

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, FEBRUARY 23, 2023**

CALL TO ORDER:

Chairwoman Masterson called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were Members Neil Thibodeaux, Linda Masterson, Shawn Kimble and Alternate Planning Commission Liaison Paul Graupmann.

Member James Cain was excused.

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Planning and Economic Development Director Kimberly Lieber, Council Liaison Cliff Winkel and Deputy Clerk of Council Tina Wieber.

MINUTES:

Member Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, December 22, 2022. Hearing none, the minutes stand as presented.

ELECTION OF OFFICERS:

Member Masterson opened the floor for nominations for Chairperson.

Moved by Kimble and seconded by Thibodeaux to nominate Linda Masterson for Chairperson.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Chairperson Masterson opened the floor for nominations for Vice-Chairperson.

Moved by Kimble and seconded by Masterson to nominate Neil Thibodeaux for Vice-Chairperson.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Chairperson Masterson opened the floor for nominations for Secretary.

Moved by Masterson and seconded by Thibodeaux to nominate Tina Wieber for Secretary.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Chairperson Masterson opened the floor for nominations for Board of Flood and Drainage Control

Liaison.

Moved by Kimble and seconded by Masterson to nominate James Cain for Board of Flood and Drainage Control Liaison.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Alternate Board of Flood and Drainage Control Liaison

Member Masterson opened the floor for nominations for Alternate Board of Flood and Drainage Control Liaison.

Moved by Masterson and seconded by Kimble to nominate Linda Masterson for Alternate Board of Flood and Drainage Control Liaison.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PLANNING COMMISSION REPORT:

None

CORRESPONDENCE:

Master Plan Update

Vice Chairman Thibodeaux explained that the master steering committee was starting Ridgeville Ready which will be a series of community workshops in North Ridgeville on February 28th at 6:30 pm to 8:00 pm at Liberty Elementary School, March 1st 4:30 pm to 6:00 pm at Fields United Methodist Church and March 2nd 12:00 pm to 1:30 pm at North Ridgeville Branch Library. He added that there were also virtual options that would be available on March 8th and March 10th and that participants should response to ridgevilleready.com for further information.

Board of Zoning and Building Appeals Training

Director Lieber stated that in the 2023 budget funds were allocated for training for Planning Commission and BZBA. She stated that as new members joined the Board and members changed, that it was the City's obligation to ensure that staff felt comfortable in their role and to be able to run meetings smoothly and that they knew the standards that they would need to apply to the particular projects that came up before them. She stated that funds had been allocated to engage a consultant to come in and conduct an approximately two-hour training with the Board. She commented that ahead of that they would take some input from the Board about types of topics they might be interested in seeing and hearing about. She added that she was interested to know when the Board might wish to have the meeting but that she wouldn't suggest having it on their normal meeting night due to the volume of cases that they might have before them. She mentioned that they could pick another weekday evening if they preferred or if they wanted to have it on a Saturday morning over coffee and donuts they could do that as well. She stated

that she would leave it to the Board to indicate their preference as to the timing that they would like to have that training. She commented that she and the Assistant Law Director would be speaking with a consultant at some point just about general scope over the coming weeks. She stated that the Deputy Clerk of Council would send around a poll to gauge their best availability.

PUBLIC HEARINGS:

PPZ2022-0157 Van's Auto Service and Tire Pros, 37775 Center Ridge Rd, PPN: 07-00-034-000-136

Applicant: Jeremy Weitzel, Agent, 37775 Property, LLC, 3960 Summit Rd, Norton, OH 44203.

Proposal consists of modification of existing pole sign. Property is zoned B-3 Highway Commercial District. Requests:

1. A 32 square foot variance for area of a pole sign; code allows 77 square feet, applicant shows 109 square feet, Section 1286.05(c)(1)(A). Note: Existing 77 square foot pole sign is grandfathered.

Application was read.

Chairwoman Masterson asked if there was a representative present.

Jeremy Weitzel, Van's Auto Service and Tire Pros, 3960 Summit Rd, Norton, OH 44203, was sworn in.

Dean Schramm, 41431 Schadden Rd, Elyria, OH 44035, was sworn in.

