

BOARD OF ZONING APPEALS MEETING
OCTOBER 16, 2012
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

II ROLL CALL

Members Present: Carolyn Ghantous, Lawrence Hawkins III, Ed Knox,
Joe Ramirez, Robert Weidlich and Jane Huber, (Mr. Reichert, resigned)

Others Present: Randy Champion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF SEPTEMBER 18, 2012

(Mr. Hawkins moved to adopt the September 18, 2012 Board of Zoning Appeals meeting minutes; Mr. Knox seconded the motion and with six affirmative votes from the Board of Zoning Appeals Members present, the minutes were adopted as written.)

V CORRESPONDENCE

Chairman Weidlich: Everybody should have gotten correspondence: Ordinance No. 31-2012

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the September 19th and October 3rd Springdale City Council meetings.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the October 9th Planning Commission Meeting.)

VIII SELECTION OF VICE-CHAIRMAN

Chairman Weidlich: Due to the fact that Mr. Reichert resigned and he was the Vice-Chairman of the Board, we need some nominations to fill that unexpired term of his until December when we vote new officers in. Do we have any nominations to be Vice-Chairman of the Board?

Mrs. Huber: I nominate Joe Ramirez.
(Mr. Hawkins seconded.)

Chairman Weidlich: Mr. Ramirez, do you accept?

Mr. Joe Ramirez: Yes, I do. Thank you.

(All Board of Zoning Appeals Members present voted in favor of Mr. Ramirez as the Vice-Chairman.)

IX CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

X OLD BUSINESS

- A. Chairman Weidlich: We have one item of Old Business on the agenda. The owner of 212 West Sharon Road has submitted an application for a variance to replace two existing ground signs with two 27 square foot ground signs at 0' setback. Variance is from Section 153.423(B)(3) "...All signage shall be no closer to public right-of-way than ten feet."

(No one came forward to represent the request and the Board of Zoning Appeals Members present, agreed to continue the request until the next meeting.)

XI NEW BUSINESS

- A. Chairman Weidlich: The next order of business is the owner of 370 Glensprings Drive has submitted for a variance to allow 603.75 total s.f. of signage. Said variance is from Section 153.531(C)(1)(b) "The maximum gross area of all permanent signs...shall be determined by the following formulas...Motorist Service (MS)...District: Maximum gross area of signs = (W X 1.5)+40 square feet."

Mr. Tom Drennen: I am the owner of 370 Glensprings Drive. I have submitted for a variance today for our signs and it is approximately 20 s.f. over the current variance that is allowed there now for signage which it now 583 s.f. and that was set back in 1978. We are asking for 20 additional square feet. Our logos are a little bit different. These signs include the street signs and the pole signs on the 275 exit and there is one on Route 4; all the square footages include those signs. I wasn't aware that when I purchased the property that those signs would count into my square footage. The previous owners rented those signs from the City. I am more than willing to utilize those again but it did add up to 20 square feet over.

(At this time, Mr. Campion read the Staff comments.)

(No one from the audience came forward and this portion of the public hearing was closed.)

Chairman Weidlich: Can you give us clarification of where each sign will be going on the building?

Mr. Tom Drennen: The left elevation will be the north sign; the picture entitled front elevation would be considered the west sign; and the right would be considered the south sign.

Chairman Weidlich: Does any of the Board Members have questions for the applicant?

Mr. Hawkins: It is good to have you in Springdale. The general concerns I have whenever we are looking at variances, these are things that are going to run with the land forever. The variance that gave the 583 square feet was a variance that was granted back in 1978, involving the pole signs including that square footage so it is something that we have to keep in mind for forever. We hope you are here forever but you and I may be gone and something else might be there, and they are going to have whatever variance that we have. This is something that we take pretty seriously. Have you considered the sign on the south elevation or the right elevation, as you turn into the property, that has "good food, good sports" underneath the "Beef O' Brady's" and I know that is obviously on the front

elevation or the west elevation, as well, but it is not on the north elevation, if you took off the "good food, good sports" then I think you would be within the numbers for the square footage and it would also allow for what you have on the north elevation? Is that something that you would consider doing?

