

The **Board of Zoning Appeals** of the City of North Royalton met on **April 25, 2012** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Dan Kasaris at 7:32 p.m.

Present: Dan Kasaris, Robert Jankovsky, Diane Mastronicolas, Victor Bull, Anthony Rohloff, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

RE-ORGANIZATION OF BOARD OF ZONING APPEALS FOR "2012" CALENDAR YEAR

ELECTION OF CHAIRPERSON

Moved by Ms. Mastronicolas, seconded by Mr. Rohloff to **nominate Dan Kasaris as Chairperson of the Board of Zoning Appeals.**

Mr. Kasaris: Any other nominations? May I have a motion to close the nominations.

Moved by Mr. Rohloff, seconded by Mr. Bull to **close the nominations.**

Mr. Kasaris: Call the roll.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none. **Motion carried. Nominations closed.**

Mr. Kasaris: Call the roll for the vote to elect Dan Kasaris as Chairperson.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Dan Kasaris is elected Chairperson for the calendar year of 2012.

ELECTION OF VICE-CHAIRPERSON

Mr. Kasaris: Can we now open the floor for the nominations of a Vice-Chairperson.

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **nominate Robert Jankovsky as Vice-Chairperson of the Board of Zoning Appeals.**

Mr. Kasaris: Any other nominations? May I have a motion to close the nominations.

Moved by Mr. Bull, seconded by Ms. Mastronicolas to **close the nominations.**

Mr. Kasaris: Call the roll.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Ayes – all. Nays – none. **Motion carried. Nominations closed.**

Mr. Kasaris: Call the roll for the vote to elect Robert Jankovsky as Vice-Chairperson.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Robert Jankovsky is elected Vice-Chairperson for the calendar year of 2012.

Mr. Kasaris: We will now recess before we move on to the Public Hearing.

The meeting was recessed for the Public Hearing at 7:35 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **April 25, 2012** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Dan Kasaris at 7:36 p.m.

Present: Chairman Dan Kasaris, Vice-Chairman Robert Jankovsky, Diane Mastronicolas, Victor Bull, Anthony Rohloff, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Public Hearing

(BZA12-04) Brilliant Electric Sign Co. / Saint Albert The Great request a variance to **Chapter 1284 "Signs", Section 1284.05 "Design Standards", paragraph (f) and paragraph (k)(1)**, of the City of North Royalton Zoning Code, to allow the applicants relief from the **signage** requirement relative to the **maximum height** and the **maximum area of electronic changeable copy** permitted for this **ground sign** to be installed on the church property located at **6667 Wallings Road, also known as PPN: 488-01-029**.

Ms. Brinkman: I received a letter dated April 13, 2012 from Don and Kitty Zezeno. It reads as follows.

To: North Royalton Zoning Board:

Don Zezeno and Kitty Zezeno of 12613 Ridge Road, North Royalton, Ohio are 100% against St. Albert's getting a variance for signs.

Thank you.

Ms. Brinkman: I just received another letter tonight from Tom and Debra Haley.

Ms. Vozar: Is he here?

Ms. Brinkman: Yes.

Ms. Vozar: Then you would not read it because he is here and the letter was not notarized.

Ms. Brinkman: Do you want him then to read this into the record.

Ms. Vozar: He can read it into the record. If I could clarify this. The first letter was a notarized statement and we do take that as part of the record. We do not take unsworn statements on the record. Since the gentleman is here he can read it for the record once he has been sworn in.

Mr. Kasaris: Is there anyone wishing to speak on the application by the Brilliant Electric Sign Company regarding the sign for St. Albert The Great?

Mr. Harrison: My name is Major Harrison and I am with Brilliant Electric Sign Company.

Mr. Kasaris: Would you raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Harrison: Yes sir, I will.

Mr. Kasaris: What exactly do you do for a living.

Mr. Harrison: I am the permitting and zoning specialist for Brilliant Electric Sign.

Mr. Kasaris: What do you have to tell this Board.

Mr. Harrison: We are here today to present the new St. Albert The Great ground sign. I will enter into the record a photo of the existing sign. As you can notice the existing sign is a granite sign and is very small in height. (Continued on next page...)