Chairwoman Masterson asked Mr. Weitzel to explain the application.

Mr. Weitzel explained that they had been in North Ridgeville for a while now and that they wanted a little more exposure for their signage by using changeable copy. He stated that their proposal was to add a typical changeable copy board like they had used in other municipalities to what they had but it was brought to light that there was a discrepancy in interpretation of the code. He stated that 15 square feet for a changeable copy versus 50 of 75 and there was still some ironing out to do there. He mentioned that their original variance request was for an additional 17 square feet to go above the standard 15 in practice. He stated that there was also a situation where they were told their sign was grandfathered and then now they were asking for a lot more square footage. He commented that it had been commonplace in North Ridgeville for variances to be granted when somebody felt like they wanted a little more square footage and that they weren't any different. He mentioned that he had a whole packet of examples of signs that exceed building quadrants. He stated that it wasn't like they were wanting big signs, but that they just wanted to add a changeable copy board more or less.

Mr. Schramm stated that if they looked at the example they provided, it was a common 4 by 8 foot sign. He remarked that it wasn't Las Vegas style or overwhelming. He stated that a smaller sign would be very difficult to read on that on that road going 45 miles per hour. He commented that it didn't look out of place and wasn't an obstruction and that it would look good in the neighborhood. He added that it was the best technology they could get currently and it was an upgrade for the City.

Chairwoman Masterson asked if they were confused as to why the Board asked them to come back and amend their application.

Mr. Weitzel stated that the last time they came they actually wanted to eliminate the static portion of the sign completely and replace it with just a digital board. He added that now they prepared a changeable

copy sign section to their existing sign, keeping that instead of getting rid of it.

Chairwoman Masterson asked if that was the only size that the sign came in.

Mr. Weitzel stated that it was limited. He mentioned that it was a modular design and it couldn't just be crimped down. He stated that he believed that they would have to go down in one foot chunks and that it was like rows and columns sort of like an Excel spreadsheet.

Mr. Schramm explained that they tried to make it as small as possible. He stated that they didn't make it a big square box but made it a 4 by 8 which was a common size. He added that in looking at the pictures the sign wasn't overwhelming. He said it sounded like a lot of square footage but when looking at the sign in the picture, it wasn't overwhelming. He mentioned that even when it was Johnson Tire Center, they had a big Good Year sign and they had a big changeable copy sign that was underneath that sign.

Mr. Weitzel then provided examples of other signs throughout the City and stated that he made notes on each one as to the square footage.

Mr. Schramm stated that right down the road from them at the putt-putt golf they had three individual changeable copy signs. He commented that every sign they had also had a changeable copy sign and they had a sign that was just changeable copy.

Director Lieber stated that the original proposal brought before the Board in December was a 50 square foot sign. She explained that currently there was a 77 square foot existing sign and the proposal was to remove that and install a 50 square foot sign. She stated that it seemed to her at that meeting that the Board felt a level of discomfort with their request and so the applicant requested to be tabled and come back with a proposal that might better meet what the Board may be wishing to see. She mentioned that she didn't believe coming back and going from a 50 square foot digital sign to 109 square feet of signage was the direction that she took the Board to be giving the applicant. She added that she had shared that input with the applicant. She explained that the sign was already bigger than a pole sign would be allowed to be constructed today. She stated that it existed because of past variances granted, however; even if it were to include changeable copy currently, it would still be two square feet over the maximum total size. She commented that at 77 square feet it was still two feet greater than what would be permitted and the idea of adding a few square feet more, she didn't think was reasonable. She mentioned that there wasn't anything particularly unique about the property where they couldn't use that existing 77 square foot allocation and to propose something that would comply with either past variances granted or the current code. She added that they had a generous amount of wall signage on the building that was at a regular setback from the road and that she had heard the Board state in the past that they looked at every property based upon the unique conditions. She stated that whatever may have been granted in the past to other properties was with different circumstances and she didn't see that it necessarily applied to that case.

