

Meeting Minutes of
Board of Zoning Appeals
Held February 6, 2020

Members Present: Norton, Gess, Miller, Burke, Bruno and Tyo
Excused: Young
Also Present: Eric Tuck-Macalla (Building Director) and Councilwoman DeGeorge
Audience: Kim Franklin, Martha Raymond, Jessica Breslin and Gina and Tom Crawford

**Full recording of the meeting is permanently available on the City of Bay Village website under City Government/Board of Zoning Appeals.*

Mr. Norton called the meeting to order at 7:32 p.m.

Motion by Mr. Bruno, **second** by Mr. Gess to approve the minutes of the meeting held January 16, 2020 as prepared and distributed.

Motion passed 6-0.

Mr. Norton noted for the record that the January 16, 2020 minutes were the longest set of minutes for a single case that he was aware of. Ms. Vincent did a fabulous job of documenting them.

Mr. Norton acknowledged Ms. Vincent's predecessor, Joan Kemper, who has been the Board's teacher on how the Board of Zoning Appeals Functions. Joan celebrated her 80th birthday and her boots are still in the saddle and she is still taking care of us all.

HBM Architects/Cuyahoga Public Library:
Bay Village Branch
27400 Wolf Road

The applicant is requesting two variances per C.O. 1179.05-(Design Criteria) and 1127.04(d)(e) to install more than one freestanding ground sign and to increase the size from the permitted 30 sq. ft. per side of sign to 42 sq. ft. for the rear sign (40%) and an increase from 30 sq. ft. to 58 sq. ft. (93%) for the front sign.

Mr. Norton discussed the second agenda item and explained that the Board has had an opportunity visit the site and review the application.

Mr. Norton asked if there was further discussion.

Stephanie Peters, associate with HBM Architects and project architect for the Bay Village Library, introduced herself. She shared the overall site plan for the project. They are seeking a variance for the size and location for a number of monument signs. The first monument sign is the primary monument sign along Wolf Road. It is set 15' back from the right of way. Its primary job is to have the name and location of the Library and it will have an LED sign in it that will advertise upcoming programs or messages from the Library. The second sign is to north and it is the main access into the parking lot and through the campus. This monument sign will only have the pin mounted letters with the Library name on both sides of the sign to indicate the location.

Ms. Peters shared an elevation of both monument signs. The monument sign along Wolf Road is approximately 6'6" long and 2'6" tall. It will be a simple LED sign with a black background and one color for the text. There will not be any flashing or moving of the letters. It will not be overly distracting in any way. To the right there will be simple pin mounted anodized letters that say, "Cuyahoga County Public Library: Bay Village Branch" with the address. It will be placed on both sides of the sign so traffic traveling east and west can view it.

Ms. Peters shared the smaller sign that will be placed to the north of the parking lot. This will only have the name of the Library and the address on both sides of the sign. The pin mounted letters will be back lit. The brick used is the same brick that has been approved for the building. (dark gray graphite tone) They are proposing a cast stone cap. The landscaping will have low plantings wrapping around both of the signs. The landscape architect is proposing a lower flowing plant around both signs.

Ms. Peters shared an early on rendering of the Library that showed the intent of the proposed signs. She also showed the various monument and LED signs that are currently in the vicinity of the proposed Library location.

Mr. Miller asked what the density of the pixels were going to be for the LED sign. He asked if they were going to be "clean" graphics.

Ms. Peters could not remember what the pixels were on the monitor but she assumed they would be similar to City Hall's LED sign. She explained it will have a black background with a single color lettering.

Mr. Norton asked if there were any other questions. He noted that when the sign ordinances were last updated, it was not as common to have a sign with electronic information incorporated into the monument sign. When you are trying to have an electronic bulletin board as well identification, it takes up more space to do the two functions.

Councilwoman DeGeorge asked a procedural question. The application states that the Board must look at certain criteria in order to grant a variance. She wondered if that was waved for signs. (the practical difficulty, necessary hardship and the refusal would deprive the owner of the

property rights) Given that this is Cahoon Park and not CCPL property itself, she wondered if that made a difference in how a decision is made.