Mr. Harrison: If you could look at the corner of the picture you will notice that they are utilizing a portable, changeable copy type of sign which adds to the reason why we are seeking a variance and incorporating an electronic message center into the sign. As stated, the variances requested are for relief from Section 1284.05, subsection (k), subsection (1), which limits the amount of changeable copy sign to thirty percent (30%) of the total sign face area of the sign and relief from Section 1284.05, subsection (f), which limits the total height of a ground sign to seven feet above finished grade. I would like to approach the variances one at a time. I think that that would probably be the best way. As far as the electronic message center we must keep in mind the purpose of having an electronic message center. It is specifically, in this case, for a church. It is to broadcast a message throughout the community that is constant and is able to reach more people in the community than any other media outlet in this situation. The church is fully aware of the parameters set forth by the Codified Ordinances, limiting the sign to something that is not flashing, scrolling, rotating, and with no video messages. This is merely to promote. As you can see from the photo that I passed around they are using a very outdated and pretty costly, at times, portable changeable copy board that they wheel out to promote different programs and functions and things for the church. If you look at the Code and determine thirty percent of the sign face area - the sign that we are proposing is 47 square feet. Thirty percent (30%) of that is very, very limiting. It is not only very small but the sign copy becomes very illegible so what do we do. Do we increase the permanent portion of the sign to "x" amount of square feet so that the changeable copy portion falls in line with the thirty percent? If so, should that be the case, we probably would still be here before the Board because we are now looking at a sign which would be in excess of the total square footage allowed. So in our opinion, and as we were reviewing this and looking at this, it is tough on both ends. We do not think that the variance being requested is very substantial. It is a variance of 10.7 square feet or exceeds the allowed area for changeable copy by 22.7 %. This is not very much. The sign that is before you is 2'-5" high, the electronic message board portion of it, by 10'-3", which only allows for four (4) lines of 5" high copy. Reducing this, as I stated before, becomes hazardous in a sense because it becomes illegible. Now you would be decreasing the height of the copy and it would be difficult to read for vehicular traffic and it would totally defeat the purpose of what the church is trying to do. I believe that everyone here is fully aware of the significance of this particular church to the community of North Royalton and what they are trying to do. I think that there is also a school that is associated with the church which is on the same property. It would be used for both of these - the school as well as the church. Now if I could address the second variance, a two (2) foot height variance. The sign that is being proposed will be going into the existing planter. That planter is one (1) foot from grade, as you can see from the proposed drawing. The actual sign height is eight (8) feet tall. We do not feel that this is a substantial variance at all. There have been cases of signs in North Royalton where this sign height has been approved before. You can also see from the proposed picture that it is a very unique, very detailed and artistic masonry foundation with this. The actual masonry foundation is 8 feet high and the sign portion is a bit smaller than that. I will close with basically one sentence. When you look at the Codified Ordinances and things that are approved by Council it is basically the general idea of a Codified Ordinance for regulation and safety purposes and for uniformity and things like that. Anything that is approved by the Board of Zoning Appeals should always maintain the spirit of the Zoning Code. In this case the granting of these variances, in our opinion, is in no way a detriment to the spirit of the zoning requirements as the requested variances seek to promote safety. Limiting the size of the electronic changeable copy portion of the sign and its height, as it relates to the overall size of the sign, would make it unreadable and thereby could cause some traffic confusion and hazards for people who are trying to read it. It becomes very restrictive. With all of that having been said I close my portion of the public hearing and await any questions that the Board might have. Thank you.

Mr. Kasaris: Anyone else wishing to speak on this matter? Would you please raise your right hand sir. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Haley: I do. My name is Tom Haley and my wife Debra and I live at 6630 Wallings Road which is directly across from St. Albert's Church. My wife and I do have some concerns about the presence of a flashing sign in a residential area where we live. I should say that the church is an excellent neighbor. They are very nice people. It is a House of God. We feel very safe during lightning storms. The clergy and staff are really quite personable people and it is a pleasure to be located right next to them. There is an impact to living across the street from a spot like this because there is obviously church traffic, school activities and that sort of thing. That is fine. We were aware of this when we bought our house and that is fine. We are good neighbors and we all get along very well. (Continued on next page...)

Mr. Haley: I should mention that the congregation is quite considerate and respectful of the fact that this church and activity center is located in a residential area but the key phrase that I have for you here is "*a residential area*". We do not feel that there is really any place in a residential area like ours to have a flashing sign that is going to be disruptive to our lives in a number of ways. I do have a question that perhaps Major can address for me here. Our big concern is will this sign be lit up at night or will it be shut off at night? Upon that question hinges all of the rest of our concerns. Again, we just don't feel that a flashing electric sign has any place in a neighborhood like ours. An area that is zoned residential, not commercial. Am I correct on that?

