

**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE
May 16, 2019**

AGENDA:

Old Business:

Approval of Minutes of Regular Board of Zoning Appeals Meeting held on April 18, 2019.

New Business:

- 1. 6016 Elmerge Drive, Dmitri & Jennifer Dmitruk** - Requesting a variance to 1165.01 of 2 ft. to permit an accessory building to be 4 ft. from the side yard setback (6 ft. required, 4 ft. requested).
- 2. 6012 Elmerge Drive, Amber Wiesner** – Requesting a variance to 1165.01 of 11 ft. to permit an accessory building to be 4 ft. from the side yard setback (15 ft. required, 4 ft. requested).
- 3. 5005 Rockside Road, Burgers 2 Beer** – Represented by Ruff Neon & Lighting Maintenance, Inc. and requesting a variance to 1151.09(c)(2) to permit four additional signs to be located on the building (one permitted, four requested) and a variance of 11.75 sq. ft. to permit a sign (Sign 4) to be 41.75 sq. ft. (30 sq. ft. permitted, 41.75 sq. ft. requested).

The meeting was called to order by Chairman Mark Moreal at 6:03 p.m. and the following responded to Roll Call:

PRESENT: **Mark Moreal, Chairman**
 Councilperson Carl Asseff
 Charles Bredt
 Carol Fortlage
 Judy Smith

ALSO
PRESENT: **Michael Gero, Building Official**
 Gregory J. O’Brien, Law Director

Chairman Moreal stated that he would ask the Board if there were any corrections, changes or additions to the April 18, 2019 meeting.

Mrs. Smith stated that she had a change that she spoke of in the Caucus.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

A motion was made by Councilperson Asseff, seconded by Charles Bredt, to approve the April 18, 2019 Minutes.

**ROLL CALL: Yeas: Asseff, Bredt, Smith, Moreal
 Nays: None
 Abstain: Fortlage
 MOTION CARRIED**

6016 Elmarge Drive, Dmitri & Jennifer Dmitruk – Dmitri Dmitruk was in attendance and sworn in.

Neighbor Amber Wiesner was also in attendance and sworn in.

Chairman Moreal stated that he stopped by Mr. Dmitruk’s house yesterday, but there was a dog out front. The Chairman asked Mr. Dmitruk why he was looking for the variance.

Mr. Dmitruk stated that he was looking to get closer to the fence. He stated that in the back the water runs through after a snow or hard rain; he needed to keep it up towards the fence area next to the neighbor’s property. It was higher up there. He stated that if he would go any further back, it would be really soft.

Chairman Moreal asked if Mr. Dmitruk would be building the shed up. Mr. Dmitruk stated that he would be building the shed up. He stated that it would be on the back part.

Chairman Moreal asked if there were any questions.

Mrs. Fortlage asked Mr. Dmitruk if the size of the shed he was going to build would be within the code limitations. Mr. Dmitruk stated that it would be.

Building Official Gero stated that he had a question. He stated that he was just looking at the GIS, and Mr. Dmitruk stated that the neighbor was showing a depth of 85 foot, and Mr. Dmitruk was showing a depth of 190 foot. Mr. Dmitruk agreed. The Building Official asked why there was such a difference. Ms. Wiesner stated that her shed will be a little bit further back on the property; and hers has less of a depth.

Building Official Gero stated that he was talking about both parcels and according to the GIS, both of the parcels have the same depth from the street. He asked if Ms. Wiesner used the depth as that was how far she was putting the shed back.

Ms. Wiesner stated that was correct.

The Building Official stated that Mr. Dmitruk was putting his shed halfway back in his yard.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Mr. Dmitruk agreed.

The Building Official stated that made a little bit more sense. He stated that he had one other question. He wanted to know if both sheds were going to be next to each other.

Mr. Dmitruk stated that they would be staggered.

The Building Official asked Ms. Wiesner if her shed was going to be back to the fence.

Ms. Wiesner agreed.

The Building Official stated that he just was curious on that. He stated that made more sense.

Chairman Moreal asked Mr. Dmitruk the reason for him not moving his shed back.

Mr. Dmitruk stated that it was because of the water flow, snow and the rain. He stated that if it wasn't for that he would go back farther. He stated that he might have issues five to seven years from now.