Mr. Norton stated that he is not sure that it does. In this kind of situation there is an ordinance that is very specific. It is only talking about the square foot size of a sign. It may be difficult to make the case in the same sense of those three criteria which is the criteria the Board is supposed to consider. But they do not necessarily make an individual judgement on each criteria. You may argue on how does it violate the property rights, the fact that this is the City's property and the City wrote the Ordinance. It is being used by the City for the community. It is difficult to always apply the precise definition that might normally be applied to a variance. This might have been referred to as a Special Permit versus a variance but because the sign ordinance is an ordinance, it is needed to be called a variance.

Mr. Miller asked from a designer's perspective, when the traffic flow on Wolf Road was evaluated and the scale of the sign was decided on, was there some thought that a scaled down version would not be as noticeable?

Ms. Peters explained that the design of the sign started from the Planning Commission in regard to monumentality and the building having a more civic feeling that tied in with the Park as a whole. The site wall that became the monument sign was there to be a statelier sign for the area. The size of the screen is based on being able to get the message across and it was based off of other Cuyahoga County library LED signs. The length of the name, "Cuyahoga County Public Library: Bay Village Branch", also went into the size consideration. They wanted the Library to have easy recognition and be able to get their advertising out to the community.

Mr. Bruno stated that given the fact that there is Dwyer Center and City Hall in the same area of the Library, it is reasonable to have considerable signage to properly identify it.

Mr. Burke went back to Ms. DeGeorge's comments. He explained that the Board is not required to give the same weight to each of the three items. Recently, there was a sign variance request for one of the church's in town. The Board looks more to the third criteria, bringing the appeal will not be contrary to the purpose and intent of the Code. Based on the size of the project, it seems like the signage is appropriate and proportionate.

Mr. Bruno agreed and explained that there is certainly a uniqueness to the property.

Mr. Tyo added that from the standpoint of uniformity within the City, it is appropriate as well.

Mr. Norton asked if there was further discussion of questions.

Martha Raymond, audience member, explained that through Facebook posts, residents are not happy about having a sign like that in proximity to other similar signs. She wondered why all of the sudden it was decided that the sign needed to be doubled in size. (in relation to the Ordinance)

Mr. Norton explained that it is not as if the size of the sign increased from a previous proposed sign. The Ordinance states that you are allowed a certain number of square feet and this is 93% bigger than that. This is their first request and design for a sign. This is more like judging two signs because in today's world, we use electronic bulletin boards as a tool to announce events and communicate to the public at large. The sign Ordinance was written before LED signs were used and only used as identification. He thinks it is reasonable to be very flexible. Someday Council may decide to rewrite the Ordinance for these types of applications and make it more generous.

Ms. Raymond discussed out of town visitors coming west down Wolf Road to the Library. Due to no entrance on Wolf Road, they will have to go around the block to get into the Library.

Mr. Norton said yes, they would have to figure it out and depending on which direction they come from they would have to understand the location to find the parking lot but that would be in any case. They could propose at a future date that auxiliary signs be put up to better direct traffic to the location of the Library.

Mr. Miller explained that the City does have a sign program at Cahoon Park notifying the community of what is in the area and he assumes the Library will be added to the playground entrance.

Mr. Norton agreed and stated that it will help direct the community and outside visitors to the Library's parking lot.

Mr. Miller explained that he attended some of the early planning meetings and more people were against having an entrance off of Wolf Road.

Ms. Peters stated that they were following the Master Plan that was put out by the City. One of the requests was to not have a cutoff off on Wolf Road.

Mr. Norton asked if there were any other questions or a motion.

Motion by Mr. Bruno, **second** by Mr. Tyo that the applicant at 27400 Wolf Road be granted two variances from the requirements of C.O. 1179.05 and 1127.04(d)(e) to install more than one freestanding ground sign and to increase the size from the permitted 30 sq. ft. per side of sign to 42 sq. ft. for the rear sign and an increase from 30 sq. ft. to 58 sq. ft. for the front sign per the application as prepared and submitted.

