

**BOARD OF ZONING APPEALS
MEETING MINUTES
Mayfield Village
April 16, 2024**

The Board of Zoning Appeals met in regular meeting session on Tues, April 16, 2024 at 6:00 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman DiFranco presided.

ROLL CALL

Present:

Mr. Stivo DiFranco	Chairman	Ms. Kathryn Weber	Law Department
Mr. John Michalko	Chairman Pro Tem	Mr. Daniel Russell	Bldg Commissioner
Mr. Jim Kless	P & Z Rep to BZA	Ms. Deborah Garbo	Secretary
Ms. Alexandra Jeanblanc			
Mr. Bob Andrzejczyk	Alternate		

Absent:

Mr. Joseph Prcela
Mr. Bob Haycox Alternate

CONSIDERATION OF MEETING MINUTES:

Feb 20, 2024

Mr. Kless, seconded by Ms. Jeanblanc made a motion to approve the minutes of Feb 20, 2024 as written.

ROLL CALL

Ayes: Mr. DiFranco, Mr. Michalko, Mr. Kless, Ms. Jeanblanc, Mr. Andrzejczyk

Nays: None

Motion Carried

Minutes Approved

CONSIDERATION OF CASE NUMBER 2024-01

Applicant: Mayfield City Schools
 Mayfield High School
 6140 Wilson Mills Rd. PP # 831-33-001
 Then Design Architecture

1. A request for a variance from Section 1185.05 (f) to allow for illumination for a new ground sign.
2. A request for a variance from Section 1185.09 (f) to allow for a new ground sign over the one square foot in area.
3. A request for a variance from Section 1185.07 (d) (3) & (13) to allow for flashing for a new ground sign.
4. A request for a 3' 6" height variance from Section 1185.11 (a)(3) to allow for a 9' 6" high new ground sign.
5. A request for a 5' right-of-way setback variance from Section 1185.11 (a)(3) to allow for a 25' right-of-way setback for a new ground sign.
6. A request for a variance from Section 1157.06 (a) to allow a new ground sign on a parcel of land without a main structure.

Abutting Property Owners:

Wilson Mills Rd: 6158, 6156, 6072, 6050, 6040, 6030, 6151, 6123

CONSIDERATION OF CASE NUMBER 2024-02

Applicant: **Dave & Ellen Nager**
886 Hardwood Ct 44040 PP # 831-40-027
Stone FX, Inc.

1. A request for a 21” height variance from Section 1157.08 (b)(1) to allow for construction of two 63” high front yard columns.

Abutting Property Owners:
Hardwood Ct: 869, 882, 861, 878, 874, 857, 865

OPEN PORTION

Chairman DiFranco called the meeting to order. This is a meeting of the Mayfield Village Board of Zoning Appeals Tues, April 16th, it’s 6:00 pm. We have two cases today to be heard.

CASE #2024-01
Mayfield High School
Monument Sign

Our first case is Case #2024-01, the applicant is Mayfield City School District for Mayfield High School, 6140 Wilson Mills Rd, PP #831-33-001. Thendesign Architecture has put some drawings together. We have six variance requests. Abutting property owners on Wilson Mills Rd have been notified. Who will be presenting for the Mayfield School District?

Jeff Henderson with Thendesign Architecture raised his hand.

OATH

Chairman DiFranco stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman DiFranco administered the Oath to Jeff Henderson, Thendesign Architecture.

Chairman DiFranco asked Jeff Henderson to begin his presentation.

Presentation by Jeff Henderson, tda

Jeff Henderson with Thendesign Architecture introduced himself. Also with me is Steve Nedlik, Assistant Superintendent for the Mayfield City School District. Our project is essentially relocation of the sign that currently exists at the High School, further to the east. The is an aerial view of the new driveway entry piece that’s being completed now. Currently the signs are located in the location of the main entrance, we’re going to maintain this current entry for a while for emergency egress.

The new driveway will become the main entrance for all the traffic. This is that parcel, it’s owned by the District but it’s not consolidated with the rest of it. Again, all this property is residentially zoned. I think when the existing main monument sign was done we had to come before you to get variances as well. Currently when you go by, there’s actually two signs. The one in front which is

the High School sign and then the shorter one in the back which is the Wellness Center sign that sits behind it. Since the Wellness Center is not going to exist anymore, is that true Steve?