A motion was made by Charles Bredt, seconded by Carol Fortlage, to approve the requested variance.

**ROLL CALL: Yeas: Bredt, Fortlage, Smith, Asseff, Moreal
Nays: None
MOTION CARRIED**

6012 Elmerge Drive, Amber Wiesner – Homeowner Amber Wiesner was in attendance.

Chairman Moreal asked Ms. Wiesner what was her reason for the variance.

Ms. Wiesner stated that it was the same reason because there was water that comes from her yard into Mr. Dmitruk's yard. It comes down the slope.

The Chairman stated that Ms. Wiesner was 58 feet from the back of her property.

Ms. Wiesner agreed.

Building Official Gero asked Ms. Wiesner if she had consolidated her two parcels.

Ms. Wiesner stated that the parcels were not consolidated. She stated that according to the Auditor's website, they were still separate parcels.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Ms. Wiesner stated that they did a fence, but there was no change because it was just replacing an existing fence.

The Secretary stated that they were two separate parcels when she checked.

Building Official Gero stated that would explain the 85 feet. He stated that they would have to be consolidated.

Law Director O'Brien agreed.

Ms. Wiesner asked what did that mean.

Law Director O'Brien stated that it meant that Ms. Wiesner would get one tax bill.

Ms. Wiesner stated that she knows that it all rolls into her mortgage.

Chairman Moreal asked the Building Official if they were not consolidated.

Building Official Gero stated that according to the information that he saw and what the Secretary just stated, they were not.

The Building Official stated that the Auditor's GIS showed it as one parcel.

Law Director O'Brien stated that the Board could grant the variance, subject to the homeowner consolidating the properties.

Chairman Moreal stated that this might not mean anything, but he asked if both yards were the depth of 190?

Ms. Wiesner stated that hers might have been a little bit more.

The Chairman stated that he was looking at the 60 foot from the roof, and they were saying they were staggered by only 2 foot; but they were by a lot more. He stated that made sense.

Ms. Wiesner stated that where the shed was going was on the second parcel completely. She stated that it was not coming into her parcel with the dwelling.

Building Official Gero stated that the reason that Ms. Wiesner would have to consolidate would be because there was an ordinance against any structure on a parcel that would not have a dwelling on it.

Ms. Wiesner stated that she will find out how to do that.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Law Director O'Brien stated that if Ms. Wiesner would go to the Building Department, they could help her out. He stated that she would have to go to the Planning Commission just to get them to approve it and consolidate it.

Ms. Wiesner asked if that would take a long time as far as processing it so she could move forward with the shed.

Law Director O'Brien stated that it would be up to the Building Official, it would be his call.

Mr. Dmitruk stated that they were working together on this.

Law Director O'Brien stated that he didn't think anyone was going to stop Ms. Wiesner as long as she would make an effort to get it done.

Ms. Wiesner stated that she had no objection to it. She did not know why they were not consolidated. She stated that they tried when they bought the property; but they sold it separately.

Law Director O'Brien stated that there was no advantage whatsoever to have two separate properties.

Ms. Wiesner stated that it was always confusing because she always has to look at both parcel numbers on the Auditor's website.

Building Official Gero stated that Ms. Wiesner could come in and make the application, and they can issue the permit.

Mrs. Fortlage stated that the Board would move approval, subject to the lots being consolidated.

Law Director O'Brien replied yes.

A motion was made by Carol Fortlage, seconded by Charles Brecht, to approve the requested variance, subject to the consolidation of the two parcels.

**ROLL CALL: Yeas: Fortlage, Brecht, Asseff, Moreal, Smith
 Nays: None
 MOTION CARRIED**

5005 Rockside Road, Burgers 2 Beer – Jessica Ruff of Ruff Neon & Lighting Maintenance, Inc. was in attendance and sworn in.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Chairman Moreal stated that the Board was a little confused on all the signage. The Chairman asked Ms. Ruff to walk the Board through the signage.

Chairman Moreal wanted Ms. Ruff to walk through Awning 1 and 2, so everyone will be on the same page.

