

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
January 10, 2024**

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

Administration: Assistant Law Director Daniel Kolick

Building Commissioner: Ted Hurst

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 3' height variance from Zoning Code 1272.12(e), which permits a height of 5' and where a height of 8' 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 a sign proposal for Crest Center, this property is located at 8367 Pearl Road. This is a request for a height variance along with a changeable copy sign, per Mr. Kolick this is something we have not permitted with the exception of Public Facility Districts, like churches. We will need to discuss with the applicant on the floor if any changes can be made to the request. Are there any other comments from the Board?

Mr. Baldin – It is very simple, for years we have not permitted this in our City.

Mr. Rusnov – We would be setting a precedent. Mr. Evans always says if you let them have an extra 2', the next guy will want 6' and the next guy wants 12'.

Mr. Evans – We have been consistent on the height and we have had a number of them lately that have wanted to do that and the problem is simply that this is a well known area and everyone knows where Brew Kettle is and certainly they know where Home Depot and Walmart are located. I understand why places want changeable copy signs but the

reality is when you have a proliferation of them, like in Brunswick on Pearl and Center Road, they become something that people just do not pay attention to. While they might be the only ones up there with that, to advertise patios, parties and things like that no, I don't think that we want to get into making an exception because everybody in the world would be asking for that.

Mr. Hayden – Yes, that would set a precedent.

Mr. Houlé – I agree.

Mr. Baldin – It is a wide open area there and if they want to change the sign with a new monument sign, they can put something up that is more appealing because that sign has been there for I don't know how many years. I don't think the sign they are requesting is a necessity and it is against our code.

c) **EDMUNDO & JESSICA GARCIA, Superior Quality Builders, LLC, Agent**

Requesting a 369 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 569 SF Floor Area is proposed to construct an unenclosed covered porch, property located at 20352, Colleen Court., PPN 394-24-115, zoned R1-100

Mr. Hayden – Item number two on the agenda is for an unenclosed covered porch request for Mr. and Mrs. Garcia on Colleen Court. Not too long ago we had a similar request down the road from there, and this is something we have seen quite a bit of lately. I do not have an issue with this request.

Mr. Houlé – I didn't either. It is a corner lot with a lot of trees in the back and it is shielded. The variance request they want is quite large but it is against their house and I am okay with it.

Mr. Hayden – We have had similar request in front of this Board.

Mr. Rusnov – We have granted similar variances.

Mr. Baldin – Very similar variances and this is on a corner lot. I have also noticed that on this street, and a couple of streets, also on Brady Lane there are quite a few and I don't recall being out to that many of them over the years.

Mr. Hayden – Mr. Evans and I were just talking about how they just start to blend together as time goes on.

Mr. Evans – I think some of those, Rich, were done by Parkview.

Mr. Baldin – Yes, that is what I am thinking, probably when they were originally built.

Mr. Rusnov – Was there a formula you were working on for revisions of the code for this type of property?

Mr. Hurst - There are changes to this ordinance that are in the works.

Mr. Kolick – We have introduced an ordinance that will be before Council at their next meeting. It increases the square footage permitted depending on the size of the lot and there is also a catch all that you can only have so much impermeable area, as well. Just so you know, this is beyond the increase that the ordinance permits, which I think it was around 400 SF.

Mr. Hurst – Yes, I think so.

Mr. Kolick – With this request, they have common area in the rear and on the side.

Mr. Baldin – It looks as if it will blend in pretty nice.

Mr. Kolick – Hopefully, the Council will have the public hearing at their next meeting and usually if they don't have a lot of comments they will vote on this at that particular meeting. If they approve this it will alleviate the necessity of a whole group of these having to come over to this Board.

Mr. Evans – Mr. Chairman, I would like to make sure that we point out to the representative that they should take back to the owner that they cannot close that in with walls. It is a very nice patio that they are putting on, it has a stone base and while it is built on the ground, you can see someone closing that in and I would just like to make sure they understand that it cannot be done.

Mr. Houlé – If they enclose it, would it be a part of the actual structure of the home?

Mr. Kolick – It would be an accessory use so, it would not be permitted. The only thing that they we are going to permit them to do under the new area of the code is to screen it in to keep insects out and that type of thing.

Mr. Baldin – We have seen a lot of that happening but, it has been hard to police. When we have granted some of these variances in the past, there have been some people that have enclosed them. I do think we need to add that into the question here, when it comes up.

