

CONCORD TOWNSHIP BOARD OF ZONING APPEALS  
LAKE COUNTY, OHIO  
REGULAR MEETING

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

January 10, 2018  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman  
Francis Sweeney, Vice Chairman  
Blair Hamilton  
Chris Jarrell  
Todd Golling, Alternate

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector

Stephanie Landgraf, Esq., Legal Counsel

**Melton Reporting**  
11668 Girdled Road  
Concord, Ohio 44077  
(440) 946-1350

7:07 p.m.

1  
2 CHAIRMAN VALENTIC: The Board of Zoning Appeals  
3 meeting for January 10, 2018, is now in session. I would like  
4 to introduce my Board. To my far left is Skip Sweeney and  
5 Todd Golling. I am Ivan Valentic. To my right is Chris  
6 Jarrell and Blair Hamilton. To my far right is Heather  
7 Freeman, our Zoning Inspector.

8 Under advice of our legal counsel, we ask that  
9 anyone speaking tonight must be sworn in. If you please -- If  
10 you plan on speaking, please stand at this moment.

11 (Whereupon, the speakers were sworn en masse.)

12 CHAIRMAN VALENTIC: Thank you. Please be seated.

13 Tonight when presenting your case or commenting,  
14 please come to the microphone, state your name and address for  
15 the record.

16 Heather, were the legal notices published in a  
17 timely manner?

18 MS. FREEMAN: Yes, they were.

19 CHAIRMAN VALENTIC: Okay, great. Thank you.

20 Tonight we have two appeals. A three-vote majority  
21 is required to either approve or deny your appeal. If your  
22 request is denied, you have the right to file an appeal.

23 First is Variance Number 2017-23, Ellet Sign  
24 Company, on behalf of Concord Development Company, LLC, is  
25 requesting a variance from Section 30.05(D)(6) to construct a  
26 freestanding sign with a sign face of 115 square feet, in lieu  
27 of the maximum 100 square feet, for the property located at  
28 8023 Crile Road.

29 Please come up and present your case.

30 MS. NOBLE: Good evening. My name is Amy Noble. I

1 am an agent of Ellet Sign Company. Address is 3041 East  
2 Waterloo Road, Akron, Ohio 44312. We are the local --

3 CHAIRMAN VALENTIC: And you've been sworn in?

4 MS. NOBLE: Yes.

5 CHAIRMAN VALENTIC: Thank you.

6 MS. NOBLE: We are the local sign manufacturer and  
7 installer for the property 8023 Crile. If I can adjust this  
8 so I can see it as well, there we go.

9 So, briefly, to go over some features of the  
10 property, we have a large building with 408 approximate foot  
11 of lineal frontage. The building is divided into two parts.  
12 One is set up with 28,000 square foot for up to six tenants is  
13 what we're told. The other half of the building with the  
14 other 28,000 square foot, roughly, is for the anchor tenant,  
15 Discount Drug Mart.

16 The building has a large setback from Crile. There  
17 is a buffer area from the edge of the pavement to the existing  
18 right-of-way, approximately 30 foot, and then it's more than  
19 200 foot to the building, with the parking lot also tapering  
20 at the north end by 30 foot.

21 So the first variance request -- And we have both of  
22 them, so thank you in advance for your time tonight. The  
23 first variance that we have is a request for a freestanding  
24 sign. The freestanding sign that we're proposing encompasses  
25 both parts of the building, up to six tenants and also  
26 Discount Drug Mart. The sign has been designed to where  
27 equally shared are the six tenants and the anchor tenant. The  
28 sign is 15.5 foot overall height, which is half,  
29 approximately, half of the allowable height for a pylon sign.  
30 It features masonry base matching the building components,

1 internal LED illumination. The top portion features an  
2 electronic message center, which is a Daktronics GS6 16  
3 millimeter electronic sign. It's one of the latest.

4 And the property is actually large enough that we  
5 would be considered for bonus signage. So code, by rights,  
6 allows, on this section of Crile Road, up to 80 square feet.  
7 The property is large enough that we would be allowed to have  
8 30 additional feet, due to the frontage, in bonus signage,  
9 which is 130. However, code also caps any one sign at 100  
10 square foot.

11 This sign that we have designed, which we feel is  
12 the minimum that would do justice with the heights for each of  
13 the tenants, it's only 4 foot long but you can fit actually  
14 two lines of copy 8 inches high. With the setback from the  
15 road being at least 40 foot, we feel this is the minimum  
16 needed to adequately identify the tenants and also keeping the  
17 Drug Mart portion where it needs to be. The electronic  
18 message center is actually a standard size for Drug Mart,  
19 keeping them all the same amongst the stores.

20 Again, this is a stand-alone business -- Or if it  
21 was a stand-alone business, it could have 100 square feet. So  
22 we're requesting 15 additional square feet to advertise not  
23 only six tenants but also the larger anchor tenant in one  
24 sign.

25 If you have any questions, I'd be happy to answer  
26 them.

27 MS. JARRELL: How big are the smaller, the tenant  
28 individual signs?

29 MS. NOBLE: They're sized to where you could have  
30 two lines, so they're 16 inches high.

1 MS. JARRELL: Okay.

2 MS. NOBLE: Sized for two lines of copy, if they  
3 would have a logo that is more than one line.

4 CHAIRMAN VALENTIC: The message sign.

5 MS. NOBLE: Yes.

6 CHAIRMAN VALENTIC: If we got rid, if you remove  
7 that, would we be at the 100 square foot that's allowed? If  
8 you got rid of the message sign, would that get us close to  
9 the 100 square foot that's allowed in the code in the overall  
10 area or would you still be over, if you know?

11 MS. NOBLE: Well, if that was removed from the sign,  
12 yes. It's 15 square feet, so --

13 CHAIRMAN VALENTIC: Okay.

14 MS. NOBLE: Is the overage and, basically, that  
15 comes from the tenant panel portion.

16 MR. GOLLING: It looks like it's 27 square feet  
17 total with that.

18 MS. NOBLE: To adequately sign all six of the  
19 tenants.

20 MR. GOLLING: The message center, that full color  
21 thing, is that because all the other Drug Marts have that?

22 MS. NOBLE: Yes.

23 MR. GOLLING: It's one of the things Drug Mart says  
24 you have to have that out there?

25 MS. NOBLE: The newer ones, yes.

26 MS. JARRELL: Do you have any pictures of the newer,  
27 a newer sign in a newer Drug Mart development? Are they all  
28 similar to this?

29 MS. NOBLE: Yes, yes. There is one that's identical  
30 is both in Sandusky, Medina are the recent locations and they

1 all feature the same size message board.

2 CHAIRMAN VALENTIC: What I am struggling with is the  
3 -- is finding, really, a hardship here. I mean, I am just  
4 trying to find a way to see where the hardship is, you know,  
5 to give you a variance because, you know, I guess it's -- We  
6 need to provide all the tenant signage. Do we really need to  
7 have the message board, I mean, on the sign? I look at it  
8 and, from my perspective, if we get rid of that, we can sign  
9 all the tenants, we can sign Drug Mart. They can have their  
10 name out in front of the street. Everybody knows where  
11 they're at and we're -- we don't need to provide a variance.

12 I don't know if anyone else has any comments.  
13 That's the part I am struggling with is seeing the hardship in  
14 the sign.

15 MS. JARRELL: Well, I think we -- our burden is  
16 really a practical difficulty and I am not sure that you have  
17 demonstrated that. However, you know, they're trying to be  
18 consistent, you know, a consistent message to their  
19 constituents. And it's only 15 percent. It's not, it's not a  
20 lot. I mean, honestly, if you reduced that sign by 15 square  
21 feet, you would hardly notice a difference.

22 CHAIRMAN VALENTIC: Anyone else have any other  
23 questions for her?

24 MS. LANDGRAF: I just have a quick question, though  
25 I am not a member of the Board. You might not know the answer  
26 to this, but does that message center contain only messages  
27 from Drug Mart or the other tenants?

28 MS. NOBLE: Drug Mart.

29 MS. LANDGRAF: Only?

30 MS. NOBLE: Yes. I believe this property is large

1 enough that they could have two multi-tenant signs. However,  
2 the, the location doesn't really lend itself to anywhere that  
3 we would put two signs on the property and I think that's the  
4 real hardship, is trying to get adequate signage that we need  
5 for the great setback that is there.

6 MS. JARRELL: Is that the case, Heather?

7 MS. FREEMAN: I have to look at the code.

8 CHAIRMAN VALENTIC: So you could have two 100, two  
9 signs that are 100 square feet. Is that what you're saying?

10 MS. NOBLE: I don't have my copy of the code.

11 MS. FREEMAN: Okay. Mr. Chairman, they would be  
12 allowed to do two freestanding signs in lieu of the one;  
13 however, they do need to be at least 250 feet away from one  
14 another. But --

15 CHAIRMAN VALENTIC: You could probably --

16 MS. FREEMAN: But each one could not be 100 square  
17 feet.

18 MS. JARRELL: What's the max?

19 MS. FREEMAN: The max, I mean, with their bonus  
20 allowance, they're at 150. So they could distribute that  
21 between two separate freestanding signs of 75 and 75 or some  
22 other way.

