

BOARD OF ZONING APPEALS MEETING  
AUGUST 19, 2014  
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: Joe Ramirez, Dave Nienaber, Lawrence Hawkins III,  
Ed Knox, Robert Weidlich, Carolyn Ghantous and Jane Huber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF JULY 15, 2014

Chairman Weidlich: Are there any corrections or additions to the Minutes from our last meeting of July 15, 2014?

Mr. Nienaber: I move for adoption.

(Mr. Knox seconded the motion and with a unanimous "aye" vote from the Board of Zoning Appeals Members, the Minutes of the July 15, 2014 meeting were approved.)

V CORRESPONDENCE

Chairman Weidlich: We had no correspondence this month.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the July 16, 2014 City of Springdale Council Meeting.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the August 12th, 2014 Planning Commission Meeting.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

IX OLD BUSINESS

(No Old Business presented at this meeting.)

X NEW BUSINESS

- A. Chairman Weidlich: The first order of business this evening is the owner of 718 Glensprings Drive is requesting a variance to allow a 10' x 10', 100 s.f. utility shed structure to be erected 3' from the rear property line and 4' from the side

property line. Section 153.067(B)(4)"All other structures...may be located in a rear yard but must be not less than five feet from any rear or side lot lines." Would the representative please come to the podium and state your name and address?

Ms. Mayla Ates: I live at 718 Glensprings Drive. The current shed is an 8' x 8' and what I would like to do is put a new shed, 10' x 10' in the same exact place. The reason is because I have a riding lawn mower and I think if I keep it in the same spot it will be easy for me to get the mower in and out of my shed, as well as the other equipment that needs to go in there, snow blower, wheelbarrow, outdoor equipment and garden tools. When the old shed was put in, my mother didn't realize that we had to have it 5' away from the property line and we put it where it is because we thought it would be a great spot to put it, and I figured I would just put the new one in its place; I would probably have to cut down the fence to make room for it. But that is the reason why I wanted to put it in that place verses moving 5' away from the property line.

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

Chairman Weidlich: Is there anyone in the audience that would like to speak on behalf of this application?

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

Chairman Weidlich: Board Members, does anyone have any questions for the applicant?

Mr. Hawkins: There may be some topographical change, some kind of slope a little bit in the side of your property; does it start to slope away a little bit towards your neighbor?

Ms. Mayla Ates: Yes. There is also a little wall. In the past there used to be railroad ties and they finally rotted away and we replaced that with something that would last a little bit longer and that was the retaining wall. Before we put the fence in we had a bush line on each side and so when the shed was placed we just stuck it there to kind of fill in the hole. The back yard is not that big, I have more yard in the front side; if I could pull my house forward to the side that would be better and would give me more backyard space.

Mr. Hawkins: Which is typical for most corner lots.

Ms. Mayla Ates: That is why I have a riding lawn mower. I used to have a push mower and decided that one day that might kill me and so I decided to use a riding lawn mower. Currently I keep my riding lawn mower in my garage and I would like to be able to place it in the shed. I figured it was a nice spot in the backyard and it didn't take up too much space. Now that I see it has to be that far from the fence, I see that it will be right smack dab in the middle of my backyard. I really believe if I put it where my old shed is, then to me in my mind it makes sense and looks better but then I have to rework the fence line.

Mr. Hawkins: Your fence line, as it would appear visually and as it appears in the pictures, goes right up to the shed?

Ms. Mayla Ates: Yes. Another reason the shed serves a purpose, as far as being aligned with the fence line is critters, which I have had some issues with and so I have had to fix some problems with that. With the new shed I am definitely going to address that just to make sure they don't get in. I have had to add a bottom part to my fence to keep them out. The shed kind of helps with that.

Mr. Hawkins: It is fair to say that your back yard being a corner lot, but the lot in general, the backyard of it is abnormally shaped?

Ms. Mayla Ates: Yes.

Mr. Hawkins: And you have far less space as a result of that?

Ms. Mayla Ates: Yes.

Mr. Hawkins: If you had the shed 5' away from the rear and the side then that would give you even less space in your backyard as a result of having a corner lot, is that fair?

Ms. Mayla Ates: Yes.

Mr. Hawkins: So do you have enough room, if a variance were granted to get behind that area without going onto your neighbors property to maintain that shed?

Ms. Mayla Ates: Yes, I do that now and my neighbor probably loves me for it. Yes, it would give me room to maintain it.

