

**PLANNING AND ZONING COMMISSION - CITY OF HIGHLAND HEIGHTS, OHIO
REGULAR MEETING - FEBRUARY 13, 2023
MINUTES**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy, Bill Urban; Recording Clerk Susan Olson; Building Commissioner Dale Grabfelder; Assistant Law Director Tim Paluf

ABSENT: None

Chairman Adamus called the regular meeting to order at 7:17 p.m.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held January 23, 2023. Mr. Milroy moved to accept the minutes as written; seconded by Mr. Mercurio.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

**SUBJECT: LARICH'S PIZZA, 797 BISHOP ROAD
PZ23002 VARIANCE TO ALLOW EXISTING WINDOW SIGN TO REMAIN
THAT COVERS 100% (NOT A MAXIMUM OF 25%) AS ALLOWED BY
CODE**

Kim LaRich, lessee, LaRich's Pizza, located at Hi-Bishop Plaza, 797 Bishop Road, Highland Heights, Ohio 44143, at the northeast corner of Wilson Mills Road and Bishop Road, appeared before the Commission to seek variances to allow the existing LaRich's Pizza storefront window sign to remain, that currently covers 100% of the window (not a maximum of 25%) as allowed by Code. The public hearing was held immediately prior to this regular meeting.

Mr. Adamus advised the applicant of his right to be represented by an attorney. The applicant waived that right.

VARIANCE #1 - MOTION: A motion was made by Mr. Urban to grant Kim LaRich, on property located at Hi-Bishop Plaza, LaRich's Pizza, 797 Bishop Road, Highland Heights, Ohio 44143, a variance of 75 percentage points from HHCO Section 1145.06(d): "BUSINESS DISTRICT SIGNS; Window Signs", which requires that window signs do not cover more than twenty-five percent (25%) of the area of the window, to allow the existing window sign to cover 100% of the area of the window; seconded by Mr. Mercurio.

FURTHER DISCUSSION: Mr. Urban stated the applicant was advised years ago that he would have to install an overhead building sign to comply with the new signage policy at the Hi-Bishop plaza, and that he has benefited from the improvements made at the plaza, and that the landlord has been overly patient with his neglect in installing an overhead sign. In response to Mr. Hull's inquiry regarding the city's perspective on this issue, Building Commissioner Grabfelder replied that the Police and Fire Departments are opposed to the large window sign that obstructs their view into the store, which is necessary for safety and security to identify smoke and fire and cases of breaking and entering.

VOTE: Nays all; motion denied.

VARIANCE #2 - MOTION: A motion was made by Mr. Urban to grant Kim LaRich, on property located at Hi-Bishop Plaza, LaRich's Pizza, 797 Bishop Road, Highland Heights, Ohio 44143, a variance from HHCO Section 1145.06(d): "BUSINESS DISTRICT SIGNS; Window Signs", which prohibits window signs from remaining on display in excess of ten days, to allow the existing window sign to be permanent; seconded by Mr. Hull.

FURTHER DISCUSSION: Mr. Adamus stated there is no way to differentiate this case from others in the city.

VOTE: Nays all; motion denied.

Mr. Adamus advised the applicant of his right to appeal the decision of the Planning and Zoning Commission as permitted under HHCO Section 1114 by filing an appeal through the Building Department with the Highland Heights Board of Building and Zoning Appeals within two weeks after the approval of tonight's meeting minutes on February 27, 2023.

In summary, the consensus of the Commission for denying the variances is that the window sign area exceeds the maximum amount allowed by code; the applicant was advised years ago that he would have to install an overhead building sign to comply with the new signage policy at the Hi-Bishop plaza, to which he has not complied; the applicant has benefited from the aesthetic improvements made at the plaza that include overhead building signs for the other tenants; the landlord has been overly patient with the applicant's refusal to install an overhead sign; the Police and Fire Departments want the window sign removed for safety and security issues so they can see inside the store to identify smoke and fire and cases of breaking and entering; consistency in having overhead building signage for all the tenants results in an appealing aesthetic; allowing the large window sign to remain would set a bad precedent because many other tenants would want large window signage; and an advantage of an overhead building sign is that it provides store identification 24/7 with illumination at night.

SUBJECT: NORMAN NOBLE, 5500, 5507 AND 5340 AVION PARK DRIVE
PZ23003 NEW SIGNAGE APPROVAL

James Vacey, Signature Sign, 1776 E. 43rd Street, Cleveland, Ohio 44103, appeared before the Commission to request approval for proposed ground signs at the driveway entrances to three Norman Noble locations in Highland Heights, Ohio 44143: Plant 1 at 5507 Avion Park Drive, Plant 2 at 5340 Avion Park Drive; and Plant 3 at 5500 Avion Park Drive. The existing ground sign at Plant 2 will be removed and replaced with the proposed sign. Avion Park Drive is located in a P-C-M District and there are no residences nearby.

The three ground signs are identical in size and measure 8' wide by 32-3/8" high by 14" deep. They will be mounted on 6" high posts, resulting in a total sign height of 39-3/8". The signs are double sided, internally illuminated fabricated aluminum with translucent white, back-lit faces.

Building Commissioner Grabfelder stated the city ARB approved all three ground signs today and no variances are required.

Mr. Adamus requested that the applicant relay his sentiments to Norman Noble that he is very pleased with their expansion and investment in the city and that he appreciates the uniformity in the ground signs at the three plants.

