

**MINUTES  
LOUISVILLE ZONING BOARD OF APPEALS  
DECEMBER 13, 2022  
CONSTITUTION CENTER, 1022 WEST MAIN  
6:30 P.M.**

Louisville Zoning Board of Appeals met in regular session with Chairman Casar presiding.

The Pledge of Allegiance was led by Chairman Casar.

**MEMBERS PRESENT**

John Phillippi  
Mark Sigler  
Bruce Barth  
Daniel Casar  
Dan Harrison

**CITY PERSONNEL PRESENT**

Magan Denzer, Deputy City Clerk  
Kaitlyn Carpenter, Administrative Assistant

The Certificate of Open Meeting was presented.

**MINUTES OF THE AUGUST 9, 2022 MEETING**

Chairman Casar declared the minutes of the August 9, 2022 meeting approved as presented by unanimous consent.

Chairman Casar swore in those in attendance planning to speak before the board.

**NEW BUSINESS**

**AB 22-10 THOMAS & HEATHER CUNNINGHAM, PROPERTY OWNERS OF 1457 PENDLETON, FOR A VARIANCE OF SECTION 1154.02(A) TO PERMIT A ROOF ADDITION CLOSER THAN THE ALLOWED 40 FT TO THE REAR PROPERTY LINE (33.7 FT PROPOSED).**

**EXISTING CONDITION**

New single-family residence still under construction.

**ZONING**

Parcel: R-1  
North: R-1

South: R-1  
East: R-1  
West: R-1 (Township)

### BACKGROUND INFORMATION

- The subject property is located on the corner of Pendleton Ave and Kenyon St. The rear property line borders Nimishillen Township.
- Section 1154.02(a) Required Yards and Open Spaces matrix requires a minimum rear yard depth of 40 ft in an R-1 district.
- The builder is proposing to construct a covered deck patio which will be 33.7 ft from the rear lot line.

### DISCUSSION

- Variances are intended to alleviate a situation in which, for no public reason, zoning for an area more stringently burdens one parcel of land than others. *The zoning requirements do not impact the subject lot more stringently than others.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *There are no property characteristics causing the need for a variance.*
- The standard to use in determining the merits of an area variance is whether the denial of the variance would result in “practical difficulties” for the property owner. The following questions need to be examined in considering an area variance:
  1. Can there be a beneficial use of the property without the variance? *Yes, the lot still accommodates residential uses.*
  2. Is the variance substantial? *A variance of 6.3 feet is being requested. This constitutes a variance of 15.75%.*
  3. Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment? *Contiguous property owners were notified of the variance request.*

4. Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown.*
5. Can the problem be solved by some manner other than the granting of a variance? *The situation is created by the proposed covered deck patio.*

Property owner Heather Cunningham was present for meeting. When questioned why a covered patio roof was not submitted with original house plans, Ms. Cunningham explained that original plans had to be changed because her mother-in-law was now going to reside at the home. The proposed covered area will be used for her mother-in-law's porch swing and there is no other place to put it.

Member Phillippi stated that he sees no problem created by the covered patio.

Member Barth agreed with Member Phillippi. Member Barth cited that the last issue with a covered patio was drainage, and there is a 120 ft detention pond on the property, so drainage is not an issue in this case.

MEMBER SIGLER MOVED, MEMBER PHILLIPPI SECONDED, and the Motion carried to approve the variance for the rear setback of roof addition as submitted. The vote: all yea.

AB 22-11 CANTON SIGN CO., APPLICANT, FOR AULTMAN LOUISVILLE, 1909 WILLIAMSBURG WAY, FOR THE FOLLOWING VARIANCES: 1.) SECTION 1160.11 FOR THE AREA OF A LOW-PROFILE SIGN GREATER THAN THE PERMITTED 34.5 SQ FT WITH BONUSSES (40 SQ FT PROPOSED). 2.) SECTION 1160.11 FOR A POLE SIGN BEING REQUESTED IN ADDITION TO A LOW-PROFILE SIGN. 3.) SECTION 1160.11 FOR THE AREA OF A POLE SIGN GREATER THAN THE PERMITTED 57.5 SQ FT WITH BONUSSES (108 SQ FT PROPOSED).

