

BOARD OF ZONING APPEALS

October 20, 2022

CALL TO ORDER: The Board of Zoning Appeals met on Thursday October 20, 2022, at 7:00 PM in Courtroom 1 of City Hall.

Chairperson Behrens asked the Secretary to call the roll. Members in attendance were Mr. Briggs, Chairman Behrens, Mr. Bartholomew, Ms. Aston, and Mr. Dunay. Also in attendance were Assistant Law Director, Joe Gurley; City Planner Phoenix Buathier, City Consultant Rita McMahon, and Secretary, Tara Baumgartner

ACTION ON MINUTES OF PREVIOUS MEETING:

Chairman Behrens indicated the Board had a set of minutes from the previous meeting that required action by the Board. Chairman Behrens asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of August 18, 2022. Chairman Behrens asked for a motion. Motion by Mr. Dunay, seconded by Mr. Briggs, to accept the Board of Zoning Appeals Meeting Minutes of August 18, 2022. Chairman Behrens asked the Secretary to call the Roll. On Roll Call, Mr. Briggs, Mr. Dunay, Mr. Bartholomew, Ms. Aston, and Chairman Behrens, answered "yes". **Motion carried, 5-0.**

OLD BUSINESS: None

MEETING PROCEDURE AND SWEARING IN:

Chairman Behrens explained the procedures for the meeting, and then swore in those who planned on speaking for or against the variance request. Additionally, Chairman Behrens explained that the Board of Zoning Appeals has the right to adjourn the meeting to deliberate, if needed, and then return to resume the meeting. In addition, representatives of the City Administration are present; Mr. Gurley, the City's Legal Counsel, City Manager Doug Lewis, and Ms. Buathier the City Planner.

Chairman Behrens explained that the meeting is being recorded and informed the applicants that the results of the meeting will stand as an official public hearing. He asked the applicants if they agree to the meeting procedures. The applicants in attendance agreed with the meeting procedures.

NEW BUSINESS/PUBLIC HEARING ITEMS:

Chairman Behrens moved to the first item on the agenda. He asked the secretary to read the application for Refusal No. 2389.

Refusal No: 2389
Applicant/Owner: Shayna St. John
Location: 570 Magnolia Drive
Parcel Number: 15-C-016-B-00-004-0
Acreage: 0.13
District: R-1, Single-Family Residential District
Variance: 1119.05(a)(1)

An application has been submitted by Ryan and Shayna St. John of 570 Magnolia Drive, requesting a variance to Section 1119.05(a)(1) of the Painesville Unified Development Code, which establishes the approved fencing material to be basket weave, picket, board of batten, baffle, stockade, vinyl, split rail, estate rail, solid wood, chain link, woven picket fencing, or masonry fencing. The applicant wishes to erect a fence made of sheet metal and wood posts. A variance to the type of fencing material is requested.

Withdrawn by applicant prior to meeting.

Chairman Behrens asked if someone would be out to inspect the fence since it appears the owners already put it up.

Ms. Buathier stated that it would be inspected by Code Enforcement.

Motion by Ms. Aston, seconded by Mr. Briggs to dismiss the request.

On Roll Call for the motion, Mr. Bartholomew, Mr. Briggs, Mr. Dunay, Ms. Aston, and Chairman Behrens answered "yes" **Motion approved 5-0.**

Chairman Behrens then moved on to the next item on the agenda.

Refusal No: 2390
Applicant/Owner: Ellen Selle for Sheetz, Inc.
Location: 439 Richmond Street
Parcel Numbers: 15-D-018-0-00-014-0, 15-D-018-0-00-015-0, 15-D-018-0-00-017-0
Acreage: 2.11
District: B-2, General Business District
Variations: 1127.11(a)(1), 1127.11(b)(1), 1127.11(e)(1), 1341.11(b)

An application has been submitted by Ellen Selle on behalf of Sheetz, Inc. requesting the following sign variances to the Painesville Unified Development Code:

- 1127.11(a)(1) to permit 1 additional wall sign along Stage Avenue, 1 additional sign along the western building elevation, and 1 additional wall sign along the southern building elevation. To permit 3 additional wall signs on the building, for a total of 5 wall signs located on the building.
- 1127.11(b)(1) to permit a freestanding sign over 50 square feet on each side, at 51.5 square feet; with a maximum square footage over 100 square feet, at 103 square feet.
- 1127.11(e)(1) to permit 1 additional canopy sign, facing the rear/south of the property. To permit 1 additional canopy sign, for a total of 3 canopy signs.
- 1341.11(b) to permit only one freestanding sign indicating the gasoline prices near the intersection of Richmond Street and Stage Avenue. To permit the freestanding sign indicating the gasoline prices, to be visible to Richmond Street only, and to not be required to be visible to Stage Avenue. To permit the gasoline prices to be larger than the maximum 12 inches in height, at the requested 14 inches in height.

