ZBA Meeting Minutes
May 21, 2019

The City of Conneaut Board of Zoning Appeals hearing was held on Tuesday, May 21, 2019 beginning at 5:30 pm., Pledge of allegiance was recited. Chairman Arcaro asked for roll call. All members were present.

Mr. Arcaro asked if everyone had reviewed the minutes from the April ZBA meeting and asked for any additions or corrections. Hearing none, he asked for a motion to approve. Mrs. Sherman made the motion to approve, seconded by Mr. Naylor. All were in favor, motion carried.

Mr. Arcaro: Looks like we'll have to table the additional minutes from April 22, as we have not received them as yet. We'll go on to the next thing on the agenda. There's no old business to come before the board?

Mrs. Brown: No

At this point Mr. Arcaro had all persons stand and be sworn in that were speaking.

Mr. Arcaro: First case under new business is case number 03-2019, Mr. Kurt Bitikofer located at 861 Spring Street, Parcel ID 12-101-00-010-00 is seeking a ten-foot height variance to erect a 40' W x 64' L x 25' H unattached garage as outlined in section 1133.01 (m) of the Codified Ordinances. Located in an R-4 Urban Residential District. Melanie, can you give us a little background first?

Ms. Shubitowski: Mr. Bitikofer would like to build a fairly sizable garage on the west side of his property. It meets all the setbacks, but the size is over height. The height at the peak will be 25 feet, ordinance states 15' high for an accessory structure, so he is seeking a 10-foot variance on the height.

Mr. Arcaro: Did letters go out to all the neighbors?

Ms. Shubitowski: They did.

Mr. Arcaro: Does anyone here have anything to say regarding this case?

Mr. Bitikofer: Several neighbors came and talked to me, and they were all fine with it. It'll be a nice-looking building. The grades are off, all their houses sit pretty high, it's not like flat planes, they're all going to actually be above the building.

Mr. Arcaro: So, Mr. Bitikofer, in your opinion, would the property still realize a reasonable return if the variance wasn't granted?

Mr. Bitikofer: You mean as far as selling the property?

Mr. Arcaro: Just whatever, sustainability, property value.

Mr. Bitikofer: Well yeah, I mean, the property value, I don't know why it would change.

Mr. Arcaro: (directed at Ms. Shubitowski) Is it registering what he's speaking? (referring to the recorder) You might want to come up a little bit. I'll need to ask you some more questions. How does the board feel about the variance, substantial or insubstantial?

Muddled conversation, but all agreed insubstantial.

Mrs. Brown: They're required to ask these questions. You were probably wondering.

Mr. Arcaro: You said the building once it's built is essentially going to look like the house?

Mr. Bitikofer: Yes. I mean, there's cedar shingles on the house. I'm not going to put wood cedar shingles on it, it'll be siding, it'll be stone. I'm going to put veneer stone on the bottom of it.

Mr. Arcaro: So, the essential character of the neighborhood wouldn't be substantially altered?

Mr. Bitikofer: It'll be a nice-looking building. I own the property across the street, yeah, I want everything to look nice.

Mr. Arcaro: What about delivery of governmental services, water, sewer, garbage, it's not going to interfere with any of that.

Mr. Bitikofer: No, actually, we've already talked to the sewer department.

Mrs. Sherman: Are you putting water and electric in the building?

Mr. Bitikofer: I'll have a separate electric feed to it, I'm actually going to tie into, I wanted to come and talk to you about that. We actually met with Brian Bidwell, he said he was alright with just tying to it coming into the main feed that's coming in to the house. We were talking about doing it separate, but I think we're just going to hook into the house he said that would be the simplest way.

Mr. Arcaro: When you purchased the property, did you purchase it with or without knowledge of the zoning restrictions?

Mr. Bitikofer: Without

Mr. Arcaro: Does the board feel as though the applicant's predicament could feasibly be resolved by any means other than a variance?

Board: No

Mr. Arcaro: And does the board feel that the spirit and intent behind the zoning requirement would be observed by granting the variance. (board's replies inaudible)
Mr. Mckenna: The upstairs is?

Mr. Bitikofer: It's just storage.

Mr. Arcaro: No residential at all going into the building?

Mr. Bitikofer: No

Mr. Arcaro: Are there any other questions or concerns from the board?

Mr. Naylor: Our only concern is the height.

Mr. Arcaro: I will entertain a motion to either approve or deny the variance.

Mr. McKenna made a motion to approve the variance, seconded by Mrs. Gates. Vote was taken, all were in favor, motion carried. Mrs. Brown asked how he wanted to get his permit and will e-mail the permit to Mr. Bitikofer. All paperwork was signed.

Mr. Arcaro: OK, our second case is case number 04-2019, O'Reilly's Auto Parts Store, located at 309 State Street, Parcel ID number 12-114-00-098-00 is seeking a forty three square foot variance to install a seventy five square foot sign installed on a twenty foot high pole as outlined in Section 1133.05 (h) Pole Signs of the Codified Ordinances. Located in a B-3 General Business District. Mike Long with Bartlett Signs is representing for O'Reilly's.