23 CHAIRMAN VALENTIC: Which doesn't really help them  
24 at all.

25 MS. FREEMAN: No.

26 CHAIRMAN VALENTIC: Okay. I don't have any  
27 questions. Anyone else have any? Everybody good?

28 MR. HAMILTON: We're good.

29 CHAIRMAN VALENTIC: Okay. Okay. You can be seated.  
30 Is there anyone else here that's speaking for or

1 against this appeal that would like to come up? Okay. If  
2 there's no further questions, the public hearing for Variance  
3 Number 2017-23 is now closed to the public. I will entertain  
4 a motion to approve Variance Number 2017-23.

5 MS. JARRELL: So moved.

6 MR. HAMILTON: Second.

7 CHAIRMAN VALENTIC: Thank you. The question is on  
8 the approval of Variance Number 2017 -- I am sorry -- 2017-23.  
9 A yes vote is for the approval -- oh, I am sorry. We've got  
10 to discuss that, right? I am flying through this. Okay.  
11 It's open for discussion on the Board.

12 MR. ROWE: The first meeting of the year.

13 MR. GOLLING: I suppose I would rather have one sign  
14 that's a little larger than an additional sign that would  
15 further clutter it up. Personally, I'm not a huge fan of the,  
16 the message center thing but I'm trying to envision it. It's  
17 like in front of the Red, Wine and Brew, like something like  
18 that out there?

19 MS. JARRELL: Yes.

20 CHAIRMAN VALENTIC: Yeah.

21 MR. HAMILTON: The problem is there is no zoning  
22 that limits the message center.

23 MR. GOLLING: Yeah, yeah, which is fine.

24 MR. HAMILTON: All of us may object to that as, you  
25 know, not being ideal.

26 MR. GOLLING: I'd rather --

27 MR. HAMILTON: But it's not part of the zoning.

28 MR. GOLLING: I would rather give the 15 percent  
29 than go for the expense of putting up another one.

30 MS. JARRELL: I agree. Two signs, they probably



1 wouldn't be able to place them properly.

2 MR. GOLLING: Yeah.

3 MS. JARRELL: It would be weird. And it's not a big  
4 request. And, again, I just like to reiterate, you, probably,  
5 you could hardly tell the difference between 115 and 100 when  
6 it's up there.

7 CHAIRMAN VALENTIC: Skip?

8 MR. SWEENEY: Well, I think if you apply the Duncan  
9 Standards, it's a close call. It could go either way. But in  
10 this instance, I agree with you. I don't think it's a big  
11 deal. I think the alternative might be worse if that, if that  
12 is the option that they're left with. And, frankly, that is  
13 not a, I mean, it's not -- that's probably not going to be the  
14 only sign within hundreds of feet along that stretch of road.

15 Heather, do you know, I mean, does the text, does  
16 the zoning text give us any kind of guidance as to what their  
17 thinking was when they decided to restrict signs to 100 square  
18 feet as opposed to 75 square feet or 125 square feet? Do we  
19 even know?

20 CHAIRMAN VALENTIC: I mean, you can jump in but let  
21 me just say 100 square feet is a pretty big sign.

22 MR. GOLLING: Yeah.

23 CHAIRMAN VALENTIC: You can, pretty much, put -- I  
24 don't know -- I would think a lot of stuff on there just from  
25 that picture, 100 square feet.

26 MR. GOLLING: Yeah.

27 CHAIRMAN VALENTIC: So I think they -- My assumption  
28 is that they probably looked at other, you know,  
29 recommendations or other places where code allows.

30 MR. SWEENEY: Right.

1           CHAIRMAN VALENTIC:  And 100 square feet sure seems  
2 like plenty.  I mean, I know -- I agree that, if they put two,  
3 you'd have two signs out there but two much smaller signs  
4 because they would be 75 square feet each instead of, you  
5 know, one sign at 115.

6           MR. SWEENEY:  Right.

7           CHAIRMAN VALENTIC:  Visually, I mean, in my opinion,  
8 I -- Maybe I am a little more sensitive to this stuff.  I  
9 think it is a bit intrusive in the landscape and along that  
10 road.  And I, you know, I think, visually, when I think about  
11 what that corridor is, you know, in my opinion, I don't -- I  
12 know that Drug Mart might have a standard for a digital sign  
13 but I don't think, again, in my opinion, that that's a reason  
14 enough to put in a blinking sign if you need to meet the code  
15 requirement.  That's my two cents.

16          MS. JARRELL:  Well, I'm sure the tenants want some,  
17 the other tenants want some exposure as well.

18          CHAIRMAN VALENTIC:  Exactly.

19          MS. JARRELL:  So if they had to do two signs, you  
20 know, to get the same, you know, type size, font size or  
21 whatever you call it just so that they can see it, you would  
22 have to have the two signs or you're going to have 15 square  
23 feet over our limit so that they can see it.  Remember up the  
24 street where we had the issue with the car wash?  Remember?  
25 And we did approve to do a little bit bigger.  And, honestly,  
26 if you go by that sign that says "Car Wash," it's pretty small  
27 now.

28          MR. GOLLING:  Yeah.

29          MS. JARRELL:  I can't imagine it being any smaller  
30 and being able to see it.

1 MR. SWEENEY: Didn't we just get an application for  
2 the plaza that Burgers 2 Beer is in to have two freestanding?

3 CHAIRMAN VALENTIC: Yes, yes.

4 MR. SWEENEY: We just had that, didn't we?

5 CHAIRMAN VALENTIC: Yeah.

6 MR. SWEENEY: And those, I assume, would be 100 feet  
7 or less because there wasn't a variance request for those.

8 MS. JARRELL: Right.

9 CHAIRMAN VALENTIC: But they put in, yeah, an extra  
10 sign.

11 MR. SWEENEY: Yeah. And they --

12 CHAIRMAN VALENTIC: Which I didn't support that one  
13 either.

14 MR. SWEENEY: Well, I -- And the problem I had with  
15 two signs, it's tough enough when you're driving past, I mean,  
16 to figure out where you're going looking at one sign, let  
17 alone two, you know, as you're driving up and down. I mean,  
18 at some point, it becomes a safety hazard, I think, you know,  
19 with the number, but I don't think that's an issue here.

20 CHAIRMAN VALENTIC: Okay. Anything else?

21 MR. HAMILTON: No comments.

22 CHAIRMAN VALENTIC: No comments.

23 MR. HAMILTON: Not tonight.

24 CHAIRMAN VALENTIC: Not tonight, okay. I guess  
25 we'll have to wait for next month.

26 All right. The question is on the approval of  
27 Variance Number 2017-23. A yes vote is for the approval of  
28 the variance, a no vote denies the variance. Heather, please  
29 call the vote.

30 MS. FREEMAN: Mr. Golling?

1 MR. GOLLING: Yes.

2 MS. FREEMAN: Ms. Jarrell?

3 MS. JARRELL: Yes.

4 MS. FREEMAN: Mr. Hamilton?

5 MR. HAMILTON: Yes.

6 MS. FREEMAN: Mr. Sweeney?

7 MR. SWEENEY: Yes.

8 MS. FREEMAN: Mr. Valentic?

9 CHAIRMAN VALENTIC: No. All right. Thank you.

10 Next on the docket is Variance Number 2017-24, Ellet  
11 Sign Company, on behalf of Concord Development Company, LLC,  
12 proposes, proposes to construct the following directional  
13 instructional signs at the Discount Drug Mart site located at  
14 8023 Crile Road, and is requesting a variance from Section XXX  
15 of the Concord Township Resolution as follows.

16 Do we have to read all of these, A through F?  
17 Should I?

18 MS. JARRELL: Ask Stephanie.

19 CHAIRMAN VALENTIC: Stephanie, should I read through  
20 all of these for the record?

21 Signs A1, A2, B1 and B2 each have 4 square feet of  
22 sign area, which violates Section 30.05(A). The maximum sign  
23 area for directional signs shall not exceed 3 square feet.

24 The next variance, sign A1 is set back 2 feet from  
25 the street right-of-way, which violates Section 30.05(D) which  
26 requires freestanding signs to be set back 10 feet.

27 The next variance is sign B-1 is set back 2 feet  
28 from the street right-of-way and 4 feet from the adjoining  
29 property line, which violates Section 30.05(D) which requires  
30 freestanding signs to be set back 10 feet from the street

1 right-of-way and 25 feet from the adjoining property lines.