Assistant Law Director Morgan stated that she agreed with what the Director said. She mentioned that she wanted to bring the Board back to the legal standards and issues of uniqueness of the property. She discussed that in real estate every property was considered to be unique. She commented that they needed to look at the Duncan Factors, which was something that they had to do and that some of the questions were part of the application. She explained that what they were looking for was, "What was the practical difficulty", which was a lower standard and for anything that involved setbacks or size would be an area variance. She stated that one of the biggest things that the Duncan Factors would look at was if

there was a reasonable return on the property or a beneficial use of the property if they didn't get the variance. She added that since Van's was a successful business and a great asset to the City, they already knew that without the variance they did very well. She mentioned that they were already over a couple of feet for the maximum size allowed with changeable copy. She added that they would be going for what amounted to about a 45 percent increase, which was substantial. She commented that anytime they received a request over 10% or 20% they started to wonder how big could they go and was it too big. She asked, "Was this property already zoned in this way or was the property already limited by the size sign when they bought it?" and yes, it was. She explained that the ordinance hadn't changed. She added that another thing to consider was "Are there other solutions?" and that was something she would ask the Board to look at as well in making their decision. She asked, "Could they take the sign that they already had and have already gotten variances for and already had the maximum amount of space that would be allowed and could they stay within the parameters of that sign?, would also be somethings to consider. She explained that there was another solution that was hard to see considering that it was already a thriving business that they could operate without the variance, which was another thing for the Board to consider under Duncan. She added that as far as other signs in the City, the idea of precedent, because every property was unique, when looking at the property and what it gave you and then apply the Duncan Factors to determine if the Board wanted to give the variance or not. She stated that the weighing that was done every time would always be different for every single property. She stated that the only time precedent became an issue would be something akin to if there were six houses in a row that got the same variance, why wouldn't the seventh house not get it and then they might look at the idea of "Are you setting a precedent?". She stated that they used to have the two front yards issue and those were generally treated the same as well. She mentioned that by in large they were apples and oranges in comparison. She commented that she would ask the Board to take into account the Duncan factors in looking for what was their practical difficulty.

Mr. Schramm stated that he felt there was a slight misrepresentation. He explained that when they were there previously for the 50 square foot, it wasn't a square foot issue they had a situation with, the Board didn't like the proposal with the full digital sign. He stated that they said they wanted an ID sign and a digital sign separately. He stated that that was why they were before the Board. He added that they wanted a 50 square foot full digital sign so that they could display their advertisements and then they would advertise Van's every single moment. He stated that it would be a much better result than what they currently had and the Board still didn't want to do that. He commented that if they had given them the 50 square foot sign that they wanted originally, that was a more positive solution than what was currently being presented. He stated that they were trying to take a bad situation and make it into a positive situation for them. He stated that Xtreme Auto right down the street had a big changeable copy sign and it wasn't fair for them to be given the laws unequally applicable to them as they were to other people. He stated that because Van's had a lot of cars the Board was thinking it's a great successful business but they didn't really know the return. He added that they advertised many different products that people needed to see. He mentioned that they didn't just do tires. He discussed that they did a lot of other things but customers couldn't see that and it looked like they were just a tire store. He stated that was why it was so imperative that they had that changeable copy sign. He commented that it was very important for them to get their products out there and the biggest thing would be a nice looking sign. He stated that they did have a particular problem at their location and it was the size of the lot. He said it was terrible. He stated that they had the pole on the corner but they would like to have a bigger ground sign. He stated that there wasn't any parking at their place and it was very difficult. He discussed that that was why they were adding a changeable copy sign to the existing pole sign. He added that they didn't come in for a Las Vegas sign or try to get the biggest and best signs but Van's was trying to run a nice business. He stated that they were there to give them a better sign because for the 50 square foot the

Board chose not to take that sign and this was their other option. He commented that he could believe they couldn't see how great Josh was doing for the City and how much he was bending over acquiescing for them.

Chairwoman Masterson stated that while she appreciated him being so passionate about the sign, Van's had been in front of the Board numerous times for variances that they had considered and had granted in the past.

Mr. Weitzel stated that he wasn't aware of that.

Chairwoman Masterson stated that Mr. Weitzel wasn't at the last meeting and at the last meeting what the Board had a problem with was the sign being all digital.

Mr. Weitzel stated that was correct and he remembered.