Mrs. Brown: He called and gave us bigger prints to give a better visual.

Mr. Arcaro: Melanie, want to tell us what's going on there?

Ms. Shubitowski: Mr. Long contacted us, we received this on April 22nd. The ordinance for a pole sign is a maximum of thirty-two square feet. According to the drawings, it's going to measure seventy-five square feet, so he will be seeking a variance of forty-three square feet. It's going to be twenty feet high, and located by the main entrance to the parking lot on Rt. 20, State Street.

Mrs. Brown: Now, the ordinance doesn't specify where the pole sign can be located, but according to our engineers with the city, it has to be in at the top of the sign, the outer part has to be in from the sidewalk. It can't overhang the sidewalk or the right of way.

Mr. Long: There's a site plan in there that shows it's seven feet off the right of way. Obviously, both signs are over the ordinance as far as square footage.

Mr. Arcaro: We're just talking about the pole sign right now.

Mrs. Brown: There's two cases, so we do them separate.

Mr. Long: Basically, the pole sign, as far as the size is, we want that as big as possible for public safety. O'Reilly's has their regular retail business as well as commercial business in and out of there, so there's going to be a lot of traffic flowing in and out of there. So, they basically want everyone from every age demographic to see that sign from a good, safe distance, and be able to yield to any traffic coming in and out of there. That's just a public safety thing you know, keeping traffic flowing, people not having a hard time, being able to see the signs, slowing down, interfering with traffic,

Mrs. Sherman: Is this the same size that Geneva has or Ashtabula, do you know?

Mr. Long: I do not.

Mr. Arcaro: So, O'Reilly's doesn't have like a standard size?

Mr. Long: They do, these are standard

Mr. Arcaro: What you're requesting is the standard?

Mr. Long: Yes. And I'm assuming they do that for a reason, along with the wall signs, they can catch every age demographic.

Mr. Arcaro: Melanie, and/or Janet, did letters go out to all the neighbors?

Mrs. Brown: They did.

Mr. Arcaro: Anyone in the audience want to speak on this particular portion?

Mr. Mooney: Oh yeah, yes.

Mr. Arcaro: We'll start with Mr. Mooney. Stand up please.

Mr. Mooney's statements did not coincide with the business at hand, which was the issue of the signs. Mrs. Renn also voiced unrelated concerns. Discussion ensued concerning construction, not related to the sign variance. Audio is on file if requested.

Mrs. Renn: First off, I want to oppose this meeting agenda. Per section 1137.05 (1) (c) of the city codes, a copy of the application for the zoning permit, the written denial from the zoning inspector for such permit, and a copy of the applicants written request for a variance were not included in the letter sent to me. None of us received it. I spoke with all my neighbors, no one got them. I did not know until I showed up tonight, how big the sign is. We're supposed to have this, and since we don't, I don't know why we're having a meeting. Next, there has been no issuance of a certificate of appropriateness for this sign, which is required prior to the issuance of a zoning permit. And we were not notified of a Planning Commission meeting regarding this. No one was, I've asked all my neighbors. A sign variance is a use variance. It does not concern a setback or a lot issue. A variance cannot be granted due to a self-created hardship. The courts have decided that if an owner in the case of Tisle vs. Sandusky or a renter, which in the case of Arts vs. Cleveland

had prior knowledge of a zoning code, then they fail the unnecessary hardship test, which is the only test for a use variance. Our own code under section 1137.08 (3) procedure for variances specifically states that all conditions enumerated in subsection A through E below have been met. And the first condition is that the variance request arises from such a condition that is unique and not ordinarily found within the same zoning district. It is created by the zoning code, and not by action or actions of a property owner or applicant. They have different signs. I have plenty of pictures of them. Smaller signs. Ground signs, that would fit well within our code. Ground signs that are used in preservation districts, which is what it is. A pole sign doesn't belong in a preservations district.

Mrs. Brown: I'd ask you about any other pole signs within that district. What other pole signs have you researched?

Mrs. Renn: Actually, I think there's only two in the preservation district exactly. One would be Dollar General which went in before the current code. Our current code was done in, I think, 2015, and the other is Golden Dawn, which they existed well before 2015, so this is the first one.

Mr. Arcaro: Is the preservation district, does it cross Rt. 20?

Mrs. Renn: No, it does not.

Mr. Arcaro: Where does it stop, going to the west?

