

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
MEETING

March 10, 2010

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Gordon Hanford, Chairman
Richard Smith
Christine Jarrell
Blair Hamilton
Kathy Miller, Alternate

Also Present:

Kathy Mitchell, Board of Zoning Appeals secretary,
Zoning Inspector

King & Melton Court Reporters
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

7:00 p.m.

CHAIRMAN HANFORD: The Board of Zoning Appeals meeting of March 10, 2010, is now in session. I would like to introduce the Board, moving left to right, Blair Hamilton, Christine Jarrell, Richard Smith, Kathy Miller, and I am Gordon Hanford, and to the far right, Kathy Mitchell, our zoning inspector.

Under advice of our counsel, anyone wishing to speak tonight needs to be sworn in. So if you plan to speak, please stand and I'll swear you in. Do you swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God? Say "I do." Thank you. Please be seated. Thank you.

Kathy, were the notices published in a timely manner?

MS. MITCHELL: Yes, they were.

CHAIRMAN HANFORD: Thank you. If your request is denied tonight, you have the right to file an appeal. In this case, Kathy will help you with the details.

We have two items on the agenda tonight. The first item is the request for a Conditional Use Permit Number 32, and that reads, "Public hearing for Conditional Use Permit Number 32, Mr. Ed Lutz of American Tower, on behalf of Clearwire LLC, proposes to co-locate antennas and an equipment cabinet on an existing telecommunication tower at 7928 Morley Road (R-1 District), just south of Interstate 90. Antennas attached to the telecommunication towers are conditionally permitted in residential districts in accordance with the conditional use permit requirements set forth in Section 13.19 C of the Concord Township Zoning Resolution.

1 Will the party come to the podium, give your name,
2 address, and just reconfirm that you were sworn in, please?

3 MR. LUTZ: My name is Ed Lutz, with American Tower,
4 address is 9156 Cherokee Run, Macedonia, Ohio 44056, and I was
5 sworn in this evening.

6 CHAIRMAN HANFORD: Thank you very much.

7 MR. LUTZ: American Tower, we own the site over there
8 on Morley Road. We are planning to install Clearwire, which is
9 a wireless internet company, to the tower. We're proposing to
10 install three additional antennas and two microwave dishes at
11 the approximate height of 120 feet on the tower. Inside the
12 existing compound, we propose to install a small concrete pad,
13 3 by 6, where we will set Clearwire's equipment cabinet and, of
14 course, will run our lines from that equipment to the antennas
15 on the tower.

16 CHAIRMAN HANFORD: Questions?

17 MS. JARRELL: I have a question about the letter from
18 Lenore Robinson. I was wondering if the contractual
19 relationship between you folks and the owner has been
20 completely resolved.

21 MR. LUTZ: Yeah. The last communication I had with
22 our contracts team is that they have been speaking, I believe,
23 probably with their attorney. I am not sure if anybody has
24 touched base with the Robinsons directly. My communication has
25 been with their attorney, Mr. Korant. But the last I heard,
26 which was today, is that they spoke, everything is in good
27 terms, and the landlord actually wants to extend the ground
28 lease.

29 So I think there was just some miscommunication
30 whether the landlord — and I am not sure if they're present or

1 not — whether they were entitled to additional monies due to
2 this installation, and I think really just an explanation of
3 the current ground lease was needed to their attorney. That
4 was straightened out and I believe, now that they understand
5 the lease, they just want to extend the lease.

6 CHAIRMAN HANFORD: Have you had any communications
7 with regard to the letter, Kathy?

8 MS. MITCHELL: No, other than the day that she
9 submitted the fax, she also indicated they were in
10 conversations with the telecom.

11 CHAIRMAN HANFORD: Thank you. Anyone else?

12 MS. JARRELL: I would just propose that we would —
13 I'm certainly in favor of it but I would just propose that we
14 see validation of the agreement before we give the permit.

15 MR. LUTZ: I have a copy of the ground lease
16 agreement. I mean, it states right in the ground lease that
17 the lease is current and we have the ability to add, add
18 facilities throughout the term of the lease. So, I mean, it's
19 really right in the ground lease that —

20 CHAIRMAN HANFORD: Do you have that with you?

21 MR. LUTZ: I do have the ground lease.

22 MR. SMITH: Mr. Chairman, this is, perhaps, a
23 contractual issues and not a zoning issue. I mean, we're
24 cognizant of the fact that the owner had some issues previously
25 and, perhaps, have been resolved; but, nonetheless, the outcome
26 of our decision for conditional use has no bearing on this.

