

Board of Zoning and Building Appeals
REGULAR MEETING JANUARY 21, 2010
7:30 P.M. • TOWN HALL • 2ND FLOOR
27 E. MAIN STREET • HUDSON, OHIO

MINUTES

Chairman Lehman called to order the Regular Meeting of the Board of Zoning and Building Appeals of the City of Hudson, at 7:30 p.m. in the 2nd Floor Meeting Room of Town Hall, 27 E. Main Street, Hudson, Ohio.

Present: Mr. Hojnacki, Mr. Jahn, Mr. Lehman, Mr. Lewis
Absent: No one

Officials Present: Thomas E. King, Community Development Director; and R. Todd Hunt, Assistant City Solicitor.

Meeting minutes were taken by Carol Muesel, Board Clerk and hearing testimony was recorded by Susan Petro, of Merritt & Loew Court Reporting Service.

Except where otherwise noted, the following applied to the cases heard at this meeting, the applications were routinely referred to the City of Hudson Board of Zoning and Building Appeals, assigned their respective docket numbers and placed in a newspaper of general circulation in the area.

Mr. Lehman stated that there would be a short organizational meeting to permit election of officers for 2010. Mr. Jahn nominated Mr. Lehman as Chairman, and Mr. Lewis as Vice Chairman. Mr. Hojnacki seconded the nominations and all members present were in favor. The Regular docket then began and Mr. Lehman presided over the meeting.

Mr. Lewis moved to approve the December 17, 2009 minutes as amended and Mr. Hojnacki seconded the motion. All members present were in favor.

NEW BUSINESS

APPEALS DOCKET NO. 2010-58662

This meeting has been called to consider Appeals Docket No. 2010-58662, for 36 E. Streetsboro Street.

All those who wished to testify in this case were placed under oath by Mr. Lehman.

The requests are: 1) A variance to permit two permanent ground signs per lot when the maximum number permitted is one permanent ground sign per lot, and; 2) A

variance from the required fifteen (15) ft. minimum setback from the street right-of-way for a ground sign resulting in a zero (0) ft. setback pursuant to Section 1207.17(d)(4), and Table 1207.17(d)(4)(a), "Signs in Nonresidential Districts", "Permanent Ground Signs".

The applicant is Timothy Clepper, 36 E. Streetsboro Street, Hudson, Ohio 44236 and the property owner is Timothy Clepper, Member Ellsworth Partners LLC; P.O. Box 757; Hudson, OH 44236.

Mr. King gave an overview of the case stating the original property with the main mill building in 2005 was split into three parcels. Ellsworth Partners LLC purchased 36 and 46 E. Streetsboro Street in 2008. The current sign Code adopted September 4, 2002, allows one permanent ground sign per lot located 15 feet from the right-of-way. Application for a minor lot split to realign the property lines has been made. Mr. King said the owners are requesting one ground sign for "rosewood GRILL" and a second ground sign for "Morgan Stanley Smith Barney" and "Dollar Bank Private Banking". Both signs currently exist. Staff believes the second ground sign is currently at the right-of-way line but does not know for sure. A condition of approval is that the sign be out of the right-of-way. If it is in the right-of-way, there is a process that would allow the sign to stay, but City Council would have to approve it with a license agreement. The distance between the two ground signs is approximately 80 feet, and the "rosewood GRILL" ground sign is set back approximately 30 from the front property line. Additional ground signs are permitted by Code for large properties allowing one ground sign for every 500 feet of frontage or fraction thereof per lot greater than 500 feet of frontage. . Each street frontage is calculated separately and ground signs must be separated a minimum of 200 feet along the right-of-way.

Mr. Lehman confirmed there were two signs for the former Turners Mill establishment at the site and Mr. King said there are no records, but in his opinion, the signs were legal nonconforming. Mr. Lehman confirmed with Mr. King that the reason only one sign is now permitted instead of two signs as it was with Turners Mill is because a change in signs must conform to the current Code.

Mr. Jahn questioned the lot split and Mr. King stated that no additional lot was being created but the result of changing property lines will be that Dr. Hallgarth will have frontage on Route 303.

Mr. Clepper said there has been an issue since purchasing the Turners Mill property. The addresses were 26, 36, and 46 E. Streetsboro for the three lots. The lot line was moved to the north for 46 E. Streetsboro. Dr. Hallgarth's sign was on 36 E. Streetsboro when we purchased the property. The "Morgan Stanley Smith Barney" and "Dollar Bank Private Banking" sign is where the Turners Mill ground sign was located and the "rosewood GRILL" sign is in the middle approximately 30 feet to the east. Mr. Clepper said with the lot split and the "rosewood GRILL" sign, there are two signs on one lot. He said the "rosewood GRILL" sign is necessary so customers can locate the restaurant.

Mr. Hojnacki asked if any thought was given to include the restaurant sign with the "Morgan Stanley Smith Barney" and "Dollar Bank Private Banking" sign. Mr. Clepper said there was not enough room and a separate sign was necessary as the restaurant entrance is not in the same place as the old restaurant entrance.

Mr. Jahn asked for further clarification of the three lots. Mr. Clepper said 26 is the nail salon, 36 was the Turners Mill parcel and 46 is Dr. Hallgarth's office. Mr. Jahn asked why the "ROSEWOOD GRILL" sign is so different than the other sign and Mr. Clepper said the financial office space is very traditional and looks like the original tenant. Mr. Clepper said the restaurant is a new business, new design, very classy. The owner, Mr. Schindler, wanted to make sure that everyone knew it was a new restaurant.