Steve Nedlik replied, yes. The Wellness Center will be coming off line at the end of this school year. The intent was to then put Wildcat Sport & Fitness and the 6116 address on the new proposed sign.

Jeff Henderson stated, so this will be a combined sign for both the High School and for the Wildcat Sport & Fitness. Its setback is equal to what the sign is now, the distance from the right-of-way to the sign will be the same as currently.

Jeff Henderson stated, the existing signs will be removed in their entirety and part of the sign is going to get relocated. The main part of the sign, the video board, the sign board and the top will be relocated from here to there and a new base will be constructed.

This slide shows the dimensions, 25' off the right-of-way to the front of the sign, it's about 16' deep and 9 ½ ft at the highest point high. At about 25' off the driveway, it gives you about 144 ft off of the east property line of that parcel.

This is a photograph of the existing sign, you can see the top is metal and then the sign board that's in the middle, that portion will be relocated to the new sign, then there will be a new sign panel below for Wildcat Sport & Fitness. We'll use the same brick to create a little bit higher pylons on either side, the total dimension is about 9' 6" to the top. The existing sign has a planter but doesn't work very well so they decided just to do a straight monument sign into the ground with a base. ARB last week suggested instead of using black for the base, to use a tan color to be a little more complimentary to the brick itself. It'll be sitting up on a concrete base, protecting the sign from mowing and those kinds of things that are happening around it.

Jeff Henderson concludes. I think that's pretty much it, in a very brief presentation. Because it's in a residential zone and the size of it, all the variances listed here are needed to erect the sign.

Ms. Weber stated Stivo, maybe it would be helpful to give a little background of how it is that we have the commercial sign in a residential district and how it is that you guys can apply your area variance standards to the school district's request here. School districts are not necessarily exempt from zoning, but they have a different kind of relationship with zoning that other private commercial enterprises would. What the law says is that school districts need to make a good faith effort in order to comply with zoning. What that means is that they need to comply with the spirit and intent to the zoning code and come in and make sure that they are applying for building permits and zoning permits and try to comply with the zoning code as much as they can. What that allows is that you can have a school built in a residential district. Obviously the zoning code that we have for a residential district isn't made to be able to have a large school which when we're talking about building things we'd be probably more similarities to more of a commercial use than it would to a typical residential use, so that's what necessitates the amount of variances. And the Village has a pretty conservative sign code because we want to make sure that we keep the character of the Village the way it is. A lot of these variances that they're asking for today were variances that they needed to come in to get for the original sign. You can go through the Duncan factors but you don't

necessarily need to have the strict adherence to those factors because the school district is coming in and done its good faith effort to try and comply with our regulations here.

Ms. Jeanblanc asked, does the earlier variance have any bearing on our analysis?

Ms. Weber replied, no because everything is a case by case basis. But I do think it is relevant to your consideration here in that they came in for the same variances previously and the Board Members which some of you were here, found that the school district was entitled to those variances previously.

Mr. Michalko stated, basically what I see here is that the first three variances are grandfathered, they're just moving their sign.

Ms. Weber replied, I wouldn't look at it as grandfathered because it's a new sign, new position, so I wouldn't quite use the term grandfathered, other than you're really kind of considering the same variances they needed with the original sign.

Chairman DiFranco stated, #4 is a 3' 6" height variance which I don't think they had previously. My question is, why such a high sign versus what you had there before?

Jeff Henderson replied, the reason is because of incorporation of that portion of the sign, that's going to be relocated in order to get this to work. It just lifts up essentially to give room for that, if that makes sense.

Chairman DiFranco said, I get that. I just think about the monstrous nature that it might present on Wilson Mills Rd and you have a resident right next door, is there a home right next door to that?

Jeff Henderson replied, it's a big vacant lot. We're about 140' from it.

Chairman DiFranco stated, in looking at the parcel map, it looks like there's one parcel number for those two lots side by side next to you.

Jeff Henderson said, to respond to your question about the size of it, I don't think it's out of proportion to the facility that it represents. It's a fairly large sign that's there now. It's a pretty big facility for the complex there, it's in keeping I think in the spirit of that of just the size of what's there as opposed to a smaller sign. Do you follow what I'm saying?