Roll Call Vote:

Yeas – Norton, Burke, Bruno, Tyo, Miller

Abstain- Gess

Nays-

Motion Passed-5-0

Mr. Miller asked about the construction timeline.

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Mr. Gess explained that they just got the bid documents and hope to get bids by the end of the month. The Library has legal things to work out with the City and the Transfer of Land Agreement that is separate. They are hoping it will be the end of April beginning of May.

Mr. Miller asked if there will be any service interruptions.

Ms. Breslin stated that they will be closed for one week to transfer all the materials.

Gina Crawford
26118 Lake Road

The applicant is requesting two variances per C.O. 1359.01-(Installation requirements) and 1370.05-(Residential use location requirements) to install air conditioning condensers and generator within 10' of the west side lot line, requesting a variance of 3'.

Mr. Norton discussed the third agenda item and explained that the Board has had an opportunity visit the site and review the application.

Mr. Norton asked if there was discussion.

Mr. Bruno noted that the decibel rating on the unit is exceptionally good and far below what they prefer. (65)

Ms. Crawford introduced herself and her husband, Tom. She explained that they are building a house at 26118 Lake Road. They are requesting the variance because it is a unique property. They are building the house to current Code. The neighboring house to the west is situated really close to the Lake. Their air conditioners would have to be placed in the backyard. It would be directly in visual sight to the neighbors and for them. They are requesting to move the units back to where no one would be able to see them. It would be toward the front left side of the home. It will be landscaped in that area and there is a porch located near there. It will not be visible from the street, neighbors or them. She shared a visually depictions of the proposed location via photographs. Both neighbors have their units on their side yards.

Mr. Bruno clarified that the neighbor to the left has their units in the same location on their property that the Crawford's are proposing. (Their east property line, the Crawford's west property line)

Mr. Norton clarified that their neighbor's units are in a similar situation as far as distance to the property line. It appears that they are less than 10' from the property line.

Ms. Crawford agreed and stated that they are about 2' from the property line.

Mr. Norton asked Mr. Tuck-Macalla if he knew if there was a variance requested or granted for the neighbor. Their units are not concealed and they should be screened year round.

Mr. Tuck-Macalla was not sure.

Mr. Norton asked that the Building Department look that up to see if they were given a variance and to remind them it needs to be screened or to see if they ever requested a variance in the first place.

Mr. Norton explained that it seems perfectly reasonable that both the generator and the air conditioners are there since it is a similar situation as the neighbor.

Mr. Miller stated it was the same for the neighbor to the east. Their generator is not covered.

Mr. Norton stated that this may go back to when SafeBuilt was running the Building Department. The Building Department under Eric's leadership is following through and making sure that when a variance is granted, it is fulfilled properly.

Mr. Miller stated that the neighbor's units pertain to the Crawford's as well.

Ms. Crawford agreed and stated that they can see both of their units when they pull in the driveway and when they are looking out in the backyard. They will have to do significant landscaping to hide the units.

Mr. Norton explained that normally when the Board grants a variance they are obligated, in order to get that variance, to screen it year round. (decorative fencing or year round vegetation)

Mr. Norton asked if there were any other questions from the Board.

Mr. Norton asked if there was further discussion or a motion.

Motion by Mr. Burke, **second** by Mr. Bruno that the applicant at 26118 Lake Road be granted two variances from the requirements of C.O. 1359.01 and 1370.05 to install air conditioning condensers and generator 3' setback from the west side lot line per the application as prepared and submitted provided that the air conditioning units and generator will be screened by year round screening.

Roll Call Vote:

Yeas – Norton, Burke, Gess, Bruno, Tyo, Miller

Nays-

Motion Passed-6-0

Sal's Heating and Cooling/
Kimberley Franklin
24024 Knickerbocker Road

The applicant is requesting a variance per C.O. 1359.01-(Installation requirements) to install an air conditioning condenser approximately 6' from the side lot line, requesting a 4' variance.