Chairwoman Masterson stated that they had spoken with the Planning and Economic Development Director and they probably also had spoken with the Chief Building Official. She explained that what they were trying to do was to take each and every sign in and of itself on its own merit. She stated that they needed to prove to the Board why they needed the sign. She commented that because they had bills wasn't something that they could consider.

Mr. Schramm stated that their hardship was getting all of their services represented to the customers and just having a name up there wasn't sufficient enough. He commented that that was why they were forgoing having a pole sign with their name on it, so that they could have a display that would display it and that was the more beneficial part of it. He mentioned that in his personal opinion he didn't understand how a digital sign with a static sign was better than just a digital sign that was smaller.

Mr. Weitzel explained that they did have substantial building signage but the difficulty was that the neighboring lot was lush with trees which was lovely and their building was canted to the west so anybody coming from the east would be rather challenged to put it all together rather quickly and that even if they knew where they were going, they needed to be quick when making decisions like where they needed to turn and as they would be coming up there and looking at traffic. He stated that he used to be in the sign business for 20 years but currently had no sign skin in the game and wouldn't be making any money off the sign as he worked for Van's and was on salary. He stated that in terms of size, if they did reduce the changeable copy portion, it would become more of a hazard because whatever was put up there would be harder to figure out in a timely fashion and that coming from the east side you couldn't see any building signage until they were just on a bunch of cars.

Chairwoman Masterson asked if any members of the Board had any questions or comments.

None were given.

Chairwoman Masterson asked Chief Building Official Fursdon if he wanted to add anything.

Chief Building Official Fursdon stated that he believed at the last meeting the biggest concern was that 50 square foot sign was all changeable copy and none of it was static. He mentioned that for the last 31 years the interpretation and enforcement of the sign ordinance for pole signs was 60 square feet and in addition they could add 15 square feet of changeable copy. He added that what they were proposing as he stated on the phone with the current sign, they were actually asking for 17 square feet more

changeable copy than what the ordinance allowed. He commented that on top of that, they already had a sign that exceeded the pole sign limitation. He stated that they were up over 100 square feet for signage there. He stated that he thought an alternative was offered to go back to the 50 square foot sign and make a portion of that sign static and have a portion of that changeable copy. He added that in his mind, if they did something where they had 30 square feet of changeable copy and 20 square feet of static that may be more palatable to the Board than to see what they currently had presented.

Member Kimble stated that he wasn't present at the December meeting but his interpretation when he watched the replay on YouTube was that it was going to be a sign within limit that had a smaller changeable copy area. He mentioned that they were proposing a complete 50 square foot 100% changeable copy sign at the time and that seemed to be the issue from what the Board was talking about. He stated that they were going from 50 to 32 square feet but wanting to keep the larger sign on top of that as well. He commented that they essentially came back with a modified plan that was substantially larger than what they were asking for last time. He added that the difference between 32 square feet and 50 square feet driving down the road, he didn't think many motorists would be able to tell the difference.

Mr. Schramm stated that what happened was that the size of the letters became significantly different at different speeds. He mentioned that they had charts on that. He stated that six-foot letter at 35 miles an hour was okay if it was 25 feet away from the road but if it was 45 feet away from the road it would become a traffic hazard. He added that they had charts that worked on the sizing and that was why they came up with that. He stated that for readability they looked at different sizes for different speeds.

Chairwoman Masterson asked Director Lieber if she also approached Van's once she had seen the application.

Director Lieber stated that was correct and that she did express to the applicant her concerns about what was being brought before the Board at the end of the last meeting. She stated that she would support it if they were to live within their square footage and half of it were to be changeable and half of it were to be static, she could get behind that but the current application was going from 77 to 109, she couldn't see that the burden was met. She thought there were other options that they just hadn't discovered.

Mr. Schramm asked if what they wanted to see was a 70 square foot sign with 50 percent static and 50 percent digital, if that would be something they would consider.

Director Lieber stated that she wasn't a decision maker but she did indicate that she could support something of that nature but that it was the Boards' determination.

Chief Building Official commented that the Board got the vote.

Council Liaison Winkel stated that the decision didn't have to be made at that meeting and could be tabled again.