Chairman DiFranco replied yes, I understand, I get your point. The 5' right-of-way setback, is that different from what you previously had?

Jeff Henderson replied, it's the same dimension from the street as the existing sign, the same 25'.

Chairman DiFranco asked, is that the same request from the existing sign?

Mr. Russell replied, I don't recall if a setback was part of the request initially.

Ms. Weber stated, I will say under our zoning code, this signage chapter was amended since they came in previously, so there are slightly different requirements under the new signage code than there was under the code when they came in for their previous variances.

Chairman DiFranco stated, #6 is a variance to allow a new ground sign on a parcel of land without a main structure. Can you explain this one?

Ms. Weber replied, a sign is considered an accessory structure. You have to have a main structure in order to have an accessory structure. Since this parcel is not consolidated, it's owned by the school district but they haven't made it one big parcel, that technically means that there is an accessory structure on a parcel that doesn't have a main structure which isn't permitted under our code. So that's an additional variance.

Chairman DiFranco asked, the three parcels, those are still considered residential?

Ms. Weber replied, everything that the High School is on is all residential.

Chairman DiFranco asked Dan, do you have any concerns with the sign?

Mr. Russell replied, no. I don't think it's going to be too large for that parcel.

Mr. Andrzejczyk stated, it'll be easier for the community to find things.

Ms. Jeanblanc replied, not just local community members finding things, it'll be better for visiting sports teams or people coming for theatre performances.

Mr. Michalko stated, it'll alleviate traffic problems.

Chairman DiFranco asked, any other comments from the Board Members?

There was none.

Chairman DiFranco said Katie, you mentioned we don't have to go through the criteria for variance requests, so I'll skip that part and entertain a motion to approve.

DECISION

Ms. Jeanblanc, seconded by Mr. Michalko made a motion to approve the six variance requests to allow for a new ground sign for Mayfield City School District, Mayfield High School at 6140 Wilson Mills Rd, PP #831-33-001 as proposed.

ROLL CALL

Ayes: Mr. DiFranco, Mr. Michalko, Mr. Kless, Ms. Jeanblanc, Mr. Andrzejczyk

Nays: None

Motion Carried

Variations Approved

Right to Appeal

Chairman DiFranco stated, you or any interested party has the right to appeal the decision within ten (10) days to Council.

Mr. Russell stated Jeff, prior to issuing a permit, I'll need for you to submit construction drawings for plan review.

**CASE #2024-02
Dave & Ellen Nager
886 Hardwood Ct.
Front Yard Columns**

Chairman DiFranco stated, we're going to move onto our second case, Case #2024-02, applicant Dave & Ellen Nager, 886 Hardwood Ct PP #831-40-027. This is a request for a 21" height variance to allow for two 63" high front yard columns. Abutting property owners on Hardwood Ct have been notified. Whoever will be presenting, please raise your right hand.

OATH

Chairman DiFranco stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman DiFranco administered the Oath to Sean Biega, Stone FX, Inc.

Chairman DiFranco asked Sean Biega to begin his presentation.

Presentation by Sean Biega, Stone FX, Inc

Sean Biega, Landscape Architect with Stone FX introduced himself. We're currently in the midst of a backyard project with the homeowners. We went through the process last fall of getting everything approved for a pool, walkways & fencing. The owners asked me if it would be possible if we could locate his property in the front with some entry pillars. The 3-D rendering shows how the pillars would look at each side of the driveway. The way the property is shaped, it comes to a real narrow point at the front on that cul-de-sac. When you come down that cul-de-sac to the right compared to where it ends up in the back, it's a very small frontage. They had two very big spruce trees I think 30 ft or so almost where those two pillars were, then they started to slowly dissipate and die, they had those removed.