Mr. Knox: If you put a 10' x 10' shed in there in accordance with the zoning ordinances, then you would have to put up quite a bit more fence, wouldn't you?

Ms. Mayla Ates: Not really, if anything I would probably have to remove a post and take one down and maybe add another one, then add the supports and pickets. Right now, I think that I would take out eight pickets all together.

Mr. Knox: It says that the shed is estimated to be 3' from the rear lot line, which would mean that you would have to move it forward toward your house 2', would it not?

Ms. Mayla Ates: Yes, it would. The other thing that I was keeping in mind is when I swing the doors open, there is a patio sitting area with a tree that is shaded very well with patio furniture. It is a little sitting area. I put landscape timbers around it to keep the rocks in place. I am thinking of the radius for me to get into the shed.

Mr. Knox: As it stands what we are talking about is 1' in one direction and 2' in another direction. Where it is located now you are almost meeting the criteria.

Ms. Mayla Ates: It is off 2', but it would come out 2' more than what it does now. It would be a lot of maneuvering that I would have to do and I would have to fix that area where those rocks are.

Mr. Knox: As you look out the door of the current shed, there is something on a concrete platform, I was curious what that is?

Ms. Mayla Ates: That is the rock area that I was talking about.

Mr. Knox: If you move the 10' x 10' shed forward to meet the 5' criteria, how close would you get to that rock pile?

Ms. Mayla Ates: Probably not too close but I am just thinking of what it would take to get my riding lawn mower in.

Mr. Ramirez: I noticed that the house on Fairsprings Court is for sale, and that is one side of your shed, is that correct?

Ms. Mayla Ates: Yes.

Mr. Ramirez: I am taking into consideration that a new neighbor may be seeing this new shed closer to their property line than is normally acceptable. Another thing is that I saw on the brochure for the new shed that it is 10' high. It is not a zoning problem being 10' high but since it is closer to the neighbor, it is also higher because it will be 10' at the highest point of that shed. The Fairsprings location doesn't look like they have much of a back yard. I used to live on Fairsprings. They are going to be restricted by some of the view that they are going to have by a 10' high shed and being closer to the property line. That is just the statement that I

would like to make. Also, like Mr. Knox said, you are really close to being with the Code, you would only have to move it 2' and then only 1' in the other direction away from that fence. I know it is going to take up more room, take up more of your backyard. With that being said, have you entertained looking at another 8' x 8' shed.

Ms. Mayla Ates: I did but I don't think it is going to give me the room that I need to put my riding lawn mower and the other equipment that I need to put in the shed, as well. If I use an 8' x 8' and I pull my tractor in, I may have to put it in and over so that I can accommodate everything else.

Mr. Ramirez: I understand, once you get inside an 8' x 8' it is not much room inside that shed.

Mr. Nienaber: Is there anything that would keep you from rotating the shed so that the door faced your driveway and at that point you wouldn't have that odd turn to get your lawn mower in?

Ms. Mayla Ates: As far as my backyard is concerned, I have it all planned out as to where different things are going to go. That area right there, I have a plan to put my two grills and maybe a table and chair. In one corner I plan on putting a solar powered water fountain and I thought that if I am in my living room and it is working it would be nice to look at. I also plan on putting a vegetable garden next to the area that you are talking about.

Mr. Nienaber: The other question was, when I look at the site plan it looks like the left rear corner of the shed is actually right on the property line?

Mr. Champion: The very first picture, a Cagis photo, the Building Official is saying that it is a foot off of the property line at that corner, and then I would say it is 3' or 4' at the farthest point on that same side.

Chairman Weidlich: Those red lines represent the property lines, is that correct Mr. Champion?

Mr. Champion: Yes, without it being surveyed. It is not accurate but that is the information from the County.

Mr. Nienaber: The way I was looking at it, it looked like it was right on the property line at the left rear corner. If that is not the case, fine.

Mr. Hawkins: Mr. Champion, there is no issue with the size of the shed requested?

Mr. Champion: No, it is a permitted size.

Mr. Hawkins: And there is no issue with regard to where the fence is?

Mr. Champion: No.

Chairman Weidlich: One of the reasons we ask so many questions about a shed and then we have the 5' setback is the ability to maintain the shed by having space between your property line and your shed. Also, when we grant a variance, it stays with the property forever so anyone that would buy your house fifty years from now would still have the same setback variance that you were granted. You mentioned something about reworking the fence, it appears that it is about 3' off of the property line right now.