2 The next variance request is sign A2 is set back 0  
3 feet from the right-of-way and 5 feet from the adjoining  
4 property line, which violates Section 30.05(D) which requires  
5 freestanding signs to be set back 10 feet from the street  
6 right-of-way and 25 feet from the adjoining property lines.

7 The next variance request is for sign B2, it is set  
8 back 0 feet from the street right-of-way, which violates  
9 Section 30.05(D) which requires freestanding signs to be set  
10 back 10 feet.

11 The last variance is sign D is setback 1, 1 foot  
12 from the adjoining property line, which violates Section  
13 30.05(D) which requires freestanding signs to be set back 25  
14 feet.

15 Please come up and present your case. Again, for  
16 the record, please state your name, address and that you've  
17 been sworn in.

18 MS. NOBLE: Okay. My name is Amy Noble, agent of  
19 Ellet Sign. Address there is 3041 East Waterloo Road, Akron,  
20 Ohio 44312.

21 CHAIRMAN VALENTIC: And you've been sworn in,  
22 correct?

23 MS. NOBLE: Yes.

24 CHAIRMAN VALENTIC: Thank you.

25 MS. NOBLE: Okay.

26 CHAIRMAN VALENTIC: And just so you know, we're  
27 going to vote on these all separately but go ahead and just  
28 talk through them, through all of them as once and we'll ask  
29 questions, the Board will ask questions on each, on each  
30 variance.

1 MS. NOBLE: Okay. Thank you. Okay. So we already  
2 described the property. The second variance request, while it  
3 deals with basically five directional informational signs, is  
4 basically enter/exit on the north and the south sides of the  
5 property and then the fifth sign is an instructional sign for  
6 the drive-thru. It deals primarily with the anchor tenant,  
7 Drug Mart.

8 And particular to this property, we have a large  
9 anchor tenant that has a drive-thru pharmacy on the front of  
10 the building. And with this in mind, at other locations that  
11 have this similarly, over the past several years we've  
12 designed a sign package for them, which is for potential  
13 distracted driving. And we call it that because, if you're  
14 going to a drive-thru pharmacy to fill a prescription, there's  
15 a good chance you're distracted by something. I wasn't even  
16 familiar with this until I had kids, and then you have them in  
17 the back seat and you're thinking about, you know, what  
18 flavorings the prescription is going to be and if you can put  
19 it in applesauce to feed to them.

20 They are wonderful, the drive-thrus, and we've  
21 designed this sign package with this style of drive --  
22 distracted style driving. To make it the easiest to where you  
23 can see the signs, it has a high level of contrast. The white  
24 and the red -- I am sorry -- the red and the blue on the white  
25 background with the blue border is attention catching, and  
26 also the height, which the "enter/exit" are 4 and a half  
27 inches high.

28 Now, letter visibility charts tell you one inch for  
29 every 10 feet from, as you're driving, from the object to read  
30 it. So we've designed this package around this. This is the

1 standard, which is 4 square feet. We are requesting the  
2 standard package at the 4 square feet due to the area, the  
3 rate of speed, and also the distance that we would put these.

4 Now, the request comes from -- This area is Drug  
5 Mart, entrance here, entrance here, north, this is the south.  
6 Directional signs on either side here. The informational sign  
7 that we'll talk about in a minute is here. The drive-thru  
8 pharmacy for the stacking. You have six potential individual  
9 tenants on this side. Parking lot narrows this way. You are  
10 going to enter and immediately look for stacking for the  
11 drive-thru pharmacy.

12 So we've designed the signs to where, when you  
13 enter, you identify that it's Drug Mart, enter/exit, and you  
14 are looking for drive-thru pharmacy signs here, here, which  
15 points to you to the stacking. If you enter here, there is a  
16 sign here and also this one that keeps you in front of Drug  
17 Mart that has the larger parking area instead of cross traffic  
18 going into stores for the other tenants.

19 CHAIRMAN VALENTIC: So, I follow it, I think. So  
20 you're, with the directional signage, you're trying to drive,  
21 you're pushing or directing them to go up that drive aisle.

22 MS. NOBLE: Yes.

23 CHAIRMAN VALENTIC: Into the dropoff.

24 MS. NOBLE: And stay out from where people are  
25 crossing to go into the stores.

26 CHAIRMAN VALENTIC: Or just circling in and out.

27 MS. NOBLE: Yes.

28 CHAIRMAN VALENTIC: Coming up the wrong aisle.

29 MS. NOBLE: And So identifying the directional signs  
30 at the size that we have tested and had work at different

1 locations that are set up in the same manner, we want to grab  
2 their attention here, let them in safely, enter/exit, and then  
3 immediately keep their attention so you can get in the proper  
4 lane for the drive-thru and stay on this end of the parking  
5 lot.

6 CHAIRMAN VALENTIC: Okay. To go back a little bit,  
7 on the square footage of the sign, can you just, again, the 4  
8 feet and the size of the letters, that's the first variance.  
9 Justn can you talk us through that a little bit so we  
10 understand why it's -- why you need the additional size of the  
11 sign versus the three square feet that's allowed?

12 MS. NOBLE: Yes. We've designed -- these are the --  
13 This is a sample of the illuminated drive-thru, which will be  
14 the enter/exit. All the other informational signs are not  
15 illuminated. So these will be at either side of the north and  
16 south entrance. And we have a large blue border. We have the  
17 Drug Mart logo, which, again, red and blue, high contrast  
18 levels on the white background so you capture your attention.  
19 Entrance, exit with arrows.

20 CHAIRMAN VALENTIC: How tall is the exit text?

21 MS. NOBLE: The text is 4 and a half inches high.

22 CHAIRMAN VALENTIC: Is that, is that what's driving  
23 the size of that sign, the 4 by 4?

24 MS. NOBLE: Yes. That's what we've set up in the  
25 standard package that works for entrance/exit signs that's  
26 consistent through --

27 CHAIRMAN VALENTIC: Okay.

28 MS. NOBLE: -- various stores.

29 CHAIRMAN VALENTIC: I have one other question and I  
30 had a hard time with this, was why do we need entrance and



1 exit signs because it's not that it's a one way in and one way  
2 out. I mean, they both are in and out to the parking lot.  
3 What's driving that we need an entrance and exit sign on  
4 either entrance? I mean, we have a shopping center right down  
5 the road that has dual entrances and there isn't a sign that  
6 says "entrance" or "exit" there either.

7 I get the directional sign. I think that makes  
8 sense and we can talk about the location and the setbacks or  
9 where they're out and why you need variances. But I'm really  
10 struggling with why we need an enter and exit sign when both  
11 entrances are enter and exit. They can enter from either one.

12 MS. NOBLE: Okay. With the large setback that you  
13 have off of Crile -- Was the shopping plaza Crile Commons, by  
14 any chance, because I just blew right past that tonight, the  
15 first entrance on my way in.

16 With the large apron and the 30 foot setback to the  
17 existing right-of-way, marking the entrance shows you it's  
18 coming up and that each location, since there are two, you  
19 have an enter and an exit at each location. That's the whole  
20 purpose behind them, safety, navigation.

21 MR. GOLLING: So what would happen if there were no  
22 signs? I mean, say you just decided not put up any signs. I  
23 mean, if someone blew by, like you said you blew by Crile, I  
24 think you said earlier.

25 MS. NOBLE: The first entrance, yes.

26 MR. GOLLING: The first entrance, then they would  
27 come up to the second entrance and turn in. So if there was  
28 no signage at all just in the entrance/exits, I mean, what  
29 would happen?

30 MS. NOBLE: Signage is basically there to direct

1 you. That's the whole purpose, safety.

2 MR. GOLLING: Right.

3 MS. NOBLE: Motorist traffic coming in. You would  
4 be on the interior of the lot before you were ever looking for  
5 signs for the drive-thru pharmacy. You would already be  
6 inside the entrance or go up to the next road, turn around,  
7 come back.

8 CHAIRMAN VALENTIC: Do you want to maybe talk  
9 through the setbacks that you -- variances you need and the  
10 side yard setback variances that you need, too, for the signs  
11 a little bit.

12 MS. NOBLE: Yes, yes. So, obviously, given the  
13 location -- And I am sure you had these photos.

14 CHAIRMAN VALENTIC: Yeah. I appreciate you guys  
15 putting the photos out on the site.

16 MS. NOBLE: Those are actually full mockups of the  
17 size of the sign. And we tortured our junior project manager  
18 and had him stand out there on a really cold day and take  
19 those photos. Those are actually staked at the exact location  
20 and size that we'd like to put them. And it does show you  
21 that, you know, in bad weather, they're minimal signage. We  
22 are standing at the edge of the pavement looking at the  
23 entrance.  
24 We feel that they're keeping moderate, you know, to what we  
25 would need.