The Board members approved the minutes for December 20, 2023.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
January 10, 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. Ted Hurst, Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this January 10, 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 – This evening on the agenda we have the Election of Officers for 2024.

Mr. Rusnov - I move to nominate Dustin Hayden for Chairman for the Board of Zoning and Building Code Appeals for the year 2024 and also request that the nominations for Chairman be closed and that this individual be unanimously elected.

Mr. Evans - Second

Mr. Hayden – Thank you, Mr. Rusnov for the motion and Mr. Evans for the second. May we have a roll call please?

ROLL CALL:

MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES

MOTION APPROVED

Mr. Rusnov - I move to nominate Dave Houlé for Vice-Chairman for the Board of Zoning and Building Code Appeals for the year 2024 and also request that the nominations for Vice-Chairman be closed and that this individual be unanimously elected.

Mr. Evans - Second

Mr. Hayden – Thank you, Mr. Rusnov for the motion and Mr. Evans for the second. May we have a roll call please?

ROLL CALL:

MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES
MR. RUSNOV	YES

MOTION APPROVED

Mr. Hayden - Before us we also have minutes to approve from our meeting on December 20, 2023. 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 3' height variance from Zoning Code 1272.12(e), which permits a height of 5' and where a height of 8' 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. If a representative 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 were here for Caucus and heard some of our comments regarding the sign, please take us through the project.

Mr. Beeman – I was hoping Bryan Weber, the owner of the Brew Kettle would be here tonight. I can answer the technical questions and composition of the sign but he could appeal to why he needs it. Basically, the Crest Center sign is old and dilapidated, the goal of the Brew Kettle is to actually take over that whole center at some point. They have expanded and now they offer Swing Suite Golf, which is part of the reason we are coming for the sign change. They felt they needed a better presence than what is there. In driving the area, it is highly congested, especially at specific times of the day and I pulled up some ODOT stats and I will get to those in a second. We are looking at installing a double faced monument sign with Brew Kettle at the top and their new logo, the secondary copy is for Topgolf Swing Suite, which took over the Wine Cellar approximately 6 to 9 months ago. The other component to that is the electronic changeable display

underneath, which would be utilized to not only call attention to events at the Brew Kettle but, highlight the Swing Suite and call attention to the other two tenants that are still in the building. The sign is internally illuminated, which is pretty straightforward, again replacing a dilapidated sign and we are asking for the extra height. I think in particular just driving that road, even though everyone knows the Brew Kettle is there, it sits back pretty far and this is a very busy section of highway and from a sign perspective we always like to recommend something that is visible from a good distance and 5' is pretty short, especially with the height of SUV's, other trucks and things of that nature, which can hinder your site. Being able to see something from a distance so you can make a determination on where to turn, as opposed to someone going along and trying to figure out where it is. This works in places like Hilton Head where they keep all of their signage real low but it is a smaller area; however, when you are talking about a congested area both with business and traffic it makes it challenging for the motorist and to me it becomes a safety issue. I also think a little extra height benefits both the motorist and obviously the business and I don't think there is anything wrong with that.

Mr. Kolick - Is that the gentleman you were waiting for?

Mr. Beeman – No, unfortunately it doesn't seem like he is going to make it.

Mr. Kolick – Mr. Chairman, I would only note on the changeable copy, years ago we permitted changeable copy and Council received so many complaints, they removed it from the code. Since they took it out of the code with the exception of the Public Facility District, this Board has never permitted a changeable copy sign. If you get it here, they are going to want it down the street and the next one will want it and that is the problem we would have as a Board to grant a variance. The ordinance list very specific reasons on granting a variance like topographic problems and other reasons you would grant a variance and you have never granted a variance for a changeable copy sign.

Mr. Rusnov – Until the code is eventually changed our hands are pretty much tied with the height and changeable copy.

Mr. Evans – Mr. Chairman, Mr. Beeman it is possible for anyone to ask for anything and certainly Pearl and Royalton Road has a lot of traffic, which can make it challenging for a business and we obviously want businesses to be successful. Brew Kettle has done a great job with expanding and becoming well known in the area, our problem is that if Brew Kettle were to get the variance and the height variance, then everyone else would say look at that, I want one of those too. The reason for the changeable copy is simply that we understand in this day and age that social media changes and there is a lot of advertising done that way. To get everything on a changeable copy in a highly congested

area, we think that becomes a detriment because traffic wise if you are trying to read a sign, you obviously are not paying attention to traffic. We think the identification of Brew Kettle certainly can be done within the 5' height limitation, otherwise we would have everybody in the world coming in to ask for variances. We have been very reticent to grant that because it would open a pandoras box and we would have to live with that and it is just not something this Board has been willing to do.