Mrs. Renn: To the west, it ends at the corner where Heavenly Creamery is. So, basically when it comes around the corner over by the new Dollar General, it skips that gas station, then it cuts in behind the phone company, collect the phone company, the Masonic, I think that's the Masonic Temple, I'm not positive, the parking lot, the post office, the old library. Then it jumps across the street, goes down State St. and turns at the corner of Sandusky. It goes down to Monroe. It goes west on Monroe to the opposite side of the blue house on the left-hand side of the road, then cuts down in between the property and it comes out right between the attorney's office and Rite Aid. Then it goes across the street on Main, it goes up Main to Mill, it collects the houses heading around the corner and onto Liberty St. and collects both sides of Liberty St. Comes all the way down Liberty, it goes across 20 to catch where Ken Vaughn's house was, it was recently torn down. Then it comes back to this side of the street to avoid the Marcy Party Center, the couple buildings on the other side of the street that are gone now. But in the preservation district itself, there has been no pole signs since the new ordinance. So, this is going to set a precedence for what's allowed in the preservation district, which is very important. Another part which is in 1137.08 is that the strict application of the zoning code of which variance is requested will constitute unnecessary hardship upon the property owner or applicant. Yeah, they knew about this. They've known about this, probably since 2016. This is not new to them, they're well aware of our zoning code. This was brought up in 2017. This was brought up prior to them getting approval from the Planning Commission for the site plans. They knew about this. They intentionally left out the sign, during the Planning Commission meeting because they knew they would need variances. So, this is not unique. It's a substantial variance. What is a better definition of substantial that better than two times the size you're allowed? I mean. Thirty-two square feet and they want seventy-five. Sixty-four is double the size. This is definitely substantial.

Mr. McKenna: There are signs all along Rt. 20.
Mrs. Renn: But they're in a preservation district.

Mr. McKenna: Well, what's being preserved then?

Mrs. Renn: I'm trying to preserve my home. My sister in law certainly is.

Mr. McKenna: That's facing another direction, it's not on Rt. 20. I mean this is a main business thoroughfare.

Mrs. Renn: Regardless, it is still sitting in a preservation district. It was outlined as a preservation district because it contains historical homes. They have not changed where the preservation district is, so at this point, it's still there. It is still the preservation district.

Mr. Naylor: Does it include McDonald's?

Mrs. Renn: No, it doesn't.

Mrs. Brown: And currently right now, there's nothing that defines our preservation district. No size, there's no colors, right now there's nothing that describes our preservation district.

Mrs. Renn: There's ordinance 33-89, which has been in effect since 1989, which tells you how to repair your home, and then at the end, it tells you about new construction where it is to be comparable in size and color with the preservation district in that it preserves the coloring of the preservation district to be more natural colors, not florescent red, well gloss red, which is the color of the sign.

Mrs. Brown: But in that 33-89 code, there's nothing in that until the Planning Commission and the design review committee get together, and unfortunately it's sad for Conneaut, because I understand what you're trying to do, but years ago, when these codes were put in place, people didn't get together and state what their expectations were. So right now, to hold people back from growing this city to do things that will make it different for the city, it's difficult. And I understand where you're coming from, and we're going to put this on record, and I'm going to take this to the law department and we're going to review all this. We're probably going to table this for now this evening. I respect what you have to say, I do, and I respect what Mr. Mooney has to say, but this business was approved.

Mrs. Renn: I know the business was approved; their sign is not.

Mrs. Brown: Right, and it's something that we'll take everything you're saying into consideration, but...

Mrs. Renn: But without a certificate of appropriateness which

Mrs. Brown: The certificate of appropriateness was provided.

Mrs. Renn: Issued for the sign?
Mrs. Brown: I'll double check on the code and I'll get with Kyle on that one.

Mrs. Renn: (garbled) .. a certificate of appropriateness for the sign.

Mrs. Brown: That may have been missed from our department, but I will, everything that you're saying…

Mrs. Renn: (garbled) and you know it.

Mrs. Brown: I know you have, and I respect what you're saying, and that's why I'm going to ask these guys to hear this case, let you have what you say on record, and we'll take this before Kyle and make sure it's reviewed legally before anybody makes a decision.

Mrs. Renn: I'm still waiting to hear back from Kyle in reference to the site plan.

Mrs. Brown: I'll let him know.

Mr. Arcaro: Before we move on to the next thing, you say you had to have the color of your house approved?

Mrs. Renn: Yes

Mr. Arcaro: Who do you have to contact on that?

Mrs. Renn: We have to request a certificate of appropriateness for the color…

Mr. Arcaro: From?

Mrs. Renn: From Janet. Then we have to fill it out, and then we have to go before the design review board, which is also the planning commission, and they have to approve the color of our home, I have to bring in paint samples and everything.

Mr. Arcaro: Because of the preservation district.

Mrs. Renn: Because of the preservation district. He has to have, everything approved for the most part, if we're doing it legally, not just ignoring it. You know, but ignorance of the law is no excuse.

Mrs. Brown: And there's no standards for colors or specifics is what I'm trying to say. The code's in place like she says, but there are no standards, there's no specifics because the design review board and the planning committee, whenever this code was put in place years ago, they didn't follow up. So right now, O'Reilly's or any new business coming in, I mean until that standard gets put in place, you know, we can't hold these new businesses to...