27 CHAIRMAN HANFORD: I just thought — Thank you.

28 MR. SMITH: A question for Kathy, Mr. Chairman.
29 Kathy, on that Section 13.19 C, for conditional use permit, are
30 there other criteria for towers in a residential district? The

1 tower is already established, I understand that.

2 MS. MITCHELL: Correct. There is a maximum size of
3 an equipment shelter, which shall not exceed 300 square feet,
4 is the other most obvious concern, as well as the setback
5 requirements for accessory buildings. But the equipment
6 shelter is within the leased area which has already been —
7 which already meets the setback requirements.

8 MR. SMITH: Thank you.

9 MS. MILLER: Mr. Chairman, it does say in Lenore
10 Robinson's letter that they are not commenting on whether the
11 permit should be granted or not.

12 CHAIRMAN HANFORD: Right, yeah, the contractual
13 disagreement.

14 MR. LUTZ: Like I said, from my communication with my
15 contracts team, I believe that has been resolved, and I have
16 that e-mail from my contracts team as well with me today, so —

17 CHAIRMAN HANFORD: Okay. Thank you.

18 MR. HAMILTON: Mr. Chairman, just one final
19 question. Can you confirm that there have been no changes to
20 the plan, site plan?

21 MR. LUTZ: Yeah. That's what we're going at — The
22 heights and the equipment inside of the shelter or inside the
23 compound is what you're referring to?

24 MR. HAMILTON: Yes.

25 MR. LUTZ: That's correct, no changes.

26 CHAIRMAN HANFORD: Excellent question. All right.

27 You may be seated.

28 Anyone speaking for the conditional use permit?

29 Anyone speaking against it? Seeing no one for or against, the

30 — Well, there is, by the way, a gentleman just came in. Are

1 you planning on speaking tonight, sir? Yes.

2 AUDIENCE MEMBER: Oh, Item Number 2.

3 CHAIRMAN HANFORD: Item Number 2, then I'll have to
4 swear you in when we get to that.

5 If there are no further questions, the public hearing
6 for the Conditional Use Permanent Number 32 is now closed. The
7 chair will entertain a motion to approve Conditional Use Permit
8 Number 32.

9 MR. SMITH: Move to approve, Mr. Chairman.

10 CHAIRMAN HANFORD: Second?

11 MR. HAMILTON: Second.

12 CHAIRMAN HANFORD: The approval of Permit Number 32
13 is moved and seconded. Discussion? No discussion? I don't
14 see anyone. Okay.

15 MR. HAMILTON: No. This is thoroughly documented
16 within the confines of the existing approved area, so —

17 CHAIRMAN HANFORD: Right. Good. Kathy, will you
18 call for a vote?

19 MS. MITCHELL: Yes.

20 CHAIRMAN HANFORD: Please.

21 MS. MITCHELL: Mr. Smith?

22 MR. SMITH: Yes.

23 MS. MITCHELL: Ms. Jarrell?

24 MS. JARRELL: Yes.

25 MS. MITCHELL: Mr. Hamilton?

26 MR. HAMILTON: Yes.

27 MS. MITCHELL: Ms. Miller?

28 MS. MILLER: Yes.

29 MS. MITCHELL: Mr. Hanford?

30 CHAIRMAN HANFORD: Yes. The Conditional Use Permit

1 Number 32 is approved. And if you would like to leave, see
2 Kathy just before you leave, please.

3 MR. LUTZ: Thank you very much.

4 CHAIRMAN HANFORD: Thank you. All right. The — Oh,
5 by the way, do you want this?

6 MR. LUTZ: You can have it, I can take it, whatever.

7 CHAIRMAN HANFORD: That's fine. Thank you very much.
8 Thank you for bringing that.

9 MR. LUTZ: Yep.

10 CHAIRMAN HANFORD: Okay. The next item on the agenda
11 is Appeal 0210-962, and that reads, "Public hearing for appeal
12 Number 0210-926: Mr. John Struna" — Is it Struna?

13 MR. DONOFRIO: No. My name is Anthony Donofrio. I
14 am here on behalf of John Struna. He had a family emergency.

15 CHAIRMAN HANFORD: Okay. When you come up, just
16 bring that information with you so we can have that on the
17 audience. I will call you in a minute.

18 — "proposes a sign on the east side of the building
19 located at 7531 Crile Road (B-1 Restricted Retail District) for
20 the new Sunny Street Cafe that is adjacent to the Huntington
21 Bank in the Grist Mill Retail Plaza. In accordance with
22 Section 30.04 of the Concord Township Zoning Resolution, each
23 business shall be permitted one wall sign on the front wall
24 facing the most parallel to road right-of-way. Approval of —
25 sorry.

