

**CITY OF HIGHLAND HEIGHTS – PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING HELD JANUARY 23, 2023 7:00 PM
CITY HALL COUNCIL CHAMBER**

Chair of Commission Adamus presiding.

PRESENT: Commissioners Adamus, Hull, Mercurio, Milroy, Urban; Recording Clerk Olson;
Building Commissioner Grabfelder; Assistant Law Director Paluf

ABSENT: None

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held January 9, 2023. Mr. Urban moved to accept the minutes as written; seconded by Mr. Milroy.

FURTHER DISCUSSION: None.

VOTE: Ayes Adamus, Mercurio, Milroy, Urban; abstain Hull. Motion carried.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the public hearing for Gregory Gorjanc held January 9, 2023. Mr. Mercurio moved to accept the minutes as written; seconded by Mr. Milroy.

FURTHER DISCUSSION: None.

VOTE: Ayes Adamus, Mercurio, Milroy, Urban; abstain Hull. Motion carried.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the public hearing for Tom Pestotnik held January 9, 2023. Mr. Milroy moved to accept the minutes as written; seconded by Mr. Urban.

FURTHER DISCUSSION: None.

VOTE: Ayes Adamus, Mercurio, Milroy, Urban; abstain Hull. Motion carried.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the public hearing for Wayne Twardokus held January 9, 2023. Mr. Urban moved to accept the minutes as written; seconded by Mr. Mercurio.

FURTHER DISCUSSION: None.

VOTE: Ayes Adamus, Mercurio, Milroy, Urban; abstain Hull. Motion carried.

SUBJECT: LARICH’S PIZZA, 797 BISHOP ROAD

PZ23002 VARIANCE TO ALLOW SIGNAGE THAT COVERS 100% OF STOREFRONT WINDOW

Linda Mononen, paralegal, representing Joseph W. Diemert, Jr., attorney, 1360 SOM Center Road, Cleveland, Ohio 44124, representing Kim LaRich, LaRich’s Pizza, 797 Bishop Road, Highland Heights, Ohio 44143, appeared before the Commission to request that the window sign at LaRich’s Pizza be allowed to remain, on property located at the Hi-Bishop Plaza, 797 Bishop Road, Highland Heights, Ohio 44143.

Building Commissioner Grabfelder mailed a letter dated December 21, 2022 to Kim LaRich, owner, LaRich's Pizza, ordering the removal, within 30 days, of the window sign at LaRich's Pizza, because it covers 100% of the window which exceeds the maximum window sign coverage amount of 25%, pursuant to HHCO Section 1145.06(d). Mr. Diemert submitted a copy of a sign permit dated February 27, 2003 issued by the Highland Heights Building Department for 797 Bishop Road. Ms. Mononen stated it is Mr. Diemert's position that Mr. LaRich has earned a non-conforming right to allow the window sign to remain as it has for the past twenty years, and that removal of the window sign and replacement with an exterior building sign would pose a practical difficulty because the window may become damaged during sign removal, and that the high cost of \$10K would be an extreme burden for the small business owner. She said the current window sign is not a detriment to the neighbors and eliminates additional clutter when viewing the plaza from the Wilson Mills Road and Bishop Road intersection.

Mr. Adamus said the sign permit dated February 27, 2003 is not specific as to which sign it permits. Building Commissioner Grabfelder replied he believes, but is not certain, that it was for an exterior building sign that Mr. LaRich installed twenty years ago. He opined the sign permit was not for the window sign because the ordinance that allows a maximum of 25% window sign coverage has been in existence since 1995. He said the Building Department inspected all signs throughout the city eight years ago, at which time Mr. LaRich was told to remove the exterior building sign because it was deteriorated and rusty. Mr. LaRich disagreed and said the former exterior sign was not rusty.

Mr. Grabfelder said a few years ago the Planning and Zoning Commission, the city ARB and Sharon Arslanian, landlord, Hi-Bishop Plaza, agreed on a new signage format of green exterior building signs for each of the storefronts at Hi-Bishop Plaza for consistency. Mr. LaRich said he will install and pay for an exterior building sign and strongly appealed to the Commission to allow his window sign to remain because it is critical to his livelihood and for identification of his shop. He said small business owners must compete with larger businesses with large storefronts, large free-standing signs and drive-thrus.

In response to Mr. Adamus's inquiry as to why his situation is unique to other businesses, Mr. LaRich replied the public will think his business of twenty years is no longer there if the sign is removed. In response to Mr. Urban's inquiry if there are plans to install the exterior sign, Mr. LaRich replied he spoke with Fast Sign company today and said he will install it.

Sharon Arslanian, landlord, Hi-Bishop Plaza, 785-797 Bishop Road, Highland Heights, Ohio 44143, appeared before the Commission and strongly opposed the window sign at LaRich's Pizza. She said some of her other lessees have recently requested similar window signage to which she is opposed for aesthetic, safety and security reasons. She said she has worked hard to make improvements to her property, including the large building awning, landscaping and individual storefront amenities. Ms. Arslanian said Mr. LaRich has not installed the exterior sign that he agreed to install within six months of signing the annual lease which was one year ago. She opined he will not install an exterior sign if he is allowed to keep the window sign.

Mr. Adamus advised a public hearing will be held February 13, 2023.

ADJOURNMENT: There being no further business before the Commission, Mr. Adamus asked if anyone wished to make a motion to adjourn the meeting. A motion was made by Mr. Urban to adjourn the meeting; seconded by Mr. Hull. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 7:28 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*