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Mr. Norton discussed the fourth agenda item and explained that the Board has had an opportunity visit the site and review the application.

Ms. Franklin presented photos to the Board. She explained that the unit had already been installed. Sal's put the unit in prior to obtaining the permit. She explained that she has a small house and small backyard. She can see her neighbor's air conditioning units as well. (24018 Knickerbocker Road) There is really nowhere else in her backyard to fit the air conditioner.

Mr. Bruno asked if her unit was equipped with a sound blanket. The decibel rating for the unit is slightly higher than the Board typically likes. (76)

Mr. Norton explained the decibel rating levels to Ms. Franklin.

Ms. Franklin explained that they did not tell her anything and did not think to ask.

Mr. Gess asked if it was brand new or a replacement.

Ms. Franklin stated that it was brand new.

Mr. Norton asked Mr. Tuck-Macalla if Sal's was on the City's approved contractor list.

Mr. Tuck-Macalla stated that they are registered with the City.

Mr. Bruno stated that he has no problem with the position of the unit but has issue with the decibel rating in proximity to the neighbor.

Mr. Tyo stated that a sound blanket would help.

Mr. Norton stated that it fairly far away from the neighboring house. There is a driveway in between. (almost 20' away)

Mr. Bruno stated that if a motion were granted, it state that a sound blanket be put on the unit if there is one not already installed.

Ms. Franklin asked what a sound blanket was.

Mr. Bruno explained that a sound blanket is a component to a condenser that allows for noise reduction.

Mr. Gess explained that there is a smaller piece inside the compressor. It is basically an insulation blanket around that. It muffles the noise and knocks down the sound you hear.

Ms. Franklin asked if effected the efficiency.

Mr. Gess said no.

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Mr. Miller explained that the air is still circulating upward through the coils on the outside. It will not struggle to pull air or push air throughout.

Mr. Gess stated that it would be less than \$100 to add on.

Mr. Norton stated that the contractor may do that gratis since he got Ms. Franklin into some trouble. Having the sound blanket would be more of an advantage to Ms. Franklin than the neighbor.

Ms. Franklin explained that Sal's did not do their due diligence before it was installed.

Mr. Burke stated that she should suggest that Sal's pay for the sound blanket.

Mr. Miller asked Mr. Tuck-Macalla if this came through as a permit inspection.

Mr. Tuck-Macalla said no. One of his inspectors saw it.

Ms. Franklin disagreed and stated that she had called and asked that it be inspected. She explained that the unit was installed on November 27, 2019. They got the permit on December 3, 2019. As soon as it was installed, Ms. Franklin called the Building Department.

Mr. Tuck-Macalla stated that occasionally his inspector will see air conditioning units being installed.

Ms. Franklin stated that they certainly did not see the cars and everything else in her neighbor's backyard.

Mr. Norton asked if there was any more discussion or a motion.

Mr. Norton asked if there was further discussion or a motion.

Motion by Mr. Bruno, **second** by Mr. Tyo that the applicant at 24024 Knickerbocker Road be granted a 4' variance from the requirements of C.O. 1359.01 to install an air conditioning condenser approximately 6' from the side lot line per the application as prepared and submitted provided that the unit is equipped with a sound blanket and there is year round screening with either decorative fencing or year round vegetation.

Roll Call Vote:

Yeas – Norton, Burke, Gess, Bruno, Tyo, Miller

Nays-


Motion Passed-6-0

Ms. Franklin asked who discusses with Sal's what need to be done.

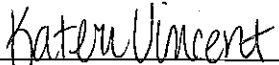
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Mr. Norton explained that she should tell Sal's that she was given a variance but he has to put a sound blanket it on it at his expense.

There being no further business to discuss the meeting adjourned at 8:12 p.m.



Jack Norton



Kateri Vincent, Secretary