Ms. Vozar: My understanding is that where St. Albert The Great is located is actually zoned Public Facility. It may be about a street that is zoned residential across the street but it is zoned as Public Facility.

Mr. Haley: It may be zoned Public Facility, however, this flashing sign would have an impact on my house and others which are considered to be in a residential area, if I am correct on that.

Ms. Vozar: Residential uses if they are not zoned residential -- they would at least be residential uses.

Mr. Haley: Residential uses -- okay. Be that as it may the location of their proposed sign would have an effect on our residence. That is where our concern lies. We do not want to have an environment where we feel that we are living on a Las Vegas strip with a sign that will create a lot of disruption for us. Again, the question of whether or not this sign is going to be active at night would probably be most relevant to our concerns about this. It is a little garish in a neighborhood like ours. It will create flickering at night on our property if the sign is on during the night. It is going to create conditions akin to the old movies where you see a shot of a hotel room with a sign flashing outside like in the old "B" movies. I do not think that we are interested in having any part of that going on because it will materially affect our sleep should we be trying to sleep with a flickering sign going on outside. That is a very big deal to us. Last but not least it will have an effect on our property value. Those are all very big concerns to us. I am not sure why a church needs to have a sign such as this here but that is really not my concern or my business but how this sign affects us is my business. I would respectfully request that the church be a good neighbor and respect the affect that this sign might pose for its neighbors. I would also respectfully request that the Board take all of this into consideration and rule to uphold the existing Code and deny this variance. Thank you.

Mr. Kasaris: Thank you. Anyone else wishing to speak? Please approach the microphone. Would you raise your right hand please. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God? Can you state your name and spell your last name for the record please.

Mr. Waddell: My name is Larry Waddell and I live at 6460 Wallings Road. I live right next door to Tom and Debbie. I also oppose the sign. I live right across the street from the church -- the actual building itself. When they park over there at night the lights shine in the front of my house all night long. If they get that sign over there -- there is no purpose for having a lighted sign. I do not feel as good about the church as they do. I think that the church has been a lousy neighbor. It has dumped enough commotion on us as it is. Why don't they put the sign up on Royalwood Road. If they want to light up everything let them put it up on that side. We have enough of it on our side. That is how I feel about it. If anyone does not know where St. Albert's is located right now they are not going to find it with a sign. That is all I have to say about it.

Mr. Kasaris: Does anyone else wish to speak on this issue?

Mr. Harrison: I would like to thank you for coming out and to say that your concerns are understood and somewhat warranted. On behalf of the church they are sensitive to the concerns of the neighbors. It is a church and is for the community. We understand your concerns. I will again state that per Codified Ordinance the sign should not flash, scroll, rotate or have video images. That is not the intent of the church. The intent of the sign is to promote different programs, functions and different outreach programs within the community. That is basically the only purpose of the sign. They are currently utilizing a portable sign, which you have probably seen, which has manual changeable copy. That is the function that this sign will serve. I will also state that the church is not opposed to turning off the electronic portion of the sign during the evening and turning it on again during the day time. (Continued on next page...)

Mr. Harrison: The church does not want to create any distraction for its neighbors. As far as Mr. Waddell's concerns, I am not sure what other lights are encroaching on his home. In this case the sign will not encroach. As far as electronic message centers go I will say this - even though we say that we will turn it off in the evening, and the church is not opposed to that, they do have a mechanism that dims in the evening. It is very light sensitive. It increases its intensity during the day so that it can be seen during the day time. It does decrease during the evening and becomes very soft. All of that is mute though because the church plans on turning it off in the evening. Thank you.

Mr. Kasaris: Does anyone else wish to speak? Can we have a motion to adjourn the Public Hearing?

Moved by Mr. Jankovsky, seconded by Ms. Mastronicolas to **adjourn the Public Hearing.**

Mr. Kasaris: Call the roll.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Public Hearing adjourned at 7:55 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **April 25, 2012** to hold an **Open Meeting** in the Council Chambers at City Hall, 13834 Ridge Road.
The meeting was called to order by Chairman Dan Kasaris at 7:55 p.m.

Present: Chairman Dan Kasaris, Robert Jankovsky, Ms. Mastronicolas, Mr. Bull, Mr. Rohloff,
Prosecutor Donna Vozar, Building Commissioner Rito Alvarez,
Secretary Lynn Brinkman.

