THE CITY OF MAYFIELD HEIGHTS
BOARD OF ZONING APPEALS
MINUTES

September 13, 2016

Fred Kramer, Chairman called the meeting to order at 7:00 p.m.

ROLL CALL: PRESENT: Mr. Giuseppe Dilulio, Mr. Fredric Kramer, Councilman Joe Mercurio, Mr. Salvatore Orteca, Mr. Jerry Rothenberg
ABSENT: None

Also present were Tom Jamieson, Director of Building and Anne Weiland, Secretary.

Mr. Rothenberg, seconded by Mr. Orteca moved to suspend reading the minutes of the August 15, 2016 meeting and approve with the following amendment: In the Case No. 1093 vote, change "Said request is granted for the reason that the strict enforcement of the ordinance would impose, on the owner, a practical difficulty in the use of the property" to "Said request is denied for the reason that the applicant did not demonstrate a practical difficulty which would warrant the granting of the variance." All in favor, except Mr. Dilulio who abstained as he was not present at that meeting. Motion carried.

TABLED ITEMS: None

NEW BUSINESS:

BZA 1095: Archer Sign Corporation
Moe's Southwest Grill – New Occupant
5920 Mayfield Road
Requests a variance to place an identification sign on the front elevation that is not substantially similar in color to the adjacent tenant in the same building.

The application requests a variance from Section 1191.06; *Location, Height and Projection; Style and Color; Free-Standing Walls.* The following adjacent property owners were notified:

861-09-001	5901 Mayfield Road	Stanley Schwartz, Bernard Schwartz 25 Woodbury Farms Dr., Woodbury, NY 11797
861-09-043	5943 Mayfield Road	True2form Collision Repair Centers LLC 8250 Skokie Boulevard, Skokie, IL 60077
861-28-003	5940 Mayfield Road	O'Reilly Auto Enterprises LLC 14771 Snow Road, Brookpark, OH 44141
861-28-030	5900 Mayfield Road	Costanzo & Son Co., Tracy Sivillo P.O. Box 774, Grand River, OH 44045

Present was Thomas O'Hare, Partner/Owner of this Moe's Southwest Grill franchise, Jerry Archer, Archer Sign Corporation and Mr. Carrino, Agent for the Property Owner, RMS Investments

Mr. O'Hare explained that Moe's Southwest Grill is a fast casual Mexican food concept. There are now 625 of them. They are headquartered in Atlanta. He has two opened in Mentor and will soon open one in South Euclid. They have been looking in Mayfield Heights for some time and found this vacant space next to NTB (5930 Mayfield Road).

The Property Owner is planning on investing in façade improvements for the entire building. He will be investing $500,000 in the interior renovations and creating 20-30 jobs.

The front façade design resulted in two very distinctive looks and two separate identities which sets them apart from NTB. The sign ordinance reads, in part, where two or more adjacent stores on the same parcel have a similar or continuous marquee, etc. . . signs shall be substantially similar." They are very dissimilar and, therefore, he believed that they do not need a variance. Mr. Kramer mentioned that the Building Department made a decision based on their evaluation of the ordinance.

Mr. Kramer stated that, when he first looked at the submission, it was clear that this is a two-tenant building. He noticed that the architectural elements were quite dissimilar and wondered whether it could be considered as being a continuous mansard or elevation.

Mr. Kramer asked for clarification on the side entrance sign as shown on the drawing submitted. Mr. Archer explained that the drawings submitted also show the detail. He confirmed that it will be 5.8 sq. ft.

Mr. Rothenberg stated that, although this is a different architectural design, it is still one building. He remembered a similar case where there was a continuous façade; however, the sign variance

was granted because it was a separate parcel. He noted that this property is one parcel.

Mr. Dilulio appreciated that they are upgrading the building.

Mr. O'Hare also mentioned that the sign being proposed is their corporate branding. The Corporation spends millions of dollars protecting their brand.

Mr. Rothenberg noted that the Board has considered similar requests in the past but has never had a situation where it was made to look like two. That makes a difference.

Mr. Dilulio asked if there are any other plans to fix up the property. Mr. Carrino explained that the upgrade includes some landscaping improvements and sealcoating/striping of the parking area. He pointed out that there are cross easements in that area between adjacent properties. He does not own all of the surrounding area. He is responsible for the front of the building and a small portion behind the building. He works along with the adjacent property owner who paves the west lot and bills him accordingly. This year, because they were not doing any significant paving, he will repair the front to have it ready for Moe's opening which is intended in the spring 2017. Additionally, he can reach out to the adjacent owner to see if she is willing to sealcoat/stripe her portion (west) so that everything is consistent.

As there were no other questions or comments, Mr. Kramer declared the public portion closed. He added that the Board's decision requires action by Council and will be presented to Council in resolution form at the next scheduled meeting, Monday, September 26, 2016 at 7:00 p.m.

Case No. 1095 – Moe's Southwest Grill – 5920 Mayfield Road

Mr. Rothenberg, seconded by Mr. Orteca moved to grant the applicant's request.

Roll call on motion: **AYES:** **Rothenberg, Dilulio, Mercurio, Orteca, Kramer**
NAYES: None
MOTION GRANTED

Said request is granted for the reason that the strict enforcement of the ordinance would impose, on the owner, a practical difficulty in the use of the property.

As there was no further business, Mr. Kramer adjourned the meeting at 7:30 p.m.

APPROVED:

Fredric Kramer
Chairman

Respectfully submitted,

Anne Weiland
Secretary