Ms. Mayla Ates: Yes.

Chairman Weidlich: Is that something you are planning on doing?

Ms. Mayla Ates: That fence is new, it was put up in 2010 or 2011. That fence line was based on when the bushes were there; it made a natural fence line for us but

after awhile we just got tired of cutting those bushes down and we decided to cut them down altogether and I suggested to my mother to replace them with a fence. The shed was there before the fence was put up. The previous owner planted a honeysuckle bush that got overgrown so at the time the shed didn't make a difference because you really couldn't see it; that was her way of having privacy on her property without getting a fence. The one time I questioned about getting a fence is when I had a deck put in and I called the City and they said that I had to have a permit, so I did that. You would think for big things like that you would get a permit but I didn't realize you need them for a fence or a shed.

Chairman Weidlich: If there are no more questions for the applicant, we will move on to deliberation or discussion if anyone has anything to discuss.

Mr. Hawkins: I will note for the record that I find that there are some exceptional circumstances that the applicant is dealing with, with regard for her request for a variance. One, it is a corner lot and therefore she is limited in what she has for backyard space. Her front and side yard are much bigger. The backyard is also an irregular shape and it does appear that there may be some topographical issues, as well. I also find that if a variance is granted it is not a substantial variance; we are talking about 1' difference from the side yard and 2' difference from the rear yard.

Mr. Knox: I move to grant a variance to the owner of 718 Glensprings Drive to allow a 10' x 10' (100 s.f.) utility structure to be erected 3' from the rear property line and 4' from the side property line as referenced in Section 153.067(B)(4)"All other structures...may be located in a rear yard but must be not less than five feet from any rear or side lot lines."

(Mrs. Huber seconded the motion and with four "aye" votes from Mr. Knox, Mrs. Huber, Mrs. Ghantous and Mr. Hawkins and three "no" votes from Mr. Ramirez, Mr. Nienaber and Chairman Weidlich the variance was granted by a vote of 4-3.)

- B. Chairman Weidlich: The next order of business is the owner of 175 Progress Place is requesting a variance to allow two signs on the I-275 frontage; Section 153.532(A)(1)(c)"Real estate signs...One ground sign is permitted for each street frontage..."

Mr. Kevin Smith: I am with First Highland, the ownership group of the property. We are requesting the variance because given the size of the property at 62 acres and nearly 1/2 mile of frontage along 275, we feel to best market the property to prospective tenants and users we needed to have more than one sign along 275 and then have a sign large enough at the entrance of the property off of Progress Place that would describe the redevelopment project and what is available to prospective tenants.

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

Chairman Weidlich: Is there anyone in the audience that would like to speak on behalf of this application?

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

Mr. Nienaber: I should recuse myself from this because I am selling products into that job.

Chairman Weidlich: If that is your decision, thank you.  
Board Members, does anyone have any questions for the applicant?

Mr. Hawkins: Mr. Smith, with regard to the signs on Progress Place, is there any reason or issue that you can't comply with the setback or is there any rationale for why they are right out there on the property line verses being back 10'?

Mr. Kevin Smith: Sign "A-1" is the original realtor marketing sign that has been up at the property for several years. We did not put that up, it was put up by the brokers that marketed the property. Frankly, that should probably come down and it didn't really dawn on me until this hearing that we don't really need two signs there with the same phone numbers on them. I would offer to take "A-1" down just for clarity purposes for prospective tenants. There is no need to have that there. There was no strategy where "A" went, I think the sign company was just directed to erect it on the island and they put it up as close as they thought it should go to Progress. I would say that given the amount of traffic that is on Progress Place, it is not really a through street. The idea was that if somebody is going down 275 either way at 65 miles an hour then they will look once and hopefully twice at the large signs close to the highway and then hopefully loop back around to Progress Place, read the information on the sign and then inquire. We chose that strategy verses having big banners on the building that say it is available because we felt that we wanted to attract companies or individuals that had better interest than someone just calling a phone number. The signs have a lot of information and probably more information than should be on a highway sign; if you are driving by fast it is hard to gather all of the information on the signs which is pretty much why they all say the same thing. The goal is to have someone see the highway signs, be interested and loop back around to look at the sign on Progress Place. It has already worked with one prospective company on a weekend drive with family didn't realize what was going on and saw the activity and looped back around and called us on Monday. So to answer your question, "A" could probably be set back, it isn't critical. The closer it is we feel is better for marketing purposes. "A-1" could certainly go.