26 All right. Would you please come forward and give
27 your name and just confirm that you were sworn in, please?

28 MR. DONOFRIO: My name is Anthony Donofrio and I am
29 on behalf of John Struna and I was sworn in.

30 CHAIRMAN HANFORD: Thank you.

1 MR. DONOFRIO: So what we are proposing to do is put
2 a sign on our — above our main entrance, which is the entrance
3 that faces the parking lot. The entrance that faces Crile Road
4 is our back entrance, so what we would like is for a sign that
5 says "Sunny Street Cafe" to face the parking lot where all our
6 guests will be coming in.

7 MS. JARRELL: When are you folks supposed to open?

8 MR. DONOFRIO: We are shooting for the second week of
9 April.

10 MS. JARRELL: And you already have two signs
11 approved.

12 MR. DONOFRIO: Correct.

13 MS. JARRELL: On the south and the west side.

14 MR. DONOFRIO: Correct.

15 MS. JARRELL: And have you guys considered an awning
16 on the front side in lieu of a sign?

17 MR. DONOFRIO: Yes, we did. The awning that shows —
18 I don't know exactly what pictures you have but there is a
19 picture of an existing awning that has the "Value Fitness" on
20 it —

21 MS. JARRELL: Right over the door?

22 MR. DONOFRIO: Right. We wanted to have that a blank
23 awning because you can't really see that from Fredle. And what
24 we would like is for people driving down Fredle Road to be able
25 to notice us right away and see us because, for the past two
26 weeks, we've been taking applications and I have had phone
27 calls constantly saying they can't find us. And, you know, we
28 would like for a bigger sign that can be visible from Fredle
29 Road.

30 MR. SMITH: There is a sign on the west.

1 MS. JARRELL: I was just going to say, they can't
2 find you?

3 MR. DONOFRIO: Right.

4 CHAIRMAN HANFORD: You didn't hire those people, did
5 you?

6 MR. DONOFRIO: You know, right.

7 MS. JARRELL: Exactly.

8 MR. DONOFRIO: I had a gentleman standing right at
9 the front door saying he couldn't find the box with the
10 applications in it, and I was in the restaurant and told him to
11 look to his left and he looked to the left, and he didn't get a
12 call back, needless to say, but that's besides the point.

13 MR. SMITH: Is the sign on the west side — Are any
14 of the signs installed already?

15 MR. DONOFRIO: No. We have just temporary banners
16 hanging now and there is pictures of those. I don't know
17 exactly what pictures you folks have, and I apologize about
18 that. But there are temporary banners hanging now so, those,
19 we would like to replace with lit neon signs. And this
20 gentleman here is from the sign company. He can probably give
21 you better details than I can. He knows what kind of signs
22 we're using.

23 MS. JARRELL: Well, as you know, the code only calls
24 for one sign and then you got a variance to have a second sign.

25 MR. DONOFRIO: Correct.

26 MS. JARRELL: And while I — In reading the code
27 today and studying your proposal, I don't really believe that
28 our code is really — correlates with an out-parcel at all.

29 MR. DONOFRIO: Correct.

30 MS. JARRELL: I don't think it addresses it, and I

1 will give you that. However, our code is our code and you
2 already have one variance, so have you considered perhaps maybe
3 moving the sign that's on the south side and putting it on the
4 east side?

5 MR. DONOFRIO: Absolutely. We have looked into
6 that. And it's unfortunate that we have a three-sided
7 building, whereas, none of the other buildings in that Grist
8 Mill Plaza, they only have one side that they need to sign but
9 we have — If you are going down Crile Road or even down 44 and
10 you're coming down, we just want to be noticed. It can help.
11 It can help the city of Concord. It can help John and myself
12 make money. And, you know, I personally don't see a problem
13 with it but, again, I don't know the legalities of it.

14 So, like I said, we're just trying to maximize our
15 business and our draw. And the main thing that brings that to
16 us, what draws us from the Waffle House, if we get seen first
17 as somebody is driving down Crile Road or 44 before the Waffle
18 House. We would love them to come to us instead, so that's
19 basically the issue here.

20 MS. JARRELL: Well, our code is the code.

21 MR. DONOFRIO: I understand.

22 MS. JARRELL: And we have reasons for that. And you
23 guys haven't even been open yet to even be able to present a
24 hardship in this case. You only have a few potential employees
25 that couldn't find the building, which if they drove 10 feet
26 further, they would have seen the sign.