26 As far as getting back to the setbacks, this is  
27 driven basically by the location, and we went out and staked  
28 locations after the paving had been completed here. So we do  
29 have that narrowing of the property as you head to the north.  
30 Initially, we had zero setback first at the south entrance and

1 also at the north entrance. The north entrance, I am sure you  
2 saw from the photos, we changed to 2 foot back because there  
3 is a light pole in the way. Only location we could put it is,  
4 is behind that lot light. And it is at the front edge of the  
5 property which, again, is 30 foot back from the edge of the  
6 road.

7 MR. GOLLING: That's the one marked A1, this one?

8 MS. NOBLE: Yes. And we have those two set up to  
9 match locations.

10 As far as the side yard setbacks on the  
11 informational and both northernmost and southernmost signs,  
12 we're right against the curb in almost both locations. I  
13 don't know if anybody drove through and saw the stakes. We  
14 left stakes with, with the signs out on the site. But there  
15 is just, on the edge of the pavement, there isn't a whole lot  
16 of room for those signs to go.

17 CHAIRMAN VALENTIC: Yeah. If I remember right when  
18 this came through, the curb is pretty -- already pretty close  
19 to the side property line.

20 MS. NOBLE: The informational sign is, is directly  
21 right on the curb.

22 The southern most entrance, again, we've staked the  
23 sign at a zero setback, which this is the photo that I brought  
24 and it does show this is the setback of the actual sign from  
25 the road. Any further back into the property, you're equal  
26 with the parking lot and it's not doing its job as far as  
27 informing the customers that the turn is coming up, the  
28 entrance, slow down, get ready to turn.

29 CHAIRMAN VALENTIC: Okay.

30 MS. NOBLE: If you have, if you have other

1 questions, I'd be happy to try and answer them.

2 CHAIRMAN VALENTIC: Skip, you got any questions?  
3 You've been quiet.

4 MS. JARRELL: Have you talked to the neighbors?

5 MS. NOBLE: I have not.

6 CHAIRMAN VALENTIC: Heather, we didn't receive any,  
7 anything from any of the adjoining property owners and they've  
8 all been notified of the meeting and the variance request,  
9 correct?

10 MS. FREEMAN: Correct.

11 MR. HAMILTON: So just to establish, I mean, the  
12 reason, the reason for the square footage being too large is  
13 that it's just a standard for Drug Mart?

14 MS. NOBLE: It's a standard for visibility issues.

15 MR. HAMILTON: Okay.

16 MS. NOBLE: That we've developed over years of  
17 working with them and going into locations that are multi-  
18 tenant and also having drive-thru with a pharmacy location.

19 MR. HAMILTON: And then the quantity of signs, since  
20 the maximum is two signs for each point of ingress and egress,  
21 that's driven by your feeling that this just has to be  
22 highlighted more than the two signs can offer?

23 MS. NOBLE: Correct.

24 MR. HAMILTON: Okay.

25 MS. JARRELL: Can you give me some examples of Drug  
26 Marts, Drug Marts where you have these signs? Because the  
27 ones I am thinking of, I don't think they have enter and exit  
28 signs.

29 MS. NOBLE: There is. And forgive me. I am new to  
30 Drug Mart. Our company is not, I just switched. North

1 Canton, I know, does. Sharon Township, Medina, off 18, does  
2 as well. I am trying to think if Canton Road does.

3 MS. JARRELL: And they feel it's necessary to have  
4 their logo?

5 MS. NOBLE: Right. That's, again, going to  
6 identification so that, when they go in and see the pharmacy  
7 signs directing traffic, it's a recognition point.

8 MR. GOLLING: I understand, like, the whole Drug  
9 Mart deliveries back here. But, I mean, to the point of the  
10 logo, I was just thinking that exact thing. If you lop off  
11 that logo, entrance and exist, problem solved.

12 MS. JARRELL: Right. I mean, the setback problems  
13 aren't solved.

14 MR. GOLLING: Right, right, but as far as the sign  
15 of the -- the size of the sign.

16 CHAIRMAN VALENTIC: The square footage.

17 MR. GOLLING: The square footage of the sign. And  
18 there is only one pharmacy there, so drive-thru pharmacy kind  
19 of resolves itself by going to the one and only Drug Mart  
20 there. It's just a lot of signs.

21 MS. JARRELL: I mean, I think the pharmacy sign is  
22 important. I am kind of with Ivan. I don't know that you  
23 need enter and exit signs necessarily. If you miss the one,  
24 you're going to hit the other one and you're going to see the  
25 big 115 square foot sign. So the property is IDed.

26 CHAIRMAN VALENTIC: Yeah. I think that is kind of  
27 how I feel. And the --

28 MS. JARRELL: It is redundant. It is almost  
29 redundant.

30 CHAIRMAN VALENTIC: Yeah. And the square footage of

1 the signs, I mean, it's another extra. You know, we allow for  
2 -- or we allow three and they'er asking for 4 square feet.  
3 Can you fit it in there? I don't know. I guess, if you get  
4 rid of the Drug Mart logo, you could, and keep the colors.  
5 You can --

6 MS. JARRELL: I mean, how important do they feel the  
7 enter and exit signs are? Are they willing to get rid of  
8 their logo even though they've got this, you know, big,  
9 colorful thing, monument sign out in front?

10 MS. NOBLE: I feel that the enter/exit on each side  
11 of the driveway is very important to them.

12 MS. JARRELL: But with the logo. Would they agree  
13 to do it without the logo? I mean, would they be okay? Is it  
14 that important to them?

15 MS. NOBLE: I believe the positioning of the signs  
16 being closer to the right-of-way where you can clearly see  
17 them and enter and exit on each side of the driveway is the  
18 most important.

19 MR. HAMILTON: Let me ask another question about  
20 your drawing. You have two other signs that aren't  
21 highlighted and we don't have any examples of. Does that mean  
22 those will not be going in there? Nobody will be coming back  
23 at a later date with some other request for a sign?

24 MS. NOBLE: Oh, instructional sign C and E?

25 MR. HAMILTON: Yeah, or G and E.

26 MS. NOBLE: Okay. And then also F. Those are  
27 informational signs.

28 MR. HAMILTON: Okay.

29 MS. NOBLE: And those simply say "drive-thru" with  
30 an -- "drive-thru pharmacy" with an arrow. And those are far

1 enough in the property, there was no variance needed --

2 MR. HAMILTON: Right.

3 MS. NOBLE: -- for those.

4 MR. HAMILTON: You've also got --

5 CHAIRMAN VALENTIC: Oh, those are not considered  
6 directional signs?

7 MR. HAMILTON: But then you also have instructional  
8 sign D, which is covered by the zoning, that basically says  
9 the same thing.

10 MS. NOBLE: D, correct. Because --

11 MR. HAMILTON: Right?

12 MS. NOBLE: Correct. Because it set -- It's not set  
13 25 foot from the side property line.

14 MR. HAMILTON: Got it, right, right.

15 MS. NOBLE: Because, again, we would be in the  
16 middle of the parking lot.

17 CHAIRMAN VALENTIC: So --

18 MR. HAMILTON: Two, three, four, five, six, seven,  
19 eight, nine.

20 MS. JARRELL: Nine.

21 MR. HAMILTON: Gees.

22 CHAIRMAN VALENTIC: So your variance for size of the  
23 sign is only for A1, A2, B1 and B2. The other signs do not  
24 require a variance request for their size.

25 MR. HAMILTON: Right.

26 CHAIRMAN VALENTIC: Because they are, what, not  
27 considered --

28 MS. FREEMAN: Mr. Chairman, the Zoning Resolution  
29 indicates that the instructional ones, the other ones within  
30 the parking lot, there is no specified maximum size, only that

1 they be no larger than necessary, so those do not require  
2 variances, nor a zoning permit to be applied for. The only  
3 reason she is asking for a variance on instructional sign D is  
4 because it doesn't meet the setback from the edge of the  
5 property line.

6 CHAIRMAN VALENTIC: Okay. You guys got any more  
7 questions?

8 MS. LANDGRAF: I just have one question to follow up  
9 on Chris' comment. Are you indicating that you would amend  
10 your application for the enter and exit signs to remove the  
11 logo or not?

12 MS. NOBLE: Or to comply with three square feet.

13 MS. LANDGRAF: In order to comply with it?

14 MS. NOBLE: Correct.

15 MS. LANDGRAF: Maybe I am still not clear. So it  
16 would just say "enter" and "exit" or it would just say you  
17 would have three square feet?

18 MS. NOBLE: Correct.

19 MS. JARRELL: You would reduce everything on the  
20 sign, even the logo. Is that what you are saying?

21 MS. NOBLE: That would be their option. That would  
22 be their option.

23 MS. LANDGRAF: Well, I mean, we would need to know  
24 if you are willing to do that. Otherwise, they have to vote  
25 as submitted.

26 CHAIRMAN VALENTIC: Yeah, okay. So the question is  
27 for signs A1, A2, B1 and B2, are you willing to reduce the  
28 size of the sign from 4 square feet to 3 square feet and then  
29 they wouldn't need that variance?