#### EXISTING CONDITION & BACKGROUND

- The proposed property is a corner lot with frontage on California Ave and Williamsburg Way. (No frontage along SR 62)
- The property currently has one low-profile sign.
- The applicant has submitted four new permanent sign applications for the property. (Wall Sign, Low-Profile, Low-Profile (variance), and Pole Sign (variance)).

- Section 1160.11 of Louisville’s permanent sign code states one low-profile sign per frontage is permitted, only if no pole sign.
- Section 1160.11 of Louisville’s permanent sign code states one pole sign per frontage is permitted, only if no low-profile sign.
- There are plans to remove the existing low-profile sign if variances are approved.

ZONING

Parcel: B-5  
North: B-5  
South: B-5  
East: R-1 (Nimishillen)  
West: B-5

DISCUSSION

- Variances are intended to alleviate a situation in which, for no public reason, zoning for an area more stringently burdens one parcel of land than others. *The zoning requirements do not impact the subject lot more stringently than others.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *The property frontage along California Ave has a 70 ft wide detention basin. No development, including signage, can occur in this detention area.*
- The standard to use in determining the merits of an area variance is whether the denial of the variance would result in “practical difficulties” for the property owner. The following questions need to be examined in considering an area variance:
  1. Can there be a beneficial use of the property without the variance? *Yes.*
  2. Is the variance substantial? *The requested area variance for the low-profile sign is 5.5 sq ft or 15.9%. The area variance for the pole sign is an increase of 50.5 sq ft or 87.8%. There is also a variance being requested to allow a pole sign in addition to a low-profile sign on the property.*
  3. Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment? *The adjoining property owners were notified of the variance requests.*

4. Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown.*

5. Can the problem be solved by some other manner other than the granting of a variance? *The problem is created by the proposed sizes and type(s) of signs.*

Tim Franta was present for meeting representing Canton Sign Co. Mr. Franta has been working with signs since 1968, and stated that if you can't read it, it's not a sign.

Mr. Franta explained to board members that the front of the property, along California Ave, has a large detention basin, hindering the placement for signage. There is also an unbuildable area of land separating the property from St Rt 62 which makes it difficult to see at the main intersection.

Mr. Franta stated that when traveling on St Rt 62 from Canton or Alliance, it is difficult to see how to access the property and having a larger sign will help alleviate this issue. Mr. Franta stated that the existing low-profile sign is useless, as you cannot see it. Board members agreed that you could not see the existing sign.

Member Barth questioned if any of the trees on the lot would come down. The trees could make the proposed pole sign difficult to see. Mr. Franta stated no trees were planned to be removed.

Member Casar asked if the sign would be lighted. Mr. Franta stated the sign would be internally illuminated with LED lights.

Member Sigler confirmed that the proposed pole sign was for visibility along St Rt 62, and then the low-profile sign was positioned for traffic along California Ave.

Member Sigler questioned the Aultman representative, Logan Miller, if the sign would state "no emergency services" available at this location. Mr. Miller stated no, because there is still available space and potential for an urgent care to relocate to this facility. Mr. Miller informed members the current facility houses a primary care practice, therapy services, and lab services.

Member Casar welcomed the representative from Cleveland Clinic, Peter Volas, who heads the real estate department for Cleveland Clinic. The Cleveland Clinic has an existing medical office south of the Aultman building property. Mr. Volas stated that he may also request to go before the board, if Cleveland Clinic had greater rights to gain with a larger sign.

MEMBER SIGLER MOVED, MEMBER HARRISON SECONDED, and the Motion carried to approve the first variance for the area of a low-profile sign as submitted. The vote: all yea.

MEMBER PHILLIPPI MOVED, MEMBER CASAR SECONDED, and the Motion carried to approve the second variance for a pole sign in addition to a low-profile sign. The vote: Phillippi yea, Sigler yea, Barth no, Casar yea, Harrison yea.

MEMBER CASAR MOVED, MEMBER SIGLER SECONDED, and the Motion carried to approve the third variance for the area of a pole sign as submitted. The vote: Phillippi yea, Sigler yea, Barth no, Casar yea, Harrison yea.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Magan Denzer  
Deputy City Clerk