27 MR. DONOFRIO: You would think that that was the
28 case —

29 MS. JARRELL: Right.

30 MR. DONOFRIO: — but it's really not. It's not a

1 few, it's been several dozen. So that's really the issue that
2 we're facing. And it's not so much that they don't see the
3 sign from 44 or Crile Road, it's when they drive into the
4 plaza, and that's our main entrance there. To not have a sign
5 above our main entrance is almost, you know, asking to go out
6 of business.

7 MS. JARRELL: What about a bigger awning over the
8 windows, perhaps?

9 MR. DONOFRIO: Above the windows, we looked at all
10 those options. We've, you know, done computer graphics for
11 everything, every which way, and we think that this looks the
12 sharpest and looks the cleanest and the best. With the
13 awnings, you only get the small print on the flap that hangs
14 down. With the sign, you get good size letters and —

15 CHAIRMAN HANFORD: Don't you think though, if
16 somebody that drives in the parking lot or just by Reider's,
17 that they can see?

18 MR. DONOFRIO: You would think, right? I mean, I
19 would definitely think that, too.

20 CHAIRMAN HANFORD: One by eight —

21 MR. DONOFRIO: Right.

22 CHAIRMAN HANFORD: — signage on an awning?

23 MR. DONOFRIO: Yeah, one would think but you would be
24 surprised. It's not the case, unfortunately.

25 CHAIRMAN HANFORD: That would be —

26 MR. DONOFRIO: If people just open their eyes a
27 little bit —

28 MS. JARRELL: Do you have any evidence of that
29 besides those couple employees though that's —

30 MR. DONOFRIO: Again, it wasn't just a couple. A

1 couple, I think two or three. This was a couple dozen that
2 have had a hard time finding it.

3 CHAIRMAN HANFORD: Kathy, where is the sign — Is
4 that considered a sign for the public, something written on an
5 awning?

6 MS. MITCHELL: Well, it falls under a different
7 category. We have wall signs and then we have awning signs, so
8 both are allowed.

9 CHAIRMAN HANFORD: Yes.

10 MS. MITCHELL: Is that what you're asking?

11 CHAIRMAN HANFORD: Yes. I just wanted to let the
12 public know that there is an option here.

13 MS. MITCHELL: Well, and I will point out that
14 freestanding signs, in most instances, is also an option. In
15 the case of Grist Mill, they have not allowed any freestanding
16 signs, so everyone that is receiving this has been, they feel,
17 has been at a disadvantage because they don't have the option
18 of the use of a freestanding.

19 Actually, the landlord did, for the record, send a
20 letter of acknowledgment in support of the wall signs.

21 MR. DONOFRIO: And I know Huntington Bank is sharing
22 the same problem that we're sharing.

23 CHAIRMAN HANFORD: Pardon?

24 MR. DONOFRIO: Huntington Bank is having the same
25 problem we're having, so —

26 MS. MITCHELL: I did speak to Mr. Struna tonight. He
27 apologized. He had a family illness and could not make it
28 tonight, so I know you are filling in but he did express his
29 same concerns over the phone.

30 MS. MILLER: Right now, you just have banners,

1 correct?

2 MR. DONOFRIO: Correct.

3 MS. MILLER: So that may be part of the confusion
4 with —

5 CHAIRMAN HANFORD: Pardon?

6 MS. MILLER: That may be part of the confusion with
7 people coming, with —

8 MR. DONOFRIO: The banners.

9 MS. MILLER: — the potential employees not being
10 able to see, because they're using — they're going on the side
11 of banners.

12 MR. DONOFRIO: If I may, the difference between a lit
13 neon sign and white block letters printed on an awning in the
14 dark is, you know, humongous.

15 CHAIRMAN HANFORD: Do you have a light over that
16 door?

17 MR. DONOFRIO: Are you talking about the front
18 entrance, sir?

19 CHAIRMAN HANFORD: Yes.

20 MR. DONOFRIO: No, we don't.

21 CHAIRMAN HANFORD: You can put a light on it so
22 people can see it.

23 MR. DONOFRIO: I'm talking about — You suggested
24 moving the sign to the front and the back and then leaving the
25 side just the banner or the awning with the print on it.

26 MS. JARRELL: I suggested either/or, either putting a
27 bigger awning on your front side with the letters and you could
28 put some lights over that and then, you know, leaving the signs
29 on the south and the west, or in lieu of the sign on the south,
30 moving that big sign, the neon sign, to the front of the

1 building.

2 CHAIRMAN HANFORD: Well, I think that's probably a
3 good suggestion but the trouble is people coming down Crile,
4 they're going to need the sign on the south side.