30 MS. FREEMAN: Mr. Chairman, if I --



1 If you don't mind, I think what she -- what I am hearing is,  
2 if you deny them on the 4 square feet, that Drug Mart will  
3 probably go back and comply with the 3 square feet.

4 MS. NOBLE: Yes.

5 CHAIRMAN VALENTIC: Okay.

6 MS. LANDGRAF: Okay. So you don't want to amend.  
7 You just want them to vote on what's submitted?

8 MS. NOBLE: Yes.

9 MS. LANDGRAF: Okay.

10 MR. GOLLING: Gotcha.

11 CHAIRMAN VALENTIC: Okay. And that's just the size  
12 of the sign.

13 MS. NOBLE: Correct.

14 CHAIRMAN VALENTIC: The other variances we need to  
15 approve are your setbacks as well for the signs.

16 MS. NOBLE: Placement.

17 CHAIRMAN VALENTIC: Placements of the signs.

18 MS. NOBLE: Correct.

19 CHAIRMAN VALENTIC: My, my issue is that I don't see  
20 a need for the enter and exit signs. We could go to any  
21 development in any community and not everybody has enter and  
22 exit signs.

23 MS. JARRELL: If you had an enter and exit sign at  
24 every shopping plaza, it would be crazy out there.

25 CHAIRMAN VALENTIC: Yeah. I mean, that's -- I am  
26 just having a hard time with that one. And we just talked  
27 about putting in one big sign instead of two big signs, having  
28 less stuff along the road and corridor as well. So --

29 MR. GOLLING: I think I just went on the record  
30 saying I would rather have less signs than more with the

1 previous variance.

2 CHAIRMAN VALENTIC: Yeah. So --

3 MR. SWEENEY: Well, as we all wish there would be  
4 less signs than more, have these been --

5 MR. HAMILTON: Let me interject here.

6 MR. SWEENEY: Have these been --

7 MR. HAMILTON: Let me interject because, before we  
8 have too much discussion --

9 MR. SWEENEY: Let's close the --

10 MR. HAMILTON: Yeah, let's close the --

11 CHAIRMAN VALENTIC: Yeah. Does anyone have any  
12 other further comments or questions for --

13 MR. HAMILTON: No.

14 CHAIRMAN VALENTIC: -- the applicant? Okay. Thank  
15 you. You can be seated.

16 Is there anyone else that is speaking for or against  
17 this appeal that would like to come up? Okay. I will  
18 entertain a motion to approve Variance Number 2017-24.

19 MR. HAMILTON: So moved.

20 MR. SWEENEY: Second.

21 CHAIRMAN VALENTIC: Second, okay. I am sorry. I've  
22 got to close the meeting first. I am all over the place  
23 again. Okay. So if there's no further questions from the  
24 public, the public hearing for Variance Number 2017-24 is now  
25 closed to the public. Now I will entertain a motion to  
26 approve Variance Number 2017-24.

27 MR. HAMILTON: So moved.

28 MR. SWEENEY: Second.

29 CHAIRMAN VALENTIC: And we have a second. Thank  
30 you. Okay. Now it's open for the discussion of the Board.

1 MR. SWEENEY: If these signs and their placement  
2 complied with the zoning requirements, we wouldn't be here.  
3 So whether or not we want signs there is not the issue and I  
4 don't think it's appropriate to even address that.

5 MR. HAMILTON: Yeah.

6 MR. SWEENEY: I think that's prejudicial. Okay?  
7 What we're here to determine is whether or not the signs  
8 comply with the zoning text. And are we voting on all, all of  
9 them?

10 CHAIRMAN VALENTIC: No, we have to vote on each one  
11 separately. We will go through.

12 MR. SWEENEY: All right.

13 CHAIRMAN VALENTIC: So the first one is, you know,  
14 the size of the signs.

15 MR. SWEENEY: Should we just, yeah, because I want  
16 to discuss.

17 CHAIRMAN VALENTIC: We can discuss that now.

18 MR. SWEENEY: Yeah, okay.

19 CHAIRMAN VALENTIC: We can discuss that first and  
20 then we can discuss the setbacks for each one of the signs if  
21 there is discussion needed.

22 MR. SWEENEY: Well, and, again, I apply the same  
23 standards to the last application that I do this one, the  
24 Duncan Standards, the practicality standards -- or practical  
25 difficulty standards. And when you apply it to this, I think  
26 you're looking at a much more substantial request just based  
27 on the square footage, based on percentages. So that, right  
28 there, throws you over the edge because the sign that we, at  
29 least, that I analyzed before, according to the same  
30 standards, was kind of right on the line but I think it was,

1 it was appropriate to allow it. This one, it clearly, I  
2 think, is too substantial as, as submitted and does violate  
3 the code. So that's just my opinion.

4 MS. JARRELL: Plus, it's multiple signs.

5 MR. SWEENEY: Well, again, I think by code they're  
6 allowed to have multiple signs.

7 MR. HAMILTON: Yeah, yeah. But regarding the size,  
8 I mean, this is arbitrary. It's being driven by a corporate  
9 standard that, you know, doesn't come anywhere close to our  
10 zoning. That doesn't mean we should just accept that because  
11 it's what they use everywhere else.

12 CHAIRMAN VALENTIC: Todd, what do you think?

13 MR. GOLLING: No further.

14 CHAIRMAN VALENTIC: I agree. I think that the signs  
15 could potentially be modified to fit within that 3 square  
16 feet.

17 The next is a series of setback requests. The first  
18 one is, you know, A1 is a 2 foot setback from the right-of-way  
19 versus the 10 foot. B1 is also the same, is 2 foot versus the  
20 10 foot from the right-of-way.

21 MR. GOLLING: If I'm understanding, it's a 2 feet  
22 from the right-of-way and it should be, what, back here?

23 MR. SWEENEY: Yeah.

24 MR. GOLLING: Am I understanding that correct?

25 CHAIRMAN VALENTIC: Yeah.

26 MR. GOLLING: Instead of the sign being here, it  
27 should be somewhere back here?

28 CHAIRMAN VALENTIC: Yes, correct. Again, it's a  
29 pretty significant request.

30 MS. JARRELL: Do the signs even do any good if

1 they're pushed back further?

2 CHAIRMAN VALENTIC: I heard probably not is what I  
3 heard her say.

4 Skip?

5 MR. SWEENEY: I mean, it's, it's a substantial  
6 departure. I, I understand what they're trying to achieve  
7 and, you know, if you look at the tree line there, I mean,  
8 ironically, it's right in line with the tree line, where it  
9 ends. Well, I guarantee that's going to be gone --

10 MS. JARRELL: Right.

11 MR. SWEENEY: -- with the next, the next developer  
12 that comes in there and it may stick out like a sore thumb at  
13 that point. But even, again, that's not really the issue.  
14 The issue is, is the departure from the zoning code and the  
15 application of the, of the Duncan Factors. Again, I mean,  
16 these are not close. I mean, these are not clear-cut,  
17 admittedly, but I think that, I think the substantial nature  
18 of the request is, is significant.

19 MS. JARRELL: Skip, just for our audience this  
20 evening, we have a lot of students here and, perhaps, you'd  
21 just like to quickly go through the Duncan Factors so that  
22 these, these young adults can learn what our standards are  
23 that we look at for approving variances.

24 MR. SWEENEY: Yeah. When, when applicants come  
25 before us to ask that they not be required to meet the  
26 requirements of the zoning text, they have to give us reasons.  
27 And that happens so often that, that people ended up in court  
28 with these issues. And some -- I forgot. I think the case  
29 might have been named --

30 MS. JARRELL: Duncan versus somebody.

1 MR. SWEENEY: Duncan versus some --

2 MS. LANDGRAF: Middlefield.

3 MS. JARRELL: Thank you.

4 MR. SWEENEY: Some zoning board.

5 MS. LANDGRAF: Middlefield.

6 MR. SWEENEY: Middlefield. And the issue came up so  
7 often that the court decided that there are certain factors  
8 that every zoning board, in order to be uniform, take a look  
9 at to make sure that they're being fair and reasonable when  
10 they, when they make decisions as to whether or not a person  
11 can go beyond what the zoning code requires. And those, those  
12 are -- those have become known as the Duncan Standard, and  
13 there is seven of them and I'll just read them off. And this  
14 is, this is what we take, what we like to take into -- well,  
15 what the case law requires that we take into account when, as  
16 part of making a decision here.

17 Number 1, whether the property will yield a  
18 reasonable return or whether there can be a beneficial use of  
19 the property without the variance;

20 Whether the variance is substantial;

21 Whether the essential character of the neighborhood  
22 would be substantially altered or adjoining properties suffer  
23 a substantial detriment;

24 Four, whether the variance would adversely affect  
25 the delivery of government services;

26 Five, whether the property owner purchased the  
27 property with the knowledge of the zoning restriction;

28 Six, whether the problem can be solved by some other  
29 manner than the granting of the variance;

30 And, seven, whether the variance preserves the

1 spirit and intent of the zoning requirement and whether a  
2 substantial justice would be done by granting the variance.

