

## BOARD OF ZONING APPEALS

August 17, 2017

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 Mr. Bartholomew, Ms. Aston, Mr. Callender and Chairman Behrens. Also in attendance were the Assistant City Manager/Community Development Director, Doug Lewis, City Planner, Lynn White, Assistant Law Director, James Lyons and the Secretary, Tina B. Pomfrey.

**MINUTES:** Chairman Behrens asked for additions or corrections to minutes of the October 20, 2016 Board of Zoning Appeals Meeting. 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 of October 20, 2016 as written. Chairman Behrens asked the Secretary to call the Roll. On Roll Call Mr. Bartholomew, Mr. Callender, Ms. Aston and Chairman Behrens answered "yes". Motion carried, 4-0. Chairman Behrens asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of January 19, 2017. There being none, he asked for a motion. Motion by Mr. Callender, seconded by Mr. Bartholomew, to accept the Board of Zoning Appeals Meeting Minutes of January 19, 2017 as written. Chairman Behrens asked the Secretary to call the roll. On Roll Call, Mr. Mr. Callender, Ms. Aston, Mr. Bartholomew and Chairman Behrens answered "yes". Motion carried, 4-0. Chairman Behrens asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of June 15, 2017. 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 of June 15, 2017 as written. Chairman Behrens asked the Secretary to call the Roll. On Roll Call, Ms. Aston, Mr. Bartholomew, Mr. Callender and Mr. Behrens answered "yes". Motion carried, 4-0.

Chairman Behrens explained the procedures for the meeting and swore in those who planned on speaking for or against the variance request. Chairman Behrens also clarified that there are only four members of the Board present for the meeting, as the fifth position was recently vacated by a Board member who assumed a vacant seat on the Painesville City Council. As the Board of Zoning Appeals position has not yet been filled, he asked if the applicant would prefer that the request be heard by a full Board. The Chairman indicated that three affirmative votes are required for the variance request to be granted. The applicant stated he would like the variance to be heard at the meeting this evening.

The Chairman asked the Secretary to please read the notice:

### **NEW BUSINESS: (Public Hearing)**

#### **REFUSAL NO. 2304**

**APPLICANT:** Christopher R. Fulton on behalf of Union Pentecostal Church

**DISTRICT:** R-1 Single Family Residential District

**LOCATION:** 159 Mathews Street

15-A-028-A-00-031-0, 15-A-028-A-00-033-0, 15-A-028-A-00-035-0

**VARIANCE:** Section 1135.02(c)

An application has been submitted by Christopher R. Fulton, of Fulton Sign and Decal, on behalf on Union Pentecostal Church, 159 Mathews Street, proposing a variance to Section 1135.02 (c) of the Painesville Codified Ordinances. Section 1135.02 (c) limits signs for non-residential, institutional and nonconforming uses to 16 sq. ft. with a setback of 12 feet from all property lines. The applicant is proposing to install a double-sided sign that is 48 sq. ft. in total with a setback of one (1) foot. A variance of the square footage and setback requirements is being requested.

Chairman Behrens reviewed the contents of the Refusal 2304 packet for the Board and the audience. He then asked if there was additional information regarding the request to present to the Board. Mr. Earl Edmonds, 310 Fairfield Road, Painesville Township, was present, representing Union Pentecostal Church. Mr. Edmonds explained although he does not understand the regulations set forth in the Sign Code, he has always abided by the rules and regulations set forth by the City. He said that he was not aware of the setback requirements; however, there is no other area to locate the sign. He stated that if the sign is installed per the setback requirements, it will be located in the parking lot, and will not be seen. The previous sign location had no obstructions and was the best placement for a sign. He asked the Board to please consider granting the variance he has requested.

Mr. Bartholomew asked the size of the congregation and if it was made up of local members. Mr. Edmonds replied, yes, most of the 45 members are local. Mr. Bartholomew asked the number of years the church has been at its current site. Mr. Edmonds replied Union Pentecostal has been at the current location since 1955.

Ms. Aston asked if the vacant lots next to Union Pentecostal Church were also owned by the church. Mr. Edmonds replied yes, the church owns all three lots that surround the church. City Planner White explained the locations of the lots to the Board.

Discussion ensued regarding alternative sites for the sign. Mr. Bartholomew asked if the steps to the church would be obstructed should the new sign be installed in the location that the applicant requested. Mr. Edmonds indicated that he did not believe there would be an obstruction, as that is the location of the previous sign.

City Planner Lynn White displayed several photographs showing the views from and of the church to the Board. Ms. White explained that the 12 foot requirement from all setbacks in the Residential District is large. The current Sign Code does not identify a required setback for Commercial signage in the Residential District. A minimum setback of five (5) feet is desired, but sometimes it is difficult to meet the requirement. Ms. White stated that the bigger issue is the size of the sign.

Discussion ensued regarding the size and location of the sign. Mr. Bartholomew declared that he is concerned with the obstruction the sign will pose when entering and exiting the church parking lot. Mr. Edmonds replied that before entering or exiting a parking lot, it is customary to survey that the area is clear.

Chairman Behrens asked if there were any comments or questions from the audience. Mr. Melvin Motley, 171 Mathews Street, the next-door neighbor to the church, acknowledged that initially, the sign might be a temporary obstruction; however, he believes that once the parishioners become familiar with the sign, it will not pose a problem. Additionally, Mr. Motley stated that the church is part of a larger district congregation, and although most local parishioners know the church location, others who are visiting the church, do not.

Ms. Aston suggested using the adjacent lot for the installation of the sign. Mr. Edmonds stated that the setback requirement would still remain. Mr. Lewis added to the discussion regarding alternative locations of the sign. Assistant Law Director James Lyons asked if the sign could maintain the same size, but be one sided only. Ms. White replied yes, it could meet the square footage requirement under the Sign Code if it were one sided. Discussion ensued regarding possible alternatives. It was suggested that the sign could maintain its size by eliminating one side, and moving the sign five feet from the front setback. The location of the sign would eliminate a church parking space; however, it could be seen driving down Mathews Street.

Mr. John W. Webb, 669 West Jackson Street, said he is in favor of moving the sign back five feet from the setback.

Mr. Lyons clarified the reason for size restrictions on residential signage. He stated that restrictions are placed on the size so that the sign does not overwhelm the neighborhood.

There being no further comments, Chairman Behrens called for a motion. Motion by Mr. Callender, seconded by Ms. Aston, to grant Refusal 2304 with the following modifications;

1. The sign is to be located no less than five feet from the sidewalk;
2. The sign as presented is to be one-sided only to meet the square footage requirement in a single family residential district.

On Roll Call, Mr. Bartholomew, Mr. Callender, Ms. Aston and Chairman Behrens answered "yes". Motion carried, 4-0.

Chairman Behrens remarked that the variance request has been granted and the permit can be issued five (5) business days from this evening's meeting.

Chairman Behrens asked if there was any further business the Board should address.

#### **OTHER BUSINESS:**

The City Planner, Lynn White, reminded the Board members of the 29<sup>th</sup> annual APA Cleveland Planning and Zoning Workshop on Friday, October 27, 2017. All Planning Commission members are welcome to attend and if interested, should contact her or the Secretary to make reservations.

#### **ANY OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD OF ZONING APPEALS.**

There being no further business, the meeting was adjourned at 8:10 p.m.

