

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &  
BUILDING CODE APPEALS**

**Meeting of  
October 23, 2020  
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, David Houlié, John Rusnov, Dustin Hayden

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

- 1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative**
  - a) Requesting a 147.9 SF variance from Zoning Code Section 1272.12 (b), which permits 160 SF of Wall Signage per the Royalton Collection Master Sign Program and where 307.9 SF of Wall Signage is proposed;
  - b) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three additional Wall Signs 55.9 SF (South), 83 SF (North), and 72.5 SF (East) are proposed;
  - c) Requesting a variance from Zoning Code Section 1272.09 (b), which does not permit a Drive-Thru Menu Board Ground Sign and where two (2) Drive-Thru Menu Board Ground Signs are proposed; property located at 17750 Royalton Road, PPN 396-12-035, zoned Restaurant-Recreational Service (R-RS).

**The Board stated that the signs facing East and North are not necessary and that the total signage would have to total 160 square feet or less due to compliance with the Master Sign Program for that retail development. The applicant is proposing 307.9 square feet. Mr. Roenigk also explained that the number of signs allowed is a requirement by Strongsville Codified Ordinance. Mr. Roenigk stated that the West elevation signs at 96.5 square feet are the signs that were approved by the Building Commissioner. Mr. Baldin stated that only 8 square feet is left for additional signs if the West and South signs are both approved by the Board. Mr. Evans stated that the West and South signs are both already installed. Mr. Roenigk stated that the permit fees will be tripled because the signs are already installed. Mr. Evans asked if the contractor is registered with the Building Department and Mr. Roenigk replied that they are but that he is not familiar with their past work. In addition, the Board discussed that the menu board signage is not permitted; therefore all menu boards need variances. The Board discussed the menu board speakers and the impact they would or would not have on the residents in Ledgewood. Mr. Evans stated that they could approve the menu board contingent upon speaker facing down to reduce the impact. Mr. Kolick suggested that the applicant may know the noise level of the speakers.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**October 23, 2020**

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Evans  
Mr. Houlé  
Mr. Baldin  
Mr. Rusnov  
Mr. Hayden

Also Present: Mr. Kolick, Assistant Law Director  
Mr. Roenigk, Assistant Building Commissioner  
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this special meeting of October 23, 2020 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL PRESENT

Mr. Evans - I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. If you are here this evening and wish to speak as a presenter or wish to comment during one of the Public Hearings, we now ask you to stand and the Assistant Law Director will swear you in as well as our representative from the Building Department and our Secretary.

Mr. Kolick stated the oath to those standing.

- 1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative**
  - a) Requesting a 147.9 SF variance from Zoning Code Section 1272.12 (b), which permits 160 SF of Wall Signage per the Royalton Collection Master Sign Program and where 307.9 SF of Wall Signage is proposed;
  - b) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three additional Wall Signs 55.9 SF (South), 83 SF (North), and 72.5 SF (East) are proposed;
  - c) Requesting a variance from Zoning Code Section 1272.09 (b), which does not permit a Drive-Thru Menu Board Ground Sign and where two (2) Drive-

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

Thru Menu Board Ground Signs are proposed; property located at 17750 Royalton Road, PPN 396-12-035, zoned Restaurant-Recreational Service (R-RS).

Mr. Evans – All right. Item number one on our agenda is a Public Hearing on Royalton Road. This is a project at 17750 Royalton Road and Mr. Petro, perhaps, if you will come forward to the microphone please. We will need your name and address for the record.

Mr. Petro – My name is Brad Petro. My address is 4330 North Bend Road in Ashtabula.