Ms. Ruff stated that the two awnings were existing, and they will be recovered. They were on the side. She stated that when you would pull in, on the right-hand side will be where the two awnings will be.

Law Director O'Brien asked if there was writing on the awnings now?

Ms. Ruff replied no. She stated that the awnings now were just burgundy. There was no writing on them.

The Chairman stated that they were located on the west side of the building.

Ms. Ruff replied correct. She stated that the awning that was more than 30 square feet was the blade sign which that sign was Sign 4; and that was facing the actual street. It would be the sign that would face out to the main road. She stated that there were two blade signs.

Chairman Moreal stated that Sign 3 and 4 were both blade signs.

Law Director O'Brien stated that they could call them wall signs.

Ms. Ruff stated that Sign 3 and 4 were wall signs, and Sign 4 would be the one that would exceed the 30 square feet.

Mrs. Fortlage stated that she thought a wall sign was affixed to a wall and on the same plane; but Ms. Ruff was saying perpendicular to the wall would also be a wall sign.

Law Director O'Brien stated that they would be attached to the wall.

Mrs. Fortlage stated that it would be by a little bit. It would still be a wall sign?

Law Director O'Brien stated that whether there was space in between that.

The Chairman asked if it was two-sided.

Ms. Ruff stated that they were two-sided, both of them.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Mr. Bredt stated that Sign 3 would be on the corner of the entrance. He stated that Sign 4 was on the corner opposite, which would be the eastern most corner.

Ms. Ruff agreed.

Mr. Bredt asked if they were both the same size.

Ms. Ruff replied no. She stated that the larger sign was Sign 4 which would be on the east side facing the main street.

Mr. Bredt asked if it was illuminated 24/7.

Ms. Ruff stated that it was illuminated and be on a photo cell.

The Chairman stated that the sign was 83" x 72".

Mr. Bredt asked how far off the ground would the signs be.

Ms. Ruff stated that they would be 15 feet. Sign 4 would be 15 feet. Sign 3 would be 12 feet off the ground.

Mr. Bredt asked if Sign 3's top would extend above the roof line of the mansard roof?

Ms. Ruff stated that it would not extend above there.

Mr. Bredt stated that looking at Sign 3 and referring to what Ms. Ruff was calling Signs 1 and 2, how far apart would those three signs, or how far from the corner blade sign, Sign 3 would it be to Sign 2 and Sign 1?

Ms. Ruff stated that between Sign 3 and Sign 1, but it would be about 3 feet.

Mr. Bredt asked if Sign 1 and Sign 2 would be centered in the mansard roof?

Ms. Ruff replied yes.

Mr. Bredt asked if they were the exact same size?

Ms. Ruff replied yes.

Mr. Bredt asked Ms. Ruff to tell him why she would need three signs within 7 or 8 feet of each other.

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

May 16, 2019

Ms. Ruff stated that she knows that the business that was going in there, they were really concerned about turnaround just due to the other restaurant that was in there. She guessed that there were a couple of restaurants in there from what she had heard. She stated that they really want to advertise and to make sure people were coming to the restaurants; so they were trying to be loud and make sure that everyone knows they were there even when the building would not be occupied during the weekends and whatnot. They were really trying to advertise their business.

Mr. Bredt asked Ms. Ruff if she was authorized to make changes on behalf of the owners?

Ms. Ruff stated that she was.

Mr. Bredt asked Ms. Ruff if she brought a letter to that effect.

Ms. Ruff stated that she did not have a letter from the owner.

The Chairman stated that Mr. Bredt's question was 1,2 and 3. The Chairman stated that his concern was that also; but Sign 4, that would be a big sign. It would be 7 foot by 6 foot. He asked what was the reasoning there.

Ms. Ruff stated that they were just trying to get visibility from the road. She stated that she knows that it seems large. They were trying to get visibility from the street.

Mrs. Smith stated that she thought Sign 4 would be good for highway visibility because it would be right there on the side. She stated that she actually thought Sign 1, 2 and 3, even though it seemed congested, it seems like it would be dressed up, it seemed like it would be at night. She stated that it looked nice.

Ms. Ruff stated that they have done this concept at Concord; and it really does look sharp just with all the materials they used and their branding. She stated that it seemed like a lot of signage, but they really do well with advertising; and the type of materials they use will be top of the line.

