

BOARD OF ZONING APPEALS MEETING
NOVEMBER 19, 2019
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Mr. Ramirez

II ROLL CALL

Members Present: Joe Ramirez, Dave Nienaber, Robert Weidlich, Carolyn Ghantous, Carmen Daniels, Douglas Stahlgren

Absent: Jeffrey Anderson

Staff Present: Gregg Taylor

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF OCTOBER 22, 2019

Chairman Ramirez: At this time the chair will accept a motion for the minutes of October 22, 2019.

Mr. Nienaber: Move to accept.

Mr. Weidlich: Second.

Chairman Ramirez: It has been moved and second.

(Voice vote taken and the minutes were approved with a vote of 5 – 0 with 1 abstention, Mr. Stahlgren.)

V CORRESPONDENCE – None.

VI REPORTS

Report on Council

Chairman Ramirez: Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. City Council met on Wednesday, November 6. We had three ordinances and one resolution. Ordinance No. 41-2019, authorizing the Mayor and Clerk of Council to enter into a contract with Clark Schaffer for the audit of the City of Springdale for the years ending 2019 through 2023. That passed with a 7 to 0 vote. We had Ordinance No. 43-2019 providing for the issuance of not to exceed 1,320,000 real estate acquisition bond anticipation notes 2019 renewal by the City and the anticipation of the issuance of bonds providing for the pledge of payments of such notes. That passed with a 7 to 0 vote. We had Ordinance No. 44-2019 authorizing the Mayor and Clerk of Council to enter into an amended agreement with MediSync Midwest LLC, related to a job retention and incentive agreement. That passed with a 7 to 0 vote. Then we had Resolution R18-2019 and that was about the creation of the Springrose Meadows Community Authority and declaring the authority of the committee and the method of selecting the board of trustees. That was passed with a 7 to 0 vote. Does anybody have any questions? That will conclude my report.

Chairman Ramirez: Thank you for that report.

Report on Planning Commission

Chairman Ramirez: Planning Commission, Tri-State Signs for 1141 East Kemper Road, Springdale, signage for, it was a Development Plan that we had for Umiya Dahm which was an Indian group that was looking to put a church, recreation center, training center on Century Blvd. and I think these same folks are here tonight for signage. Also, we had Jake Sweeney Alfa Romeo, 85 West Kemper for signage. We had a similar signage for their Mitsubishi the previous month. Crafty Crab, 11790 Springfield Pike. A minor improvement requiring Planning Commission approval. They were after signage. Their signage, they were looking to add what looked like a crab above their sign which was different than all the other signages in the plaza so after discussion we did approve their signage as well with a 7 to 0 vote. Springdale Commerce Park, Buildings 2 & 3, revised development plan. We had a little bit of conversation and what came about is that they were looking to move the lighting, change that from 15 feet to 18 feet. They were looking to raise the signage to what?

Mr. Taylor: It was 30 feet.

Chairman Ramirez: 30-feet. In the end we had some discussion why they wanted to change the lighting this far into the plans and in the end they decided that they would like to continue the meeting so that did not go forward. We did not vote on that. That is all that we had. Unfortunately, I can't get more detail, I don't have the minutes of the meeting with me. Finally, we had the Zoning Code text amendments and that was part of a public hearing. Lastly that's all we had. I'd be happy to share with anybody that wanted more details on the report on the Planning Commission. I apologize for not having that with us. Any questions on that or anything I can answer for you I'd be happy to do that yet today.

VII CHAIRMAN'S STATEMENT

Ladies and Gentlemen, this is a Public Hearing, and all testimony given in cases pending before this Board is to be made a part of the public record. All testimony and discussion relative to said variance is recorded, and it is from this recording that our Minutes are taken.

Citizens testifying before this Board are directed to sign in on the clipboard in the rear of the room, take their place at the podium, state their name and addresses and the facts as they are pertinent to the subject before this Board.

As this is a Public Hearing, being sworn in prior to giving testimony is required by law.

At this time, please stand up, raise your right hand and repeat after me:

If you think you may want to testify make sure that you have signed in at the back. Okay. Raise your right hand and repeat after me:

Mr. Lynch: Can I say something.

Chairman Ramirez: Raise your right hand.