MOTION: A motion was made by Mr. Milroy to grant approval for three proposed ground signs, with one ground sign at each of the three Norman Noble plants located at 5500 (Plant 3); 5507 (Plant 1); and 5340 (Plant 2), Avion Park Drive, Highland Heights, Ohio 44143, per the renderings dated February 3, 2023; seconded by Mr. Mercurio.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

SUBJECT: 2023 CODE REVIEW
PZ23004 DISCUSSION

The Commission considered variations that could be made to the current sign ordinance HHCO Section 1145.06(d) regarding window signage size and term of display. Mr. Adamus read some of the window sign ordinances from the cities of Lyndhurst, Mayfield Heights and Mayfield Village. The consensus of the Commission, Building Commission Grabfelder and Assistant Law Director Paluf was to continue to discuss this matter and any other ordinance changes at the Planning and Zoning regular meetings and present the recommendations to Council in one month.

SUBJECT: NICK PINZONE, 282 MINER ROAD
PZ22022 VARIANCE TO ALLOW A SECOND ACCESSORY STRUCTURE ON THE PROPERTY

Mr. Adamus advised that Nick Pinzone, 282 Miner Road, Highland Heights, Ohio 44143, filed an application with the city's Board of Building and Zoning Appeals to appeal the decision made by the Planning and Zoning Commission on December 12, 2022, that denied Mr. Pinzone a variance to HHCO Section 1123.05(e)(2) to allow an existing second structure/detached garage to remain on his property. The BBZA hearing will be held February 15, 2023 at 7:00 p.m.

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. Mercurio. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 7:47 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*

PLANNING AND ZONING COMMISSION – CITY OF HIGHLAND HEIGHTS, OHIO
PUBLIC HEARING – LARICH’S PIZZA (PZ23002)
FEBRUARY 13, 2023
MINUTES

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy, Bill Urban; Recording Clerk Susan Olson; Building Commissioner Dale Grabfelder; Assistant Law Director Tim Paluf

ABSENT: None

Chairman Adamus called the meeting to order at 7:02 p.m.

SUBJECT: LARICH’S PIZZA, 797 BISHOP ROAD
PZ23002 VARIANCE TO ALLOW EXISTING WINDOW SIGN TO REMAIN THAT COVERS 100% (NOT A MAXIMUM OF 25%) AS ALLOWED BY CODE

Public hearing was called to order at 7:02 p.m. Notices of this hearing were mailed in accordance with HHCO Section 1113.04. Variances appeared as follows:

1. Variance of 75 percentage points from HHCO Section 1145.06(d): “BUSINESS DISTRICT SIGNS; Window Signs”, which requires that window signs do not cover more than twenty-five percent (25%) of the area of the window, to allow the existing window sign to cover 100% of the area of the window.
2. Variance from HHCO Section 1145.06(d): “BUSINESS DISTRICT SIGNS; Window Signs”, which prohibits window signs from remaining on display in excess of ten days, to allow the existing window sign to be permanent.

Kim LaRich, lessee, LaRich’s Pizza, located at Hi-Bishop Plaza, 797 Bishop Road, Highland Heights, Ohio 44143, at the northeast corner of Wilson Mills Road and Bishop Road, appeared before the Commission to seek variances to allow the existing LaRich’s Pizza storefront window sign to remain permanently, that currently covers 100% of the window (not a maximum of 25%) as allowed by Code.

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 storefront 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). Twenty years ago, the Highland Heights Building Department issued a sign permit dated February 27, 2003 for 797 Bishop Road; however, Mr. Grabfelder stated the permit does not indicate if it pertains to the existing window sign or the overhead building sign at that time. He opined the 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. Mr. LaRich replied the permit most likely applies to the existing window sign that was installed exactly twenty years ago when the permit was issued, because the overhead building sign was installed 23 years ago. Mr. Grabfelder said he recently

contacted David Shoe Repair, a tenant at Hi-Bishop Plaza, advising his large window sign violates code and that it must be removed within ten days.

Mr. LaRich strongly appealed to the Commission to allow his window sign to remain because it is a landmark and critical to his livelihood and identification of his shop. He said window signs allow small business owners to successfully compete with larger business chains, businesses located in free-standing buildings, businesses with large storefronts, businesses with large signs and businesses with drive-thrus. He said he has been a good neighbor and tax-paying citizen in Highland Heights and has supported the Police and Fire Departments and city softball teams while operating his business here for the past 23 years. Mr. Adamus thanked Mr. LaRich for all his support throughout the years and also reiterated the sign is contrary to code.

Public hearing opened to the public.

Sharon Arslanian, landlord, Hi-Bishop Plaza, 785-797 Bishop Road, Highland Heights, Ohio 44143, appeared before the Commission and stated she is strongly opposed to the window sign at LaRich's Pizza for the following reasons: the Police and Fire Departments oppose the sign for security and safety reasons because visibility from outdoors to the inside of the store is obstructed because the sign covers 100% of the window; the applicant has not complied with the new signage format for the Hi-Bishop plaza established few years ago by the city ARB, Planning and Zoning Commission and herself, that entails green overhead building signs for each of the storefronts to maintain conformity and an aesthetically appealing plaza; a combination of large window signage and overhead building signs are not aesthetically appealing; she continues to invest into improvements for the plaza and amenities for the tenants to maintain an attractive plaza; allowing the large window sign would set a bad precedent; and she was recently contacted by another lessee requesting similar signage that covers a large area of the window. Ms. Arslanian opined an overhead building sign offers advantages over large window signage because it is visible 24/7 and illuminated all night. She stated that a disadvantage of the window sign is that it is blocked when cars park in front of it. In response to Mr. Milroy's inquiry, Ms. Arslanian replied there is electrical service to illuminate an overhead building sign at LaRich's Pizza. Ms. Arslanian said Mr. LaRich has not installed the building sign that he agreed to install one and a half years ago.

No one else spoke nor was any additional correspondence received from the public in this matter.

Public hearing closed at 7:16 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*