5 MR. DONOFRIO: Absolutely.

6 CHAIRMAN HANFORD: But that's up to them. If you
7 wanted to move that, that would be fine.

8 MR. DONOFRIO: What we're asking is for —

9 CHAIRMAN HANFORD: That would be more —

10 MR. DONOFRIO: — all three sides.

11 CHAIRMAN HANFORD: Yeah. Well, I think we already
12 have a variance here and, what, you've got 8 square feet for an
13 awning?

14 MS. MITCHELL: That's the maximum size, and the Value
15 Fitness sign is 7 square feet now.

16 MR. DONOFRIO: You're looking at a foot bigger than
17 that and there is nothing then.

18 CHAIRMAN HANFORD: Well, a nice awning stuck in the
19 middle would certainly bring it up with some lights on.

20 MS. JARRELL: Um-hum.

21 CHAIRMAN HANFORD: Okay. Anything else?

22 MR. SMITH: This sign request is for signage that's
23 at the location of your main entrance?

24 MR. DONOFRIO: Correct.

25 MR. HAMILTON: Just one comment, if I may. The
26 indication that your employees could not find the building may
27 be an indication of how effective the signage on the south and
28 the west sides of the building are, meaning not very
29 effective.

30 MR. DONOFRIO: I understand what you are saying.

1 MR. HAMILTON: If they came from the north and pulled
2 into Grist Mill, there is a good chance they didn't see that
3 sign on the west side or the south side. However, if one of
4 those signs, maybe the one on the south side, were replaced on
5 the east side, there would have been no mistaking where they
6 were once they pulled in the parking lot. Just a comment.

7 MR. DONOFRIO: I understand what you are saying.
8 Unfortunately, John and myself disagree, but that's not my
9 decision to make, so — I think that what is good for us is
10 good for the city of Concord and, apparently, we're not on the
11 same page there.

12 CHAIRMAN HANFORD: No. I think we're on the same
13 page. We're just wondering — not wondering, commenting on, I
14 can see the sign on the west, 44, and I can see the sign on the
15 south, which is a variance granted, but I think — We will
16 discuss that with the Board once we close the discussion —
17 that a nice awning over that with, an 8 by 8, with lights —

18 MR. DONOFRIO: Again, this is something that, you
19 know, corporate has approved as well. It is not just John's
20 decision.

21 CHAIRMAN HANFORD: Yeah.

22 MR. DONOFRIO: It has to go through corporate, which
23 is —

24 CHAIRMAN HANFORD: It's up to you, I mean, one way or
25 the other. I don't know how the outcome is going to come.
26 That's just a comment I have.

27 MR. DONOFRIO: Right.

28 CHAIRMAN HANFORD: Well, if there are no other
29 questions —

30 MS. JARRELL: I just have one quick question. This

1 picture of the south, there is two pictures here and one of
2 them shows your banner and then the other one shows the
3 proposed sign that you've already received a variance for.

4 MR. DONOFRIO: Correct.

5 MS. JARRELL: And then there is an awning here. Is
6 there going to be an awning there?

7 MR. DONOFRIO: Well, the awning is no longer going to
8 be there.

9 MS. JARRELL: There is not going to be an awning
10 here?

11 MR. DONOFRIO: No. That's the site of, you know —
12 There is going to be a side exit there. That's what's going to
13 happen there. So they're putting a door there and having a
14 side exhibit.

15 MS. JARRELL: Is there — It's kind of hard to tell,
16 this picture with the awning. I went by the building this
17 morning but I couldn't remember if there was really, kind of,
18 an ingress under that awning or if it's all even. What's the
19 case there?

20 MR. DONOFRIO: I am confident it's all even.

21 MS. JARRELL: Okay. Well, if you're going to put an
22 exit there, why don't you put a nice awning over that door and
23 take the sign from the west side and put it on the other side?

24 MR. DONOFRIO: Again, these are all great ideas and
25 ideas we've played with. Again, it's just a decision that — I
26 think, basically, what I am getting at is standing out from a
27 distance is essentially the issue here. You know, if you're
28 down at the stoplight from way down the street or if you're at
29 the gas station over there, you know, and you see that sign lit
30 up and very big, you know, you're drawn to that, so that's what

1 we're trying to say here.