Chairman Moreal stated that he was guessing that the building owner was aware of all the signs.

Ms. Ruff replied yes. She stated that the building owner's only concern was the height above grade which they changed for him to 15 foot in height. That was what he wanted them to change.

Chairman Moreal asked what was it before.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Ms. Ruff stated that she thought it was 12 foot before. He raised it on that end to 15 foot. He was worried about the illumination of the sign. She stated that she didn't know if there were offices over there, but he was just worried about the illumination.

Chairman Moreal stated that he was thinking that a 7' x 6' illuminated right outside that window.

Ms. Ruff stated that she was not sure who was in there, but that was why he wanted it changed.

Councilperson Asseff asked Ms. Ruff how she would rate the signs in importance? Which would be the most critical sign, the second, the third, fourth?

Ms. Ruff stated that to her Sign 1 and 3 would be. Was he just talking about that side?

Councilperson Asseff stated that the Board had four signs there, and he was trying to figure out which ones were the most valuable.

Ms. Ruff stated that to her Sign 3 and 4 would be the most important. She stated Sign 1, 3 and 4 would be the most valuable. She stated that Sign 2 was facing the parking lot.

Mr. Bredt asked if Sign 2 was over the entrance to the restaurant?

Ms. Ruff stated that was the side elevation.

Mr. Bredt asked if they changed the entrance from the old Mavis Winkle's?

Mrs. Fortlage stated that she didn't think they were talking about the same sign.

Ms. Ruff stated that Sign 2 was the entrance.

Mr. Bredt agreed.

Ms. Ruff asked if she did not say Sign 2? She stated that she meant to say Sign 2, 3 and 4.

Councilperson Asseff stated that Sign 2 could only be seen from the parking lot or entrance?

Ms. Ruff stated that she was incorrect. Sign 1 was facing the parking lot.

Chairman Moreal asked if it was that critical? Was she just trying to make uniformity?

Ms. Ruff stated that to her they were trying to make it uniformity, and he was trying to get as much as visibility to the building as possible.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Councilperson Asseff asked but Sign 2 is by the entrance?

Ms. Ruff stated that it was over the entrance.

The Chairman stated that he could see that.

Mr. Bredt stated that you could see Sign 2 from Rockside Road.

Ms. Ruff agreed.

Mr. Bredt stated that you would see the side of the blade sign, Sign 3, from Rockside Road and the parking lot; and Sign 1 in conjunction with Awning 1 and Awning 2 would be saying the same thing and focused on the parking lot side.

Chairman Moreal stated that you would have three signs on that side.

Ms. Ruff stated that she agreed.

Mr. Bredt stated that they were three identifiers.

Councilperson Asseff asked when you are that close to a restaurant, how many signs would it take to identify it?

Mr. Bredt stated that everyone goes with GPS now.

Councilperson Asseff stated that the front door has a sign. He would already know where he was going.

Ms. Ruff agreed.

Councilperson Asseff stated that at that point the sign wasn't really adding anything to the marketing capabilities of that sign. He stated that what the Board was look at was she has four signs. The code doesn't have four signs written in the code, and they were trying to figure this out.

Ms. Ruff agreed.

Chairman Moreal stated that his first concern was Sign 4 after he realized how big it was. Then Ms. Ruff was telling them that the owner of the building asked them to move it up. He stated that there was a comfort level there on his end as far as that sign, and then Mrs. Smith mentioned seeing it from the highway. You would see that from the highway. That was a good sign. He

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

stated that here was just a lot of congestion, and he sees where everyone is going. He stated that he didn't know what the answer was, what would be more important.

The Chairman stated that he didn't like Sign 4 at first, and now he likes it because he was thinking that they want to sell their place; and everyone will see the logo, the sign.

Mr. Bredt stated that if you would be coming from the east heading west on Rockside, you will see Sign 4 because it was up 15 feet; and it was a large sign.

The Chairman stated that the owner of the building was asking them to raise it; so he was thinking that makes him feel better. He stated that the rest was, he is not a designer; but he feels that it was very congested. He didn't know what the right answer was.