Mr. Hawkins: O.K., I appreciate that. Do you know how many feet you can get back into that tree without having to take it down? I could assume you could at least get 5'?

Mr. Kevin Smith: I would think we could. It is a "V" shaped sign so we could probably put the tree in the middle of the "V".

Mr. Hawkins: In regard to signs "B" and "C", along the interstate I believe they are about 5' from the roadway?

Mr. Kevin Smith: There is a fence that runs along the grass line, I am not sure if that is the right of way or not but we got as close to the fence so that it could be seen the best from the highway. Just trying to get visibility.

Mr. Hawkins: As you indicated they are significant in size, can you get 10' without getting onto the pavement?

Mr. Kevin Smith: I am not sure.

Mr. Hawkins: I see that behind "C" you may have 3' to 4' before you would hit the drive that is back there. On "B" there is plenty of room, is there any topographical issues that slope toward the fence?

Mr. Kevin Smith: It slopes, we are kind of at the crest. I think the directive of the sign company was to get as high as they could for visibility purposes.

Mr. Hawkins: Behind the sign does it start to dip down a little bit?

Mr. Kevin Smith: It slopes toward the drive.

Mr. Hawkins: At some point does that elevation start to change again and go up again as you get closer to the drive?

Mr. Kevin Smith: No, it does not rise up again until you cross the drive and towards the building and then there is a nice hill.

Mr. Hawkins: Is it fair to say, if you went back with regard to "B" to 10', you would decrease your visibility to some extent because of the topographical issue because it starts to slope?

Mr. Kevin Smith: Yes, you wouldn't be as high and then again we were trying to capture as many eyes that were coming onto 275 from the on ramp. Part of this whole marketing initiative was to receive permission to clear out that right of way because that right of way hillside was full of honeysuckle and you couldn't see much of anything of the property except the upper elevation of the building. We cleared the right of way with an ODOT permit to open up the property so that people could get a good look at what has been hidden for so long.

Mr. Hawkins: And with regard to "C", it doesn't appear that there are any topographical issues there that works to your detriment; it looks like it gets higher as it gets closer to the road.

Mr. Kevin Smith: It gets higher as it gets closer to the road and gets higher as you travel west. Our next plan with ODOT is to clear from the "C" circle west; that will all be cleared of the honeysuckle and some dead vegetation. The goal would be when you are coming from Pictoria traveling east then you would see a nice clean bank.

Mr. Hawkins: Do you have any idea how many feet you can get back toward that road with regard to sign "C".

Mr. Kevin Smith: I don't know.

Mr. Hawkins: Does Staff have any idea how many feet we are dealing with on sign "C", between the post and the road?

Mr. Champion: Did you say the sign is two 8' panels?

Mr. Kevin Smith: Correct.

Mr. Champion: Based on the photograph, I would say that you are at least 10', maybe 11' before you hit that curb.

Mr. Kevin Smith: I don't know but it could be.

Mr. Hawkins: That sign could be pushed back and be within compliance of 10', it would appear.

Mr. Kevin Smith: Probably.

Mr. Champion: And it would actually be higher elevation since it is sloping up.

Mr. Kevin Smith: Perhaps.

Mr. Hawkins: I know the applicant is asking for temporary signage, I want to be clear with regard to this Section of the Zoning Code, are we talking about temporary signs or are we talking about literally granting signage for whatever?

Mr. Champion: What you are granting, we allow for them to put one temporary sign up and you are allowing them to have two.

Mr. Hawkins: And how are we defining temporary, in terms of the timeframe?

Mr. Champion: I don't know if that is spelled out. We do allow realtor signs and when projects are under construction we allow them to put a sign up. I guess we would look at temporary as when the building is finished or marketed or occupied, then this sign would have to come down.

Mr. Kevin Smith: The long-term plan would be to take the temporary signage down. We are working with the sign company for a master park sign plan, which would be permanent signage, monument sign and directional signs; Progress Park that would bring people from Crescentville Road over to Progress Place, tenant identification. This is strictly trying to get people who are driving by on the highway to do a double take and think that it is not the Avon building, it is Progress Park.

