



**Village of South Russell  
5205 Chillicothe Road  
South Russell, Ohio 44022  
440-338-6700  
BOARD OF ZONING APPEALS  
MEETING MINUTES**

**August 17, 2022 - 7:00 p.m.**

**Members Present:** Andy Hitchcock, Chairman, Mike Mulloy, John Buda, Martin O'Toole, Cindy Matejcik

**Other Officials:** Bridey Matheney, Solicitor; Dave Hocevar, Building Official; Ruth Griswold, Board Secretary

**Visitors:** Donald R. Yert, 1225 Bell Road; Lindsey Self, 1433 Bell Road; Mark Rood, 113 Silver Spring Trail; Robin Rood, 113 Silver Springs Trail; Mayor Bill Koons

Mr. Hitchcock called the meeting to order at 7:00pm. Ms. Griswold conducted roll call.

**Mr. Hitchcock asked the board members if they had any questions or comments after reviewing the minutes from July 13, 2022. Hearing none, he made a motion to approve the minutes. Mr. Mulloy seconded. On roll call vote, the motion carried.**

**AGENDA ITEM 1- BZA CASE #22-06:** Donald R. Yert, applicant and owner of the property located at **1225 Bell Road**, South Russell Ohio 44022, is seeking the following: An appeal of the Planning Commission's disapproval of the proposed sign for the property, pursuant to the Planning Commission's development review in Section 3.04 of the South Russell Village Zoning Code, at its meeting held on June 29, 2022. Pursuant to Section 3.07 of the South Russell Zoning Code, the Board shall hear and determine any question or dispute involving the interpretations of the Zoning Code and may grant variances.

Mr. Hitchcock asked the solicitor to swear in anyone who may speak. Ms. Matheney swore in Donald Yert, Mark Rood, Bill Koons and Dave Hocevar.

Mr. Hitchcock began by saying that this is a very uncommon request before the board tonight, and a first during his time with the Village, and noted that no other board members have experience with such a request either. He said the board will take their time in their deliberations.

He asked the board members if everyone had the chance to view the Zoom recording of the Planning Commission meeting held on June 29, 2022; all members had. He said the question has been brought up as to if the Board of Zoning Appeals can render a decision without having the officially approved Planning Commission minutes, but in the interest of fairness and to keep things moving forward, the Board can review based on the video recording of the minutes, the Board of Zoning Appeals can render a decision sometime in the future, after the Planning Commission approves their minutes, or, if the applicant and the Board of Zoning Appeals members are comfortable basing a decision on the information available thus far, the Board can proceed with a decision tonight. Mr. Hitchcock asked board members and the applicant for comments, questions, or thoughts regarding the procedures. There were none.

Mr. Hitchcock went on to say that the Board is not going to grant a variance, nor are they approving the installation of the sign. The board must decide if the Planning Commission followed the rules per Section 3.04 of the Codified Ordinances of South Russell Village; did they act reasonably and ethically or was something arbitrary about their decision.

Mr. Hitchcock informed the Board that under the Code, a sign is considered a structure and therefore is required to appear before the Planning Commission for approval.

Mr. Hitchcock asked Ms. Matheney if the board or the applicant is permitted to introduce new information, or must they go only with what was presented to the Planning Commission on June 29, 2022. Ms. Matheney said new information could be presented and considered.

Mr. Hitchcock asked Mr. Yert to begin his presentation. Mr. Yert began by saying he was out of town and did not attend the Planning Commission meeting, and he was quite surprised when he heard it was denied since it meets all requirements of the code as it relates to signage. He said the Police Department has determined that there would be no hazard as far as hindering or impeding traffic. Mr. Yert said his understanding is that the Planning Commission did not like the color of the sign, but the code requires the sign to match the color of the structure, which it does. He went on to say that some Planning Commission board members said a sign should not be needed at all, since the barn itself is such a presence on that corner, but he said businesses moving into the office spaces will require signage to announce to their locations. Mr. Yert said his proposed sign is well within the parameters of other signage throughout the Village. He said the Planning Commission seemed to focus more on the lighting of the area and the color of the sign, but nothing was discussed about the setback and size of the sign. Mr. Hitchcock asked Mr. Yert if he had a chance to review the code; Mr. Yert said yes, he had.

Mr. Hitchcock quoted the two *applicable* code sections of 3.04 which provide the review standards the Planning Commission must follow: "*Review Standards: It shall be the duty of the Planning Commission to investigate and ascertain if the plans for the development comply with the following conditions, which conditions must be complied with by the applicant in order to receive a zoning permit to develop their property:*

(2) *That it will not adversely affect neighboring properties.*

(3) *That the plan of the development provides for integrated and harmonious design of buildings and structures and for adequate and properly arranged facilities for internal traffic circulation, off-street parking and loading, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the applicant as well as from the standpoint of the adjoining or surrounding, existing or potential developments."*

Mr. Hitchcock said there are two things here: 1) A concern about the impact of the sign, or the development in general, on neighboring properties and 2) How does the sign fit in with the neighborhood.