The homeowner would like when people come over his house to be able to locate his driveway. If you weren't there before, it's kind of difficult with those driveways and with how narrow this one is. I said we could do some masonry pillars, they'll be very tastefully done, they'll be put on a footer, they'll be out of the 20' easement, there is a utility easement from the cul-de-sac. These would sit past that a couple feet, one on each side. The one on the left would have an address, the number of the property on it, 886. The only lighting will be underneath the top coping. They'd have a low voltage lighting system where these lights are, no more than the size of a cigar. They literally tuck under the coping and go straight down the pillar. So nobody, neighboring or them would see a light bulb, all you'd see is a cast of light that goes down. We're thinking to put one light in the front of each and maybe on the insides and that would be it, just to illuminate those at night. Then we'll also have a planting plan. It's not like these pillars are just going to be sticking up and be intrusive,

because we'll put 3'- 4' plants behind it and some lower plantings in the front. At 42" for an entry pillar, that's pretty squatty, you put some plants in front and even at 2' you're hiding a lot of pillar. We debated the 42" and I told him I don't think it's worth doing them if they have to stay that low. Those are nice houses in there and would look out of scale at the 42" height.

It's not going to be done in a way that people are going to drive down the neighborhood and say OMG what did they do. Personally, I think it's something decorative and will look good, I don't see this as intrusive. But I understand, I'm on the Zoning Board at Highland Hts, I get your job, I understand, sometimes these codes are written way in the past. The code writes it to where you can't go anywhere over 42 inches. Looking at the drawing, they're about 2' off of the property line because of the easement.

Mr. Michalko asked, is that too close to the property line Dan or is that okay?

Mr. Russell replied, it's fine.

Chairman DiFranco said Katie, the code that's being referenced here is a fence code, can you speak to that.

Ms. Weber replied, where we got to the fence code, there is nothing in our code about pillars. What we deemed that these pillars really are is a decorative fence. Fences are permitted in front yards on a limited basis, but you could have decorative fences in front yards. That's the code that we're applying. If you recall a couple months ago we had a front gate that had pillars, we also applied the fence code to that, in that it was a decorative fence that is permitted in a front entry way. But obviously the height restrictions that we have in our code for things like that necessitated them coming in for a variance. That's what we're applying in this sense as well.

Chairman DiFranco asked, how did you come to 63 inches?

Sean Biega replied, I wanted to go with a 5' pillar, then you put coping on top. When we construct these, we'll pour a footer within 3" of final grade, a little soil, a little mulch, you build your 5' pillar, then by the time you put your coping- If you said Sean, you can't go over 60", I could make it work. But I just based it on some dimensioning and steel wise, if you look at how the pillar was constructed, the sandstone at the top and bottom, those are 5" pieces. They're sandstone units that are 18" x 5". I'd need about 40" of the cultured stone that'll match the house, I just picked that 40" arbitrarily. But, I did scale it based on roughly a 5' pillar. When I come in with the plantings, a lot of plants are at least 24" for the smaller ones. I wanted to make sure that when we plant this, that sandstone's peaking below it but that the sign is up high enough so that doesn't compete with that, and 42" is just too small. I said if I go 5', and I add a 3" cap, because the piece of sandstone we'll put on top will be approximately 3".

Chairman DiFranco asked Dan, do we have other pillars in the community that are this high at 63"?

Mr. Russell replied, they're sporadic, probably a few of them around, but no I didn't take a look.

Mr. Michalko said, there's just a couple on Hardwood Ct , but lower. Did you say you're going to have shrubbery, screening behind them so they won't basically stick out like a sore thumb?

Sean Biega replied, I have no problem with that being part of this approval. They're not going to want that and I don't want that thing to look like it's just stuck in there. There will be a whole planting plan in 3-D and the image does represent how it'll be.

Mr. Andrzejczyk asked, stone will match the house?

Sean Biega replied yes. The cultured stone they had put on the house was not that long ago. It's Bucks County Ledge stone, we're going to use that same stone. They used to have the sandstone walls out front and back that we removed. I'm going to utilize that which is a Briar Hill Sandstone. I'm going to cut those down to a veneer stone for the bottom. It'll match everything the property has on it.

Mr. Michalko asked, have we received any responses back from the neighbors?

Sean Biega replied, a lot of them have come over as we've been working & talk to us. Everybody seems to be pretty friendly on that cul-de-sac.

Mr. Andrzejczyk stated, the lighting sounds like a great idea.

Sean Biega replied yes, for people doing deliveries and especially at night. What's nice is you don't see a bulb, it's just casts down, it's a much nicer look than a big harsh 110 light.

Chairman DiFranco asked, so you have power out there now?