Mr. Evans – Okay, thank you, Mr. Petro. You heard us talking in caucus and our obvious concerns in looking at this tonight. If you can address some of those concerns for us and let me just preface one thing by telling you one thing because our normal process as a Board of Zoning Appeals has been that when companies such as Panera Bread and Burger King and Starbucks and others come to us they want signage on all four sides of the building. What we have done is where we have felt it appropriate we have granted variances to allow multiple signs and when we have done so we have taken the total allowable square footage and said if that is two or three signs that we have granted permission for, our normal course, pattern and practice is to say we will grant you the variance for the additional sign or signs but they must be within the total allowable square footage and we have held to that as a pattern and practice. So, if we were to allow two, they would have to be within 160 SF. If we allowed three, they would have to be within the 160 SF and four signs within 160 SF. That's not a hard and fast rule; there is nothing in Code but that has been what we have done as a pattern and practice. It's more than what the Code allows but we recognize that every situation is different and every situation for retail establishments is challenging. You may hear us reference that and I just wanted to make you aware of why we may reference that and where that has come from because that is not the Code, but it's what we have taken as a working interpretation as we have taken requests from sign companies for retail establishments. So, now I'll let you go ahead and I apologize but I just wanted to give you that background.

Mr. Petro – I'll address these and we'll go from what I would consider easiest to hardest. Obviously the café is new and there is a drive-thru and drive-thrus require direction signage, menu boards, preview boards and many of the other restaurants in the city have them. I think that's a pretty self-explanatory item. Panera Corporate dictates size and content for all of these signs. Every sign at every Panera is made exactly the same so the order screen, the speakers and all of the menu inserts all fit identical in every one in every café.

Mr. Evans – Actually, they are not because I've driven by two this week to take a look at them and different cities had different requirements.

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

Mr. Petro – I don't know where you're looking but I've been making them for ten years and we've made them identical for ten years. We've never changed. So, as far as those items go those are spec by their corporate by size and meets their condition for their menu inserts. They are on the east side of the building, which is the back side of the building in terms of orientation. The other items obviously there are signs installed. We apologize. We started this process in the beginning of August and we had contacted the City and we were told by the City that the developer, Somera, had already been in front of ARB and they had got a Master Sign Plan approved by ARB specifically for that building. The City gave us the contact for the landlord and told us that the landlord had the approved signage for what was already approved by ARB for this building. So, we got in contact with the landlord and we spent three weeks going back and forth with the landlord redesigning and resizing and square footages, illuminated or non-illuminated and got to a point where they approved the drawings that we had submitted, which included the signage on all four elevations. In my experience in this industry, typically when there is a master development plan in place, that has already been approved by the City it dictates the signage for that building. Based on that, obviously, we discussed it with the customer and due to their construction time line they wanted us to go into production while the City was approving the actual sign permit. We submitted all of the landlord approved drawings with our application to the City and we checked back because we hadn't heard anything for approximately five and one half weeks and the owner of the café said we're out of time, you have to put my signs up or I'll get someone else to do it. So, that's the reasoning for the signs being up. When we found out from Kathy in an email about all of the variances required we talked with them and said that we're not going to put up these other signs because we have to go for a variance and I thank you all for holding a special meeting for us. So, that is how we got to where we are today. Based on customer input, they do not want a sign on the East elevation. There is no point. It's the back of the building facing that parking lot where the employees park. The only signs that they would like approval for or that we would ask for would be the sign on the South elevation, which is the second sign that is already up, which faces Royalton Road as well as the proposed sign on the North elevation.

Mr. Evans – As in facing the Ode building?

Mr. Petro – Yes, it faces the Ode building in what would be Panera's parking lot for customers.

Mr. Evans – And driving past two signs they don't feel that people would have already seen the two signs on the building?

Mr. Baldin – Who is going to see the sign on the North side except for the people who work in Ode's or are in the small shopping complex?

Mr. Petro – I understand.

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

Mr. Evans – People will see it driving in.

Mr. Petro – I have a customer that drives past Sleep Gallery and they have three signs on the building. These things are as much an architectural element as they are signage and advertising.

Mr. Baldin – From what we calculated here right now you have about eight square feet left so you could put an eight square foot sign on the North side.

Mr. Evans – If we allowed that.

Mr. Kolick – Mr. Petro, is the sign on the North side proposed to be illuminated too?

Mr. Petro – Yes.

Mr. Kolick – When this development went in we had a lot of residents on the East side of the property really opposed to this development and they only got it approved after they came in with special considerations for those individuals including some landscaping and mounding and all that. They believe that a North side illuminated wall sign is going to bother these people. Are the hours of operation till ten o'clock at night?