Assistant Law Director Morgan stated that she didn't think there was a Robert's Rule against it but it was highly unusual.

Council Liaison Winkel stated that in the interest of trying to help one of the City's businesses come to a solution that could be agreeable, perhaps the discussion that they had already starting having with Mr. Fursdon and Ms. Lieber talking about options that may work, if it was legal to do so, maybe an

opportunity could be proposed and altered that would be satisfactory.

Chairwoman Masterson stated that what she was having a problem with was that she asked them to reduce the size and they came back with more. She added that employees of the City gave them direction and they chose not to follow that direction.

Mr. Schramm asked if that was the same meeting he was in because it was just about the full digital display. He added that he didn't know if there were other conversations that he wasn't privy to. He stated that at the meeting he attended it was just that they didn't like the full digital display and no one said to reduce it unless he was confused. He asked if they could say that with the current 77 square foot sign, they could use that but would have to come back with a 50/50.

Assistant Law Director Morgan stated that they could make a decision but if it didn't pass that would be another fee if they wanted to come back. She stated that she didn't believe there were any Robert's Rules against tabling it twice. She stated that she didn't believe that had come up before but that it would probably be ok.

Chairwoman Masterson asked what the conversation was the Director Lieber had. She asked if it was with the two gentlemen.

Director Lieber stated that she had communication with Mr. Weitzel over email.

Mr. Weitzel asked about the Duncan factors.

Assistant Law Director Morgan stated that Duncan Middlefield was an Ohio Supreme Court Case that talked about what the Board had to look at.

Mr. Weitzel asked if that was something they had only recently been using.

Assistant Law Director Morgan stated that no, it was actually part of the application.

Chairwoman Masterson stated that everyone got tired of her repeating it at every meeting so they incorporated it into the application.

Mr. Weitzel stated that the reason he asked was that he received the minutes of two variance meetings for two others and they used it to set precedence. He mentioned that one was for Sportsville down the street. He mentioned that they stated they needed bigger signage to advertise all of the different things that they did. He commented that they had gone from one compliant sign, which was a 16 square foot box with a changeable copy board underneath it to another of identical square footage. He stated they had a background and a foreground and there was a sign in the middle. He explained that the reason he asked about the Duncan factors was because nowhere in those minutes was there any question. He stated that the applicant just said, I need more signage and it was voted on and was given it. He added that they weren't asking for anything more but were just saying that they wanted to advertise all of their services.

Mr. Schramm commented that if he took the sign and brought the ends in and made it a 40 square foot sign and it was five foot tall, they were at 77 square feet, he could make a 32 square foot sign with three by eight digital sign, that option would be 40 feet, it would be 32 square feet of signage that would be less

than what they had currently. He stated that they would need something a little larger like 40 square feet and their changeable copy sign would be 32 square feet and he thought everyone would be happy and would love that. He asked if that would work.

Assistant Law Director Morgan stated that the applicant had to tell them what they wanted. She explained that what their thoughts were and what they felt comfortable with, that the Board was relying on what the applicant wanted to do.

Mr. Schramm stated that they thought it would be very positive for the Board and then they wouldn't have to come back anymore.

Chairwoman Masterson stated that they would be coming back.

Mr. Schramm stated that they would put that representation together for them to review and he felt it would be right along the lines of what the Board would accept. He stated that it would give them the static ID sign and their digital display and they could modify that sign to save some money to make it the 40 square feet.

Chairwoman Masterson stated that they had two options. She stated that they would vote on what was presented, because at the last meeting they were asked to come back with less than and they came back with more than. She commented that the Administration did their due diligence by reaching out to the applicant and gave them a different direction in regards to their most recent application. She explained that the Assistant Law Director also told them that each and every application was taken in on its own merit. She stated that she could table it and have them come back again or they could proceed with the vote. She stated that if she allowed them to come back again and they came back again with more than, she wouldn't be giving them a third shot on it. She added that the Board wouldn't tell them what they wanted them to do. She stated that it was the applicant's job to follow through with other people. She asked the applicant if they wanted to table the application or have the Board to vote on what they had presented.

Mr. Schramm stated that they wanted to table the application.