Mr. Knox: I would like to address the signs in reverse order. Sign "C", if it was moved further away from 275, would get within 10' of the roadway that is there. I don't see really how that can be moved. Having two signs there, since you have 2600', I don't think that is an abnormal request. I would support what Mr. Hawkins was talking about on sign "A-1"; it is not really necessary, I don't know how many people would ever see it where it is at. "A" is very close to the roadway and I would prefer if you could move that back without hitting the tree back there.

Chairman Weidlich: You are in agreement to remove sign "A-1" then?

Mr. Kevin Smith: Yes.

Chairman Weidlich: Then we can remove that from our variance list this evening. Mr. Campion, relative to what Mr. Hawkins was talking to you about, since these are signs permitted during construction and that phase, then they could be removed afterwards, correct? We would be granting a variance for basically construction signage, I guess you would say?

Mr. Campion: Well yes and no. You are granting a variance to allow two frontage signs on 275 and two signs on Progress Place; well, one sign is being taken away. With a piece of property this big it may not be a bad thing to have a variance that would allow them to market two signs on this property in the future. You are granting two temporary signs to be allowed on this 275 frontage.

Chairman Weidlich: Temporary signage is within our Zoning Code because of basically the construction?

Mr. Campion: Yes. The Zoning Code says that you can only have one. It would be the intention that these signs would go away when there was a tenant but in the future you could bring two signs back.

Mr. Ramirez: Just to be clear, on those signs, we are not changing the allowable square footage for the building; is that correct? These are only for temporary signs so that when these go away it doesn't mean that they can also put in some sort of an advertising type of sign up there?

Mr. Campion: Yes. This is temporary signage to market the building. It doesn't mean that you are granting a variance to have a sign out there permanently.

Mr. Hawkins: Going back to Sign "A" where there is also a variance being requested for exceeding the maximum 50 s.f. allowed, you are trying to be visible obviously from Progress Place but are you also trying to capture folks seeing that sign "A" getting on the highway?

Mr. Kevin Smith: Sign "A", "B" and "C" are essentially the same information but different pictures. The idea was that someone seeing the highway signs would loop back around and come up to sign "A", pause as they are driving and see what is going on with the project. Everyone still calls us the Avon building, for natural reasons and everyone still thinks that whatever is going on is Avon and we want someone to drive by, see "A" and see that Progress Park is a building that is offering a mixed use redevelopment and land opportunities. We are trying to shove a lot of information on a sign to get people's attention but not have what the marketing people call "information overload".

Mr. Hawkins: With regard to sign "A", who is it that you are hoping to see sign "A", is it just the folks on Progress Place or are you also hoping that somebody else on the highway is going to see that too?

Mr. Kevin Smith: Someone on the highway. It is very unlikely that someone is going to drive down Progress Place and say, "Here is a building that I can lease".

Mr. Hawkins: Has anybody done any measurements on how far away that entrance is from the highway?

Mr. Kevin Smith: How far the entrance is from Progress Place; no. Maybe a mile.

Mr. Hawkins: It is fair to say it is a significant distance that you are hoping to have folks be able to see that sign "A"?

Mr. Kevin Smith: If someone would come back around Progress and drive down Progress Place.

Mr. Hawkins: Are you hoping also if someone were on the highway?

Mr. Kevin Smith: No, no one would see sign "A" from the highway.

Mr. Hawkins: So just from coming back around?

Mr. Kevin Smith: Right. We talked with the folks at Tri Health and they were o.k. with the whole redevelopment because we have talked with them about trying to team up with their property and ultimately do something between the two of us, either we work with them or if they need more land for a future office / medical need then they could get some of our land. We were just making sure that our neighboring property knows what is going on with our property.

Mr. Hawkins: With sign "A", you are hoping that someone on 747 can see that too?

Mr. Kevin Smith: No.

Mr. Hawkins: Is there any basis for that sign being over the 50 s.f. size?

Mr. Kevin Smith: Just given the amount of information on it and assuming that someone is driving by as they are trying to read it. That is really the only place where we have a sign where someone can pull up and read the information. There is nothing on Crescentville Road where we have a flag driveway. Most of the Avon employees enter off of Crescentville Road. We didn't put anything at the end of Progress Place, we just chose that Progress spot next to Tri Health as being the primary information spot.

Mr. Hawkins: You can live with a 5' setback on sign "A", pushing that back closer to that tree?