Mr. Kasaris: Prior to the approval of the Minutes can I have a motion to excuse Mr. Rohloff from voting on the Minutes of the prior hearing due to the fact that he was not on the Board at that time.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **excuse Mr. Rohloff for cause.**

Mr. Kasaris: Call the roll.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Mr. Kasaris: I would like to welcome Mr. Rohloff to the Board of Zoning Appeals. Can I then have a motion to approve the Minutes for January 25, 2012.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **approve the Minutes for January 25, 2012.**

Mr. Kasaris: Call the roll.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Motion carried (4-0). Minutes approved.

OPEN MEETING

New Business:

(BZA12-04) Brilliant Electric Sign Co. / Saint Albert The Great request a variance to **Chapter 1284 “Signs”, Section 1284.05 “Design Standards”, paragraph (f) and paragraph (k)(1)**, to allow the applicants relief from the **signage** requirement relative to the **maximum height** and the **maximum area of electronic changeable copy** permitted for this **ground sign** to be installed on the church property located at **6667 Wallings Road, also known as PPN: 488-01-029.**

Variance #1:

Moved by Mr. Jankovsky, seconded by Ms. Mastronicolas to **approve a variance to Section 1284.05 (f) of the Zoning Code which would allow relief from the signage requirement and permit the applicants a variance of two (2) feet more than the maximum height allowed for this ground sign for Saint Albert The Great.**

Ms. Vozar: Mr. Chairman, it appears from looking at the application that the property owner did not sign or authorize Brilliant Electric to sign on their behalf to do this. Since we require, as part of our Board of Zoning Code, that any of these variances that are going to be considered tonight need to be approved contingent on the property owner’s submittal authorizing and agreeing to the variance being submitted before the Board, there can be no variance without that letter from the property owner authorizing this.

Mr. Kasaris: Do we have a member of the Diocese here tonight?

Ms. Vozar: I do not see anyone.

Mr. Kasaris: Then how would you like us to proceed?

Ms. Vozar: My suggestion is that the motion be amended contingent upon a submittal from the property owner agreeing to the variance application. You might want to put a time frame on this, such as five (5) business days, so that it is not left hanging out there. It should be submitted to the Building Commissioner as proof that the property owner agrees and consents to the application that was submitted.

Mr. Kasaris: Okay. I will entertain a motion to amend Variance #1 and place a condition upon the variance that the property owner, which I would believe to be the Cleveland Diocese, indicate in writing that they are also requesting the height variance.

Amended Motion:

Moved by Mr. Jankovsky, seconded by Ms. Mastronicolas to **amend the variance request to be contingent upon the receipt of an acknowledgement letter from the property owner indicating, in writing, that they agree to this variance request.**

Mr. Kasaris: Any discussion on the amendment? Will the clerk please call the roll on the amendment.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none. **Variance amended.**

Mr. Jankovsky: Could we have some more discussion with some of the folks in the room before we vote on this?

Mr. Kasaris: Yes.

Mr. Jankovsky: If I could address the one neighbor. (Speaking to Mr. Haley) What type of home do you have sir? Is it a ranch, a bungalow...?

Mr. Haley: A split level.

Mr. Jankovsky: Are your bedrooms in the front of the house?

Mr. Haley: They are.

Mr. Jankovsky: What would you estimate as the approximate distance from your home to the sign?

Mr. Haley: I would say between 150 to 200 feet.

Mr. Jankovsky: Thank you. What about the other gentleman. Could you please come up for a second?

Mr. Waddell: Do you want to know what kind of house I live in?

Mr. Jankovsky: I would like to know how long you have lived in your house.

Mr. Waddell: I have been there for four years.

Mr. Jankovsky: I think that the church has been there for about 40 years – I think that they just celebrated their 40th year.

Mr. Waddell: So what does that mean?

Mr. Jankovsky: I just mean that they have been there about ten times as long as you have.

Mr. Waddell: That would be a good point too because 40 years ago, when they actually built that church, it probably was not anything like what it is today. I have had issues with it all along. I just got done talking with the Mayor about it. God forbid somebody on Wallings Road need an ambulance during Christmas or Easter. None of us would be able to get through there. The traffic is terrible.

Mr. Jankovsky: Major, I feel sorry for you because nobody from the church actually came here. There are neighbors here who have some concerns. I feel sorry for you as the representative of the sign company and that you are not able to respond to many of these things. It is too bad that the church did not have the ability to send somebody to speak on behalf of the church itself. You said that they would be willing to turn off the sign at night?

Mr. Harrison: Yes.