Mrs. Renn: Oh, I know.

Mrs. Brown: … a standard, which is not there.
Mrs. Renn: Well, you can hold them to fitting in a preservation district. That you can do. And you can hold them to what our ordinances say, and not give them a sign that's better than double the size that we allow. Not only that, but we've all drove by an O'Reilly's at one point or another, I'm sure everyone has. If not, I've got some very nice pictures. Also, in our code, you're not allowed to block more that 25% of the windows. Every picture I have, they have more than 25% of their windows blocked by signs. So how much signage eventually are we talking about? Every window across the front, a gigantic oversize pole sign, a huge sign out in front of the building that's bigger than our code allows, I mean, how much signage are we going to talk about? When is enough, enough? We're the residents, we live there.

Mrs. Gates: The window signage is just their weekly advertised stuff, so it changes

Mrs. Renn: Yeah, but it still takes up more than 25%, so yeah, every week it'll change, but every week, it'll take up more than 25% of the window. And the sign is going to have a light on it, - much light. It's going to interfere with those of us that do sleep at night when they leave the lights on at night the first year.

Mrs. Brown: Well, when Mike has a chance to talk, we can ask him those questions.

Mrs. Renn: I mean, it's a lot that you're putting on the neighbors. He's talking about high volumes of traffic that are going to be put on us.

Mrs. Brown: There's already 8,000 people coming through this area, Beth, how much more traffic you think is going to come through? There's a lot of people and this city is going to continue to grow. There's going to be tourism. Is the city, residents going to be upset over that as we grow this?

Mrs. Sherman: As a board member, I hope it continues to grow.

Multiple people talking

Mrs. Renn: Do you want to drive down 20 and have it look like Peach St. in Erie because of the oversized, huge signs, or do you want us to retain our small-town atmosphere?

Mrs. Sherman: I think it's not going to look as large as you think.

Mrs. Renn: Um, I grew up in a town the size of Conneaut. At this point, they are putting in roundabouts near downtown, two of them because they can't control the traffic. People are leaving because they can't back out of their driveway. I've seen what can happen to a town of 10,000 when it turns into a town of 100,000.

Multiple people talking

Mrs. Brown: And I'd like to put on record, Dolly, 20 years ago when I grew up in this town, it was a small town, but nobody wanted to see it grow. Nobody that worked for the city, no city manager… (garbled conversation from Mrs. Renn… I'm all for growth) and we're letting you put everything on record and we'll do everything we can to the best of our abilities for the business district. I will review all this with Kyle, what you're saying, we'll respect to code and we'll respect O'Reilly's. They're the new business coming in, and we definitely want to support that. We want to support the growth of our city, for sure.

Mr. Arcaro: Mike, the sign is 15 feet wide by 5 feet high?

Mr. Long: 15 wide by 5 high.

Ms. Shubitowski: Mike, for a pole sign, is there any type of industry standard?

Mr. Long: No

Garbled, multiple people talking

Mrs. Renn: I mean, if you go online, type in O'Reilly's pole sign, they have numerous different designs. They have square ones, they have rectangular ones, they have ground signs.

Mr. Arcaro: How did you guys come up with this sign, Mike?

Mr. Long: We didn't determine that, I'm the installer….(inaudible)

Mr. Naylor: So, can you tell us who did?

(inaudible)

Mrs. Brown: Probably Simon CRE

Mr. Long: They use these signs at their locations throughout the country.

Mr. Arcaro: 15 x 5. That's not very big, when you think about it. I mean, McDonald's sign is huge compared to a 15 x 5.

Ms. Shubitowski: 32 square feet is really an unreasonably small size for a pole sign in most areas.

Mr. Arcaro: Sure, 32 is going to be 8 x 4.

Ms. Shubitowski: Basically, a sheet of plywood.

Mrs. Gates: Some of these smaller signs though, these are subdivisions.

Mrs. Sherman: The ground ones? Those are subdivisions.

Mrs. Renn: There's a ground sign nicer than that one, located in Middletown Ohio in the preservation district.

Mr. Long: The problem I see with a ground sign is that it kind of blocks visibility to oncoming traffic. When you're coming in and out of a business, even fence wise, you have to have it back so far to be able to see.

Mrs. Renn: The location where they want the pole sign in there could easily fit a ground sign. Their original plans called for a ground sign.

Mr. Long: It's out by the sidewalk, so when they pull out, they wouldn't be able to see down the road. You wouldn't be able to see traffic. You wouldn't be able to see people.

Mrs. Renn: When you pull up to the exit, you're going to have a driveway opening that is 39 feet wide. If that sign is set back a couple of feet, there's no reason you couldn't see around that sign, and quite a bit over it.

Mr. Long: You don't sit at the front of your car, you sit back.