Mr. Tom Drennen: It is something that I actually considered doing and this is a franchise and I went to the franchisor and we were trying to figure out ways to make this square footage work and the idea was to remove it on the other one but they have to have some type of identity from restaurant to restaurant and state to state and it was something that they weren't willing to bend on. They were willing to remove that tag line on the north end sign.

Mr. Hawkins: In terms of the franchise, do they typically have signs on all four sides of the building or does that vary?

Mr. Tom Drennen: It does vary. A lot of the restaurants are in-line shopping center leases. There are several that are stand alone sites that have multiple signs. This is the one very rare instance that there is a sign on the interstate. Actually, there is not one of those at all. We had to design signs to fit those molds. We went through the cost and even doing those signs and resurfacing the way they are now is just incredibly expensive and to even get cranes to the one on 275 is amazing. I was shocked about what that was. We had to design a whole new logo for those signs to even accommodate those.

Mr. Hawkins: Is it fair to say that there will be more signage at this franchise than any other location?

Mr. Tom Drennen: That would be one hundred percent correct. I would be willing to not do the pole sign on 275; it is owned by Howard Johnson and they maintain it, it is all their electricity. That takes 384 square feet of the signs that I am asking for and it is currently painted black and I don't think it is a distraction to anybody. If granted this variance, I would be more than happy to put our logo up there and utilize that sign so that it is not looking bad on the City. That is something that I am willing to do and take on that expense. What Bill McErlane recommended is to go ahead and apply for permits on signs, assuming that sign won't be added and if it is not included in the variance then to just leave that sign alone.

Mr. Hawkins: The one on the highway is probably the one that you are least interested in out of all the other ones?

Mr. Tom Drennen: Yes, it would be.

Mr. Knox: I am a little confused about the fact that there was a variance on that sign and why we are including it now if there was a variance on the large pole sign.

Mr. Champion: We are including it in this variance because in this zoning district the permitted allowable square footage is 230 square feet and they already have a variance for 583 s.f. They are applying for an additional 20 square feet, so that is the reason. If they came in with signage at 583 s.f. they wouldn't need a variance because that has already been granted. But, they are applying for an additional 20 s.f.

Mr. Knox: The square footage will be used for the three signs on the building.

Mr. Champion: And the one out at the road. That is what is in the original document from 1978.

Mr. Knox: Thank you; that clarifies my thinking.

Chairman Weidlich: Is there any way to reduce the other signs enough just to get the twenty feet out of them.

Mr. Tom Drennen: We pinched them a bunch. I think we have gone down from what we had initially applied for here about 140 s.f.; we cut them by half. With the logo, the smaller you get those letters, it just becomes out of scale to the building. As far as minimizing those as much as we could, we have pretty much done that already.

Chairman Weidlich: As Mr. Hawkins said, the variance sticks with the property forever and that has a huge amount of square footage for signage right now on it.

Mr. Hawkins: You can't convince the franchise holders to make that south elevation match the north side elevation sign? I understand that the franchise wants to market the same way but you are going to have that same logo on the pole signs; you have the same logo on the front. As you said a lot of the locations are store fronts where you would only have the front sign with the "good food, good sports" underneath it. The balance that you would have, in terms of the building, would still be pretty good as far as those two signs matching on the sides and you would be within the range of the variance.

Mr. Tom Drennen: I apologize because I don't have it in front of me right now, does that tag line equal 20 s.f.?

Mr. Campion: Twenty four square feet.

Mr. Tom Drennen: There is not much visibility to that sign anyway; you are pulling up to the light and the way it sits at the light it is barely visible anyway. I went to the franchisor and said I don't even want this sign; they won't do that, the most that they would compromise on that sign was to not have it lit. I really tried to work with them. I am hoping I am here as long as Perkins was, thirty five years, that would be fantastic. I understand the variances but that is 384 s.f.; we could eliminate that today and that variance is reduced by half. I think that would be the most fair. Those signs are pretty dated, they are spotlighted so they are not lit from the inside, which a lot of the signs are now. I recommend deleting that one out.