Mr. Jankovsky: Would that really make an electronic sign worthwhile? Wouldn't an electronic sign only be of some value at night when it is dark outside?

Mr. Harrison: The electronic message portion of it can be turned off and the identification of "Saint Albert The Great" will be illuminated. If you look at the sign that is proposed it is just the lettering that will be illuminated. In response to your point, the messages and the things that they want to broadcast should not be necessary during the evening when the church is not functioning. Traffic has obviously decreased substantially during the evening. I do not foresee people seeking out the church at 2:00 a.m. and wanting to know the time of the Easter Egg Hunt or something of that nature. The purpose of turning this sign off is to accommodate the residential neighbors. The electronic portion of it will be turned off in the evening. It still will have the header for identification purposes.

Ms. Mastronicolas: Does the sign, right now, have spotlights on it or any lights that shine on the existing sign?

Mr. Harrison: To the granite? I did not see any but I am not sure. It is just a very dark granite base. I am not sure.

Ms. Mastronicolas: Okay. Another question that I have, and I would like to refer to the picture that you had passed out, ...

Mr. Kasaris: You can see the spotlights.

Ms. Mastronicolas: I do not know if you can compare that to the actual text but I think that a solution would be to turn that off at night. I have to believe also that there is not that much traffic at that time. If there is a dimmer involved I would think that that would work as well. I guess that I would just question your house in relation to the sign. I am guessing that if you are looking at it from the side you probably would not see any of it. I do not know exactly where the sign is. The reality is that these signs are becoming more and more popular and if they are not flashing, not scrolling ... I can understand your concern about the Las Vegas look and the noise and the neon but I have got to believe that this is not the case for this particular sign. I do have a concern. If this is a sample of what you are going to be putting on there – that, to me, could be a safety issue because there is so much text on there. You talked about the safety issue but it seems like the more you put on there would be a little difficult for someone to read without being distracted.

Mr. Harrison: Please keep in mind that when we formulate a drawing, such as the one here, it is to show the capabilities of the sign. In some of the cases of signs that we have presented we have shown a full color image to show that it is a full color sign. A lot of times our graphic artists like to put up a message of what the church might want to promote. In this specific case though, and to your point, the sign is just showing its capabilities. It is able to have four (4) lines of 5" high copy and is merely just to show the capabilities to support that the notes that are to the right of the picture indicate how many lines of copy and how high the copy can be. I do not think that the church will utilize something that small. It is really just for the capabilities aspect of it.

Ms. Vozar: Mr. Chairman, if I could add to that. Our ordinance actually limits the number of items, meaning words, to ten (10) so they would be in violation of our ordinance if they would actually have all of those words on their sign.

Mr. Kasaris: Thank you.

Ms. Mastronicolas: Just one other question. The sign itself will be placed in the same location as the existing sign. I guess my concern would be over traffic exiting the church or blocking the view of traffic on Wallings Road.

Mr. Harrison: That planter is set back approximately 25 feet so we are fine with regard to the right-of-way. I just wanted to add one more point. When we were talking about the spotlights – we had to have the electronic message centers tested in the City of Westlake. Their measure of illumination is through foot candles. Signs are not to exceed 3 foot candles. I am sure that is kind of difficult to really understand but it is “x” amount of feet from the sign and they use a meter to measure how much illumination is emitted. It was far below the standard foot candles. It has been tested many times and it was also tested in the evening so that answers the point of the dimming mechanism. Conversely, the spotlights carry far more illumination than this sign would for not only the permanent portion which only states “Saint Albert The Great” but the electronic message center as well.

Mr. Rohloff: I drive by Saint Albert’s and I see the floodlights during the holiday seasons and I would imagine that those lights are a lot brighter than those on the sign that we are talking about. Am I correct in assuming that?

Mr. Harrison: You are correct.

Mr. Rohloff: The other question that I had was that you said that the church would be willing to turn the sign off at night. Would that only be seasonal or would that be at a set time at night? What about during the winter?

Mr. Harrison: That is a tough one when you ask about the winter. It will probably be before evening hours – say 9:00 to 10:00 p.m. to maybe 6:00 a.m. Whatever the Board would decide to be adequate. I am sure that the church would be acceptable to that.

Mr. Rohloff: During the winter there could be some illumination during the evening hours.

Mr. Harrison: Sure. It gets dark at 5:00 to 5:30 p.m. and you also have the holiday seasons such as Thanksgiving and Christmas. If the church could be allowed to maintain a set time throughout the year such as 10:00 p.m. to 6:00 a.m. or whatever the Board deems fit.