Mrs. Brown: Why are we disputing a ground sign? They're not even installing it. The meeting is going into…

Mr. Arcaro: Do you have any other points you want to bring up before we get to...

Mrs. Renn: This is, based on our code, if I can find the right sheet, none of us received proper notification.

Mrs. Brown: Can I see your code that says it needs to be enclosed? We've been doing neighborhood letters for a long time.

Mrs. Renn: Right there. And when our code talks about variances other than area and lot setbacks, they have to meet anything from the above, and the first one is whether or not it will yield a reasonable return or if there can be any beneficial use of the property without a variance. I guess the question is, if they don't get the sign, are they still going to come? Will they still be going in there if the sign is only what our code allows?

Mr. Arcaro: So, if the sign doesn't go in, would you be opposed to O'Reilly's going up?

Mrs. Renn: No, my question is, if the sign doesn't go in, is O'Reilly's just going to say, OK, we're not coming.

Mr. Arcaro: Oh, I follow what you're saying.

Mrs. Renn: Or is it, you know, if they're only allowed a 32 square foot sign, will they still come? Because, if they're coming regardless of what the sign is, then there is a beneficial use. What if the variances are substantial? Well, I guess if we're more than double the size, we're substantial.

Mr. Arcaro: Well, that's a judgement call, because I don't necessarily think a 15 x 5 sign is that bad. That's my opinion.
Mrs. Renn: OK, a 15 x 5 may not be that bad, but compared to what our code allows, it is that bad. Our codes are…

Mr. Arcaro: Out of date.

Mrs. Renn: It doesn't matter, they're our codes. Regardless of what they are, that's what we got.

Mrs. Brown: So, when they're out of date and it benefits the city residents, then that's ok. But if it doesn't benefit (two people talking at once) …. That's why we're addressing all these codes, Beth, because they are all out of date and we need to be business friendly for the city to grow.

Mrs. Renn: So, we have to work with what we have.

Mrs. Brown: And that's right.

Mr. Arcaro: Beth, do you do that at the expense of new business? Do you put everything at a standstill, or do you address the code…?

Mrs. Renn: I'm asking that we enforce what we have.

Mr. Arcaro: I understand what you're asking, but what I'm asking is…

Mrs. Renn: Just because we don't like a law, doesn't mean that we can ignore it.

Mrs. Brown: So that's why there's variances. You're asking us to enforce something, but there's variances to accommodate businesses coming into a business district, a legal district for a business to come in and grow, that residents live in a business district and should expect things like that to happen.

Mrs. Renn: So, we're discussing whether or not it's substantial and it's more than twice the size

Mrs. Brown: And whether or not the variance should be approved.

Mr. Arcaro: That's a judgement call.

Mrs. Renn: Whether it's going to change the character of the neighborhood.

Mr. McKenna: McDonald's across the street is four times that size.

Mrs. Renn: OK, next question. Whether adjoining properties would suffer substantial detriment. I am an adjoining property owner.

Mr. Naylor: You won't see the sign from your house. The building will be in the way.

Mrs. Renn: At 20 feet, I will see it. The building is only 19 feet.

Mr. Arcaro: It's 19 feet by hundreds of feet long, you won't see that…

Multiple conversations

Mrs. Renn: The sign is over here; the building is offset. I can see the sign from my back door.

Mr. Arcaro: You probably could see it. This is where it's going, right there.

Mrs. Renn: The sign is right here; my house is right here. I can see that sign, so yes, it's a detriment to an adjoining neighbor. And I will suffer substantial harm.

Mrs. Gates: What harm?

Mrs. Renn: The light pollution.

Mrs. Brown: The light pollution is going to do what to you, and specifically?

Mrs. Renn: Interrupt my sleep.

Mr. Arcaro: Those automatically dim at night.

Mrs. Renn: No, they don't shut off.

Mr. Arcaro: No, they don't shut off, but they dim.

Mr. Long: They don't dim, but they can be turned off with a photocell.

Mr. Arcaro: We've required other signs that they've put up that they dimmed at night.

Mrs. Brown: Does the McDonald's sign bother you?

Mrs. Renn: I didn't start seeing that until recently, and yes, it's rather aggravating to look out and everything out back is lit up.

Mrs. Brown: So that whole corner, cause basically, you've got Pizza Hut, you've got

Mrs. Renn: I don't see Pizza Hut.

Mrs. Brown: I mean that whole area right there is all lit up from businesses, right? I mean, you're right in the center there, so

Mrs. Renn: I can't see Pizza Hut from my house.

Mrs. Brown: Can you see McDonald's?

Mrs. Renn: Yeah, the only thing I can see is McDonald's. So, it's going to change the character of our neighborhood. We're not across the street.

