

BOARD OF ZONING APPEALS

October 20, 2016

The Board of Zoning Appeals convened in Courtroom No. 1 for their regularly scheduled meeting. Chairman Behrens called the meeting to order at 7:30 p.m. and asked the Secretary to call the roll. Members in attendance were Ms. Aston, Mr. Bartholomew, and Chairman Behrens. Mr. Callender was absent. Also in attendance were the Assistant Law Director, James Lyons; the City Planner, Lynn White; the Assistant City Manager/Community Development Director Doug Lewis, and the Secretary, Tina B. Pomfrey.

MINUTES: Chairman Behrens asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of September 15, 2016. There being none, he asked for a motion. Motion by Ms. Aston, seconded by Mr. Bartholomew, to accept the Board of Zoning Appeals Meeting Minutes as written. Chairman Behrens asked the Secretary to call the roll. On Roll Call, Mr. Bartholomew, Ms. Aston and Chairman Behrens answered "yes". Motion carried, 3-0.

Mr. Behrens explained the procedures for the meeting and swore in those who planned on speaking for or against the variance request. Mr. Behrens also clarified that there is one vacancy on the Board and one member is absent from the meeting, so if any of the applicants would like their request heard by a full Board they may request so as it will take three affirmative votes to a variance to be granted.

The Chairman asked the Secretary to please read the notice:

NEW BUSINESS

REFUSAL NO. 2294

APPLICANT: Cicogna Electric & Sign Co., Inc.

DISTRICT: B-3 Central Business District

LOCATION: 56 Liberty Street
15-C-002-0-00-001-0

VARIANCE: Section 1341.18 (c)

An application has been submitted by Cicogna Electric & Sign Co. Inc., proposing a variance to section 1341.18 (c) of the Painesville Codified Ordinances. The applicant wishes to install two (2) free standing ground signs, twelve feet in height, at the property located at 56 Liberty Street. Section 1341.18 (c) limits the height of a free standing, ground sign to eight (8) feet. A variance of four (4) feet (sign height) is being requested. An aerial view of the property is enclosed for your review.

Mr. Brad Petro, 4434 North Bend Road, Ashtabula, was present for the meeting, representing Cicogna Electric & Sign Co. Mr. Lyons asked Mr. Petro's relationship to the project. Mr. Petro explained that Huntington Bank bought the First Merit Bank and Cicogna Sign was contracted to act as the local sign installation company. Philadelphia Sign is a very large multi-million dollar sign company in New Jersey that manufactures all the signage and ships the signs to local installation companies.

Mr. Lyons asked Mr. Petro if his company was hired to install a number of signs in the area. Mr. Petro said he is carrying out installations in seven or eight different locations in Ashtabula and Eastern Lake County. Agile Signs of Mentor was hired to complete the installations on the western end of Lake County. Mr. Lyons asked who hired his company. Mr. Petro replied Philadelphia Sign hired Cicogna Electric. Philadelphia Sign assembled program pricing for specific types and sizes of signs. No custom signage is being made. Philadelphia Sign approached local sign companies with the specifications for installation. If the installer wanted the work, then they received the package contract. Mr. Lyons asked Mr. Petro if he has the authority to make decisions. Mr. Petro replied yes and indicated that he would like the Board to hear the variance request.

Mr. Petro explained that Huntington Bank just purchased First Merit Bank and is going through a corporate reimagining campaign. The sign applications call for all signage to be changed. The goal is to submit like signage to like signage; however he explained that sometimes it is difficult because of the proposed sign package design. The First Merit Signs are ancient, so new signage is being proposed. The sign variances he is requesting are for two standard pylon signs. They are twelve feet tall, which is one foot eight inches smaller than what is currently on site at First Merit and the same exact size that is at the current Huntington Bank location. He commented while this is a four foot variance, it is 20 inches smaller than the signs that are currently on the

site. Mr. Petro stated that he realizes that zoning codes and sign codes change, however, the proposed sign is also smaller than Chase Bank, which at 17 feet tall, is considerably larger than what he is requesting. He is asking for consideration because the proposed sign is a standard size and not custom made.

Ms. Aston asked if the proposed sign will have a base, increasing the height. Mr. Petro replied no, there will be no base.

Mr. Bartholomew commented that the banking industry is competitive; however, the City has requested a height for Huntington Bank signs that Chase Bank has not had to comply with.

Ms. White stated that the current Chase Bank sign was installed quite a while ago, and the current Huntington Bank sign that Mr. Petro spoke of was installed in 2011, two years prior to the City's code change, so it is grandfathered.

Mr. Behrens asked if the existing First Merit signs are grandfathered. Ms. White replied yes, Huntington Bank could utilize the existing cabinets and place new sign faces in them, paint them and use them as is. The City allows replacement of pole sign facings, as they are considered preexisting, non-conforming signs. However, once the cabinet of the sign is removed, the business must comply with the current sign regulations. Ms. White explained that in 2013, the Sign Code in the B-1 District was addressed to mimic the EMC Sign Code that changed in 2009. The B-2 District was later included.

Mr. Petro stated that Huntington's sign package does not have a face size that will fit into the existing sign cabinet. He said he understands the intent of the Code; however, all the businesses in the area are larger than what he is proposing.

Mr. Behrens countered that the City, in order to move in the desired direction, must begin to make changes somewhere. He asked if the Philadelphia Sign Company makes something that meets the City code. Mr. Petro said the next size down is a monument style size, probably about six feet tall.

Mr. Behrens asked if there were comments from the audience or the neighborhood. There being none, he asked if there were any further comments from the Board.

Discussion ensued regarding how the sign would be mounted. Mr. Lyons asked if there was room to mount a horizontal sign. Ms. White replied yes. Two locations were proposed, one at Washington and Liberty Street, and one at Sterling Avenue and Liberty Street. Both have ample room.

Mr. Bartholomew asked why the more limiting Code was passed in 2013. Ms. White replied that it was for aesthetics and to lower signs to a level that was easily readable as well as blending with the landscape. The intent was to follow the industry standard. The City Sign code was outdated; the last prior update was in 1984. The updated Sign Code applies to new commercial signage as well as existing commercial signage, as existing businesses would also be required to conform once their signs are replaced.

There being no further discussion, Chairman Behrens asked for a motion. Motion by Mr. Bartholomew, seconded by Ms. Aston, to grant Refusal 2294 as requested. On Roll Call, Ms. Aston answered "yes", Mr. Bartholomew, and Chairman Behrens answered "no". Motion failed, 2-1.

OTHER BUSINESS

There being no further business, the meeting was adjourned at 8:00 p.m.

Jim Behrens, Chairman

Tina B. Pomfrey, Secretary