3 Now, that doesn't exactly clear things up, sometimes  
4 it makes it more difficult, but it helps and I like to apply  
5 those whenever we can.

6 CHAIRMAN VALENTIC: Well, the next two, sign A2 and  
7 B2, are asking for zero foot setback from the street right-of-  
8 way, so it's even -- that's a greater variance.

9 Then the last one, sign D, is a setback of 1 foot  
10 from the adjoining property line. And that one is a little  
11 bit different in the fact that, you know, we didn't hear any  
12 objection from the neighboring property -- something we look  
13 for -- and that, you know, it makes sense in the location of  
14 where they placed that sign to capture deliveries. And there  
15 is just not enough room left in that area off to the side  
16 there when they developed the property.

17 MR. HAMILTON: But be clear, sign D is about the  
18 pharmacy, directional.

19 CHAIRMAN VALENTIC: Oh.

20 MS. JARRELL: Good question.

21 MR. HAMILTON: And there is another instructional,  
22 same instructional sign that doesn't require a variance on the  
23 other side of the driveway directly across from where this  
24 sign is proposed.

25 MS. JARRELL: C.

26 MR. HAMILTON: So you've got two directional signs  
27 on either side of the drive, one needing a variance, one not  
28 needing a variance.

29 CHAIRMAN VALENTIC: Oh, G and D are the same sign?

30 MS. NOBLE: They are not.

1 CHAIRMAN VALENTIC: I am sorry, ma'am.

2 That's what I thought. I thought --

3 MR. GOLLING: Well, G is deliveries.

4 MS. NOBLE: Correct.

5 MR. SWEENEY: Okay.

6 MR. GOLLING: Right? So G is --

7 MS. JARRELL: G is deliveries and D and C are  
8 pharmacy.

9 MS. NOBLE: Yes.

10 MR. GOLLING: So C, D, E and F are pharmacy signs  
11 for the drive-thru.

12 CHAIRMAN VALENTIC: Okay.

13 MR. SWEENEY: Okay. They're not requesting a  
14 variance for G.

15 CHAIRMAN VALENTIC: No, just for D, for the side  
16 yard.

17 MR. GOLLING: It's within the property.

18 MR. SWEENEY: Right.

19 MR. HAMILTON: And so direct -- So instructional  
20 sign E is the same as D; is that correct?

21 MR. GOLLING: E and D are, yeah, the same.

22 CHAIRMAN VALENTIC: Yeah.

23 MR. HAMILTON: And F.

24 CHAIRMAN VALENTIC: Yes.

25 MR. GOLLING: Right. They don't need one for F.  
26 They don't need a variance for F.

27 (Whereupon, off-the-record discussion was held among  
28 board members.)

29 CHAIRMAN VALENTIC: Do we have a concern, anyone  
30 have concerns with the sign D setback?



1 (Whereupon, off-the-record discussion was held among  
2 board members.)

3 MR. GOLLING: We're trying to understand the signs.

4 CHAIRMAN VALENTIC: Okay.

5 MS. JARRELL: I think, from a safety standpoint, you  
6 have to have the pharmacy signs on both ingress and egress  
7 areas so that you don't have craziness in that parking lot.

8 MR. SWEENEY: People figure it out. With or without  
9 signs, they figure it out.

10 MS. JARRELL: Well, yeah.

11 CHAIRMAN VALENTIC: So I don't know.

12 MR. HAMILTON: There are already a lot of signs in  
13 this thing. If they wander around that lot long enough, you  
14 are going to find your way to where you need to be.

15 CHAIRMAN VALENTIC: Oh, sure. Well, do you have any  
16 other discussion? I mean, you know, I agree. There is  
17 already a lot of signs but, I mean, I see why they, why they  
18 put D where they put D. The internal signs in general, yeah,  
19 I mean, I guess there could be less but we're not controlling  
20 that. We're just looking at the side yard setback for D.

21 (Whereupon, off-the-record discussion was held among  
22 board members.)

23 CHAIRMAN VALENTIC: So you guys got anything? You  
24 guys want to add to the rest of the Board? You guys all set,  
25 got it figured out, or you're more confused?

26 MR. GOLLING: No. I'm trying to figure out the  
27 direction, the reason why the signs and the direction of the  
28 traffic flow and we just had to talk it out.

29 CHAIRMAN VALENTIC: Okay, okay. If you guys are  
30 good, then we can -- I am going to call a vote and I'm going

1 to -- we are going to go through each one of these one by one.  
2 Okay? All right.

3 The question is on the approval of Variance Number  
4 2017-24 (a), which is the first one, which is the 4 square  
5 feet of sign area in lieu of the 3 feet that's allowed. A yes  
6 vote is for the approval of the variance, a no vote denies the  
7 variance. Heather, please call the vote.

8 MS. FREEMAN: Mr. Sweeney?

9 MR. SWEENEY: No.

10 MS. FREEMAN: Mr. Hamilton?

11 MR. HAMILTON: No.

12 MS. FREEMAN: Mr. Golling?

13 MR. GOLLING: No.

14 MS. FREEMAN: Ms. Jarrell?

15 MS. JARRELL: No.

16 MS. FREEMAN: Mr. Valentic?

17 CHAIRMAN VALENTIC: No. Okay.

18 MS. LANDGRAF: Mr. Chairman, before you go forward,  
19 because all three, all -- let's see -- one, two, three, four  
20 of those signs as designed and before this Board, the plans as  
21 submitted, it will not be for a 4 square foot sign, it will be  
22 for the compliant 3 square foot sign. I just want to make  
23 that clear on the record so that the approval of sign A1 for  
24 setback purposes doesn't then change it to the 4 square foot  
25 sign that was approved.

26 CHAIRMAN VALENTIC: Thank you. So does that make  
27 sense to everybody? So if we approve the next one for the  
28 setback, it would have to meet --

29 MS. LANDGRAF: The 3 square feet.

30 MS. JARRELL: The 3 square feet.

1 CHAIRMAN VALENTIC: -- the 3 square feet.

2 MR. GOLLING: Right.

3 MR. HAMILTON: Right.

4 MS. JARRELL: Agreed.

5 CHAIRMAN VALENTIC: Okay? So we are not thinking  
6 about the square footage, we are just looking at the setback.  
7 Okay?

8 Thank you for that clarification.

9 MR. GOLLING: All right. Hold on. I want to look  
10 at something. A1 is -- that's A2. Okay. So see that light  
11 post right there?

12 MR. SWEENEY: Uh-huh.

13 MR. GOLLING: That light post is right here. So  
14 right here is A1 and this is B1, so it's enter/exit signs are  
15 up here by the light post, if you had these two light posts  
16 right here, 2 feet behind each one of the light posts  
17 versus -- I don't know -- right there. So that's where  
18 they're going. So this one, where they should be is right  
19 there. The variance is for -- to put them right up here, dump  
20 them right by the light post here.

21 CHAIRMAN VALENTIC: Skip, what's your, so the rest  
22 of us --

23 MR. SWEENEY: I'm just trying to figure out which  
24 ones we're talking about here. But the, but the requirement  
25 is another 8 feet back is what you're saying?

26 CHAIRMAN VALENTIC: Yes.

27 MR. SWEENEY: Okay.

28 CHAIRMAN VALENTIC: Yeah.

29 MR. SWEENEY: I don't --

30 CHAIRMAN VALENTIC: And then the following one, they

1 need to move it another 10 feet back because they're putting  
2 it right on the right-of-way line of the property.

3 MR. SWEENEY: Right.

4 CHAIRMAN VALENTIC: Which is the problem.

5 MR. GOLLING: Right.

6 CHAIRMAN VALENTIC: Okay? We clear?

7 MR. SWEENEY: Okay. I just want to be sure about  
8 this.

9 CHAIRMAN VALENTIC: Okay.

10 MS. FREEMAN: Excuse me, Mr. Chairman. I was going  
11 to point out to Mr. Sweeney, if you look at the exhibit that  
12 they submitted as far as the -- it does indicate which ones  
13 are A1 and B1, if that might help you.

14 MR. SWEENEY: Yeah.

15 MR. GOLLING: Yeah. We were, we were marking them  
16 up pretty good.

17 CHAIRMAN VALENTIC: You were, okay.

18 MS. FREEMAN: It does say B1 and A1.

19 MR. SWEENEY: Yeah, we have marked all over them.

20 CHAIRMAN VALENTIC: All right. So the question is  
21 on the approval of Variance Appeal Number 2017-24 (b) for sign  
22 1, sign A1 setback of 2 feet. A yes vote is for the approval  
23 of the variance, a no vote denies the variance. Heather,  
24 please call the vote.

