

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
January 24, 2024**

Board of Appeals Members Present: Dustin Hayden, Ken Evans, John Rusnov, Dave Houlé, Richard Baldin

Administration: Assistant Law Director Daniel Kolick

Assistant Building Commissioner: Steve Molnar

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

- 1) **CREST CENTER A & G LLC, Dan Beeman of Wagner Sign Co, Agent**
 - a) Requesting a variance from Zoning Code Section 1272.09(a)(4), which does not permit a changeable copy sign and where a changeable copy ground sign is proposed
and
 - b) Requesting a 1.5' height variance from Zoning Code 1272.12(e), which permits a height of 5' and where a height of 6.5' is proposed to install a changeable copy ground sign; property located at 8367 Pearl Road, PPN 395-08-017, zoned GB- General Business

Mr. Hayden – Item number one on the agenda is for 8367 Pearl Road, which was tabled at our January 10, 2024 meeting. This request was for a changeable copy sign along with a height variance. We discussed with the applicant at the last meeting our reticence to move forward on a changeable copy sign. Also, I had a chance to speak with Mr. Beeman a couple of days ago, I reiterated some of the comments that were made and if he wanted to go back to the business owner to discuss them. I did ask him if he would go back and discuss with the owner, if they wanted us to move forward with making a decision on the changeable copy sign or if they wanted to bring something different to the floor. Regarding the height request, they were requesting 8' and brought it down to 6.5'; therefore, they are requesting a 1.5' height variance. Are there any comments regarding the height?

Mr. Baldin - It still does not meet code.

Mr. Evans – We have turned down a number of these and we have not wanted things to get out of control. I do not see how we can possibly do it and justify the fact that we have turned the others down. If we go back and look at the Findings of Fact and

Conclusions of Law they would very easily support our decisions that we have made and I think it would be hard to justify this one over those.

Mr. Rusnov – Mr. Evans, has been bringing this up for the last four years.

Mr. Houlé - That is a pretty flat section of ground and there are really no geographical issues.

Mr. Hayden - We will address those issues on the floor with the applicant's representative.

Mr. Baldin - If he changes the sign with a different style than what we have seen in the past, people will notice the idea of a new stylish type sign, whether it is 8', 6' 10' or 5', in my opinion.

The Board Members had no changes to the minutes for January 10, 2024.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
January 24, 2024
7:00 PM**

The meeting was called to order at 7:00 PM by Mr. Hayden.

Present:

Mr. Baldin
Mr. Rusnov
Mr. Houlé
Mr. Evans
Mr. Hayden

Also Present:

Mr. Kolick, Assistant Law Director
Mr. Steve Molnar, Assistant Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this January 24, 2024 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. BALDIN	PRESENT
	MR. RUSNOV	PRESENT
	MR. HOULÉ	PRESENT
	MR. EVANS	PRESENT
	MR. HAYDEN	PRESENT

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances.

Mr. Hayden - Before us we also have minutes to approve from our meeting on January 10, 2024. We discussed this in caucus and there were no corrections or changes and we will file those accordingly.

Mr. Hayden - If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our Secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1) CREST CENTER A & G LLC, Dan Beeman of Wagner Sign Co, Agent

- a) Requesting a variance from Zoning Code Section 1272.09(a)(4), which does not permit a changeable copy sign and where a changeable copy ground sign is proposed
and
- b) Requesting a 1.5' height variance from Zoning Code 1272.12(e), which permits a height of 5' and where a height of 6.5' is proposed to install a changeable copy ground sign, property located at 8367 Pearl Road, PPN 395-08-017, zoned GB- General Business

Mr. Hayden – Item number one on our agenda this evening is for Crest Center A & G LLC. Mr. Beeman if you could step up to the microphone and give us your name and address for the record.

Mr. Dan Beeman, Wagner Sign Company, 7135 W. Ridge Road, Elyria, Ohio 44035

Mr. Hayden – You did hear our comments in Caucus, if you can give us a description of the project.

Mr. Beeman – I spoke to my customer and he is on his way here from the airport so, I am hoping he gets here before the meeting ends, in about 10 minutes. Also, I spoke to you as well Dustin and I talked to him before I came into the meeting and he wanted to thank you for the opportunity to present this. The reason he believes they need the changeable copy sign is because, in the building there are 6 units with 4 different businesses, which includes First Stop Liquidation, Brew Kettle, the wine making business, and Top Golf Swing Suites so, there is a lot going on there. His main purpose is to call attention to the multiple businesses in the plaza and he would not use any flashing or scrolling on the sign, which is a big concern for communities. The comment that everyone knows where Brew Kettle is located, you guys might because you live here and drive by it but, people