Mr. Hayden – Given that feedback, have you been authorized to make any changes?

Mr. Beeman – No, I will need to talk to him. I think if you are going to hold it at those two things, I think of anything, please consider the height because the height becomes a safety issue. I understand you think other people will come, probably some will but not all and I feel that way about the changeable message. We do this all over the area and region and we get that comment from time to time.

Mr. Rusnov – Do you want these variances split, so that we vote on each one?

Mr. Beeman – Yes, that would be nice, absolutely.

Mr. Hayden – Does the Board have any further comments?

Mr. Baldin – I have no further comments at this time and Mr. Rusnov's suggestion is very interesting.

Mr. Kolick – Mr. Chairman, for the applicant, can you live with something under 8'?

Mr. Beeman – If the changeable message display is out, there could be some height reduction but I don't know that 5' is good. I really don't see that as a good height.

Mr. Rusnov – We are stuck with the code and we can't say okay we will give you this because you do not meet the full criteria.

Mr. Hayden – Mr. Beeman, the other option we have is for you to request tabling this issue for the next meeting and you go back and discuss these changes with the owner.

Mr. Beeman – I would actually request that because I can't make an arbitrary decision for him.

Mr. Hayden - Would you like to request to do that, this evening?

Mr. Beeman– Yes, please.

Mr. Hayden – Once you have those changes set, just get back with the Building Department and let them know and they will get you back on the agenda. Mitzi, for changes for the next meeting, when would they have to have those in by?

Mrs. Anderson – Mr. Beeman, for the next meeting please contact me and get your changes over to me for the next meeting agenda.

Mr. Beeman – I think I can get the changes over to you by tomorrow.

Mr. Baldin – There is pretty flat ground there and a lot of people build up a little bit of a wall or mound of dirt and put in some shrubs and decorate it because it is pretty plain there and it has been plain for years.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Please step up to the microphone and we need your name and address for the record and we also need to swear him in.

Mr. Beshoy Eskander, BurgerFi, 14375 Pearl Road, Strongsville, Ohio

Mr. Eskander – I am the owner of the new BurgerFi here in town. I know I am not on the agenda so apologize but, I tried to ask for a couple of things and they told me to come and get a variance.

Mr. Kolick administered the oath.

Mr. Eskander – I have been working with Ted and he is great and he has been helping me with the new signage and I am trying to put up something to let people know that we are open, to get the business going because the plaza is really dark and no one knows that we are open. I got a big balloon because that is what we usually do in all of our locations and I own multiple locations and multiple businesses. We got a big balloon and put it on the top.

Mr. Hayden – If I could stop you for just one moment, I would like to close out the public hearing.

Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none, we will leave the public hearing open for the next meeting.

Mr. Kolick – Let's finish the agenda and then we can cover this item afterwards.

Mr. Hayden – Sir, if you could have a seat, we are going to finish our agenda for this evening and then we will be right with you.

2) EDMUNDO & JESSICA GARCIA, Superior Quality Builders, LLC, Agent

Requesting a 369 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 569 SF Floor Area is proposed to construct an unenclosed covered porch, property located at 20352, Colleen Court., PPN 394-24-115, zoned R1-100

Mr. Hayden – Item number two on our agenda this evening is for Colleen Court. If a representative could step up to the microphone and give us your name and address for the record.

Leslie Lavelle, Superior Quality Builders, 366 Austin Street, Berea, Ohio

Mr. Hayden – You were here for much of Caucus and heard our comments around the project. If you can give us a description of the project.

Ms. Lavelle - We are requesting a 369 SF floor area variance, he would like to add an unenclosed back porch and a small 12' x 12' dining room. His family is growing and when they have holidays together it is hard to fit everyone in the dining area, he also couldn't make it tonight because his Mom is sick.

Mr. Hayden – Thank you Leslie, as you heard tonight some of the comments are this is a corner lot and there is some common land behind and on the side of the property. This is a common variance request that this Board has seen over the last couple of years, with individuals trying to improve their property since COVID. The one item that Mr. Evans wanted us to mention is that this cannot be enclosed in the future and we want to make sure that we have that on record.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, before I make a motion I would like to put on record that we have the Homeowners Association approval on this.

Mr. Houlé – Mr. Chairman, I make a motion to approve request for a 369 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 569 SF Floor Area is proposed to construct an unenclosed covered porch, property located at 20352, Colleen Court., PPN 394-24-115, zoned R1-100

Mr. Baldin – Second.