Mr. Kasaris: Who would be responsible for ensuring that the sign was turned off at a specific time?

Mr. Harrison: The communication method would be an RF communication method.

Mr. Kasaris: What is a RF communication method?

Mr. Harrison: “RF” stands for a radio frequency communication. It would be an antenna that would be mounted to the sign itself and an antenna that would be mounted to the church with a cable to a single PC. To answer your question I am sure that the deacon, bishop or whoever is programming it will probably be turning it off but keep in mind also that this is a very highly technical piece of equipment which can be programed to shut off at a specific time.

Mr. Kasaris: That was my next question. Are we relying on a person to turn it off or is it something that can be set on a timer to go off at a certain time.

Mr. Harrison: A timer.

Mr. Kasaris: Rito, with regard to the sign, when you consider the height of the sign or the square footage of the sign are you taking into consideration the footer or the slab that it rests on?

Mr. Alvarez: Yes. That planter is approximately one (1) foot above grade level.

Mr. Kasaris: So when we are referring to an 8 foot sign ...

Mr. Alvarez: When I was out there I measured from the grade level which is about one (1) foot so I added that foot to that 8 feet of new construction.

Mr. Kasaris: So I am looking at a 9 foot sign.

Mr. Alvarez: Right. That is why they are asking for a variance of two (2) feet.

Mr. Kasaris: Thank you.

Mr. Alvarez: Realize that we are not making a watch here. It could be a few inches off.

Mr. Kasaris: If you could come up to the microphone sir.

Mr. Haley: My name is Tom Haley. First, on the issue of the lighting on the current granite sign. There are spotlights in the ground that go up on an angle to illuminate what is currently there. The angle of my house relative to the sign – there is a bit of an angle involved. My house is offset to where the sign would actually come in at an angle and the light could come into my bedroom, which is what my concern is. I would not just be looking at the side of the sign. It would be rotated around a little bit in relation to our house so there would be some impact there. The current sign has the name of the church, Saint Albert The Great, in granite and it is not lit or not spot lit. So one thing that I would be interested in knowing is whether it would remain that way with the proposed new sign. Would the electronic sign be underneath it or would the “Saint Albert The Great” header be a part of the electronic sign?

Mr. Kasaris: Have you seen the proposed drawing?

Mr. Haley: I have. I am having a hard time telling though whether the header is part of the electronic sign or not. It does not appear to be a part of the electronic sign. It appears to be the same stationary engraved header similar to the way that it is now. Am I correct on that? That would not be a concern for me in that case because the current spotlighting is stationary and does not move or flicker which does not create the same sort of problem for us that a cycling sign would. That is the heart of my concern – is to not have a flickering kind of illumination on a sign at night. The rest of the time I am perfectly fine with it. I understand that the church has certain things that they want to communicate to the public. That is perfectly fine. I have no issue with that at all. The current system of wheeling that portable sign in and out is a sort of old school sort of thing but it seems to work pretty well for them. If they want to use the electronic sign during the day time to achieve the same sort of thing - that would not concern me. Night time is my concern. If I can have assurances from the church and from the Board that this sign will be timed to go off at night, when it is dark and we are trying to sleep, then I have no issues. That is all that I have to say. Thank you.

Mr. Kasaris: Is there anybody else who wishes to speak on this issue? Board members?

Mr. Jankovsky: I think that the design that was submitted by the applicant is very tasteful and will fit in well with the other signs that we have throughout the City. I think that signs of this type, whether we like them or not and whether our Code is adequate to cover it, are the signs of the future and we are going to see more and more of them. We have had other churches in the City apply previously for this type of signage. I am going to be voting for this but I want to go on record to say that I am very disappointed, and I hope that the applicant will convey this to the church, that for an issue such as this where there are neighbors who are concerned, there should have been someone here from the church who could have addressed some of these concerns of the neighbors. Perhaps the fact that St. Albert's covers such a great percentage of North Royalton residents they do not think that they need to be here to address these things but I think that they should have been represented. In light of that I will be voting in favor of this request for a variance because I think that it will be a good thing for the area.

Mr. Kasaris: Thank you. I also see this as a safety issue. Right now we have two signs – a permanent sign and a portable sign. The distasteful portable sign is wheeled out for various functions and will be done away with should this be granted. Instead of having two signs on the property there would be only one sign. I think that that is important. (Continued on next page...)

