

Amherst Zoning Board of Appeals
206 South Main Street
Amherst, Ohio 44001

November 29, 2023

6:30pm

Present:

Don Anderson

Terry Tomaszewski

Al Berezney

Bob Valenti

John Jeffreys

Excused:

Other City Officials:

Mayor Costilow

Atty. Ward

David Macartney

Tammy Paterson

Mr. Tomaszewski opened the meeting at 6:55pm.

Mr. Tomaszewski swears everyone in that will be speaking at this meeting.

1. Mr. Patrick Resetar residing at 728 Lincoln Street. Mr. Resetar is requesting a hearing of appeal regarding a violation notice sent October 17, 2023, regarding the number of signs permitted on his property and the square footage of sign on this property pursuant to Chapters 1149.06(i) and Chapter 1149.06(e).

Mr. Tomaszewski acknowledged that Mr. Resetar is not present at the Zoning Board of Appeals meeting and asked Mr. Macartney to review the appeal and notice of violation. Mr. Macartney stated back in September Mr. Resetar requested variances for signs larger than allowed and to allow them to be up for six months. Mr. Macartney stated both variances were denied at that meeting. Mr. Macartney stated Mr. Resetar proceeded to put up his signs, which he thought the signs on the fence were permanent, I did not agree with and therefore he received a violation notice. Mr. Macartney stated Mr. Resetar is appealing that violation notice. Mr. Tomaszewski asked if Mr. Resetar is still in violation. Mr. Macartney stated yes, some of the signs were taken down but then more were placed up. Mr. Macartney stated there were ten (10) signs in the yard, eight (8) signs on the two sides of the fence.

Attorney Ward stated as of late this afternoon all signs were removed. Attorney Ward stated this does not change the board's analysis of the appeal.

Based on the information provided, Mr. Berezney motions to deny the appeal, seconded by Mr. Valenti. Denied 5-0

2. Mr. Brad Petro from Cicogna Sign Company representing University Hospital located at 915-917 N. Lake Street Amherst, Ohio. Mr. Petro is requesting four (4) variances.
 1. Chapter 1149.05(b): No more than two (2) signs permitted. Variance requested: Eight (8) additional signs (10 total signs).
 2. Chapter 1149.04: Maximum size of monument sign not to exceed 98 sq. ft. at 24' off property line. Variance requested: 22 sq. ft. additional area (120 sq. ft. total sign area).
 3. Chapter 1149.04: Total area of wall signage not to exceed 2 sq. ft. per lineal foot of ground floor business. Maximum of 200 sq. ft. Variance requested: 869 sq. ft. additional area (1,069 sq. ft. total sign area) for all wall signage.
 4. Chapter 1149.04: Average height of lettering or components not to exceed 36". Variance requested: 55" additional height (90.25" tallest shield logo)

Cicogna Signs Company is requesting eight (8) additional signs for the south and north side of the building and one sign for the patient drop off area. Mr. Petro stated they will also be identifying Rainbows Baby and Children on the Building. Mr. Petro stated University Hospitals is currently building two new buildings on N. Lake Street. M. Petro stated one building is a Medical Office Building and the second building is a Surgery center. Mr. Petro stated these two buildings sit back off the street and would like to be visible to local traffic and along with traffic on the highway. Mr. Petro stated the University Hospital logo is not easy to calculate and they are requesting the signs to be easily recognized by the logo. Mr. Macartney stated the vinyl door signs are not counted in the signs they are requesting. Attorney Ward had no comments or questions at this time.

VARIANCE REQUEST NO. 1 - ACO § 1149.05(b)

Cicogna Sign Company ("**CIGOGNA**") requested a variance to install a total of ten (10) signs, eight (8) more than allowed by ACO 1149.05 of the Amherst Codified Ordinances ("**ACO**"). After deliberations, the Board made the following findings regarding Cicogna's first request for a variance:

- The requested variance is not substantial. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.
- Granting the requested variance would promote fairness and consistency.

It is the decision of the Board to reverse the decision of the Building Official and grant Cicogna's request for a variance to allow ten (10) signs, eight (8) more than allowed by ACO § 1149.05. Approved 5-0

VARIANCE REQUEST NO. 2 - ACO § 1149.04

Cicogna also requested a variance for 120 sq. ft. sign area, 22 sq. ft. additional area for a monument sign, which would exceed the required 98 sq. ft. at 24' off property line by ACO § 1149.04. After deliberations, the Board made the following findings regarding OLIO's second request for a variance:

- The requested variance is not substantial given that the Board previously granted a similar variance to a neighboring property owner. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance. Per the applicant, there will not be any outdoor live musical performances on-property. While the proposed outdoor patio dining area will include "piped-in" music, such music will not pose a nuisance to abutting property owners.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant Cicogna's request for a variance of 22 sq. ft. for a 120 sq ft total sign area at 24' off property line by ACO § 1149.04. Approved 5-0

VARIANCE REQUEST NO. 3 - ACO § 1149.04

Cicogna also requested a variance of 869 sq. ft. additional area, 1,069 sq. ft. total sign area, for all wall signage, which would exceed the total area of wall signage not to exceed 2 sq. ft. per lineal foot of ground floor business, maximum of 200 sq. ft. ACO § 1149.04. After deliberations, the Board made the following findings regarding OLIO's third request for a variance:

- The requested variance is not substantial. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.

- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant Cicogna's request for a variance of 869 sq. ft to install a total of 1,069 sq. ft. total sign area for all wall signage by ACO § 1149.04. Approved 5-0

VARIANCE REQUEST NO. 4 - ACO § 1149.04

Cicogna also requested a variance of 55" additional height for a 90.25" tallest shield logo, which exceeds the 36" requirement by ACO § 1149.04. After deliberations, the Board made the following findings regarding Cicogna's fourth request for a variance:

- The requested variance is not substantial. While this determination alone is not sufficient to justify the variance, it is important especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.
- The Board felt the size of the lettering would be able to be visible from the highway but not be obtrusive to the surrounding properties.

It is the decision of the Board to reverse the decision of the Building Official and grant Cicogna's request for a variance of 55" additional height making the tallest shield logo 90.25" which exceed the required 36" lettering or components restriction by ACO § 1149.04. Approved 5-0

3. Ms. Mari Cipolletta from Signarama Cleveland representing FCPT Holdings LLC requesting three (3) variances.
 1. Chapter 1149.05(b): Each premises permitted no more than two (2) signs. Variance requested; One (1) additional sign; Premises has one (1) existing ground pole sign and two (2) proposed marquee signs.
 2. Chapter 1149.04: Marquee signage not to exceed 35 sq. ft. Variance requested: 97 sq. ft. (132 sq. ft. total) for sign EO1.
 3. Chapter 1149.04: Marquee sign not to exceed 35 sq. ft. Variance requested: 60 sq. ft. (94.2 sq. ft. total) for sign EO2.

Ms. Cipolletta stated the same as the previous request they are asking for three variances. Ms. Cipolletta stated they are a medical provider and would like traffic to be able to see where they are located from all directions.

VARIANCE REQUEST NO. 1 - ACO § 1149.05(b)

Signarama Cleveland ("**SIGNARAMA**") requested a variance to install a total of Three (3) signs, one (1) more than allowed by ACO 1149.05 of the Amherst Codified Ordinances ("**ACO**"). After deliberations, the Board made the following findings regarding Cicogna's first request for a variance:

- The requested variance is not substantial. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.
- Granting the requested variance would promote fairness and consistency.

It is the decision of the Board to reverse the decision of the Building Official and grant Signarama's request for a variance to allow three (3) signs, one (1)) more than allowed by ACO § 1149.05. Approved 5-0

VARIANCE REQUEST NO. 2 - ACO § 1149.04

Signarama also requested a variance of 97 sq. ft., 132 sq. ft. total signage area for a marquee sign which would exceed the required 35 sq. ft. ACO § 1149.04. After deliberations, the Board made the following findings regarding OLIO's second request for a variance:

- The requested variance is not substantial given that the Board previously granted a similar variance to a neighboring property owner. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance. Per the applicant, there will not be any outdoor live musical performances on-property. While the proposed outdoor patio dining area will include "piped-in" music, such music will not pose a nuisance to abutting property owners.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant Signarama's request for a variance of 97 sq. ft. for a 132 sq ft total sign for their marquee signage that exceeds the required 35 sq. ft by ACO § 1149.04. Approved 5-0

VARIANCE REQUEST NO. 3 - ACO § 1149.04

Signarama also requested a variance of 60 sq. ft., 94.2 sq. ft. total sign area, for a marquee sign which would exceed the required 35 sq. ft. ACO § 1149.04. After deliberations, the Board made the following findings regarding OLIO's third request for a variance:

- The requested variance is not substantial. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant Signarama's request for a variance of 60 sq. ft to install a total of 94.2 sq. ft. total marquee sign by ACO § 1149.04.
Approved 5-0

4. Mr. Jeffreys motions to move not deliberative session, seconded by Mr. Anderson. Approved 5-0

5. Mr. Jeffreys motions to move back into regular session, seconded by Mr. Valenti. Approved 5-0

5. Next scheduled meeting will be December 27, 2023, at 6:30pm. Approved 5-0

7. Adjourn: Motion made to adjourn at 7:28pm by Mr. Berezney, seconded by Mr. Jeffreys. Approved 5-0

	12/12/2023		12/12/23
Terry Tomaszewski, Chairman	Date	Tammy Paterson, Sec	Date