Mr. Weitzel asked for some clarification. He stated that he wasn't there but he fully understood what went down at the last meeting. He explained that they came with a 50 square foot sign, which was below square footage allowance, however; the issue was that they were asking for 100% changeable copy. He discussed that when the Chairwoman told them to come back with less than, what did that mean.

Mr. Schramm stated that they were confused.

Chief Building Official Fursdon stated that it meant less changeable copy.

Mr. Weitzel stated that they did come back with less changeable copy.

Chairwoman Masterson stated but with a second sign.

Mr. Weitzel stated that when he put it together that he had sent an email to both Mr. Fursdon and Ms. Lieber saying, "Hey I want professional opinions on this proposal". He didn't want waste his or the Board's time. He stated that he almost immediately got a call back from Mr. Fursdon and they talked

about it over the phone and he said they didn't even need to think about their other sign because it was grandfathered and that basically they were asking for 17 square foot variance to go above the usual 15 square foot for changeable copy. He stated that was on a Thursday or Friday. He explained that on Monday Kim had emailed him and stated that she didn't support it and then they had a phone conversation. He mentioned that he was getting polar opposites from each of them in that Mr. Fursdon felt like what they were asking for was reasonable and wasn't excessive. He added that apparently it was over the square footage but that wasn't uncommon in town as the Board had seen.

Assistant Law Director Morgan stated that when talking to people coming from two different perspectives, what they were getting was all accurate information but then when they tried to reconcile what they were hearing, not being as familiar as they are with it, they weren't interpreting it the way that they were saying it. She stated that the square footage on the changeable copy part was 17 square feet more than what would normally be there but it was also true that the sign they already had was bigger than what they would normally get with changeable copy. She stated that they needed to put the two together but the way they decided to put them together was the complete opposite of what the Board thought they might.

Mr. Weitzel stated that it wasn't a situation where the Board said to come back with less and they just came up with more. He discussed that some research went into what was considered acceptable and what had been given variances for and what was their least cost alternative, which was keeping what they had and adding a smaller version of what they had originally wanted underneath. He stated that with what had been granted in the City and with conversations with Mr. Fursdon and Ms. Lieber, he knew there were some differences of opinion on it but he didn't feel like he was proposing anything bizarre or selfish.

Chairwoman Masterson stated that she didn't mean to imply that that's what they were doing. She added that he had talked to Mr. Fursdon and to Ms. Lieber and got their information but then the applicant put together what they said. She added that he didn't have a meeting with the two of them. She stated that they both were giving them the best information to the questions they were presenting to them. She stated that she didn't believe that either one of them was trying to mislead them or give him conflicting information.

Mr. Weitzel stated that he didn't take it as anything deliberate but took it as one person was cooler with it than the other and that was fine.

Mr. Schramm stated that the choice was for the Board to table it or they could vote and it could be denied. He suggested Mr. Weitzel table it and they could resubmit new paperwork. He stated that it would be reviewed and there would be a new meeting.

Chairwoman Masterson stated that they needed to decide on whether they wanted it tabled or voted on.

Mr. Weitzel remarked that he felt he presented a good case and had given examples and he wanted them to go ahead and vote on it.

Moved by Masterson and seconded by Thibodeaux to deny the application.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2023-0166 Scooter's Coffee, 34522 Center Ridge Rd, PPN: 07-00-016-101-054

Applicant: Alicia Walton, Springfield Sign, 4825 Kearney St, Springfield MO, 65803.

Proposal consists of a sign package. Property is zoned B-3 Highway Commercial District. Requests:

1. A 122.66 square foot variance for area of building signs; applicant shows 158.66 square feet, code permits 36 square feet, Section 1286.05(c)(2).
2. An 11 foot variance for setback of a ground sign; applicant shows sign set back 1 foot from right-of-way, Section 1286.06(e).

Application was read along with the Chief Building Official's recommendations.

Chairwoman Masterson asked if there was a representative present.

Kathy Clark, Ace Lighting, 1260 Moore Rd, Avon, OH 44011 was sworn in.

Chairwoman Masterson asked Ms. Clark to explain her application.