Mr. Hayden – Thank you, Mr. Houlé for the motion and Mr. Baldin for the second. May we have a roll call please?

ROLL CALL:

MR. HAYDEN	YES
MR. BALDIN	YES
MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES

MOTION APPROVED

Mr. Hayden – Leslie, this variance has been granted by this Board and you are all set for this evening and good luck with your project.

Mr. Hayden – Sir, you can step back up and you had a signage question.

Mr. Rusnov – Please give me a clue on where the property is located?

Mr. Eskander - The property is located at 14375 Pearl Road, the old Boston Market location. With all of my stores, we usually have up a big balloon on the top or in the parking lot to let people know that we are open. I usually don't have to get a permit and this is my first time coming for a variance but I was advised to come for a variance.

Mr. Hurst – Mr. Chairman, I would like to clarify something really quick. Mr. Eskander, you are not here for a variance and you are not on the agenda for a variance.

Mr. Eskander – Okay.

Mr. Hurst – I just want the Board to understand and for you to understand that you are not here for a variance. In order to get on the agenda for a variance you must contact Mitzi and she can get you on the agenda so, that you understand there is a timeline.

Mrs. Anderson – Sir, we did speak yesterday and I informed you that you would not be able to be placed on this agenda and that there are procedures that need to be followed before you are placed on the agenda. A public hearing must be held in which notices have to go out to properties within your area and you will have to submit the proper information in regards to getting on the agenda.

Mr. Eskander – Got it.

Mr. Rusnov – You will have to contact them, to see us.

Mr. Eskander – I thought that I would be able to ask the Law Director.

Mr. Hayden – Please get a hold of Mitzi.

Mr. Kolick – Mr. Chairman, I would like to make it clear to the applicant that City Council allows temporary signs for a period of time and up to 32 SF I believe in your district. They do not allow any type of air balloons or streamers and they legislated it out and we are not permitted to grant this; however, you can ask for a variance but I don't want to get your hopes up or sound too optimistic, City Council took it out of the code and we have not permitted those back in. We had a proliferation at one time with all types of balloons going up at Petitti's and a number of new operations that came in and we received so

many complaints, where people came into City Council yelling and screaming. You can ask for it but, generally speaking when City Council says no we are usually following what their request is. You may have temporary signage but not air balloons or streamers, they are particular items in the code that are not permitted.

Mr. Eskander – I was trying to get attention drawn to the business to let them know that we are open, in business and that we are here.

Mr. Kolick – You are permitted a temporary sign, if you contact the Building Department he can tell you what is allowed.

Mr. Eskander – Ted is great and has helped me.

Mr. Hurst – He has applied for a banner sign and two flags; however, I am still waiting on the size of those signs.

Mr. Eskander – I did send them, a week ago.

Mr. Kolick - You are premature before this Board, contact the Building Department and they will work with you.

Mr. Eskander – A big balloon, even if I request a variance that won't work in Strongsville?

Mr. Kolick – It hasn't worked in the past.

Mr. Eskander- Okay.

Mr. Baldin - I happened to stop in today, we had a conversation and we met a few weeks prior. He started questioning me today and I told him I have never seen that in the City but going back many years ago maybe from what I just heard myself.

Mr. Kolick – I think they took it out about 20 years ago.

Mr. Baldin – We will allow certain things as I told you, and that is why I told you that if you had questions you could come up here and talk to us after the meeting. Since you are here now and asked a couple of questions, I think you got your answers.

Mr. Houlé – I think you had it up for a day or so already?

Mr. Eskander - Yes, for two days and Ted told me to take it down so, I took it down right away. I don't want problems, I live here, my kids go to school here and I graduated from school here. I want to make sure everything is good, I have locations all over the United States.

Mr. Kolick – We would like for you to be successful but there are certain things that this board can do and certain things that Council sets the rules for us to follow.

Mr. Eskander – I would like to see what else is available for me to get some attention for my business.

Mr. Kolick – Contact the Building Department.

Mr. Hayden - They will be able to help you.

Mr. Baldin – You will be able sit down and talk to them a little bit further, at least you have a better idea because you did show up.

Mr. Eskander – Of course, I understand now. Thank you, I appreciate it and we are having a grand opening on the 25th and will have a ribbon cutting. I would love to see all of you there.

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

Dustin Hayden /s/

Mitzi Anderson /s/

1-24-24

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date