Mr. Kevin Smith: If that is necessary, I will do it. I respect the City's reasons for having these laws and if there is a reason for that then we will have to live with it.

Mr. Hawkins: With regard to sign "C", what does the topography look like as you go further west?

Mr. Kevin Smith: It is kind of a ridgeline as you head west on that same line; obviously it gets tighter to the parking area and tighter to the fence and wedges together and that is where we are going to be getting more clearing within the next thirty days, when we finish the clearing project.

Mr. Hawkins: You are indicating that you could meet the 10' setback on sign "C", from where it is? The topography ends up going up on an incline as you get closer to the roadway.

Mr. Kevin Smith: I am not sure, I can try. I think the idea was that we have a barrier between the eyeballs on the highway and the sign.

Mr. Hawkins: Sure, I can understand that. The other side of it may be with the higher elevation you may increase your visibility too. I understand both ideas. You are talking about 5' going back, not 20' but you are also talking about 5' going back and going up, where that barrier on the fence may be less intrusive to the person being able to see. The question is whether you need a variance for sign "C" and go back 5' more and hit the 10'.

Mr. Kevin Smith: We could try to do that. Yes, we could try to move back.

Mr. Hawkins: Do you want this Board to consider that?

Mr. Kevin Smith: I would like for the Board to consider keeping the sign where it is.

Mr. Hawkins: O.K.

Mr. Champion: But they will also need variances for the size of the signs too.

Chairman Weidlich: So the sizes of the sign should be 100' on the highway side also, is that what you are saying?

Mr. Champion: Yes. Sign "A" exceeds the maximum by 50 s.f.

Chairman Weidlich: I was referring to "B" and "C". He needs a variance on the size of all three signs?

Mr. Champion: Yes.

Chairman Weidlich: If no one has any further questions, we will move on to deliberation and discussion on the evidence presented.

Mr. Hawkins: I think that the 62 acres and 1/2 mile of frontage is significant and may create an exceptional circumstance with regard to the consideration of having two signs on the interstate side on I-275 frontage because of how much space that takes up. With regard to the size, particularly signs "B" and "C", exceeding the 50 s.f. permitted, I also find because of the size of that frontage and the ability for drivers to see from a significant distance away on the highway, I-275, it would be appropriate for those signs to be beyond the 50 s.f. size. I do believe that it sounds like the applicant, with regard to sign "C" probably could make the 10' setback and moving that back another 5' to hit the 10' setback, appears that it would actually benefit visibility with regard to the topography where it goes up and so the sign would be at a higher elevation. Also, I find the applicant has indicated that he can move that sign "A" back 5' which, while it is not 10', it is better than zero and would find again that the size of the frontage may warrant being a little bit closer to the roadway opposed to the full 10' setback. Also, I would make the suggestion that maybe these get tackled and broken down as Staff has listed in subsection C, as opposed to doing them all at once.

Mrs. Huber: I am probably by myself here but we lost Avon, we lost a lot of revenue for the City. Here we have someone now who wants to develop this site and we are arguing about the size of real estate signs on an interstate where probably most of the traffic wouldn't see them anyway because they are going so fast. I just don't understand why we have to be so critical about real estate signs that are not permanent in the way of permanency.

Mr. Knox: The next time you hire a sign company, I would strongly suggest that you have them contact our Building Department and we could have avoided a lot of this that way.

Chairman Weidlich: If there are no more questions for the applicant. Let's start out with Item "A", the two signs on I-275, street frontage, as the first variance. Should we add the square footage and the setback into the variance?

Mr. Campion: You can if you want.

Mr. Hawkins: I would go through individually. I would attack what Staff has in 6-A and then 6-B is no longer an issue because the applicant has indicated that we get rid of A-1, so we don't have to address that. Then I would address, with regard to 6-C, we could address all A, B and C or individually in terms of the size overall. I would suggest doing 6-D without the A-1 and E. I think we should go individually. The only question that I have, if folks want to do all of the sizes together?

Chairman Weidlich: I agree, we will start with 6-A, the two signs on I-275 street frontage; do we have a motion for that?

Mr. Hawkins: I move to grant a variance to the owner of 175 Progress Place, requesting a variance to allow two signs from Section 153.532(C) allowing there to be two signs on I-275 street frontage for temporary signage with regard to real estate signage.