Mr. Yert said his property is zoned commercial, and the surrounding properties are aware that it is a commercial property. He feels the barn itself has added value to the area, since it has been made to look like a respectable office building, while keeping the integrity of the original barn. He said his proposed sign would fit in with the structure.

Mr. Hitchcock said based on his review of the meeting's video, the questions and concerns from the Planning Commission members were along the lines of how the sign fits in with the neighborhood. The discussions were about other signs in the area as well as the lighting of the area and that the project in general did not meet the design and harmony standards of the surrounding areas. Mr. Yert said that is just their personal opinion. Mr. Hitchcock said it is not just their opinion, but also their responsibility to make their opinions part of their decision process.

Mr. Hitchcock asked board members to comment on how they view the way the Planning Commission made their decision, specific to the two relevant factors.

Ms. Matejcek said she thinks the barn looks great, and she is happy to see it being revitalized, because it has been in South Russell Village for a long time and has been utilized for many years. She said she feels the proposed sign doesn't transition well into the surrounding community and suggested keeping the colors but creating a sign in the shape of a barn door, with the tenant names in white. She said unlike other barns in the area, this barn already stands out, and the proposed sign would also stand out. She suggested that Mr. Yert be more creative with his sign, and tone it down, so that people could still appreciate the barn for what the barn is.

Mr. Yert said needs to lease the spaces, and the sign is an important factor in obtaining tenants. Ms. Matejcek said she knows he wants a sign that is all lit up, but a different sign with spotlights on it would serve the same purpose.

Mr. Buda said after viewing the recording of the Planning Commission meeting, he felt that the members did express their opinions, which may be subjective, but per the code, that is the job of the Planning Commission members, to represent the community with their opinions of what is harmonious. He said it was stated throughout the meeting that the uniqueness here is that this sign would be the only commercial sign east of 306, clearly making a distinction between other commercial signs on 306. Mr. Buda said the Planning Commission looked at other signs, even non-commercial, in consideration of what would be harmonious. He said the Planning Commission is responsible to determine for the community what is harmonious and what is not.

Mr. Mulloy said after he viewed the meeting, he felt that the door was open to compromise with the design, both by the Planning Commission and Mr. Yert's representative. He said he doesn't feel like that door has been closed. He agrees that it is the Planning Commission's responsibility to make those decisions, and whether you or the Board of Zoning Appeal members agree with them or not, it is still their responsibility to make those decisions. He commended Mr. Yert for the improvements he has made to the corner, and said the addition he has made to the community is very nice. He said he hopes the conversation can continue and a compromise can be reached to find a solution that works for both parties. He said he understands Mr. Yert's need to provide signage for his building, but he also understands some of the points made by the Planning Commission.

Mr. O'Toole said his understanding is that there are two different agendas; Mr. Yert is trying to be a responsible business owner, but he also wants to maximize his return on the investment he has at the property. He said the Planning Commission's agenda is to maintain and groom the aesthetics of South Russell Village to preserve the cultural norms; how South Russell feels to the people who live here or travel through. He said there is a natural mismatch in the agendas. If this property was in the hands of a different company who wanted to tear everything down and put up a huge used car lot with outrageously bright lights, it doesn't make them bad, but it is not in keeping with the character of the street, nor would it be consistent with the character of the community.

Mr. Yert said they are being discriminatory between the commercial areas on 306 vs those on Bell Road. Mr. Hitchcock said what he heard, is that the transitions from different parts of the community into the intersections are very different. Mr. Yert said that people visit his office at least twice a week to pay him compliments about the barn and what has been done. He said there have been no complaints about the barn, and the proposed sign meets all the requirements of the code.

Mr. Yert said he doesn't understand why the Planning Commission has to be involved with the approval of the sign. Mr. Hitchcock said the sign itself is a structure, and it was not on the site plan during the development review process in 2017, therefore the sign is part of the development review.

Discussion followed regarding general lighting issues on the properties owned by Mr. Yert at the corner of 306 and Bell Road. Mr. Yert said lighting of the property should not even have been brought up, and the brightness of the proposed sign is not offensive. Mr. O'Toole said the brightness of the sign and the fact that it was backlit were concerns that were brought up at the Planning Commission meeting and noted that his other sign on the property is very bright. Mr. Yert said the sign for the dentist's office is also bright. Mr. Mulloy said the discussion in the Planning Commission meeting was specifically about backlit signs, and the dentist's office sign is a wooden sign with a spotlight, and Mr. Yert's insurance sign is backlit. He went on to say that he drove around the Village to look at all the different commercial signs, and took measurements, for his own comparative understanding. He said he hopes Mr. Yert can continue to come to the table with the Planning Commission and find a way to compromise. Mr. Yert said he has also to appear before the Architectural Review Board after approval, and things are taking forever.

Mr. O'Toole said South Russell is in a space that it hasn't found itself in before, and that is, the brightness of the sign. He thinks the community is finding itself challenged for the first time as to how much light they want in the area and how bright those lights should be. He went on to say that the Village does not currently have regulations or a common understanding regarding the concept of

lumens. He suggested it would be helpful to have a lumen metric that everyone understood. He said Mr. Yert's personal aesthetic is challenging the community in terms of how much brightness the community is going to take, and having a common understanding around lumens that are acceptable here would make the conversation less subjective. Mr. Yert said there are no restrictions in South Russell regarding brightness, and that his contractor assured him that the sign is not very bright.