Chairman Behrens provided a summary of the information the Board received on this request. He asked the applicant to state their name and address for the record prior to presenting their case.

Ellen Selle of 82955 Broadview Road, Broadview Heights, spoke on behalf of Sheetz. She stated that it looks like they're requesting a lot of variances, but that they're all in the same line of the code. She stated that they're requesting a modest monument sign. She also stated that they were requesting 3 signs, 1 at each entryway, which are very important, as they let customers know where to enter. She said that there would also be a 25 sq ft sign that says 24/7 that would be visible Westbound on Richmond Street by the drive thru. She stated that they are requesting 116 sq ft of total signage, which is well below the allowable square footage of 176 square feet, that they're just spreading them out into multiple signs. She stated that they were also requesting for the monument sign to be 51.5 square feet, rather than the required 50 square feet, because they are prefab and that is the standard size.

Ms. Selle went on to say that they have included heavy landscaping and a brink fence to meet the Richmond Corridor requirements. She stated that they've been very thoughtful in their landscape design to make sure it looks nice and will enhance the area.

Chairman Behrens asked if the existing carwash would be removed, along with the building that is currently on the site.

Ms. Selle responded that they would both be removed.

Mr. Dunay asked if the 24/7 sign would be visible from Richmond.

Ms. Selle said that it was on the small size and although it was visible from Richmond, it wasn't noticeable until you were close to it.

Ms. Buathier gave a summary of the request and stated that Staff is of the opinion the requested variances for proposed Sheetz location is appropriate. The requested total area of all wall signs and canopy signs, are less than the maximum sign area permitted for the building. The requested additional signs are limited to specific areas on the building, helping to identify the public entrances into the business, along with additional signage helping to identify the type of business offered on the subject site. The requested variance also helps to limit the number of monument signs on the subject site, and makes the gasoline prices larger and easier for motorist to see.

Staff is of the opinion the applicant has requested the minimum number of variances for the number of signs, area of signs, height of signs, and locations of possible signage on the subject site. The requested signage is also in accordance with the Richmond Street Design Review District. Based on these reasons, staff recommends approval of the requested variances with the condition the variances are for this applicant only.

Chairman Behrens asked how large the Richmond Corridor was.

Ms. McMahon stated that it was from Sanford Street to Erie Street.

Chairman Behrens asked what the requirements for the corridor are.

Ms. Buathier stated that the requirements were put in place to make it more business friendly and to enhance the entryway into the city. She explained that some of the requirements are heavy landscaping, sidewalks, building styles must be compatible.

Chairman Behrens asked if all requests for anything within the Corridor would have to go before Planning Commission.

Ms. McMahon stated that it could be done on an administrative level, unless it varies from the plan, then it would have to go before Planning Commission.

Ms. McMahon also added that this request was for this applicant only and wouldn't stay with the property. She explained that Sheetz was leasing the property.

Mr. Briggs asked why the City was in favor of this request and not the similar one that was heard a few months prior.

Ms. McMahon stated that when the Board approved the last request it set a precedence.

Motion by Mr. Briggs, seconded by Mr. Dunay to approve the request as written with the stipulation that it be for this applicant only.

On Roll Call for the motion, Mr. Bartholomew, Ms. Aston, Mr. Briggs, Mr. Dunay, and Chairman Behrens answered "yes" **Motion carried 5-0.**

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD OF ZONING APPEALS:

Ms. Buathier asked that the Board consider changing the date of the November meeting to allow Ms. Baumgartner to manage the Holiday Shop and Stroll event that she organized.

Motion by Mr. Briggs, seconded by Mr. Bartholomew to change the date of the November 2022 BZA meeting to Wednesday November 16, 2022.

ADJOURNMENT

Chairman Behrens asked if there was any further business the Board should address. There being no further business, the meeting was adjourned.

Tara Baumgartner, Secretary

Jim Behrens, Chairman