Multiple conversations

Mr. Long: .... I don't manufacture signs. They do have signs that dim. (inaudible) most electronic (inaudible)

Mrs. Brown: I would like, specifically, because she was saying so much harm, the light pollution, depravation of sleep you said. The McDonald's sign, does that stay lit all night?

Mrs. Renn: No. Their lights shut off at night. These ones are going to stay on until midnight.

Mr. Arcaro: We can put a condition on it that they don't.

Mrs. Renn: It's already been approved. The parking lot lighting being on until midnight was approved.

Mr. Arcaro: Well the parking lot, yeah. This is about the pole sign.

Mrs. Brown: Specifically, I don't know about the pole sign.

Mrs. Renn: So, what goes on the other side of 20 is not the preservation district.

Mr. Arcaro: So, I got that, but when you're talking about interference with neighbors like that, you're talking, you know, 30 feet across the street. In terms of light pollution, or whatever is going on over there, it's still...

Mrs. Renn: They're bright.

Mr. Arcaro: It might not be in the preservation district, but it's still interfering in a way.

Mrs. Renn: Yeah, they do. But they were here long before me, they've had their sign. There's nothing I can say about that. But, the essential character of our neighborhood, our side of the street, our block, where this is going to sit, this is going to change it. Heavenly Creamery doesn't have some Godawful sign. They're in the preservation district. They have a nice sign up on the front of their church, well, their ice cream store. They worked within the parameters. Abob doesn't have some Godawful pole sign out there. They're just right across the street. You know, they worked within the preservation district and did a nice awning sign.

Mr. Naylor: Well I think what we need to do is have Janet talk to legal. I don't see where we're going to come to any conclusions here.

Mrs. Renn: Well, the big one is, whether they purchased this with knowledge of the zoning restrictions, and they certainly did. Whether their predicament could be obviated by some method other than a variance, certainly. A smaller sign would take care of their problem. They have smaller signs. They have square ones. They're probably much smaller than what this is. And whether or not the spirit and intent of our zoning requirements are observed, regardless of they're old. They've been old since at least 2017, but nothing has changed. Other things have changed, other ordinances have passed, city council passes them all the time. And if this was important, it would have been changed. Evidently somebody doesn't want it changed or it would have been right up there on the list.

Mrs. Brown: That's an assumption on your part, Beth, but when you work for the city and only so many people that can put this together, put these codes together, to have them reviewed, to have them go before planning commission, city council, it's a process. It takes time, so to assume that we don't care, that we don't want it done, that's not a good assumption on your part. The city does need to make some major adjustment to the codes to be, especially in the business district, to be business friendly. And it's unfortunate for the city residents, people like you that live right in the area that are being affected by it. Unfortunately, you live in a business district, and it I lived in a business district, I would expect it.

Mrs. Renn: Didn't know when I bought the house, but I certainly found out.

Mrs. Brown: Right and I would expect the growth, I would expect the change.

Mrs. Renn: I have a business.

Mrs. Brown: You used to do Christmas stuff and I realize

Mrs. Renn: OH NO, we have a legal business that is run out of our home. Am I entitled to some giant, Godawful sign in my front yard?

Mrs. Brown: Well, let me ask you this about light. When you did your Christmas lights, and you used to light up your whole house, am I right?

Mrs. Renn: Christmas decorations.

Mrs. Brown: I know, how many of your neighbors liked it, may not have liked it? You're still talking about light.

Mrs. Renn: When we first started that, we went to all the neighbors and asked them if they wanted any blackout blinds. We were more than willing to buy them, have them professionally installed.

Mrs. Brown: We have asked all the neighbors about everything that is going on here and the unfortunately reality is that you are the only one that has a problem and I know that Mr. Mooney with his sleeping, but you know (multiple conversations)

Mrs. Renn – But Jason Skestos sent a letter

Mr. Arcaro- Yes, I will read that into the record

Mrs. Renn – We are here as the neighbors, Jason would have been here, we have another neighbor here that is not happy about this and our City Code is what it is and I am asking that it be enforced. I can't get a variance if I am speeding down the road well because the City Codes (inaudible) 25 miles an hour – that's 1950's speed

Mr. Arcaro – That is a totally different ball park

Mrs. Renn- Just because you don't like the code doesn't mean you can ignore it.

Mr. Arcaro- That is why there are boards like this board and you have the courts
Mrs. Renn- agreeing with Mr. Arcaro
Mr. Arcaro – That is correct

Mrs. Brown- That is why we are putting everything on record and we can review all of this with our legal department

Mrs. Renn- And the courts have said straight out that a USE variance has to be denied if it is a self-created (inaudible)

Mrs. Brown – This is not a Use variance

Mrs. Renn – What is it then – its not a setback variance

Mr. Arcaro – Well it is not a Condition Use variance

Mrs. Brown- This is a Permitted Use – when you are saying a Use variance; A Use variance would be a change in use to a building, land etc. and could be a non-conforming use

Mrs. Renn- Then I don't understand – What does it fall under

Mrs. Brown – This is a Permitted Use in a B-3 Business District and they are requesting a variance because the size of the sign does not meet code under Section 1133.05 for signage.