Sean Biega replied, he already has a low voltage system in his front yard, little spot lights. When we build the pillar, we'll put a sleeve around a 12/2 wiring cuff through the middle of the pillar and stuff it right under the cap. And that's all low voltage, it's not high wattage, and that transformer is up on front of the house, they already have lines. There will be a timer, it'll usually shut off at midnight, but that's up to the homeowner.

Ms. Jeanblanc asked, there's nothing specific about this lot that makes it different than other houses that have the conforming pillars, correct?

Sean Biega replied, it doesn't have 100' of frontage. I'm guessing it has 35' or 40' of frontage. It's a pie-shaped lot, there's a ravine that drops off to the left. It does narrow down.

Chairman DiFranco stated Alexandra, I think what you're trying to identify is that this property is unique, or is it? It sounds like it's unique in some ways the way that it's pie-shaped.

Sean Biega stated, the house sits on an angle, it's hard to see where the house is when you're coming down the cul-de-sac.

Mr. Michalko said, I went by and looked at it, you could almost pass it. These pillars, they have no intentions of putting gates on them?

Sean Biega replied, no, he hasn't mentioned anything in that nature.

Chairman DiFranco asked Dan, do you have any concerns?

Mr. Russell replied, no concerns, he does beautiful work.

Chairman DiFranco asked, any concerns from any of the Board Members?

Ms. Jeanblanc replied, what makes this a fence and not a sculpture?

Ms. Weber stated, in looking at our code, and the Law Dept worked with the Building Dept to figure out the best box that this fit in and this is the best box that this fits in.

Chairman DiFranco stated, the biggest concern I would have is, 5' 3" I couldn't tell you what that looks like.

Ms. Weber said, I'm 5' 3" if that helps.

Ms. Jeanblanc stated, I realize that this is narrow frontage for a house of this size, but we have a lot of lots in the Village that have a similar frontage where the houses are smaller. I'm not sure how I feel about going by 40' is a very narrow part of a lot.

Chairman DiFranco said, I'm not following your concerns exactly.

Ms. Jeanblanc replied, I feel like if we're saying that this is a narrow frontage, and that's why we could grant this variance, there are a lot of other lots that would then qualify.

Mr. Michalko stated, there's not much room on the left hand side of the driveway before it drops off, there's a big ravine there.

Sean Biega stated, in the spirit of the zoning code, you guys don't, just like we don't really care about people putting board on board fences in somebody's front yard that's 5' or 6', but we don't have a code for this type of a structure either. I don't know how this falls into the fence code, but I get it, that's the only thing that it could fall into.

Chairman DiFranco stated, I don't have a problem with it other than I just wonder what it'll look like at 5' 3" vs. 5' 4". In any case you're probably asking for a variance anyway, so whether it's 43", you're coming in for a variance one way or another.

Sean Biega replied, correct. We may mulch that thing and when done it could be 60".

Mr. Russell stated, you measure off the natural grade.

Chairman DiFranco stated, in granting an Area Variance, the Board shall determine that one or both of the following factors are met by the request:

- a. The conditions upon which an application for a Variance is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises or adjoining premises, differentiating it from other premises in the same district: or
- b. The Variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the Variance.

Chairman DiFranco stated, I think (b) is probably where this one falls into.

Chairman DiFranco stated, I'd like to entertain a motion to approve.

DECISION

Mr. Michalko, seconded by Mr. Andrzejczyk made a motion to approve the 21" height variance request from Section 1157.08 (b)(1) to allow for construction of two 63" high front yard columns for Dave & Ellen Nager, 886 Hardwood Ct as proposed.

ROLL CALL

Ayes: Mr. DiFranco, Mr. Michalko, Mr. Kless, Mr. Andrzejczyk

Nays: Ms. Jeanblanc (I vote no. They are lovely pillars but I am not convinced this is unique enough to justify it)

**Motion Carried
Variance Approved**

Right to Appeal

Chairman DiFranco stated, you or any interested party has the right to appeal the decision within ten (10) days to Council.

Chairman DiFranco asked, are there any other matters that come before the BZA?

There were none.

ADJOURNMENT

Ms. Jeanblanc, seconded by Mr. Michalko made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 6:40 p.m.

Chairman

Secretary