2 MR. SMITH: The size of the signage, in keeping with
3 the multi-tenant Grist Mill building where Reider's and all the
4 other multi-tenants are —

5 MR. DONOFRIO: Is it the same size?

6 MR. SMITH: The height of it?

7 MR. DONOFRIO: I believe so.

8 MR. SMITH: Is it 18-inch high letters?

9 MR. DONOFRIO: Yes, I believe so.

10 Is that 18-inch height on the letters?

11 AUDIENCE MEMBER: Yeah, they're approximately 18
12 inches.

13 MR. DONOFRIO: 18 inches.

14 MR. SMITH: I could understand driving through Grist
15 Mill and having all the signs on multi-tenants and Reider's —

16 MR. DONOFRIO: That's another advantage that they
17 have.

18 MR. SMITH: — but nothing on the other buildings.

19 MR. DONOFRIO: That's another advantage that they
20 have with just one sign, one front. The people turning in off
21 of Fredle can identify them right away, so that's another — or
22 coming from Reider's towards Fredle, you know, you would have
23 to get directly in front of the building to see the sign, if so
24 you can see it on the side, you know, recognition is basically
25 what we're going for here. Again, I can't stress enough that
26 what helps us helps the entire city of Concord.

27 MS. MILLER: On the other hand, too many signs might
28 be more confusing. I mean, I know you want to get your name
29 out. I know you want to get — have the ability for people to
30 have the ability to see and recognize your building.

1 MR. DONOFRIO: Right.

2 MS. JARRELL: But I am feeling like too many signs
3 are not going to direct them to the proper entrance. That
4 would bother me.

5 MR. DONOFRIO: I understand what you're saying.

6 MS. MILLER: As a consumer, going to the wrong —

7 MR. DONOFRIO: Absolutely.

8 MS. JARRELL: — until I get used to it. And once
9 it's established and people know where your entrance is, it's a
10 different story. I might want to suggest that you put it —
11 You put signage on the west, which is very necessary.

12 MR. DONOFRIO: Correct.

13 MS. MILLER: You put it on the front of your
14 entrance.

15 MR. DONOFRIO: Facing the parking lot.

16 MS. MILLER: And then, possibly, if there are still
17 problems, if you want to consider another sign later on, you
18 know, ask for a variance for that, possibly. I don't know.

19 MR. DONOFRIO: I mean, as far as the side, "exit
20 only" sign would do the trick. And then on the back, you know,
21 if you circle the building to try and find the entrance and
22 that back door facing Crile Road, you see "deliveries only"
23 sign on the door as you drive by because you drive — you're 5,
24 10 feet away from the door as you drive by.

25 MS. JARRELL: Right.

26 MR. DONOFRIO: And there is no parking back there.
27 It's just a pass-through for the bank. And then you go around
28 the side and you see "exit only" sign and, you know, then you
29 come around the front.

30 MS. JARRELL: Right.

1 MR. DONOFRIO: You'll know where to go. There is —
2 All the parking is in front of the building. There is very
3 little parking on the side. There is a lot of parking in the
4 front. So, again, you would like to think that the public has
5 common sense but it's not always the case. I am sure you're
6 all —

7 MS. JARRELL: That's profound.

8 MR. DONOFRIO: I'm sure you can all attest to that.

9 MS. JARRELL: Yes.

10 CHAIRMAN HANFORD: How about the guy that goes 90
11 miles an hour and can't turn his key off.

12 MR. DONOFRIO: Right, but he has time to call 911 and
13 have the police come and get him.

14 CHAIRMAN HANFORD: Anyway, yes. Well, any other
15 questions?

16 MR. SMITH: Have you considered deleting the south
17 sign and just having the west and east signs?

18 MR. DONOFRIO: Of course, yes. We have considered
19 all options. Again, I think that, going back to that, I think
20 that the more signs, the better. Whatever direction you're
21 coming from, if you can recognize that you're coming to our
22 establishment before you get to the Waffle House or —

23 MR. SMITH: I would think, if I were on Crile Road, I
24 could see the west sign from Crile.

25 MR. DONOFRIO: Correct.

26 MR. SMITH: And I don't need the south sign if I am
27 coming in by the gas station, or if I come in on Fredle then I
28 see it on the front of your building. That would be all the
29 signage I would need.

30 MR. DONOFRIO: You don't think that coming from Crile

1 the opposite way, coming from Girdled, you would need to see
2 the sign there?