Ms. Clark stated that the new Scooter's Coffee Shop was a drive-thru only very small footprint building which would actually mean a very small sign. She commented that their corporate identity was before the Board and showed the Scooter's Coffee signs and logo and they also had a monument sign as well as the little drive-thru sign.

Chairwoman Masterson asked if there was an alternative and what was Scooter's hardship.

Ms. Clark stated that the hardship was that it was a new company coming into the City and they wanted to be seen from every direction. She mentioned that the setback was off the road a little bit and the big car wash was next to it. She stated that the hardship was getting customers in safely through the drive-thru and being seen from both directions.

Assistant Law Director Morgan stated that when she did the math it was a big request of a 77% variance. She stated that the Board needed to make sure that they were comfortable with whatever they decided and that they saw and articulated what, if any, the practical difficulties may be for that applicant's request.

Chairwoman Masterson asked if the practical difficulty was just that they wanted to be seen.

Ms. Clark stated it was that as well as getting the customers safely through where they pulled in by the car wash. She stated that she didn't think there was a light there yet, so to direct them away from the car wash to the drive-thru. She remarked that she knew it was a big sign package.

Chief Building Official Fursdon stated that they weren't getting a variance for that though.

Ms. Clark stated that was correct. She stated that it was for the sign.

Chief Building Official Fursdon stated it was for the one on the building and the ground sign setback. He added that Center Ridge Road was a busy road and that one foot off of the right-of-way was pretty close to the right-of-way for a ground sign and that could be a safety concern.

Chairwoman Masterson stated that there were two different variances and that one was for the setback and one was for the building sign.

Chief Building Official Fursdon commented that he thought the practical difficulty was that they had such a small footprint building and they would have very little signage opportunity. He added that whether or not the Board wanted to grant that much signage to them was entirely up to them but that was part of their practical difficulty.

Director Lieber stated that in regards to variance number one, because of the extreme narrowness of the building, it would mean a fairly small wall sign allocation. She commented that it was more like something one would find in like a plaza with a small tenant space. She stated that the applicant did remove a sign on the rear elevation which they were originally proposing. She discussed that if they limited signage to the front of the building they would not have great visibility for people either coming east or west on Center Ridge Road. She added that she believed there was some amount of variance that was warranted for the wall sign area whether or not it was the request before them that was up to the Board to decide. She stated that she did believe that more than 36 square feet was warranted for that building. She stated that in regards to the ground sign that they were proposing, she was pleased to see that they were proposing a ground sign and not a pole sign. She mentioned that she wanted to point out that the location of the proposed monument sign was quite a distance away from the single curb cut into the property. She stated that it was very far placed to the east and wouldn't be in close proximity to where vehicles would be pulling in and out of the site to where it would be blocking visibility. She added that she wasn't sure if it was shown very clearly on what the applicant had submitted but there was the area in front of Scooter's and the car wash and an auto parts store next door and regarding that little area, the right-of-way in that area was wider than the surrounding properties. She explained that after getting past Scooter's, the right-of-way narrowed up to off the back of the sidewalk. She commented that in that particular area the right-of-way was about an additional 15 feet beyond the sidewalk. She stated that when thinking about one foot off the right-of-way, it sounded like it would be right up on the sidewalk and very close, but the reality in that case was because of that extra area of right-of-way just at the property there was kind of a natural setback. She mentioned that it wouldn't be where they would be walking down the road and if you were swinging your arms too aggressively you're going to hit the ground sign. She added that it would still be setback from the pedestrian path quite a distance. She said that was something unusual about the lot that you wouldn't necessarily notice looking at the sign package until you looked at an Auditor map to see that additional right-of-way width at that location.

Chairwoman Masterson mentioned that it was the north side of Center Ridge Road which was lower than the south side of Center Ridge Road. She asked if there were any members of the Board that had any questions or comments.

Member Kimble stated that he agreed with the building sign and the addition of the monument sign versus a pole sign and that it was far more aesthetic and more of what the City was going for moving forward. He mentioned that there was a way to reduce the amount of the variance, which would be to take Scooter's Coffee drive-thru off of the west side of the building and that could get them down to more reasonable numbers that wouldn't shock the Law Department so much. He added that then visually it would look awkward like there should be sign there. He commented that it was something that he thought the Board should take into consideration when making its' vote that having something being visually coherent and look correct was probably more important than a number on a piece of paper.