Councilperson Asseff stated that he was trying to figure out what was the added value of Signs 1, 2 and 3. He stated that there was some value in there. Sign 4 was a given, but the other three.

Mrs. Smith stated Signs 1, 2 and 3 show the entrance.

Mrs. Fortlage stated that it didn't take three signs to show.

Chairman Moreal stated that he didn't think Sign 3 was necessary. That was almost their logo, but it was on the side of the building.

Law Director O'Brien asked Sign 1 and 2 was on each side of the parking lot, why would Ms. Ruff need Sign 3? He stated that it was wedged in between Sign 1 and 2.

Ms. Ruff stated that she saw what the Law Director was saying.

The Chairman stated that as far as being uniform, Sign 2 and 1, you see it from the street, you see it from the parking lot, you see it from people leaving the other building and maybe coming from the west. You might pick it up down there, but you would definitely see Sign 4.

Ms. Ruff agreed.

Mrs. Smith stated that she thought Sign 2 was important because it was over the entrance.

The Chairman agreed.

Law Director O'Brien stated that Sign 1, 2 and 4.

Ms. Ruff stated that she agreed.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Mrs. Fortlage stated that she would see Sign 1 as being somewhat superfluous since the awnings were there.

Ms. Ruff stated that she did see the point with Sign 3.

Chairman Moreal asked how bad would they want Awning 1 and 2? He stated that he knows they would be allowed to have them he believes.

Law Director O'Brien replied no.

The Chairman asked they are not?

Law Director O'Brien stated that they were not canopy signs. He stated that they would be signs, they would not be canopies.

The Chairman stated that they were back to. He stated that they crossed them out in Caucus because they said they were allowed.

Law Director O'Brien stated that he wasn't talking about the awnings, he was talking about.

The Chairman stated that they were looking at Sign 1, Sign 3.

The Law Director stated that he was not talking about the awnings.

Chairman Moreal stated that if Awning 1 and 2 weren't there, which he didn't think they would need it even though they would be allowed to have it; then he wouldn't be so objectionable to the other signs. He stated that they have four signs pretty much saying the same thing on one side of the building in a parking lot that you really wouldn't see.

Mrs. Fortlage stated that it was a very large variance that was being requested.

Ms. Ruff stated that she understood. She asked if the Board was suggesting possibly eliminating the awnings and just having them black?

Mr. Bredt replied no, not at all. He stated that having visited both the restaurants that were there before, those awnings would be really important from the standpoint of the setting sun; and he thinks that Awning 1 and 2 actually add to dressing up the building. He stated that he has no problem with the awnings. He stated that he believes that once you were in that area, and you would be going to that restaurant, Signs 1, 2 and 3 would be redundant and frankly not necessary in the whole. He stated that he would be amenable, and he was speaking personally, to Sign 3 because he thinks it would be a unique sign, or Sign 2, but not all three. He stated that he was in favor of saying no to two of those three signs.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Councilperson Asseff asked which two?

Mr. Bredt stated that he would give her the choice, but he liked the blade signs.

Chairman Moreal stated that he wasn't saying to remove the awnings, he got that as far as it being needed; he was fine with the awnings. He stated that he would take the writing off Awning 1 and 2; and then he would be more adept to giving them the three.

Mr. Bredt stated that he thought the awnings were out of play.

The Chairman stated that if they want something.

Mr. Bredt stated that they were allowed to put it on it, then fine.

Law Director O'Brien replied no. He stated that if the applicant, the way he was understanding the Board, they want Sign 1,2 and 3; and want the variance for 1, 2, 3 and 4; which would be a large variance, more than he has seen the Board grant. Then they would need a condition that no writing goes on Awning 1 and 2.

Chairman Moreal replied exactly.

Ms. Ruff stated that was fine.

Councilperson Asseff asked how about the logo?

Law Director O'Brien stated no writings, no logo, it would be just one color.

The Chairman stated that was the worst spot, it is below grade, it is in a parking lot. Why would they need all that writing on one side of the building?

Mr. Bredt stated that he continues to be confused as far as Awning 1 and Awning 2 in relationship to the application for a variance of four signs which is what the Board is looking at.

Chairman Moreal replied correct, yes.