3 MR. SMITH: That's my opinion.

4 MR. DONOFRIO: Again, not to be disrespectful but we
5 disagree, which is why I'm here.

6 CHAIRMAN HANFORD: Any other questions?

7 MS. JARRELL: Kathy?

8 MS. MITCHELL: I just want to — Since Mr. Struna
9 couldn't be here tonight and the Board is actually suggesting a
10 couple of alternatives, would you consider tabling this as
11 opposed to them closing the hearing and having them make a
12 decision? At least, have the opportunity to talk to him and
13 see if that's something he would consider because, if not,
14 you're still without a sign and then —

15 MR. DONOFRIO: We're out the — yeah.

16 MS. MITCHELL: — yeah, application fee again. It's
17 unfortunate he is not here tonight and I know he really wanted
18 to be here.

19 MR. DONOFRIO: It is. We didn't foresee that.

20 MS. MITCHELL: So would that be something that you —

21 CHAIRMAN HANFORD: We're not saying you're not doing
22 a good job.

23 MR. DONOFRIO: I am really trying.

24 CHAIRMAN HANFORD: We're saying he is the chief and I
25 think that would be to an advantage for him to understand.

26 MR. DONOFRIO: I agree. But you really can't foresee
27 family emergencies.

28 CHAIRMAN HANFORD: Oh, sure. I understand.

29 MR. DONOFRIO: Unfortunately, that had to happen to
30 him and just couldn't be in the cards tonight.

1 CHAIRMAN HANFORD: If I were you, I would ask that
2 this be tabled, I really would. We would have a decision here
3 and then we would have to go back on the decision. Plus,
4 coming back again is another fee.

5 MR. DONOFRIO: Right. And then when would that be?

6 CHAIRMAN HANFORD: Next month.

7 MR. DONOFRIO: Next month. The problem with that is
8 we would really like to get the signs up as soon as possible
9 and, you know —

10 MR. SMITH: I am sorry?

11 MR. DONOFRIO: No, go ahead.

12 MR. SMITH: You can already put the two signs up.
13 Did they get a variance for that?

14 MS. MITCHELL: They haven't put any of the approved
15 signs up. They put up the sign on the front and you can
16 continue to keep your banners up. We're just talking four
17 weeks. You would still have the ability to have temporary
18 signs, so it is not like we're withholding you from that.

19 MR. DONOFRIO: Right. But a month from now is taking
20 us directly into our opening, so you know what I am saying?

21 CHAIRMAN HANFORD: So you want an answer now?

22 MR. DONOFRIO: Can you give me, like, one wink if
23 it's a yes, two if it's a no, kind of thing?

24 CHAIRMAN HANFORD: No. I think you've got the flavor
25 of where the Board is by the questions.

26 MR. DONOFRIO: Of course, yes. I was just trying to
27 make light of that. I guess I have really no other option
28 here. I can't —

29 CHAIRMAN HANFORD: Proceed, is that what you are
30 saying?

1 MR. DONOFRIO: Yeah. I mean, I guess we have to
2 proceed. And if the answer is no, we'll appeal it at a later
3 date and try and get it taken care of. I mean, I know how much
4 it costs, so what's that opposed to however much money we —

5 CHAIRMAN HANFORD: To come back again, \$150.

6 MR. DONOFRIO: Oh, I know. No, I know how much it
7 costs, but I am saying \$150 is what it is.

8 CHAIRMAN HANFORD: Okay. All right. Thank you.

9 Is there anyone speaking for the appeal? Anyone
10 speaking against the appeal? All right. The public meeting
11 for Appeal Number 0210-962 is closed. Can I have a motion?

12 MR. SMITH: Motion to approve, Mr. Chairman.

13 MR. HAMILTON: Second.

14 CHAIRMAN HANFORD: Discussion?

15 MR. SMITH: I think they need a sign on the front
16 entrance. I don't think they need a sign on the south side.

17 MS. JARRELL: Agree.

18 MR. HAMILTON: I'm in agreement with that.

19 MS. MILLER: Me, too.

20 MR. HAMILTON: I'll say one other thing, too.
21 I mean, we're already at a point where the variance represents
22 50 percent of what's allowed. We've already given them two
23 signs.

24 CHAIRMAN HANFORD: Yes.

25 MR. HAMILTON: Now a third sign is 75 percent of the
26 variance. It's a lot.

27 CHAIRMAN HANFORD: Well, my feeling is that I think
28 the west side and the south side signs probably make sense but
29 I don't understand why there is not movement on a nice awning
30 with lights, that 1 by 8 section, saying who they are because

1 if you're coming down from the south and you see the sign, you
2 know it's there, right? There is a sign. Coming down from the
3 west, you're going to see a sign, so you say it's there. But
4 when you drive in the parking lot, you look where you saw and
5 it's going to say, nice big awning, what it is. That's my own
6 personal feeling, that whatever they want to do because I —
7 you're right. It's about the west side, we've approved.