Mrs. Renn – Then how is it approved – Is it approved under the Duncan Factors

Mr. Arcaro – The Duncan Factors – when we ask those questions it does not necessarily hold our feet to the fire on whether or not we can approve or deny it. If you were sitting on this board and your free to speak obviously like you spoke now, but if you are board member and you voted against this sign because it was 15-feet X 5-feet you might have four other people that thought it was ok

Mrs. Renn – I understand that

Mr. Arcaro – So, the Duncan Factors even though it might seem substantial it is one of those judgement things where because of the code (that needs to be updated)

Mrs. Renn – I guess the question is what are you judging on whether to grant this variance by, because the Duncan factors cover area and setback

Mr. Naylor – All we are looking at is the size of the sign

Mrs. Renn- You said it is not a Use variance – so what factors are you using to apply to approve or deny

Mrs. Brown – It is a permitted use and they will use the Duncan Factors to consider whether it's a substantial or insubstantial variance. May I see the codes you are referencing (asking Mrs. Renn) and explained to Mrs. Renn that in a B-3 Business District there a permitted and conditionally permitted uses. A sign is a permitted use – however signs may need a variance to meet City Code dimension requirements.

The board and Mrs. Renn were talking (inaudible)

Mr. Arcaro- Do you have anything more to add because I would like to give your neighbor an opportunity to speak as well.

Mrs. Renn – That's about it – I just want to know what factors are being use to approve this

Mrs. Brown – Explained we will be using the Duncan Factors – that is what is used for all variances that go before the board with the exception of non-conforming uses.

Mrs. Renn – I would like to be notified if there will be a Planning Commission for Certificate of Appropriateness for the sign. I would also ask the board to take the time, if nothing else Google the O'Reilly's Auto Parts Signs so you can see there are options

Mr. Arcaro – Trust me I wrote it down that O'Reilly's built a store in Milton, OH in a preservation district and we also have that on the recording

Mrs. Renn- It is a nice-looking building by the way, I wished ours looked like it, but it doesn't and it would have looked really nice with McDonalds – showing them pictures and they only have a ground sign and it is on their Main Street in a preservation district.

Mrs. Brown – Do you believe that if the code was enforced that our residents would upgrade their homes in the preservation district to meet those new standards.

Mrs. Renn – Maybe if the C.H.I.P or the City would help – I believe they would

Mrs. Brown – The City would not be able to help and I am not sure about C.H.I.P but the three homes that were destroyed to make room for O'Reilly's were not well maintained even though we

all agree that Frew & Jackson's home was beautiful, the reality is, the home was never maintained nor were the other two that were demolished.

Mr. Arcaro – Do you have any closing statements

Mrs. Renn – I believe we need to stick to our code until it is re-written – our sign code is not that old it is from 2015 and is not outdated. I would like you to stick to our code.

Mrs. Shubitowski – Most of the sign codes are outdated especially the billboard sign code.

Mrs. Renn – It would be nice to see the codes updated, and I have offered to be on the preservation board, the City Manager suggested it in 2017 and I wrote a letter requesting a position and I was ignored.

Mrs. Brown – I don't know anything about it. That is a conversation you will need to have with the City Manager. We need to get back with Mike, do you have anything else.

Mrs. Renn – I am asking that you follow the code.

Mr. Arcaro – Wendy – I am not going to try and pronounce you last name, she answered it is Wendy Zackowitz, I live at 227 Liberty St. Would you like to come up and say something.

Mrs. Zackowitz – I own a home in the preservation district and I live next door to a business and I had a business one house away from me. You are all familiar with Erie Insurance on Liberty Street, very tasteful building, residential neighborhood, yes, I have Morris Flowers across the street and Gerdes Pharmacy and all of that, there are no huge signs anywhere. Erie Insurance has what I am guessing a 3 x 5 sign on the front of their building put up years and years ago very tastefully done. Sally Richards, who I am sure some of you may or may not know who is an attorney who did wills and that kind of thing. She had a very nice tasteful small ground sign in front of her home. We are just asking that it stays in compliance with the historic look, the historic values that are in a preservation district. It is there for a reason, they may be outdated, they may be this, they may be that, but they are what we got. Whether we stick to them, you are going to set a precedence for a sign going up, that's fine, that doesn't really bother me, you guys are gonna be the ones who will have to live with it with everyone else coming through your doors, "Well you gave them one". We just want something that is going to be tastefully done, not an eyesore, I can understand the visual effect of a sign while you are driving down the road but you are also looking up at a sign going down that road and you are not looking at anything in front of you, right?! If you are looking up over your dashboard you see the stuff that is front of you and around you, you're not obstructing your view. They could have a bigger sign if it is on the ground. I understand your point that it will block the road way but there are other businesses

Mrs. Sherman – What address are you at again

Mr. Arcaro – 227 Liberty

Mrs. Sherman – So, you can see Key Bank – that's a large sign – right

Mrs. Zackowitz – Yes, but that was there before – we are talking since this has changed in 2015 all those things were grandfathered in, I can't do anything about those

Mr. McKenna – all the big signs all through town whether they are in preservation or business or whatever – they have all been approved by a variance because that is what you have to do. Isn't it prejudice to hold someone back when everyone else has one

Mrs. Zackowitz – No we are not asking to hold them back – we would like something that is more in tune with the preservation district

Mrs. Sherman – I am having a hard time with the preservation district because people are not taking care of their houses.

