning Appeals. This Board is empowered to hear and decide appeals and to authorize variances from the strict terms of the Zoning Code where the variance will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the Zoning Code will result in practical difficulty or undue hardship, depending on the type of variance requested.

With this being stated, the Board's proceedings are relatively informal; but, in order to conduct an orderly meeting and allow all parties of interest, mainly contiguous property owners (or their legal representatives), the opportunity to present the evidence, certain procedures need to be followed:

All interested parties must be sworn in. The applicant will be asked to present evidence to support the requested appeal, the Board will ask questions, and then all interested parties (contiguous property owners) may present evidence concerning the appeal and ask questions regarding previously presented evidence. Any party may ask questions to another party.

It is the applicant's burden to produce evidence to support the application. The Board will not make the applicant's case for them. In order to prepare appropriate meeting minutes, each person who speaks will need to state, for the record, his or her full name and address. The meeting may be continued by either the applicant or the Board. The Board must base their decision upon facts and not on expressions of concerns or non-factual matters. The action of the BZA does not become final until 30 days after the date of the meeting that the minutes are approved by the BZA. Any appeal may be made to the Cuyahoga County Court of Common Pleas by an interested party within 30 days of the date the minutes are approved.

Chairman Moreal stated that this evening the Board has one item on the agenda.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
November 17, 2022**

6111 Oak Tree Blvd., Farmers Insurance – Laura Higgins-Woyma from Brilliant Electric Sign was in attendance via Zoom and sworn in.

Building Official Gero stated that for the record it's Oak Tree Blvd. Oak Tree Place is the name of the building. Ms. Higgins put 6111 Oak Tree Place as the address on the application, it's actually on Oak Tree Blvd.

The Chairman stated that he would like to amend the address as 6111 Oak Tree Blvd. The building is Oak Tree Place.

Chairman Moreal asked Ms. Higgins to explain why she needs this variance request.

Ms. Higgins-Woyma states we're thinking a variance for the larger sign for the building. A couple different reasons are the sign would appear inappropriately small to the setting at the allowed square footage. I think that it's thirty square feet that is allowed for your code.

Due to it being located on the top story of that building, the square footage that we are requesting would be fitting with the character and the size of the building and designated sign area of the building. It also would help with the public if they're in coming in from trips to see and identify the location at 6111 Oak Tree Blvd. It would also be visible from the roadway, but I do thank you guys all in advance for your consideration, we all feel that it would be at 30 sq. ft. too small for the size of the building.

Chairman Moreal states I notice it's not illuminated.

Ms. Higgins-Woyma states correct, not illuminated, reverse channel logo with the, as you can see the letters reading (inaudible).

Chairman Moreal states the square footage, again, does it encompass this whole rectangle?

Building Official Gero states it's the smallest rectangle that encompasses the (inaudible) sign.

He states based on that, it's 14ft. 11 $\frac{3}{4}$ inches times 2ft. 10 inches which comes out to be 6,111 $\frac{1}{2}$ inches which breaks down to 42.44 square feet.

Chairman Moreal asks this is the only sign on that elevation, correct?

Building Official Gero states he believes so.

Several people begin speaking at once.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
November 17, 2022**

Carol Fortlage states that the drawing makes it look as if there's a sign (inaudible).

Several people begin speaking at once.

A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to approve the variance requested to permit the sign to be 42.44 square feet rather than 30 square feet.

**ROLL CALL: Yeas: Bredt, Walchanowicz, Monteleone, Fortlage, Moreal
 Nays: None
 MOTION CARRIED**

There being no further business, the November 17, 2022, meeting of the Board of Zoning Appeals was adjourned at 5:46 p.m.

Chairman Mark Moreal

Amanda Sharrer, Secretary
Minutes Unapproved at Time of Release 11/18/2022