Mr. Kasaris: I do not think that the variance being discussed is substantial. I do not think that it will change the character of the neighborhood. I think that we have a business at the end of the street – some offices. Governmental services will not be affected. I will also be supporting this variance.

Ms. Mastronicolas: I echo the comments of my colleagues and I too will be supporting this variance.

Mr. Rohloff: I also wish that a representative of St. Albert's had been here. It would have been the right thing to do. I also will be voting in favor of this.

Mr. Bull: I concur.

Mr. Kasaris: Donna.

Ms. Vozar: I propose the following findings of fact and conclusions of law regarding Variance #1, a variance of two (2) feet more than the maximum height allowed for this ground sign for St. Albert The Great per Section 1284.05 (f) of the Zoning Code. The representative from the sign company was present. A notarized letter was read into the record. Two residents from across the street came and raised their concerns over flashing lights in a residential area. There was a question as to whether or not the sign would be on at night. The Board has amended this variance request and conditioned it upon a submittal from the property owner agreeing and authorizing the submitted variances. The Board finds that practical difficulties has been established. The Board feels that the granting of Variance #1 will reduce the number of signs on the property and aid with some safety concerns. The Board finds that this is not a substantial variance pursuant to Section 1264.08, subsection (1). The Board also finds that the essential character of the neighborhood will not be substantially altered. If there is anything else that the Board wants to add?

Mr. Kasaris: Anything else? Call the roll.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Ayes – Five. Nays – None.

Variance #1 granted, as amended.

Variance #2:

Moved by Mr. Jankovsky, seconded by Ms. Mastronicolas to **grant a variance to Section 1284.05 (k)(1) of the Zoning Code which would allow relief from the signage requirement and permit the applicant a variance of 10.7 square feet more than the maximum area of electronic changeable copy permitted for this ground sign.**

Mr. Kasaris: I would like to propose two amendments to this variance. One amendment, as was done with the prior amendment, would be to request that the property owner provide in writing, within ten (10) days of this date, a consent to this variance request. Secondly, I would like to seek to amend this variance by inserting into the variance that the property owner should have the sign turned off by 8:30 p.m. every night by electronic means or otherwise. May I have a motion to second that.

Ms. Mastronicolas: I second that motion.

Mr. Kasaris: Any discussion on the proposed amendments.

Mr. Jankovsky: Mr. Chairman, I am wondering about the 8:30 p.m. time. Is that realistic?

Mr. Kasaris: It was a number that I threw out to get us talking about it.

Mr. Jankovsky: I understand the Haley's situation but I do not know that there is anyone in the City of North Royalton other than me who goes to bed as early as 8:30 p.m. at night. So I am wondering if that is a realistic time. I would rather see a time which is closer to the average person's bedtime, perhaps around 11:00 p.m.

Ms. Mastronicolas: I am in agreement with Bob. I think that 8:30 p.m. might be a little too early. I am comfortable with 10:00 p.m. – I think that that would be fair.

Mr. Rohloff: I am fine with that.

Mr. Kasaris: Can we have a **motion to amend this item with language pertaining to the ownership and a second amendment mandating that as a condition of granting this variance that the sign be turned off by 10:00 p.m. every night by electronic means or otherwise. It should also state that the sign be turned on no earlier than 7:00 a.m.** Can I have a second on that.

Mr. Jankovsky: I second the motion.

Mr. Kasaris: Any discussion?

Mr. Bull: Do we know who the actual owner is since Bishop Pilla is listed in the application?

Mr. Kasaris: I would probably say that the owner is the Diocese.

Mr. Bull: To follow up on this, who is actually going to contact them to request this written notification?

Ms. Vozar: The Secretary can send notification to the property owner of record. I am assuming that the applicant will also do that.

Mr. Kasaris: If it does not happen within ten (10) days the variances will not be any good.

Ms. Vozar: Correct – they will be void because it is conditioned on getting this submittal.

Mr. Kasaris: Any further discussion?

Ms. Mastronicolas: In order to forego a discussion that we had previously, I guess to kind of summarize the fact that we have established an on and off time, that there will be no scrolling, no flashing, and it is done very tastefully, I will then be voting for this request. I am comfortable with this and I have no further questions. I think that we have come to a good compromise.

Mr. Kasaris: We first need to vote on the amended motion. Please call the roll.

Vote on amended motion:

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – Five. Nays – none. Motion amended.

Mr. Kasaris: This variance has been amended twice. Any discussion on the amended variance?