that are new or coming into the community probably don't. One of the reasons that people use the changeable message signs is because the traditional means of advertising is gone, you don't have newspapers, radio and you have TV but it is very expensive. It does not leave a business owner many options and statistically it has been shown that this produces good results for businesses. I think we would all agree that we all want businesses to stay in business, produce tax dollars, and benefit the community. Some businesses might not need it like Walmart, McDonalds, and you can name many of those companies that are well known that can afford major TV advertising pushes but, a lot of the small businesses cannot. Although Brew Kettle has been around for a while it is still a small business, this is a way to not only benefit them but also First Stop Liquidation, the dentist that is there and the Swing Suites. That is what he wanted me to convey, he understands code, has worked with other communities and wants it to be understood that it is not just the Brew Kettle but, there are multiple businesses within there that this will help.

Mr. Rusnov – The problem that we have is that if we allow you a changeable copy sign, which is against the code, we create a precedent and they will be everywhere. If you want the changeable copy sign, approach the legal department here in Strongsville to get the code changed. We cannot re-write the laws and I am not going to create a precedent to allow this sign, you have to conform to the code.

Mr. Kolick – Mr. Chairman, traditionally you can put the different businesses that are in that shopping center on the sign, we don't prohibit multiple tenants from being listed on a sign. We just prohibit them on a changeable copy venue.

Mr. Beeman – I understand that and he understands but, when you start getting into the sizes.

Mr. Rusnov - Again that is dictated by the code.

Mr. Beeman – Understood, but isn't that part of what a variance is for?

Mr. Rusnov – Part of it is yes, but the code should be revised.

Mr. Beeman – I agree with that.

Mr. Rusnov – I have been harping on that for three to four years and they are changing one or two of them every year. They should revise the entire code; however, our hands are tied and we do not want to create a precedent.

Mr. Kolick – Mr. Chairman, we have the ability to vary it Mr. Beeman, but there are very specific requirements to do so. One would be for topographical or geological reasons and this would have to create an unnecessary hardship and it can't be detrimental to the community. There are a number of rules so, they can't just vary it because they don't like the law. They can only vary it if that particular application meets the four conditions that are listed in the code. A financial hardship is not one of the reasons to grant a variance, specifically listed in the code and we can't use that. I think the Chairman and Mr. Rusnov are correct, if you are looking for a change you will need to start with City Council and say, I think you need to change the code on this. It would be up to them because that is a principal change not a variance change that can be granted, so you understand.

Mr. Evans – Mr. Chairman, I think it is also important to point out to Mr. Beeman that this Board is not unsympathetic to the request because, not that many years ago we used to have a limitation of the number of companies that could advertise on a sign, which was three. We have many developments like Brew Kettle and certainly others that have multiple tenants and we were able to work with Council to get them to allow multiple businesses being listed on one sign, to be able to accommodate areas where there were multiple tenants. We are not insensitive to that but, while we want businesses to be successful there is a point at which it becomes a proliferation and we do not think this is the right way to do it. We have just not seen that we want that to be the way that Strongsville is looked at as a community and I think Council has sort of adopted that as a mantra. As Mr. Kolick said, there are four reasons in the code for us to grant variances and those are very specific and when we step outside of them we generally encounter problems. Either with the people that are asking for the variances, with Council, or some other manner or fashion that we have gotten ourselves into a predicament that we do not like. That is why setting a precedent is not something that we try to do because we don't have the authority to set a precedent. We have the authority to grant variances based on those four very specific criteria's but not to go outside of those.

Mr. Baldin – Does the owner of the Brew Kettle own the whole plaza?

Mr. Beeman – They do.

Mr. Baldin - They are paying for the sign I assume, or maybe getting a couple of bucks from some of the other tenants. Are they going to take over a third or more of the sign, no matter what size sign goes there?

Mr. Beeman – Yes, I think that is the arrangement.

Mr. Baldin – As Mr. Evans said, you can allow more than one business on a sign. I am looking at the new design of your sign and it looks like you have maybe 6” – 8” above the Brew Kettle that just has some fancy design and lines that you could use for some verbiage.

Mr. Beeman – Are you talking about where the hops are?

Mr. Hayden – Yes, I believe that is what he is talking about.

Mr. Beeman – That is part of their brand and it is proportioned to that size; however, the issue is once you start shrinking things. It can be done but even if you look at Top Golf, which is one of the businesses in there, it is pretty small.

Mr. Baldin - On your older drawing where you had Zac Brown, is that something you would want to put on a reader board?

Mr. Beeman – That was just an example of something that they might put on as an upcoming event to make the community aware.

Mr. Baldin – The new drawing that we have, where you have First Stop Liquidation that looks like it is taking up half of the sign.