Mr. Lynch: About being sworn in. I'm sorry, I don't mean to complicate the matter. I am the attorney on behalf of the applicant and I am going to state the facts as they have been presented to me. For that reason, I swear to tell the truth as it has been presented to me but I cannot swear under the oath that you are requiring me to present and there's

Chairman Ramirez: Well simply that is what I am going to ask you to do. So if you would just repeat after me. It is just going to say that you are going to tell the truth as you know the truth.

Mr. Lynch: Okay

(Chairman Ramirez continued with the Chairman's Statement)

*I (state your name)
Do solemnly swear
To tell the truth, the whole truth
And nothing but the truth,
So help me God.*

Please be seated. Please be advised that anyone who was not standing and sworn in cannot testify unless they request the Chair to be sworn in as they come up to the podium.

Chairman Ramirez: At this time please remember to turn off or turn down your cell phones or any other communication devices.

VIII OLD BUSINESS

None.

IX NEW BUSINESS

- A. Century Plus Partners, LLC, 11590 Century Boulevard, Springdale, Ohio, variance request from section 153.459(C) to allow an additional ground sign that would exceed a total of 50 square feet in area. (Application 3594)

PUBLIC HEARING

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. This was a subject of the Planning Commission meeting last week as Mr. Ramirez indicated. If I can make my magic device work. This is a CAGIS aerial of the subject here. This is Kemper Road along the top here and this slide is oriented so that north is basically up. This is Century Boulevard right here and the Umiya Dahm property is this piece here that its actual address is 1141 East Kemper Road. The unique factor here is that this particular property, while it has legal frontage on Kemper Road they cannot use Kemper Road for an access point because of the traffic situation along Kemper Road. In fact at one point they had requested access on Kemper and the City encouraged them to abandon that plan. So, there is, along here, along the southern property line of the property at 11590 Century, which is this office building on the corner here, there is an access easement that goes from Century Boulevard over to this property at 1141 East Kemper. I am going to go ahead and click to the next slide which shows the site plan of the future development. Now, unfortunately this slide is oriented so that north is to the right instead of up and down. It is a better depiction of what is going on on the site and it also shows the subject why these folks are here to talk to you all tonight and that is because they wish to place a ground sign right here that is actually on the property belonging to 11590 Century Boulevard. This property, because it is on a corner, the property I am talking about here on the Century Boulevard, is entitled to have two ground signs. They have one currently that is a compliant sign near the corner of Kemper and Century Boulevard. The issue here is, the folks that are developing this property here, the Umiya Dahm property, in order to put their ground sign, which they would be entitled to 100 square feet, however; they would have to put it on this little tiny frontage on Kemper Road, which serves no purpose for them because people can't go in and go out there. So, the long and the short of it is they have asked to construct this sign, within the easement of the 11590 Century Boulevard property and the issue here is that this monument is about 64 square feet and our code limits the size of a second ground sign to 50 square feet. So, the proposal here, the ask for the variance is actually to allow them to construct a second sign on that property that has 100 square feet of area because they would normally be entitled to 100 square feet of sign area. So, at the end of the day there is a very unique situation here in that the property that we are seeking to identify does not have a realistic access onto Kemper Road and so they are really not asking for anything other than any other property in the City would be entitled to.

It just happens to work out that it needs to be on this access easement across another property. So, again the request is that they be permitted to have a second ground mount sign on the 11590 Century Boulevard property not to exceed 100 square feet and all other aspects of the zoning code would remain the same, the setback from the right-of-way, the base of the monument sign, the landscape bed that accompanies it, all that stuff stays the same. There's no variance request from any of those code requirements. The only request is to change the maximum allowable square footage from 50 to 100 square feet. I hope I didn't confuse the issue. That's all I have Mr. Chairman.

Chairman Ramirez: Thank you for that report. Applicant would you please step forward and see if the board members have questions for you?

Mr. Lynch: Thank you Mr. Chairman.

Chairman Ramirez: At this time if you would like to make a statement, I have your letter in hand but if you would like to summarize and anything that Mr. Taylor may have not covered on your behalf.

Mr. Lynch: I would love to. Mr. Taylor did a great job. Exactly what we are asking for. We want to identify our property. The applicant wants to say, we have a technical address of 1141 East Kemper Road but you can't access the property from there you have to come on to Century Boulevard in order to do that. The best way of identifying the property is to locate this sign in an area where we do not have frontage. Century Plus Partners has allowed Tri State Umiya Dahm to erect a sign on its property next to what will be the access easement drive and there's a sign agreement in place. As you see on the board this is a sign that we are proposing. As Mr. Taylor stated, it is approximately 64 square feet and just like every other property, when you drive down Century Boulevard and continue on to Century Circle we would like to similarly identify the property access for Tri State Umiya Dahm. I'd be happy to answer any specific questions that the board has.