Mr. Hawkins: So, if the variance weren't to pass, that is what you would end up doing?

Mr. Tom Drennen: Yes. That is actually what Bill recommended doing. That is where we have been going to and if we were granted the variance today then we would have just added that into the scope of work for the sign contractors.

Mr. Knox: You are saying that you would like to delete the large sign from the request for the variance?

Mr. Tom Drennen: If the twenty square feet is unreasonable to grant tonight then I would assume that would be the most reasonable thing to delete out of there. But that sign is already there and I am willing to utilize it unless the City can find someone else to lease it. I would be more than willing to utilize it. I don't know who pays to take it down; does it stay up there black for the next ten years? I don't know.

Mr. Knox: My question is, if the applicant says to remove that then do we proceed any further?

Chairman Weidlich: I don't think we do because that would take away the 20 s.f. issue.

Mr. Campion: If the applicant removes the 384 s.f. expressway sign then there would be no need for a variance. The 583 s.f. will still be with the property and that variance will still stay in place. In the future, if you wanted to make that sign smaller by 20 s.f. you could. We have an ordinance that says that you have to either paint out signs or remove signage if it is not going to be utilized. You might still

have to take that sign down, I don't know. That is something we would have to discuss.

Mr. Tom Drennen: Is it mine to take down, or is it Howard Johnson's?

Mr. Champion: Whoever owns it; if you are leasing it from Howard Johnson's.

Mr. Tom Drennen: I tried to find that and I know that is where it is going to get real hairy, who is going to pay for that to be taken down.

Mr. Champion: But the 583 s.f. will remain with the property, so in the future if you want additional signage then you could do that.

Mr. Hawkins: Do you know if there is a time frame that Howard Johnson's will have to act on that?

Mr. Champion: When a business moves out they are supposed to remove or block off a sign within six months, I think.

Mr. Hawkins: Does block off just count as them blacking it out?

Mr. Champion: That is what I really need to check and read the ordinance. I know there is a six month time period when a business leaves that they have to do something with the signs. Usually, if a new business is going to move in we just make sure they are painted out so they are not obvious. Most franchises remove their signs when they leave.

Mr. Ramirez: If we agreed with the variance and you decided not to use the expressway sign, would he then be allowed to use that square footage in any other way if we haven't deemed that as part of the variance; such as putting 384 square feet of signage on the building?

Mr. Champion: Yes, he would.

Mr. Ramirez: Thank you.

Chairman Weidlich: What do you think, as far as the pole sign on the highway, do you want us to vote on the variance as it stands? Since we are at six members, a tie vote is a denial.

Mr. Tom Drennen: If the variance does get denied, then it defaults to the variance that is currently there? Because the sign on the highway is blacked out, then we will be fine with what Mr. McErlane suggested doing. I would assume I want a vote for the variance, as is.

(No further deliberation or discussion was presented.)

Chairman Weidlich: Would somebody like to make a motion?

Mr. Ramirez: I would like to make a motion to grant a variance for the owner of 370 Glensprings Drive to allow 603.75 square feet of signage and this would increase his square footage by 20 feet from the previous variance.

(Mrs. Huber seconded the motion.)

(At this time Mrs. Huber polled the Board of Zoning Appeals Members and with 3 "aye" votes and 3 "no" votes, the variance request for 370 Glensprings Drive was denied.)

XII DISCUSSION

Mr. Reichert: I wanted to come to talk to you and say goodbye. With our life change I am doing too much. I want to thank all the people here for their friendship, support and training years ago when I started. I learned and enjoyed and appreciated giving back to the community in this fashion. You are great people and I admire what you are doing and I hate to leave. I told Bob that I was thinking about this last month and then I talked to the Mayor and they put my resignation in immediately; that is why I didn't sit on the Board tonight. Thank you.

Chairman Weidlich: Thank you for your service Bill, we appreciate it.

XIII ADJOURNMENT

Mrs. Huber moved to adjourn, Mr. Hawkins seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:39 p.m.

Respectfully submitted,

_____,2012 _____
Chairman Robert Weidlich

_____,2012 _____
Secretary Jane Huber