Mr. Bredt stated that would take Awning 1 and 2 out of the picture. It would be no different than them having a placard inside the glass which would be allowed saying what's inside.

Chairman Moreal replied, but it is not.

Mr. Bredt stated that they know what is there, but the application was for four signs as a variance.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Chairman Moreal stated that he guessed what he was saying himself, he would say, and this is just him; if they want 1, 2, 3 and 4, he would be willing to give them that. He would want no writing on the awnings. They could have all the awnings they want. They could have all black awnings. He just thinks it would be too congested on that side. Why would they need it? He knows that they are allowed, but he was saying if they want it, then he thinks they should give back. That would be his thoughts on that. They would have to bend a little bit.

Ms. Ruff stated that they did suggest, actually they were going to recover all the awnings. She stated that right now they were green and not burgundy; but they were going to recover all the awnings to black.

Law Director O'Brien stated that he was sure that the owner of the building would not care if they were a solid color of if they would have writing on them.

Ms. Ruff stated that they would be all black, so they would be consistent with the awnings too if the lettering was removed off Sign 5 and 6.

Mrs. Fortlage stated that she could see her way to approving Sign 3 and 4. She stated that she has trouble with three signs on the entrance.

Councilperson Asseff stated putting a value on Sign 1 and 2, which one would be more valuable?

Ms. Ruff stated it would be Sign 2.

Councilperson Asseff stated that Sign 2 would be more valuable.

Ms. Ruff agreed.

Mr. Bredt asked Ms. Ruff if she was looking at Sign 2 and 3, which would be more valuable?

Ms. Ruff replied Sign 2.

Mr. Bredt stated it was good enough for him.

Ms. Ruff stated that it was just because it was over the entrance.

Chairman Moreal stated that he knows it is a substantial request, but he would say, going back to, it was flooded on the one side. He would give them 1, 2, 3 and 4, but plain awnings. That was his thought.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Mrs. Fortlage stated that she didn't exactly know where he was coming from. She figured the awnings were not part of the discussion, and she would like to leave them not part of the discussion.

Law Director O'Brien stated that the Board can condition by saying if they were granted the variance, then part of the variance would be the consent by the applicant that those would be a solid color. There would be no writing or logos on them.

Chairman Moreal stated that as it would stand now Carol, if the Board were to give them Sign 1 and 3, then they would have two awnings; they would have the whole side which would be the worst side of the building. To him that is no selling point down in the parking lot.

Law Director O'Brien stated that you were already there.

Chairman Moreal stated that he would rather see it plain. If he was the building owner, he would want to see plain black. It would be the main entrance. The Chairman wasn't saying to take the awnings down by no means, just recover them and have them plain. That would be his proposal, and even though they would be allowed to do it, it would be conditional based on what the Board would be giving them. That was just him. There were a few different things that they were talking about.

Mrs. Smith stated to the Chairman that he was saying that he would agree on Sign 1, 2, 3 and 4 if the two awnings were solid.

Law Director O'Brien stated that all four awnings would be a solid color.

Chairman Moreal stated that he was not saying that Sign 1 was necessary, but it would match itself and balances out. Sign 3, the blade sign that would stick out, that was their logo. You would see it from both sides. He stated that you would see it from the parking lot, and it was not that big. Sign 4, once it was brought up, would be pretty important; and the fact that the owner said to move it up, that was a good selling point. That was probably the most important one to be honest with you.

Mrs. Smith stated that she tend to agree with the Chairman. She thinks it would dress up the area, and you need it for the parking lot and for the front. She would agree to Sign 1, 2, 3 and 4.

Chairman Moreal stated that he was not pushing it on anybody, he was just throwing his suggestion out there.

Mr. Bredt stated that he would like to, if the Chairman would make a motion for all four signs, he would vote no.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Chairman Moreal stated that it would be conditioned on nothing on the awning.

Mr. Bredt stated that he understood. He stated that he was trying to simplify and get the motion.

A motion was made by Charles Bredt, seconded by Judy Smith, to approve Sign 4.

**ROLL CALL: Yeas: Bredt, Smith, Asseff, Moreal, Fortlage
 Nays: None
 MOTION CARRIED**

Mrs. Fortlage stated just to be clear, they have approved the sign variance, the size variance.