Mr. Lewis had questions regarding the alternatives. Mr. Clepper said that unless two signs were permitted there is no way to tell that there are two completely separate and different businesses. Mr. Clepper said they wanted to keep the integrity of Turners Mill sign and part of his purchase price was keeping the same Turners Mill sign, same size and same shape. Mr. Lewis suggested putting a nameplate with the new names on it and Mr. Clepper said that would challenge his parking issue because his office is located where the former restaurant was housed. Mr. Lewis confirmed there are no signs on the doors and no signage on the building except the Turners Mill lettering on the wall near the roof. Mr. Clepper said his main goal is to have a financial district for Hudson. Mr. Lewis confirmed with the applicant that all buildings are fully occupied and asked if there were to be a fourth tenant, would the name be added to the original sign? Mr. Clepper said, "No, there cannot be an additional tenant, there is no space available." Mr. Lewis inquired about eliminating the wheat sheaf and replace it with rosewood GRILL. Mr. Clepper gave two reasons: He purchased the right to use the wheat sheaf logo and he wants to keep it, and Mr. Schindler wants nothing to do with the wheat sheaf logo. He said they were trying to denote the businesses, one very traditional on one side and a neo classic restaurant on the other; two separate businesses doing different business. Mr. Lewis confirmed with Mr. King that the sign area maximum is 40 square feet and maximum sign height is 8 feet. Mr. King said there was an allowance for a building wall sign but because the restaurant is basement level, the sign would be too low. Code would not allow a sign on the roof. Also, the Turners Mill wall sign is there already and one wall sign per ground floor tenant is permitted, so the Turners Mill sign would have to come down.

Richard Roller, 70 E. Streetsboro Street, said in the spirit of economic development he applauded what was being done at the Turners Mill site. He said he does have a problem with two signs because the rosewood GRILL sign does not compliment the character of the building.

Mr. Lehman read a letter from Bob Drew, 66 E. Streetsboro Street, stating that he had no objections to permitting two signs or a variance from the setback requirements for this case and it was entered into the record as Exhibit A.

Mr. Lehman confirmed with Mr. King that directional signs [entrance and exit] are permitted with two inch lettering.

Mr. Clepper said he deals with a parking nightmare every day. He said he believes the integrity of the restaurant deserves its own sign stating that there are people that like the fact that the sign matches the restaurant plates, tables, etc. and some people do not. He further stated that everyone had a chance to purchase the building, he did and invested \$3 million to renovate it. Mr. Clepper said he respects Mr. Roller's comments and wants to work with everyone in the community.

Mr. Hunt reminded the Board that the AHBR is responsible for design issue.

Mr. Hojnacki suggested raising the sign up and put "rosewood GRILL" below it. Mr. Clepper said the "Morgan Stanley Smith Barney" and "Dollar Bank Private Banking" is unique and wants to keep the integrity of the sign as is.

In Board discussion, they were in agreement that the applicant presented a convincing argument and also his tenants' desires and that the financial sign is a separate business from the restaurant. Mr. Hunt said it is an important factor that only one wall sign is permitted per ground floor tenant and there is no place to locate a second sign. Mr. Hunt said a condition of the variance could be based on the sign not being in the right-of-way or the option of going to City Council to ask to encroach in the right-of-way with a license agreement. Mr. Lehman confirmed with Mr. Hunt that the City would not have any liability unless the sign was in the traveled portion of the right-of-way.

Mr. Clepper said when the property was purchased the exact sign was located in the same location and he asked if the sign was approved. Mr. King said there was no record of approval. Mr. Hunt said it is also significant that the rosewood GRILL sign is set back 30 feet.

Mr. Clepper stated it was extremely important that the Turners Mill wall sign is kept and said it is his intention to also install "Enter Here" and "Exit Here" signs. Mr. King said the owners' interest in keeping Turners Mill lettering for the historical significance and foregoing any other wall signs in favor of having two ground signs is significant.

Mr. Hunt said in terms of the setback when looking at the angles of sight, the sign cannot be placed much further back as you cannot see the sign until you are right there when heading east. He said traveling west there is more visibility of the complex. He said that interference with visibility of signage is a factor to consider when considering a variance for signage.

Mr. Lewis made a motion to grant the variance requests considering the following factors: the uniqueness of the property, the physical separation of the businesses, and their respective entrances, the building layout of this property including a below ground level

business; and the depth of the building setback from the public right-of-way with parking in front; because the width of the lot is 328' and the 80' spacing between ground signs; the 30' setback of one sign helps to address sign clutter near the right-of-way; the prior and long-standing placement of the former Turners Mill sign located next to the public right-of-way; and reasonable exposure is needed for this business property with visibility limited for eastbound traffic by buildings near the street. The two signs are permitted based on the following conditions and the findings and conclusions of the Board:

1. The historic Turners Mill sign on the top of the building is to be maintained.
2. The property shall have no additional wall signage on the 36 East Streetsboro Mill building.
3. One ground sign is to be placed no closer than 30' from the right-of-way.
4. A second sign is to be placed in the same location and the same size as the original Turners Mill sign entirely on private property with no portion located on public right-of-way, unless proper City approval is obtained therefor.

The motion was seconded by Mr. Jahn and unanimously approved.

OTHER BUSINESS

Mr. Lehman said the BZBA Administrative Rules were updated in 2009.

ADJOURNMENT


There being no further business, Mr. Lehman adjourned the meeting at 9:30 p.m.



David W. Lehman, Chairman



David J. Lewis, Vice Chairman



Carol G. Muesel, Clerk