Mr. Petro – The hours of operation are until ten o'clock at night on Friday's and Saturday's.

Mr. Kolick – And six thirty a.m. in the morning?

Mr. Petro – I think this opens at six a.m. These signs are illuminated. They're front lit back lit, which is more of a softer illumination. Not all of the light comes out of the front. A typical letter has reflective material inside that allows it to shine out of the front. These letters don't have that so the lighting is dispersed out of the front and the back. So, they're a little bit softer. I was out there the other night and there's sixteen parking lot lights in that parking lot that this sign is not going to do anything more than what the parking lot lights do to residents.

Mr. Evans – No, Mr. Petro. I'm going to tell you that when this development went in the people in that area were beside themselves and this City made a commitment and the developers of the property made a commitment that this was not going to impact them. I'm sorry, we want every business to be successful but this is going to stop. We are going to stop running over citizens who pay taxes in the City to accommodate businesses who have no regard for the community, and I'm going to make that statement and the Mayor is going to eat me alive for doing it but I'm tired of people coming in and running over the City and saying this is going to be wonderful. The citizens aren't going to mind. They don't care if there's a loud speaker in their window at six o'clock in the morning. That is crap and we won't put up with it. This Board is not in a position to run over

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

**Mr. Evans continues** - citizens that way. I hope I'm making myself clear because I'm tired of doing this with people from sign companies that have no regard for this community or the people that live in it or the corporate entities, the God's who live up there who say it this is the way it has to be. I have news for them, it doesn't have to be. We want them to be successful but not at the cost of this community.

Mr. Rusnov – Mr. Chairman, well put. Very well put.

Mr. Evans – Now at this juncture are you in a position to be able to make decisions or do you need to go back to the franchisee or Panera or whoever else based on what we would go with this evening?

Mr. Petro – I need to have this resolved one way or another tonight.

Mr. Evans – All right you skated over the menu board. You heard us talking about that. The speaker that is on that side of the building that directly faces those buildings, Mr. Baldin may not have a problem with it but I personally do. I don't know how the other Board members feel about it but that speaker facing laterally on the sign board isn't going to get approved by me. I don't know about the other Board member's but I don't know whether that can be structured for the speaker pointing down so the speaker isn't pointing towards the houses. I can tell you the menu board isn't going to fly pointed at those cluster homes, period. I don't know what kind of Rube Goldberg thing has to be done or whatever else to make it work but if the speaker faces the clusters, we're at a dead end on the menu board. I'm rather certain that I speak for the rest of the Board members in that particular part of the variance request.

Mr. Petro – We would have to redesign and have to go back in front of probably Panera Corporate.

Mr. Evans – Everyone who has been involved with that entire project knows that we made a promise to the people in those clusters that it was not going to impact them and speakers at six a.m. heading towards those people is going to impact them.

Mr. Petro – I don't know that answer. Those houses are not a direct shot and they're a couple of hundred feet away. There's a really nice tree lawn and bank.

Mr. Baldin – Mr. Chairman, is it possible that we could have some type of...you might have to postpone this...to have an opportunity to hear those speakers to hear what the decibels are?

Mr. Rusnov – I think that's a moot point. My voice carries that distance and my ex-wife told me I have an irritating voice and at six a.m. you could hear me at those properties and that was a major issue as Mr. Evans stated with them. Okay? They were worried about it and we agreed so that takes care of that. What do you want to do? Do you want to go to a vote?

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

Mr. Evans – Well, at this juncture I'm going to recommend that we consider the three separately because I think that there's questions that we have so (a), (b) and (c) can be considered separately. Mr. Petro, at this point if the Board were to look at the menu board and turn that down then you're dead in the water for six months, Mr. Kolick?

Mr. Kolick – Yes, unless there is a substantial change in what is submitted. If you brought in something that pointed down that would be a substantial change that you could bring before the Board but that's up to you. You have a choice. We can go forward on any particular item or you can ask us to table it and go back to your corporate people, or see if there's other sound deadening equipment they could put on it. I don't know but that is a concern. If you want to table item (c) you can table item (c) and you can go back and talk to your people. The other two are related. The first one is just total square footage so if you're okay with two signs that come under the 160 square feet then we can go forward with that.