8 MS. JARRELL: I agree. An awning would be a nice
9 addition and I don't really feel that there is, you know, such
10 an "impactful" amount of traffic coming from the south that you
11 need to have that sign on the south side. Just move it to the
12 east and, you know, maybe put a nice awning. But I don't see
13 any hardship. There is no evidence of hardship at this point
14 either.

15 CHAIRMAN HANFORD: No. Really, moving the sign is
16 going to be their decision.

17 MS. MILLER: But if they do the two signs that
18 they're proposing, if they wanted to proceed with an awning,
19 they can do that.

20 MS. MITCHELL: As long as they meet the 8 square feet
21 maximum, they can do an awning sign and the south and the west.

22 CHAIRMAN HANFORD: Any further discussion? Kathy,
23 call for a vote, please.

24 MS. MITCHELL: Mr. Hamilton?

25 MR. HAMILTON: No.

26 MS. MITCHELL: Mr. Smith?

27 MR. SMITH: No.

28 MS. MITCHELL: Ms. Miller?

29 MS. MILLER: No.

30 MS. MITCHELL: Ms. Jarrell?

1 MS. JARRELL: No.

2 MS. MITCHELL: Mr. Hanford?

3 CHAIRMAN HANFORD: No. All right. The appeal is
4 denied. And, again, if you have — You can see Kathy when you
5 leave, or if you have an appeal, she will give you some
6 guidance as to what the next step is.

7 Okay. Let's see what else we have here. Approval of
8 minutes. Let's move on to the approval of the minutes of
9 February 10th, 2010, meeting. Did you have a chance to look it
10 over? Any additions? deletions?

11 MR. SMITH: No.

12 CHAIRMAN HANFORD: And the minutes are — yes. The
13 minutes stand as written. Thank you.

14 MS. JARRELL: Good job.

15 CHAIRMAN HANFORD: Now, Number 4, we have election of
16 new Board of Zoning Appeals chair and vice chair. And before
17 we do that, I would just like to say that I really appreciate
18 everyone working well on this Board and I appreciate your
19 help. Thank you very much for a good year.

20 MS. JARRELL: We appreciate your service, Gordon.

21 CHAIRMAN HANFORD: Thank you. Jim is not here but we
22 are going to make him the chair.

23 MR. HAMILTON: That's what he gets for not being
24 here.

25 CHAIRMAN HANFORD: Too bad.

26 MR. SMITH: Everyone that's new, show up for the
27 meetings.

28 CHAIRMAN HANFORD: And since we do, kind of, go in an
29 order — We do have a new person on the Board, a sub, if you
30 will.

1 MS. MILLER: Thank you.

2 CHAIRMAN HANFORD: I would like to nominate Richard
3 Smith for vice chair. All in favor?

4 (Five aye votes.)

5 CHAIRMAN HANFORD: All right. So we now have Jim as
6 the chair and Richard Smith as the vice chair.

7 We were going to have a work session but we're not
8 going to have that tonight, as you know. It's been suggested,
9 since I am not going to be here in April, that we have the
10 discussion with our counsel in May. Is that —

11 MR. HAMILTON: I believe that's fine.

12 CHAIRMAN HANFORD: Is that okay? Check your
13 schedules and if we're all here —

14 MR. SMITH: Do you know the date in May,
15 Mr. Chairman?

16 CHAIRMAN HANFORD: Yes. It will be the second — The
17 second Wednesday would be the 12th. And Kathy will remind you
18 of that by e-mail as well.

19 All right. If that's all the business tonight, I'll
20 close out this meeting. Meeting is closed. Thank you.

21 (The meeting was adjourned at 7:39 p.m.)

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1 STATE OF OHIO)
2) CERTIFICATE
3 COUNTY OF CUYAHOGA)
4

5 I, Melinda A. Melton, Registered Professional
6 Reporter, a notary public within and for the State of Ohio,
7 duly commissioned and qualified, do hereby certify that, to
8 the best of my ability, the foregoing proceeding was reduced
9 by me to stenotype shorthand, subsequently transcribed into
10 typewritten manuscript; and that the foregoing is a true and
11 accurate transcript of said proceedings so taken as
12 aforesaid.
13

14 I do further certify that this proceeding took
15 place at the time and place as specified in the foregoing
16 caption and was completed without adjournment.
17

18 I do further certify that I am not a friend,
19 relative, or counsel for any party or otherwise interested
20 in the outcome of these proceedings.
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my seal of office this 26th day of March 2010.
24
25
26
27

28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio
33

34 My Commission Expires:
35 February 4, 2013
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