Mr. Beeman – As I said earlier and what he conveyed to me is that First Stop, the dentist office and probably the wine making business would use the LED part as a static for them when they are open.

Mr. Baldin – That would be the changeable portion of the sign.

Mr. Rusnov – Suggestions are nice but, we are not in the business of telling you how to make your signs.

Mr. Baldin – I understand but, I am trying to look at this, we don't allow the reader boards but Brew Kettle is only getting half of the sign.

Mr. Rusnov – Okay.

Mr. Baldin – Why shouldn't he get more if he wants to put more on there, that is all I am saying.

Mr. Rusnov – I agree.

Mr. Baldin - The other thing is, isn't there a code that we want addresses to be more visible and we would like to have the address on the face of the monument sign that faces the road.

Mr. Kolick – It wasn't a code, the Fire Department requested that the applicants consider that so, if there was an emergency or something occurs, it is easier for them to find it but we do not require that.

Mr. Baldin – Okay, there is no real code for that but the ones you do see that have the addresses on the outside, they are larger and people looking for 2525 Pearl Road are much more visible.

Mr. Beeman – If you are thinking in terms of the general public, I would put it on the base because that would be facing traffic going north and south. As opposed to the point for the safety services, we typically put it on the end of the sign but, as far as the general public we typically put it down on the base in vinyl numbers.

Mr. Kolick – Mr. Beeman, would you like to take a minute to see where the owner is at?

Mr. Beeman – Yes, if you don't mind, I can call him to see how close he is.

The meeting was suspended awaiting Mr. Weber's attendance.

The meeting resumed with Mr. Weber present.

Mr. Kolick administered the oath to Mr. Weber.

Bryan Weber, 73 West River Road, Valley City, Ohio 44280

Mr. Hayden – We were discussing the request this evening and one of things brought up was the changeable copy sign and that it is something that we do not permit here in the City. Although, we do have this Board to approve or deny variances it has to be for specific reasons, many times it is topographical or creating some sort of hardship and the Board is not seeing that here; outside of driving additional business to your business, which we want you to be successful of course. There really isn't a created hardship for us to be able to approve this matter but, I know you wanted to make some comments.

Mr. Weber - It is a unique situation because the Brew Kettle has been there since 1995 and there has been five different tenants. It was originally a Curtis Mathis television building and there was the Brew on Premise (BOP) and when we built the business they needed food, but they built that space to create the restaurant and as time went we ended up occupying three of the five spaces. The building owner's nephew is the dentist and he is open two days a week so, those businesses are only open a couple of days a week. What we are trying to do is create a sign for each day, when the liquidating company is open we would have their banner on there, we are not talking about a sign that will change throughout the day, not a blinking sign or one that is a distraction to traffic. I understand why municipalities don't want signs that are always changing and distracting drivers but we are talking about a sign that is going to be static all day. Monday, it never changes; Tuesday, when the liquidating company is open their banner would be there and would stay the same; Wednesday, when the dentist office is open he would have his sign there but the other days when they are not open we would be able to have the restaurant, the BOP, the wine cellar and TOP Golf Simulators. It is a static sign that doesn't change day in and day out, the true hardship is that we are dealing with two other tenants that are only open a couple days of the week and signage that we can't advertise on or the ability to bring awareness to an upcoming event.

Mr. Hayden – I think the challenge is as Mr. Rusnov was discussing before your arrival, that this creates a precedent within the City and although your sign may not be changing, others will. If we were to step outside of code and approve something like this it would open up pandoras box to allow anybody to have this sort of sign. At that point we would not be able to prevent anybody from having a flashing or changing sign. That is one of things we focus on the most, is not creating that sort of precedent.

Mr. Rusnov – Also, it does not fall within the four criteria's that we have and even if we approved this tonight it could still be overturned by City Council because, they are the ultimate authority that it does not meet code. We are sympathetic to your position but there is only so much we can do and we don't want to create a precedent and turn into another Brookpark Road.

Mr. Weber – I just wanted to make sure I understood outside of the fact that it could change on a day to day basis.

Mr. Rusnov – The height and they don't permit changeable copy signs, that is in the code and until the code is revised we are stuck with that. We can't do a thing about it because you are not within the four criteria's that we have.

Mr. Weber – The size can definitely be changed to 5' x 10', which is 50 SF and that would be within your code and I talked to Dan about changing that, I am amendable to changing that.

Mr. Rusnov – It is still in the code that a changeable copy sign is not permitted.

Mr. Hayden – Mr. Weber, we are also aware of the signage height and we have been very cognizant of not creating a precedent, as well. Mr. Evans mentioned in our caucus tonight that there have been several that we have denied, similar to this request.

