

Westfield Township Board of Zoning Appeals

Public Hearing
November 5, 2015
TA Signage Area Variance

Vice Chair Moore calls the Public Hearing to order at 6:04 PM. Roll call: Simmerer- aye, Moore- aye, Stacy- aye, McGlashan- aye.

Not attending: Daugherty- daughter works for TA and Evans did not call.

David Gentile of GPD Group located at 5595 Transportation Ave., Cleveland Ohio is the representative of Travel Centers of America requesting an area variance for signage. The existing restaurant awning which advertises Country Pride is being revamped and is part of the signage. This sign is an additional 184 square foot to the existing signage allowed by zoning.

Gentile explained to the Board that the public does not realize that there is a sit down restaurant on the premises and this is detrimental to the business.

Gentile provided the Board a copy of his written answers to the Duncan factors. He also stated that there will be no electric or lights to the new (Country Pride Restaurant sign) and existing lights on awning will remain. This lighting will not be a substantial variance.

Moore addressed all of the signs on the property (Burger King, TC of America, Popeye, Starbucks) and that the zoning is written for a single business under Truck Stops of America. Current zoning allows 237 square feet and the variance is for an additional 184 square feet to advertise "Country Pride Restaurant" above the existing awning containing the "CP" initials.

The Board has accepted the following evidence:

Exhibit "A"- Application

Exhibit "B"- Old Sign picture

Exhibit "C"- New Sign picture

Exhibit "D"- Back side of Picture

ZI Sims told the Board that there were 19 letters sent to the area property owners and there have been no inquiries or responses back. This property is in the Highway Commercial District and is a multi-use facility.

Simmerer asked Gentile for the total square footage of the building not just the surface area. The Board began measuring the area and requested Gentile for the exact measurements (which he was unable to provide). Simmerer would like for evidence to be presented instead of just testimony.

ZI Sims explained to the Board that the Zoning Code for signage has been changed in 2009 and that the TA signage reflects the 2001 re-facing under the old code and has been charged by the township \$3,700.00 in zoning fees for signage under the previous zoning code. There is a variance for the Burger King sign in the past, but the re-facing is not exceeding the square footage amount previously approved; it

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was rearranging the numbers. The new Country Pride sign, however, will require a variance because it is a new sign (not a re-facing), therefore must be in compliance with the current signage zoning requirements.

Simmerer asked if there was any documentation that showed the square footage of each sign. He also asked that the Board label the square footage for each sign and then initial on the document.

Sims clarified that the square footage of the re-faced signs of this remodel is almost the same square footage that had been previously approved. ZI Sims was requiring a 'as built' drawing of all re-faced signs in order to update the records and GBD Group has agreed to provide these drawings in order to receive a zoning certificate for the new signs if the variance is granted.

Trustee Likley of 9585 Daniels Road explained that according to the application the signs have reached the total of 267 square feet and that the records indicate the Boards' approval in the past. Likley also stated that Mrs. Sims can provide the record to verify the approval of this ruling and the signs that exist are irrelevant to this applicant's request. The applicant also indicates that the new painted sign for the Country Pride Restaurant including the logo on the awnings are included in the 184 square foot variance before the Board tonight.

The Board discussed the linear feet of the building and discussed the need for the ZC to address multi-use facilities in the Zoning Resolution.

Moore stated that the record does demonstrate the evidence needed for the Board to have proof of the 2 variances previously granted.

Simmerer told the Board that the Country Pride Restaurant sign is 110 square foot and the painted sign will be 174 square foot. He also wanted the exact linear measurement of the buildings for the evidence.

Moore made a motion to accept the evidence of a 187 square foot variance for a Country Pride Sign as presented and to close the public hearing; seconded by McGlashan. Roll call: Stacy- aye, McGlashan- aye, Simmerer- no, Moore- aye. The motion passes.

The Board addresses the Duncan Factors.

#1- Simmerer states that the property can yield a return without the variance by altering the signs of the other buildings. The other board members state that the property cannot yield a return without the variance for a larger CP sign. The Board determines the property cannot yield a return without the variance.

#2- The Board agrees that the variance is substantial by adding an additional 187 square foot.

#3- The Board agrees that the essential character of the area is not affected

#4- The Board agrees that the variance will not adversely affect governmental services.

#5- Simmerer, Stacy, and Moore agree that the property was purchased with the knowledge except McGlashan did not agree that the owners had knowledge.

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#6- The Board had a split on the Duncan Factor of could the problem be resolved by other means; Simmerer and Mc Glashan agree that the existing signs could reduce their sizes and Simmerer states that safety of travelers could be affected with too many signs and cause accidents.

Stacy and Moore stated that the property needs to be advertised.

#7- The Board agrees that the spirit and intent of the township will not be affected.

#8- The Board agrees that practical difficulty does exist and the variance is granted as requested.

McGlashan makes a motion to grant a 184 square foot variance for the Country Pride Restaurant according to resolution section 407 of the zoning code; seconded by Stacy. Roll call: McGlashan- aye, Stacy- aye, Simmerer- aye, Moore- aye. The motion passes.

Stacy makes a motion to adjourn at 7:18; seconded by McGlashan. All said aye.

Respectfully submitted by:

Cheryl Porter, Zoning Secretary

Date approved: February 29, 2016

Vice-Chair Wayne Moore

Board Member Keith Simmerer

Board Member Jim Stacy

Board Member Greg McGlashan