Mrs. Zackowitz – Janet, Melanie and their new person are responsible for sending notices if their paint is chipped etc.

Mr. Arcaro – I don't understand – did you get a notice to fix your house

Mrs. Zackowitz – I never said I got a letter – I am here because I oppose the pole sign

Mr. Arcaro – But you don't live anywhere near the O'Reilly's

Mrs. Zackowitz – My sister lives right behind it and I am at her house almost daily. What does that have to do with where I live. I wouldn't want it across from me

Mr. Arcaro – I am just trying to put the pieces together as to why you are here because you don't live in the vicinity of the O'Reilly's

Mrs. Zackowitz – It's a public meeting – right

Mrs. Gates – So, do you live in the preservation district

Mrs. Zackowitz – Yes, I do, I live on Liberty Street –

Mrs. Gates - that ties into your questions Patrick. So, you & Mrs. Renn have issues with the size of the sign, I am looking at O'Reilly's monument signs and they are 12-feet wide X 5-feet tall

Mr. Arcaro- Basically – 60 Feet

Mrs. Gates – Even if they go for a monument sign – they are still going to need a variance

Mrs. Zackowitz – They have smaller monument signs

Mrs. Gates – The smallest monument sign I have found is 10-foot X 5-foot or 50 square feet – so you have to take into consideration what Mike said about the vision, so you would rather have it

so it impairs vision and could cause an accident rather than a pole sign that would not impair vision of traffic

Mrs. Zackowitz – you sit up higher than five feet when you are sitting in your car–(inaudible) board members and Mrs. Zackowitz are talking over each other

More discussion with everyone talking about the Ashtabula Harbor, preservation district etc. – Mrs. Zackowitz asked the board to keep the spirit of the historic and preservation district and not allow a big pole sign.

Mr. Arcaro – Thank you Mrs. Zackowitz. I am going to read Mr. Jason Skestos letter into the record (see attached to minutes)

Mr. Arcaro – Rick, I see you are trying to say something. Is there anything you would like to put on the record

Mr. Naylor – What Mike and I looked at, I do not think that is the sidewalk, that is the tree lawn, so that is seven feet. He is going to get a more detailed drawing for us. Do you see where it says 6.93 feet to the outside of what I interpret as being the sidewalk and it is going to be changed to seven feet, but I think that is the outside to the sidewalk, not the inside and Mike is bringing larger drawings so we can see them better. I would like to know that dimension so it does not obstruct someone walking down the sidewalk. I would like a dimension from the inside of the sidewalk to the sign.

Mr. Arcaro- Do you have anything else Mike that you would like to add into the record

Mike – Enter and Exit signs are typically 3-feet and below for visibility – in Erie they have a seven-foot clear span – so anyone driving through can see through that sign

Mr. Arcaro- Does the board feel we need to go into an executive session, decision or table this case for a pole sign board said table. I will entertain a motion to table this until we get more information

Mr. Naylor made motion to table
Mrs. Sherman – Second the motion
Roll was called – All approved. Motion Carries

Case # 05-2019 – O'Reilly's Auto Parts Store is seeking a two-foot three-inch variance to install a wall sign on the front of their store as outlined in section 1133.05(e)(2)

Mrs. Shubitowski – Mr. Long submitted application for the wall sign and standard height restriction for a wall sign is three-foot and that is the only criteria for a wall sign

Mr. Long – Looking for the extra square footage to place the wall sign and only takes up 30% and is very pleasing and its used nationally on other O'Reilly Buildings.

Mr. Arcaro- When we get to the Duncan Factors – this is the problem because Mike does not work for O'Reilly's and cannot answer the questions because he is not the owner. So, we are going to have to table this one too.

Mr. Arcaro – I will entertain a motion to table this case
Mrs. Sherman – Made motion to table
Mr. Naylor second the motion
Roll was called – all approved – motion carries

Mr. Arcaro – Is there any other business to come before the board – I will entertain a motion to adjourn

Mrs. Gates – motioned to adjourn
Mr. Naylor – second the motion
Roll was called – all approved
Time Meeting adjourned – 7:02 p.m.

Patrick Arcaro, Chairman

Melanie Shubitowski, Clerk