Mr. Weber – I agree, I am not asking for a variance on size, I am changing it to only 5' x 10'. I would like to understand what other boxes need to be checked because, you said it doesn't meet any of the four?

Mr. Kolick – There are requirements to grant a variance and typically a variance is granted because of topographical and geological issues, like someone coming around the hill and you can't see the sign. A financial hardship is not something we can grant a variance for, another one is that it doesn't have a negative impact, in anyway on the community and that is within the spirit of the General Business Zoning District. The type of change you are talking about is an intrinsic change, which requires a code change and it would take City Council to approve something like that. One of the problems we run into with changeable copy signs is, you say it is going to change once a day but we are not going to leave a Building Department employee out there to see if it is just changing once a day, we can't do that. Once it is a changeable copy sign you could change it every hour, not indicating your in bad faith but, the next person who takes over that sign may want to do that and this is typically what happens with these types of items once we open up pandoras box, it gets changed all the time. If you get a special golf guest to come in and give lessons you are going to want to advertise it on the sign and that is the problem that we have with the changeable copy signs.

Mr. Weber – I have been in this position in Hudson and Valley City, where the rules state we don't want to see blinking, flashing, and changing technology and it gives you the ability to change it the next morning but it is not changing throughout the day. How do you police that?

Mr. Kolick – It makes it impossible to police, you may want to change it the night before you leave and you may want to change it the next morning. We can't be out there policing and we don't want to be, we don't want to hassle the business community. This is really

a City Council issue and if you feel that you really need to do this, take it to City Council and tell them what you would like to do. That would take a code change as opposed to this Board granting a variance.

Mr. Weber - That is an uphill battle and could take up to eight months to change something.

Mr. Kolick – The City has been consistent with it and the only place we have ever allowed changeable copy signs are in a Public Facility District. We have never allowed changeable copy signs for any businesses and there have been a number of them come in.

Mr. Hayden – Based on those comments, you mentioned that you could be amendable to reducing the height, you may not even require a variance.

Mr. Kolick – We can move forward and act on it if you want but, I think you see where this is going to go.

Mr. Weber – The big thing was the changeable sign.

Mr. Evans – Mr. Weber before you arrived, I indicated that the City use to limit the number of businesses that could be on a sign, which was three. We went to Council as a Board and said we think that needs to be expanded and the City did. In many of our strip centers some people have been very creative in the way they have put those signs with the names of the various businesses on so that they have an identity more than just a listing of names. I am sure Wagner as well as other sign companies are very capable of doing different things. When we had Sweeties Candy that brought Olympia Chocolates they said we have to have this and we said we are not going to do that so, you need to go back to the drawing board. They came up with a creative solution that eventually worked for them and does meet code so, it is not impossible. We want businesses to be successful, we have given the go ahead to have multiple names on a sign so, that a strip center like yours that has 5, 6, 7 and 8 businesses can have those names on the monument sign, you just have to work at being creative at how those are on. The sign is not going to draw people in; however, the sign is going to give people the location and they are going to come for whatever the business is and we want them to be able to find it easily. Pearl Road is a busy stretch of property if you tell them it is in front of Wal Mart that only gets them so far. You want to be able to get them in where Brew Kettle is, we get that and we understand Top Golf is new and you are going to have new things but, again we have to do it within the confines of what we have to grant a variance.

Mr. Weber – I understand it.

Mr. Kolick – Hearing that, we can go forward and act on it or you can withdraw it. Whatever your preference is.

Mr. Weber - We will just withdraw the request for the changeable sign but, do we even want to fight the uphill battle for the height of the sign.

Mr. Rusnov – You could be overturned by City Council.

Mr. Weber – I just want to understand, I am asking you to educate me.

Mr. Rusnov – What might help you is going to the City Building Department and talking to Steve or Ted to see what is allowed and if you can operate within in that, you would not need a variance. You may want to go in front of City Council and propose a change. They have heard this before from us about changing the code, repeatedly for years and they have made two to three changes a year. How about revise the entire code and bring it up to the 21st century, that is just my opinion.

Mr. Hayden – You were looking for an explanation.

Mr. Weber – Where does the 5' start?

Mr. Rusnov – The Building Department can explain all of that to you.

Mr. Kolick - Basically it starts at grade, you go from grade up 5', that is what the code permits.

Mr. Rusnov – If you want to withdraw, it probably would not be a bad idea and then consult with the experts and they will help you.

Mr. Kolick – We would love to see a new modern sign there.

Mr. Weber – We will withdraw and work through Steve to try and establish whatever grade is and then go 5' x 10'.

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Mr. Hayden – If there is no further business to come before this Board, this meeting is adjourned.

Dustin Hayden /s/

Mitzi Anderson /s/

3/6/24

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date