Chairman Ramirez: Board members any questions for the applicant? I have one. We will maintain, since it is not your property, who is going to maintain the grass, weeds and whatever else needs to be maintained on that sign?

Mr. Lynch: Yes, Mr. Chair. Under the sign easement agreement that we have in place, all maintenance and repair of the sign itself as well as the signs easement area will be the responsibility of Tri State Umiya Dahm. Century Plus Partners is free to enter onto the easement area where the sign will be if Tri State Umiya Dahm ever fails its obligation to maintain the sign but they have authority under this agreement that will be signed to require them to mow the grass, make sure that the sign is in good repair and any other maintenance that is required.

Chairman Ramirez: Okay. Will there be any lighting on that sign?

Mr. Lynch: Only what is permitted under the code, under the sign ordinance that is permitted to have illumination. We plan to have, we potentially plan to have some illumination of the sign but nothing that would be unconscionable.

Chairman Ramirez: Okay. Any other questions for the applicant? Members have questions? Mr. Nienaber.

Mr. Nienaber: Thank you. Not so much a question but just following our usual procedures there has to be a reason why we are granting a variance and in this case I just want to record that it is noted that the development site is essentially land locked and access only by an easement and so you are requesting a sign to go at the point where the easement joins Century Parkway in order to make the place accessible and visible. That is all that I have to say.

Chairman Ramirez: Thank you. I'd like to also add that it is unusual circumstances where the property is located. It makes more sense to have a sign there for traffic flow. People not getting lost back there on that property. So, I believe it is a reasonable request. Any other questions for the applicant at this time. If I see none, Chair will accept a motion to accept. Mr. Nienaber.

Mr. Nienaber: I move to allow the owner of 11590 Century Boulevard, Board of Zoning Appeals application 35944 to install a second sign on the property to identify a driveway entrance to a development site at 1141 East Kemper Road. The sign shall not exceed 100 square feet and shall meet all city codes.

Mrs. Ghantous: Second.

Chairman Ramirez: Moved and second. At this time secretary please poll the members.

(Secretary polled the members and the motion was approved with a vote of 6-0 with 1 member absent.)

Chairman Ramirez: Thank you. Your signage is passed. Thank you again for choosing Springdale.

Mr. Lynch: Thank you.

Chairman Ramirez: Good luck.

X DISCUSSION

Chairman Ramirez: I have something short. This being an election year, some members may be moved around and I will be one of those. So, I have enjoyed my eight years on the Board here and I'd like to give a special thanks to Liz for keeping me in line. We've been through a number of people doing her job and by far she does it the best of anyone we've had. I want to thank you and you are in good hands. I wish good luck to all of you. Mrs. Daniels.

Mrs. Daniels: Mr. Chairman, I want to thank you for your service. I've enjoyed working with you and sitting next to you. Good luck as a Council person.

Chairman Ramirez: Thank you.

Mr. Nienaber: Will you be back in December or is this it?

Chairman Ramirez: No, I most likely, we have two Council people on the Board already so those two will, I don't know I am not on Council yet but those two will most likely be the two representatives. But, I would encourage you to think about the Chairman's position and who you might like to have because next month you will be electing a Chairman. So, keep that in mind. I know your Vice, Mr. Weidlich in the past has been Chairman of this Board so keep that in mind and you will have to re-instate Mrs. Daniels for Secretary if you choose to do so. Keep all of those thoughts in mind. I don't know if it has been determined if the replacement or not but if you have somebody in mind you may bring it to Administration, if you have somebody in mind. I don't know if that has been determined yet or not.

XI ADJOURNMENT

Chairman Ramirez: Chair will accept a motion to adjourn.

Mr. Nienaber: So moved.

Chairman Ramirez: Motion. A second?

Mr. Weidlich: Second.

Chairman Ramirez: All in favor by voice.

(Voice vote taken and approved with a 6-0 vote to adjourn.)

Chairman Ramirez: Meeting is adjourned. Thank you.

Respectfully submitted,

_____, 2019 _____
Chairman

_____, 2019 _____
Secretary