(Mrs. Ghantous seconded the motion and with 6 "aye" votes and Mr. Nienaber recusing himself, the variance for two signs on I-275 was granted.)

Chairman Weidlich: So for 6-B, the two signs, the applicant has agreed to remove "A-1", so that we don't have to cover that one with a variance. The applicant has agreed to take care of that. So, 6-C, the size of sign A, exceeds the maximum of 50 s.f.

Mr. Knox: I move to grant a variance to the owner of 175 Progress Place to allow the sign designated as "A" to exceed the maximum square footage, as it exists and to have it set back at least 5', as referenced in Section 153.532(C).

Chairman Weidlich: Was your motion to set it back 5' or 10' from the property line?

Mr. Knox: At least 5'.

(Mrs. Ghantous seconded the motion and with 6 "aye" votes and Mr. Nienaber recusing himself, the variance for sign "A" to exceed the maximum of 50 s.f., as it exists and to be setback at least 5' was approved.)

Chairman Weidlich: So that covered 6-D also then because of the setback and the size. We need to address signs "B" and "C" for 5' setback from the interstate right of way. Can we have a motion on that?

Mr. Campion: Do we need a size variance for the signs on 275?

Mr. Hawkins: We might as well put those two together.

I make a motion to allow the owner of 175 Progress Place, regarding a request for temporary signage to allow what has been defined as sign "B" to exceed 50 s.f. and no more than 64 s.f., as well as allow it to have a 5' setback from the interstate right of way as referenced from Section 153.532(C).

(Mrs. Ghantous seconded the motion.)

Mr. Ramirez: There are 64 s.f. but there are two of them.

Mr. Hawkins: I will amend the motion to allow 2 - 64 s.f. "V" shaped signs, as it currently exists.

(Mrs. Ghantous seconded the amendment to the motion, with 6 "aye" votes and Mr. Nienaber abstaining, sign "B" was approved.)

Mrs. Ghantous: We still need to vote on sign "C".

Chairman Weidlich: Could we have a motion for the sign designated as sign "C"?

Mr. Ramirez: I move for a variance at 175 Progress Place for the sign "C", to allow it to be the same conditions as sign "B", which would allow for 2 - 64 s.f. signs and a setback of 10'.

(Mr. Knox seconded the motion.)

Mr. Ramirez: I have a correction, because the "C" sign is 10' x 10' each, I would like to amend my motion to 2 - 100 s.f. signs.

Mrs. Ghantous: The applicant asked to be able to leave that sign "C" where it is and it is currently at 5'; for the sign to remain where it is now.

Chairman Weidlich: Our motions are for what is requested and we either approve or deny that request, which would be the 5'.

Mr. Champion: Well it depends on if the applicant wants to change what he has requested. You can vote on the motion as presented or agree to work something out.

Mr. Kevin Smith: I would like to keep it at the 5'. It is an 8' x 8'; all the signs are the same.

Mrs. Huber: One is 8' x 8' and the other is 10' x 10'.

Mr. Champion: I thought one sign was a lot bigger than the other one, on the expressway. Sign "C" looks taller to me.

Mr. Hawkins: Staff comments indicate specifically 10' tall and 10' wide.

Chairman Weidlich: The graphics are different on sign "B" and sign "C".

Mr. Champion: In looking at the rear view picture of sign "C", there are two sections that are probably 4' and then there is an additional 2'; I think that sign is 10' x 10' based on the framework on the back of the sign, they don't make plywood in 10' pieces usually.

Chairman Weidlich: Sign "C" has four posts counting the front center posts and sign "B" has only three.

Mr. Kevin Smith: I would request that the existing signs remain the existing size, with the understanding that they are temporary.

Mr. Ramirez: I would like to amend my motion to 2 - 10' x 10' "V" shaped signs and to allow the current setback to remain at 5'.

(Mrs. Ghantous seconded the amended motion and with 5 "aye" votes and 1 "no" vote from Mr. Hawkins, Mr. Nienaber abstaining the request was approved for sign "C".)

Chairman Weidlich: Your variances are approved, thank you for your patience.

Mr. Kevin Smith: Thank you for your time.

## XI DISCUSSION

(No Discussion presented at this meeting.)

## XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 8:31 p.m.

Respectfully submitted,

\_\_\_\_\_,2014 \_\_\_\_\_  
Chairman Robert Weidlich

\_\_\_\_\_,2014 \_\_\_\_\_  
Secretary Jane Huber