Mr. O'Toole said another take-away of his from the Planning Commission meeting was when the point was brought up about this not being the intersection of Green and Mayfield Road, where there are many commercial signs up and down the street. This is South Russell Village; a quiet, suburban community, and what may be appropriate for a different area may not be what the residents want in South Russell.

Mr. Buda said ultimately this comes down to a difference of opinion. He said it sounded to him like the Planning Commission was willing to consider alternatives, but that Sparky didn't have the authority to agree to changes. Mr. Mulloy agreed, and said Sparky was making statements as to what compromises he would suggest, but the board was concerned that he didn't have the authority to make those compromises which, in his opinion, caused a stalemate. Mr. Buda said it did sound to him as if board members were open to something different, that both parties could agree on. Mr. Mulloy said with regards to the design of the sign, in addition to the backlighting and illumination of the white tiles for the tenant names, the image of the red barn on the sign would also be backlit and illuminated. He said, based on his interpretation of the meeting, it may be as simple as a compromising and agreeing not to backlight the whole sign. He said, as Mr. O'Toole suggested, Mr. Yert could ask his professional contractor to provide documentation that is relatable to the Planning Commission showing a brightness comparison between his proposed sign and other signs in the area. Mr. Yert said that makes sense.

Mr. Hitchcock asked if board members had any further comments or questions. There were none. Mr. Hitchcock asked if anyone else present would like to make a comment. There were none.

**Mr. Hitchcock made a motion to uphold the Planning Commission's decision of June 29, 2022, which turns down the application for the new sign at 1225 Bell Road. Mr. Hitchcock asked for any discussion on the motion.**

Mr. Mulloy asked if the Board of Zoning Appeals votes to uphold the Planning Commission's decision, what options does the applicant have for recourse. Mr. Hitchcock said he has two options: To resubmit a plan with meaningful changes to the Planning Commission, or if the applicant wants to have the sign as presented, he could appeal to the Court of Common Pleas in Geauga County. Mr. Hitchcock said the Board of Zoning Appeals would love to see a compromise, and he feels the Planning Commission may be okay with a different sign that is more harmonious with the neighborhood. Mr. Yert said he does not want to change the design of the sign, but he will consider not lighting up the barn portion of the sign. He said he still has to appear before the ARB and this has been going on way too long. Mr. Hitchcock said he understood Mr. Yert to want the Board of Zoning Appeals to make a decision tonight to keep things moving forward. Mr. Yert said if the board feels they have enough information to make a decision, then they should do so.

Mr. O'Toole said he appreciates Mr. Yert's intention to obtain closure, and understands the subjectiveness currently involved. He said if anybody would think it would be constructive to organize the different boards to gather and look at different lights, compare lumens and create vocabulary that defines the language of the industry, it may be helpful to have a common basis written and defined.

**Mr. Hitchcock made a motion to uphold the Planning Commission's decision of June 29, 2022, which turns down the application for the new sign at 1225 Bell Road. Mr. Buda seconded. Mr. Hitchcock asked for any discussion on the motion.**

Mr. Mulloy asked what would happen if the Board of Zoning Appeals did not uphold the Planning Commission's decision. Ms. Matheny said if the Board did not uphold the Planning Commission's decision, which would mean the board would vote that their decision was in error, the actual application for the sign would be approved, pending an appearance before the Architectural Review Board. Mr. Mulloy asked if the Planning Commission meets on a regular basis. Ms. Matheny said yes, and the next meeting is September 8, 2022. Mr. Buda said, to clarify, the Board of Zoning Appeals is deciding whether the Planning Commission had jurisdiction, which in his interpretation they did, and whether they erred in their decision. Ms. Matheny said that is correct.

**On roll call vote, Mr. Hitchcock said based on his view of the video and his interpretation of the way they applied the code, he sees no reason that Planning Commission made any errors, and his vote is Yes. Mike Mulloy-Yes. John Buda-Yes. Martin O'Toole-Yes. Cindy Matejcik-Yes. Motion passed unanimously.**

Mr. Hitchcock asked Mr. Yert if he was clear on his options moving forward. Mr. Yert said no. Mr. Hitchcock said since the Planning Commission's decision was affirmed by the Board of Zoning Appeals, Mr. Yert could appeal his case to the Court of Common Pleas. Ms. Matheny said he could also present a new plan to the Planning Commission. After development approval is achieved, he must then appear before the Architectural Review Board. Mr. Mulloy said he would like to see Mr. Yert make an application to the Planning Commission for a new sign and express that he remains open for compromise. Mr. Yert said he would present the same plan but would propose eliminating the backlighting of the red portion of the sign.

**Old Business: None**

**New Business: None**

There being no further business, Mr. Hitchcock adjourned the meeting at 7:47pm.

  
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Andy Hitchcock, Chairman

  
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Date

  
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Ruth Griswold, Board Secretary

  
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Date