Member Thibodeaux mentioned that Scooter's was a large franchise and that he pulled up Google Maps and started looking up the franchises in Michigan and Ohio and that it was respectful signage and all of the ones he pulled up appeared to be well kept and fit into the environment.

Ms. Clark commented that she wasn't told that the rear sign came off the package that she was sent. She asked if it was taken off of the square footage.

Director Lieber stated that it was. She commented that it was previously 180 square feet.

Chairwoman Masterson stated that she did the same research that Member Thibodeaux did. She mentioned that regarding their practical difficulty, they wouldn't have customers go into their building. She stated that everybody would drive in and drive out. She commented that they weren't like Dunkin Donuts or Starbucks and that no one would be going into the facility.

Ms. Clark stated that besides employees that was correct.

Chairwoman Masterson stated that she appreciated the removal of the sign from the back of the building. She explained that because of the way the property sat and the natural incline, it wouldn't have been seen anyway. She commented that the signs they were asking for were being put onto the structure itself and not being put onto a pole sign. She added that the previous applicant had an established business and they didn't and they were coming in and making a huge investment into the City. She stated that as far as the signs went they had done a very good job of explaining their practical difficulty. She stated that as far as the setback went, they changed the way that the sidewalk sat, which changed the setbacks. She explained that concerns for monument signs were for visual obstruction and that they didn't want anyone to be blindsided. She added that Director Lieber did a good job explaining that it was quite a distance away from the curb cut so that wasn't a concern. She asked Assistant Law Director Morgan if they would be voting on both variances as one or each separately.

Assistant Law Director Morgan stated that because someone may want to vote yes on one and no on the other, she recommended voting on them separately.

Chief Building Official Fursdon stated that the plot plan that was shown had shown two locations for the monument sign and asked if the actual location was the "C" marked on the drawing or if it was possibly the proposed one farther up on the page closer to the drive apron.

Ms. Clark stated that "C" was the monument sign.

Chief Building Official Fursdon stated that in looking on the plan next to "E" it stated, "Proposed monument sign".

Ms. Clark stated that she didn't think it was anything.

Director Lieber stated that it was a directional.

Chief Building Official Fursdon stated that he thought the directional sign was over on the grass area.

Director Lieber stated that there were multiple direction signs.

Chief Building Official Fursdon stated that he only knew of two "E" and "F".

Director Lieber stated that was correct.

Chief Building Official pointed to "F" and then stated that he thought "E" was on the grass area. He stated that next to the "C" it stated proposed monument sign and he just wanted to clarify that it wasn't going there.

Ms. Clark stated that there was only one monument sign.

Chief Building Official Fursdon commented going in the "C" location as indicated on the plans.

Ms. Clark stated that was correct.

Moved by Masterson and seconded by Thibodeaux to approve the 11 foot variance for setback of a ground sign located on the plan as "C".

A roll call vote was taken and the motion carried.

Yes - 4 No - 0

Moved by Masterson and seconded by Graupmann to approve the 122.66 square foot variance for area of building signs.

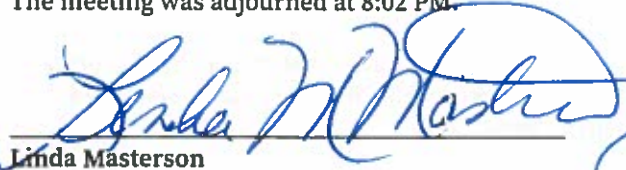
A roll call vote was taken and the motion carried.

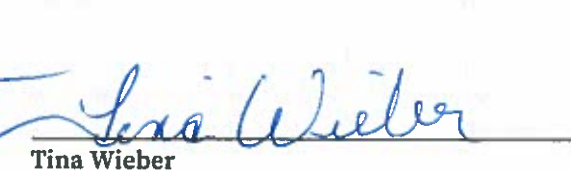
Yes - 4

No - 0

ADJOURNMENT:

The meeting was adjourned at 8:02 PM.


Linda Masterson
Chairwoman


Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, March 23, 2023

Date Approved