Mr. Petro – The options on the menu board are table it to whenever the next meeting is?

Mr. Evans – We can approve it with the confine that it's going to have the speaker instead of being mounted on the wall of the menu board is going to be somehow going to be attached to be pointed at the ground rather than out at the homes. We can make that condition in approving the menu board but that is perhaps a condition that we would apply to it but again I can't tell you how many promises were made by the developer of this property, or the Ode family and whoever wanted to put stores in there and whoever the developer of the retail was said we will not affect anybody that lives nearby here.

Mr. Petro – I understand all that. I've been in front of many Boards and I think if the landlord would have conveyed all this to Panera they probably wouldn't be in that building if they wouldn't be able to have what they were told they could have. As far as the speakers go the board is going to have to be completely redesigned. The top of the board comes off. That is how they change the menu panels so mounting something on top of there is not feasible. The speakers are at the very bottom at the center panel probably a foot and a half above the ground.

Mr. Baldin – So, you're saying nothing can be mounted on the top because you have to change the panels that way?

Mr. Petro – I'm saying that board as constructed would have to be rebuilt to accommodate that somehow. It's not like we could build a new box and set it on top of there just because that top flips up. It's on a hinge.

Mr. Baldin – It hinges backwards?

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

Mr. Petro – Yes.

Mr. Evans – On page 16 of the drawings that we have this is the menu board that we're talking about, is that correct? Page two, which is the menu board. Where are the speakers exactly?

Mr. Petro – There are by the little yellow arrow at the bottom?

Mr. Evans – Where the logo is?

Mr. Petro – Yes.

Mr. Evans – They are in the panel with the Panera logo?

Mr. Petro – Yes, behind that plastic panel.

Mr. Baldin – Down where the Panera logo is, that's where clear blue is? What is the blue?

Mr. Petro – That is the menu.

Mr. Baldin – So that is the menu. When they order they see it down below so the speaker is about two feet off the ground, basically.

Mr. Petro – Yes.

Mr. Evans – It's higher than two feet because there's 14 inches at the base there.

Mr. Petro – Probably less than two feet off the ground actually.

Mr. Evans – They're flush so they could not be angled with that panel or anything.

Mr. Petro – The speakers are about this big (indicating with his hands). I'm sure they could be tilted or propped up somehow.

Mr. Evans – You've heard the speakers outside here warning of the weather and that was rather distracting so at six a.m. when it's nice and quiet and the leaves are gone that crackling sound, and I think we've all heard what a menu board sounds like, they are not a high fidelity speaker or anything like that, they are cheap speakers and they're noisy and they make a lot of noise. They are designed that way. Because those people are within 100 feet of that area it's going to be heard. That's the problem. Whether it's mounted up above or somehow turn in the panel so that they're



1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

**Mr. Evans continues** - at a 45 degree angle within that so the sound is not projected straight out but down at the ground then maybe that's an alternative.

Mr. Petro – I believe we could accommodate that way. I know these things get mounted in there and packed with insulation so that they don't move around so I believe there's room in there.

Mr. Evans – Brian, would that sound reasonable that we would be able to affirm that when it gets inspected?

Mr. Roenigk – Absolutely.

Mr. Evans – I guess that is acceptable to me if they can turn them at a 45 degree angle so they're not pointing straight flat out but still be able to put out sound so the car occupant can hear it.

Mr. Baldin – Pointed at the ground facing downwards.

Mr. Evans – Well, not facing downwards but at a 45 degree angle in the panel.

Mr. Baldin – I was thinking the sound was going to come out of that reader board.

Mr. Evans – No.

Mr. Baldin – It's below that.

Mr. Petro – Yes.

Mr. Baldin – And if you face it down it makes more sense.

Mr. Rusnov – Not completely 180 degrees down. Whether or not that's enough to insulate the people is questionable but it's better than what they have.

Mr. Baldin – Do we have any idea exactly how far from Panera to the first condo?

Mr. Rusnov – No, unless you want me to measure it. I don't know. I could measure it.