25 MS. FREEMAN: Mr. Golling?

26 MR. GOLLING: No.

27 MS. FREEMAN: Ms. Jarrell?

28 MS. JARRELL: No.

29 MS. FREEMAN: Mr. Sweeney?

30 MR. SWEENEY: No.

1 MS. JARRELL: Mr. Hamilton?

2 MR. HAMILTON: No.

3 MS. FREEMAN: Mr. Valentic?

4 CHAIRMAN VALENTIC: No. That variance has been  
5 denied.

6 The next one is, the question is on the approval of  
7 Variance Number 2017-24 (c), sign B, a setback of 2 feet. A  
8 yes vote is for the approval of the variance, a no vote denies  
9 it. Again, Heather, please call that vote.

10 MS. FREEMAN: Mr. Chairman, I just want to clarify  
11 that that sign is requesting, actually, two variances.

12 MR. SWEENEY: Yeah.

13 MS. FREEMAN: One from the front setback and one  
14 from the adjoining property?

15 MR. GOLLING: One from the side.

16 CHAIRMAN VALENTIC: Oh, okay. I apologize. Thank  
17 you.

18 MR. SWEENEY: So what if you agree with one and  
19 disagree with the other?

20 MS. LANDGRAF: They should be two different votes.  
21 Sorry.

22 CHAIRMAN VALENTIC: I love it. All right.

23 MR. SWEENEY: Yeah.

24 CHAIRMAN VALENTIC: Okay. So we're going to -- the  
25 question is on --

26 MS. LANDGRAF: The first motion should be for the  
27 street right-of-way setback and then the adjoining property  
28 line setback.

29 CHAIRMAN VALENTIC: Okay. So the question is on  
30 approval of variance number -- Appeal Number 2017-24(c), for

1 sign B1, a 2 foot setback from the street right-of-way and --  
2 for just 2 feet from the street right-of-way. A yes vote is  
3 for the approval of the variance, a no vote denies the  
4 variance. Heather, please call that vote.

5 MS. LANDGRAF: You made a motion, didn't you? Who  
6 made a motion?

7 CHAIRMAN VALENTIC: Oh, nobody.

8 MS. JARRELL: We did a vote -- a motion for the  
9 variance globally.

10 MR. HAMILTON: The variance.

11 CHAIRMAN VALENTIC: Yes.

12 MS. JARRELL: Do we have to do a motion for each  
13 individual?

14 MR. HAMILTON: Each item?

15 MS. LANDGRAF: They're independent. If you want  
16 them to stand on their own, yes.

17 MS. JARRELL: Okay.

18 CHAIRMAN VALENTIC: Okay.

19 MS. LANDGRAF: So is there -- Heather, did you have  
20 a motion and a second for (a)?

21 MS. JARRELL: For A1?

22 MS. FREEMAN: When they closed the public hearing,  
23 they did a motion and a second for the whole application, not  
24 just for (a).

25 MS. LANDGRAF: Okay.

26 MS. JARRELL: So we have to go back and --

27 MS. LANDGRAF: To make this clear, I would like you  
28 to rescind the motion on A1, A2, B1 and B2 for the square  
29 footage.

30 CHAIRMAN VALENTIC: Okay.

1 MS. LANDGRAF: Which would have to be seconded. And  
2 then we will start again with a motion and a second for each.

3 CHAIRMAN VALENTIC: Each, and then we'll call the  
4 vote.

5 MS. LANDGRAF: To make it clear, yes. So, first,  
6 you will need to rescind your vote on (a).

7 CHAIRMAN VALENTIC: Okay. We are going to rescind  
8 our vote on the signs square footage, A1, A2, B1 and B2 and  
9 from sign A1 and start from the beginning. I will entertain a  
10 motion to approval Variance Number 2017-4(a) for signs A1, A2,  
11 B1 and B2 square footage variance. Do I have a motion and a  
12 second?

13 MS. JARRELL: So moved.

14 MR. HAMILTON: Second.

15 CHAIRMAN VALENTIC: Okay. We have a motion and a  
16 second. The question is on the approval of Variance Number  
17 2017-24. A yes vote is for the approval, a no vote denies the  
18 approval. Heather, please call the vote.

19 MS. FREEMAN: Mr. Golling?

20 MR. GOLLING: No.

21 MS. FREEMAN: Ms. Jarrell?

22 MS. JARRELL: No.

23 MS. FREEMAN: Mr. Sweeney?

24 MR. SWEENEY: No.

25 MS. FREEMAN: Mr. Hamilton?

26 MR. HAMILTON: No.

27 MS. FREEMAN: Mr. Valentic?

28 CHAIRMAN VALENTIC: No.

29 Okay. I will entertain a motion to approve Variance  
30 Number 2017-24(b) for sign A, 2 foot setback from the right-

1 of-way.

2 MS. JARRELL: A1.

3 MR. HAMILTON: A1, make that.

4 CHAIRMAN VALENTIC: A1, A1, for a 2 foot setback.

5 Is there a motion?

6 MS. JARRELL: So moved.

7 MR. HAMILTON: Second.

8 CHAIRMAN VALENTIC: Thank you. Then the question is  
9 on the approval of Variance Number Appeal 2017-24(b) for sign  
10 A1. A yes vote approves it, a no vote denies it. Heather,  
11 please call that vote.

12 MS. FREEMAN: Mr. Hamilton?

13 MR. HAMILTON: No.

14 MS. FREEMAN: Mr. Sweeney?

15 MR. SWEENEY: No.

16 MS. FREEMAN: Ms. Jarrell?

17 MS. JARRELL: No.

18 MS. FREEMAN: Mr. Golling?

19 MR. GOLLING: No.

20 MS. FREEMAN: And Mr. Valentic?

21 CHAIRMAN VALENTIC: No. Okay.

22 I will entertain a motion to approve Variance Number  
23 2017-24(c), for sign B1, for a 2 foot setback from the right-  
24 of-way.

25 MS. JARRELL: So moved.

26 CHAIRMAN VALENTIC: Second?

27 MR. HAMILTON: Second.

28 CHAIRMAN VALENTIC: Okay. The question is on the  
29 approval of Variance Number, Appeal Number 2017-24(b) -- or  
30 (c), for sign B1, for the 2 foot setback from the right-of-



1 way. Heather, please call the vote.

2 MS. FREEMAN: Mr. Sweeney?

3 MR. SWEENEY: No.

4 MS. FREEMAN: Mr. Hamilton?

5 MR. HAMILTON: No.

6 MS. FREEMAN: Ms. Jarrell?

7 MS. JARRELL: No.

8 MS. FREEMAN: Mr. Golling?

9 MR. GOLLING: No.

10 MS. FREEMAN: And Mr. Valentich?

11 CHAIRMAN VALENTIC: No. Okay.

12 The next is a motion to approve Variance Number  
13 2017-24(c), again, but this is for 4 foot from the adjoining  
14 property line setback. The question is on -- for the approval  
15 of variance 2017-24(c), 4 foot side yard -- 4 foot adjoining  
16 property setback. A yes vote approves it, a no vote denies  
17 it. Heather, please call that vote.

18 MS. JARRELL: We have to do a motion.

19 CHAIRMAN VALENTIC: Oh, I'm sorry. Dammit.

20 MS. JARRELL: So moved.

21 CHAIRMAN VALENTIC: Second?

22 MR. SWEENEY: Second.

23 MS. FREEMAN: You can go right into the roll call  
24 vote then.

25 CHAIRMAN VALENTIC: Okay.

26 MS. FREEMAN: Mr. Sweeney?

27 MR. SWEENEY: No.

28 MS. FREEMAN: Mr. Hamilton?

29 MR. HAMILTON: No.

30 MS. FREEMAN: Mr. Golling?

1 MR. GOLLING: No.

2 MS. FREEMAN: Ms. Jarrell?

3 MS. JARRELL: No.

4 MS. FREEMAN: Mr. Valentic?

5 CHAIRMAN VALENTIC: No. All right.

6 I need a motion to approve Variance Number

7 2017-24(d), for sign 2 to be set back zero feet from the

8 right-of-way.

9 MS. LANDGRAF: Of the street.

10 CHAIRMAN VALENTIC: For the street right-of-way. I

11 need a motion.

12 MS. JARRELL: So moved.

13 MR. HAMILTON: Second.

14 CHAIRMAN VALENTIC: Heather, please call the vote.

15 MS. FREEMAN: Mr. Sweeney?

16 MR. SWEENEY: No.

17 MS. FREEMAN: Mr. Hamilton?

18 MR. HAMILTON: No.

19 MS. FREEMAN: Mr. Valentic?

20 CHAIRMAN VALENTIC: No.

21 MS. FREEMAN: Ms. Jarrell?

22 MS. JARRELL: No.

23 MS. FREEMAN: Mr. Golling?

24 MR. GOLLING: No.

25 CHAIRMAN VALENTIC: Okay. And then we have a second

26 one with this one, also, 5 feet from the adjoining property.