Mr. Bredt stated that he was going to make a motion that he fully expect to be voted down.

A motion was made by Charles Bredt, to approve either Sign 3 or Sign 2, but not Sign 1.

Law Director O'Brien stated that his motion to approve Sign 3 and 2, but not Sign 1.

Mr. Bredt stated Sign 3 or Sign 2.

Law Director O'Brien stated that Mr. Bredt can't do that.

Mr. Bredt replied, fine, help me. Take them one at a time.

Law Director O'Brien stated they could take them one at a time, but he thinks that based upon the discussion of the Board and their concerns that they put into the record; he thinks that they would need to come up with a package because you would eventually get to the last sign, and they would not know what to do with it.

Mrs. Fortlage stated that it seems to her that the practical difficulty or the closest thing they come to here was awareness by drivers that the place is there; and if they were looking for it, where the heck it is. Sign 4 deals with that issue better than anything the Board has seen previously; and that was why she voted for it, which by the way was both an additional sign as well as the size variance that was requested.

After that it seems to her that all the rest of the signage would be for people who are already in that parking lot. You can't see it, the angle that you have to turn your neck to see it, you would be driving by.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Building Official Gero stated that there was West Creek there, and all the people who were coming out of West Creek that the only thing that they would see; they wouldn't see Sign 1 at all.

Law Director O'Brien stated that they wouldn't see Sign 4 until they were back on Rockside Road.

Building Official Gero stated that they wouldn't see Sign 3 necessarily because it was on the pitched angle.

Mrs. Fortlage stated that she was not inclined to say zero.

Building Official Gero stated that he was just saying that there was a lot of traffic going down West Creek.

Mr. Bredt stated that if Sign 3 was on an angle they would see it.

Chairman Moreal stated that being said, the two awnings sign that he was putting into discussion, would be a lot lower than the canopy sign on the entrance. So, you not seeing those, that would be for decoration; and they were only doing two of them and not four of them. So, why would they do the two? That was why he didn't think those belong there, and he would be back to his original idea. He didn't want to make the motion. He would make the motion, he was trying to help the applicant out.

Mrs. Fortlage stated that there was signage over the entrance.

Chairman Moreal stated and to the Building Official's point about West Creek; the only sign you would see, you would see Sign 1 maybe. You wouldn't see the awnings. You wouldn't see Sign 3. Sign 1 or 3 you would probably pick up from West Creek looking over there. You would have to have something on that side of the building. He agrees with that, and he was thinking it should be the main entrance.

Mrs. Smith stated that she knows Sign 1 and 2 for sure.

Mrs. Fortlage asked Mrs. Smith if she liked those.

Mrs. Smith replied yes.

Chairman Moreal stated that he was good with Sign 1 and 2. Sign 3 would be their brand, and that might stand out a little more coming up from West Creek.

Mrs. Smith stated that she thought it would look nice, it would be dressed up.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 16, 2019**

Chairman Moreal stated that his contingency would be plain awnings.

Councilperson Asseff stated that they had an agreement on that.

A motion was made by Chairman Moreal, seconded by Judy Smith, to approve Sign 1, 2 and 3, subject to nothing being put on the awnings. The awnings would be recovered and plain. There would be no writing on any of the awnings.

Law Director O'Brien asked Ms. Ruff on the behalf of the applicant, if she was okay with that.

Ms. Ruff asked for the awnings just to be black?

Law Director O'Brien stated to be a solid color.

Ms. Ruff replied yes.

**ROLL CALL: Yeas: Moreal, Smith, Asseff
Nays: Bredt, Fortlage
MOTION CARRIED**

Ms. Ruff said thank you. She appreciated everything.

Mrs. Fortlage stated that Ms. Ruff should let the owner know that it was a big discussion, and the Board was not willing to hearing requests for more signs.

Ms. Ruff stated that she would let them know.

There being no further business, the Board of Zoning Appeals meeting of May 16, 2019 was adjourned at 6:39 p.m.

Chairman Mark Moreal

Debi Beal, Secretary

Minutes Unapproved at Time of Release 05/21/19