Mr. Baldin – I bet it's over 200 feet.

Mr. Evans – I don't think it's that far Rich. We don't have a plat plan.

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

Mr. Kolick – We could make it contingent on the speakers being mounted so that the noise from the speakers doesn't go beyond the property line. If you make it that way the Building Department could work with them as far as mounting the speakers to make sure the noise doesn't go beyond the property line which is what we're concerned about. So, you could leave it open ended.

Mr. Evans – I think, Mr. Petro that we can probably work with that.

Mr. Kolick – Okay, that will take care of (c) and we need to talk about (b) and (a).

Mr. Evans – So, the 160 square feet, as I said, that is where that comes from and we've worked with that. That would lead to the conclusion that you could reduce the size of the two existing signs that you have on there in order to accommodate a third sign. My inclination would be to sell them on the idea that the two signs would meet their needs and live with it because the Board isn't going to approve any additional signs and additional square footage.

Mr. Petro – That's fine. I don't want to change what is currently there so if the answer is no to the other signs the answer is no.

Mr. Evans – Okay, gentlemen, I've driven this conversation which I'm not supposed to do but in order to get from point A to point B, so any thoughts?

Mr. Rusnov – I'm in total agreement with you so thank you.

Mr. Baldin – I'll go along with the West and South signs without any problem. They are very, very visible, I looked at it today for another look, from Route 82.

Mr. Rusnov – So long as they operate within what we have for total square footage.

Mr. Baldin – You don't need anything on the East side at all or the North side. You still have eight square feet to play with if you want to put something up there.

Mr. Kolick – Brian, if they just went with the wall sign on the East and on the South side, which is 55.9, what is the current...

Mr. Roenigk – That is what I'm doing right now.

Mr. Kolick – Would they be under the 160 square feet then?

Mr. Petro – 152 ½ square feet.

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

Mr. Roenigk – It was eight square feet short.

Mr. Kolick – They're under 160 square feet so they don't need (a). They need a variance which permits one wall sign and another additional 55.9 square foot on the South is proposed and get rid of (a) and just have (b) and then (c) would be contingent on the speaker mounted so the noise from the speakers does not go beyond the property line. Are you okay with us acting on those Mr. Petro?

Mr. Petro – Yes.

Mr. Kolick – Okay, let's do it.

Mr. Evans – This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who 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. Hayden – Mr. Chairman, requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where one additional Wall Signs 55.9 SF (South) is proposed and b) requesting a variance from Zoning Code Section 1272.09 (b), which does not permit a Drive-Thru Menu Board Ground Sign and where two (2) Drive-Thru Menu Board Ground Signs are proposed; property located at 17750 Royalton Road, PPN 396-12-035, zoned Restaurant-Recreational Service (R-RS) contingent upon the speakers mounted so that the noise from the speakers does not go beyond the property line.

Mr. Rusnov – Second.

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

ROLL CALL:	MR. RUSNOV	NAY
	MR. HOULE	AYE
	MR. EVANS	AYE
	MR. HAYDEN	AYE
	MR. BALDIN	AYE

MOTION GRANTED

Mr. Evans – The variance has been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object. I

1) **SOMERA ROAD, INC., OWNER/Panera Bread, Tenant/Brad Petro with CESCO Imaging, Representative, Cont'd**

**Mr. Evans continues** - know that the opening is scheduled for the 27<sup>th</sup> in your new location there. You're all set for tonight.

Mr. Kolick – Mr. Petro, one other thing. Have you been before the Architectural Review Board for these signs yet?

Mr. Petro – No.

Mr. Kolick – Okay, make sure you call Carol Brill on Monday because you need to get before Carol Brill and the Architectural Review Board during the twenty days because they have to sign off on these too. Now, you won't have to worry about the size or the location but they'll be looking at the colors and so on so get a hold of her so you can get on her agenda.

Mr. Evans – Okay, is there anything else to come before the Board tonight? Then we will stand adjourned.

Signature on File  
Mr. Evans, Chairman

Signature on File  
Kathy Zamrzla, Sec'y

November 18, 2020  
Approval date