27 So I'm going to -- I need a motion to approve Variance Number

28 2017-24(d) for a 5 foot adjoining property line setback.

29 MS. JARRELL: So moved.

30 CHAIRMAN VALENTIC: Second?

1 MR. HAMILTON: Second.

2 CHAIRMAN VALENTIC: Heather, the vote, please.

3 MS. FREEMAN: Mr. Sweeney?

4 MR. SWEENEY: No.

5 MS. FREEMAN: Ms. Jarrell?

6 MS. JARRELL: No.

7 MS. FREEMAN: Mr. Golling?

8 MR. GOLLING: No.

9 MS. FREEMAN: Mr. Hamilton?

10 MR. HAMILTON: No.

11 MS. FREEMAN: Mr. Valentlic?

12 CHAIRMAN VALENTIC: No.

13 Okay. Next is a motion to approve Variance Number

14 2017-24(e), for sign B2, for a zero foot setback from the

15 street right-of-way. Heather, please call that vote.

16 MS. FREEMAN: You need a motion.

17 MR. HAMILTON: We need a motion.

18 CHAIRMAN VALENTIC: Oh, a motion.

19 MR. HAMILTON: So moved.

20 CHAIRMAN VALENTIC: Second, please?

21 MS. JARRELL: Second.

22 CHAIRMAN VALENTIC: Heather, please call the vote.

23 MS. FREEMAN: Mr. Hamilton?

24 MR. HAMILTON: No.

25 MS. FREEMAN: Mr. Sweeney?

26 MR. SWEENEY: No.

27 MS. FREEMAN: Ms. Jarrell?

28 MS. JARRELL: No.

29 MS. FREEMAN: Mr. Golling?

30 MR. GOLLING: No.

1 MS. FREEMAN: Mr. Valentic?

2 CHAIRMAN VALENTIC: No.

3 The last one, a motion to approve Variance Number  
4 2017-24(f), for sign D, is a setback of 1 foot from the  
5 adjoining property line. Motion, please.

6 MS. JARRELL: So moved.

7 MR. HAMILTON: Second.

8 CHAIRMAN VALENTIC: Heather, please call that vote.

9 MS. FREEMAN: Ms. Jarrell?

10 MS. JARRELL: No.

11 MS. FREEMAN: Mr. Golling?

12 MR. GOLLING: No.

13 MS. FREEMAN: Mr. Sweeney?

14 MR. SWEENEY: No.

15 MS. FREEMAN: Mr. Hamilton?

16 MR. HAMILTON: No.

17 MS. FREEMAN: Mr. Valentic?

18 CHAIRMAN VALENTIC: No.

19 Thank you for your time and patience and coming in  
20 to present tonight. The variances have not been approved.

21 We are going to take a quick recess. Do we have to  
22 have a motion for that?

23 MS. LANDGRAF: Yes.

24 MR. SWEENEY: We do?

25 CHAIRMAN VALENTIC: A motion to take a quick recess  
26 and sign some papers so these kids can get out of here.

27 MS. JARRELL: So moved.

28 CHAIRMAN VALENTIC: Second?

29 MR. HAMILTON: Second.

30 CHAIRMAN VALENTIC: Thank you.

1 (Whereupon, there was a recess from 8:12 p.m. until  
2 8:25 p.m.)

3 CHAIRMAN VALENTIC: The Board of Zoning Appeals for  
4 Concord Township January 10, 2018, is now back from recess.  
5 Remaining on our agenda is approval of minutes. Jim Rowe is  
6 also in the audience, one of our BZA alternate members, and he  
7 will be voting on the approval of the minutes and Findings and  
8 Conclusions.

9 First on the agenda is approval of the minutes from  
10 September 13, 2017. I am going to call for a motion to  
11 approve the minutes from the September 13, 2017, meeting.

12 MR. ROWE: So moved.

13 CHAIRMAN VALENTIC: Second?

14 MR. HAMILTON: Second.

15 CHAIRMAN VALENTIC: Is there any discussion  
16 regarding these minutes, additions or deletions from anybody?  
17 I do not have any.

18 MR. HAMILTON: No comment.

19 MR. ROWE: No.

20 CHAIRMAN VALENTIC: The question is on the approval  
21 of the minutes from September 13, 2017. A yes vote approves  
22 the minutes, a no vote does not. All in favor of approving  
23 the minutes as written say "yes."

24 (Four aye votes, no nay votes, two abstentions.)

25 CHAIRMAN VALENTIC: Okay. The minutes have been  
26 approved as written.

27 Next on the agenda is the approval of the minutes  
28 from October 11, 2017. I call for a motion to approve the  
29 minutes from October 11, 2017.

30 MR. HAMILTON: So moved.

1 CHAIRMAN VALENTIC: How about a second?

2 MR. SWEENEY: Second.

3 CHAIRMAN VALENTIC: The question is on approval of  
4 the minutes from 20 -- from October 11, 2017. A yes vote  
5 approves the minutes. I am sorry. Is there any discussion,  
6 deletions to those minutes from October 11?

7 MR. HAMILTON: No.

8 CHAIRMAN VALENTIC: Skip, nothing?

9 MR. SWEENEY: No.

10 CHAIRMAN VALENTIC: Okay. Thank you. A motion to  
11 approve the minutes from October 11, 2017, as written. A yes  
12 votes approves the minutes, a no vote does not. All in favor  
13 of approving the minutes as written say "yes."

14 (Four aye votes, no nay votes, two abstentions.)

15 CHAIRMAN VALENTIC: The minutes from October 11,  
16 2017, have been approved.

17 Okay. Next on the list of minutes is December 13,  
18 2017, meeting. I am going to call for a motion to approve the  
19 minutes from December 13, 2017.

20 MR. SWEENEY: So moved.

21 CHAIRMAN VALENTIC: Second, anyone?

22 MR. HAMILTON: Second.

23 CHAIRMAN VALENTIC: Discussion or deletions to the  
24 minutes from December?

25 MR. HAMILTON: None.

26 CHAIRMAN VALENTIC: None, okay. The question on the  
27 approval of the minutes from December 13, 2017. A yes vote  
28 approves the minutes, a no vote does not. All in favor of  
29 approving the minutes say "yes."

30 (Three aye votes, no nay votes, three abstentions.)

1           CHAIRMAN VALENTIC: Okay. Those minutes have been  
2 approved.

3           Next on our agenda is the approval of the  
4 Findings and Conclusions based on our meeting minutes from  
5 September 13, 2017.

6           MS. LANDGRAF: These Findings of Fact and  
7 Conclusions of Law before the Board, which you'll be voting on  
8 for approval or denial, specifically relate to the Riverside  
9 Local School District's application for a conditional use  
10 permit which was before this Board and denied on September 13,  
11 2017.

12           Upon the adoption of these Findings of Fact and  
13 Conclusions of Law, they will be filed in the pending  
14 litigation in Common Pleas Court in Lake County.

15           CHAIRMAN VALENTIC: Okay. Thank you. So then can I  
16 have a motion to approve the Findings and Conclusions.

17           MS. LANDGRAF: It would be to approve and adopt.  
18 I'm sorry.

19           CHAIRMAN VALENTIC: Okay. To approve and adopt the  
20 Findings and Conclusions that have been presented to the  
21 Board?

22           MR. ROWE: So moved.

23           CHAIRMAN VALENTIC: Second, please.

24           MR. HAMILTON: Second.

25           CHAIRMAN VALENTIC: The question is on the approval  
26 and adoption of the finding and orders. A yes vote approves  
27 the findings and orders and adopts them, a no vote does not.  
28 All in favor?

29           (Four aye votes, no nay votes, two abstentions.)

30           MS. JARRELL: And I, just for the record, I would

1 like to state that I was not at that meeting and I also  
2 recused myself from that, those proceedings.

3 CHAIRMAN VALENTIC: Okay.

4 MS. JARRELL: Therefore, I did not vote on approving  
5 and adopting the findings.

6 CHAIRMAN VALENTIC: Thank you.

7 The next Board meeting for the Zoning Appeals is set  
8 for February 14, 2018. The Concord Township Board of -- BZA  
9 meeting for January 10, 2018, is now closed.

10 (Whereupon, the meeting was adjourned at 8:31 p.m.)

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1 STATE OF OHIO )  
2 COUNTY OF CUYAHOGA )

CERTIFICATE

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

11 I do further certify that this proceeding took  
12 place at the time and place as specified in the foregoing  
13 caption and was completed without adjournment.

14 I do further certify that I am not a friend,  
15 relative, or counsel for any party or otherwise interested  
16 in the outcome of these proceedings.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and affixed my seal of office this 7th day of February  
19 2018.

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Melinda A. Melton  
Registered Professional Reporter  
Notary Public within and for the  
State of Ohio  
My Commission Expires:  
February 4, 2023