Ms. Vozar: Mr. Chairman, may I just ask for a clarification on something? One of the conditions is that the property shall turn off the sign by electronic means. You do mean the electronic changeable copy sign and not the other lighting that will be on the sign.

Mr. Kasaris: We are referring to the electronic changeable copy portion of the sign.

Ms. Vozar: Correct. I just wanted to clarify that for the record. Thank you.

Mr. Kasaris: (Addressing Major Harrison) Is there any way that you can make the electronic part of the sign larger?

Mr. Harrison: Yes. That was a concern made by Ms. Mastronicolas. Again, that was really just to indicate the capability of the sign – 5”high copy and 4 lines of copy. I am quite sure that the church will be utilizing something bigger.

Mr. Kasaris: Thank you. Any other questions? After considering the factors set forth in our Code I support the variance. I think that we have placed limitations on the illumination of the sign that reflect the character of the neighborhood. I do not think that we are substantially altering the character of the neighborhood. This is not going to affect governmental services. I think that the variances are the minimum necessary to make reasonable use of the church. I support the variance request.

Mr. Jankovsky: I concur with you, Mr. Chairman. I will also be voting for it.

Mr. Bull: I concur. I will also be voting for it.

Ms. Mastronicolas: I will also be voting for the variance.

Mr. Rohloff: I will be voting for the variance.

Mr. Kasaris: Any other comments? Donna.

Ms. Vozar: I have the following proposed findings of fact and conclusions of law regarding Variance #2, a variance to Section 1284.05 (k)(1) of the Zoning Code which would allow relief from the sign requirement and permit a variance of 10.7 square feet more than the maximum area of electronic changeable copy permitted for this ground sign. There was a motion to amend the variance based on the following conditions. Condition #1: The Board shall receive from the property owner, within ten (10) days, a written statement acknowledging and agreeing to the terms and conditions of the variance including but not limited to the amendments. Condition #2: The property owner shall turn off the electronic sign from 10:00 p.m. at night until 7:00 a.m. by electronic means or otherwise. The Board found that, after hearing the testimony from the representative of the sign company and hearing from the residents who discussed their concerns regarding the lighting and the issue at night, practical difficulties has been established as far as Variance #2. The Board finds that this is the minimum variance necessary for reasonable use of the property. The essential character of the neighborhood will not be substantially altered. This will not affect delivery of governmental services. The spirit and intent behind the Zoning Code will be observed by the granting of the variance. Is there anything else that the Board would like to add?

Mr. Kasaris: Please call the roll.

Ms. Mastronicolas: Yes.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – Five. Nays – none.

Variance #2 granted, as amended.

Mr. Kasaris: You have your variances sir. I would also like to thank Mr. and Mrs. Haley. Anybody else have anything to add?

Mr. Harrison: I just wanted to say thank you and I will convey the displeasure of the Board to the church.

Mr. Kasaris: Thank you. May I have a motion to adjourn?

Moved by Ms. Mastronicolas, seconded by Mr. Rohloff to **adjourn the B.Z.A. meeting of April 25, 2012.**

Mr. Kasaris: Please call the roll.

Mr. Bull: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

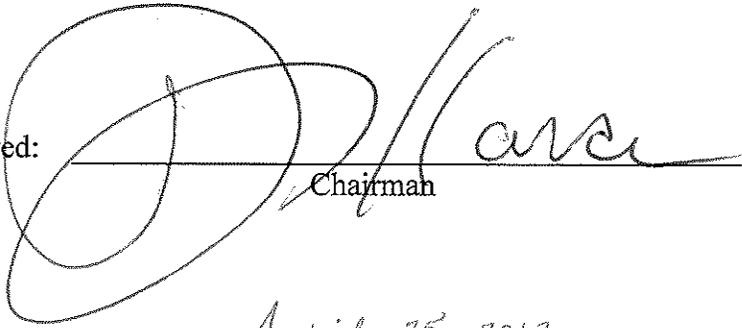
Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried.

The Board of Zoning Appeals Meeting adjourned at 8:32 p.m.

Approved: _____

A large, stylized handwritten signature in black ink, appearing to read 'D. Kasaris', is written over a horizontal line. The signature is highly cursive and loops around itself.

Chairman

Date: _____

April 25, 2012

Attest: _____

A handwritten signature in black ink, appearing to read 'Lynn M. Brickman', is written over a horizontal line. The signature is cursive and flows from left to right.

B.Z.A. Secretary