

BOARD OF ZONING APPEALS MEETING  
JUNE 17, 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: Robert Weidlich, Carolyn Ghantous, Joe Ramirez,  
Lawrence Hawkins III, Dave Nienaber, Ed Knox and Jane Huber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF MAY 20, 2014

Chairman Weidlich: Are there any corrections or additions to the Minutes from our last meeting of May 20, 2014?

Mr. Hawkins: I move to adopt.

(Mrs. Ghantous seconded the motion and with a unanimous “aye” vote from the Board of Zoning Appeals Members, the Minutes of the May 20, 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 May 21st, 2014 and the June 4th, 2014 City of Springdale Council Meetings.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the June 10th, 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 is the owner of 12130 Springfield Pike is requesting variances to install a 105 s.f. pole sign; variance is requested

from Section 153.423(B)(1)"All signage shall be attached directly to a building facade or wall or shall be ground mounted" and Section 153.531(D)(2)"Pole signs shall be limited to not more than one such sign and shall not exceed 50 square feet in total area". The applicant is proposing a total sign area of 386.7 s.f. , variance is requested from Section 153.531(C)(1)(b)"General Business... Maximum gross area of signs = (W x 1.5) + 40 square feet". The applicant is requesting a variance to allow a 6.7' setback to pavement at the southeast rear corner of the property, variance is requested from Section 153.502(C)"In no case however...shall the parking area or access drives be located closer than 10 feet from any non-residential property line... " .

Ms. Linda Pritchard: I represent the owner, I work for Sibcy Cline Realtors and we own the property but Tire Discounters has an offer on the property. They are actually supposed to be here, from my understanding. I can't speak on their behalf.

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

Chairman Weidlich: Board Members, since we don't have anyone in the audience to represent Tire Discounters, how does the Board feel about acting on the setback this evening?

Mrs. Ghantous: The application has different requests than what we have on our agenda. I believe the dumpster issue was resolved and placed in the back and that became a non-issue. So, our agenda states that it is the setback and the pole sign.

Mr. Campion: It is my understanding that the dumpster issue was resolved and this is a variance to allow pavement in the southeast rear corner closer than 10' to the property line.

Mrs. Ghantous: The dumpster location is on their original application and the setback is not on the original application; but I do believe the dumpster issue was resolved.

Mr. Campion: Yes, it was.

Mr. Hawkins: I am assuming, based on what we have on the agenda and the discussions that the Staff had with the applicant, that these are the three issues that are still remaining for what the applicant wants to get done in terms of the pole sign, total signage and the setback.

Mr. Campion: I know it is not on their original application but they need a variance to allow pavement in that area. If the Board is more comfortable continuing that or ruling on that, it is totally up to the Board.

Mr. Hawkins: It sounds like the pole sign issue and the total signage issue would need to be continued anyway so that Planning can look at those. In terms of the setback, I am fine with it all being continued. I don't know if there are any issues in terms of the sale of the property that is going to inhibit that, if that matter is continued or if it is ruled on today. I am fine either way but I don't want to have any of these denied tonight because it may mean that we would have to go back and re-mail and advertise so I would rather not do that. If someone wants to address the setback or if there is some pertinent issue regarding the setback and the sale of the property or things moving forward then that may compel me with whether we address it today.

Ms. Linda Pritchard: Definitely, this has gone on longer than the offer that was made for the property; we have already given one extension and now we are looking probably at a second extension so I was very hopeful that we could resolve this. If you would rule in their favor tonight, would there be a subsequent meeting?

Mr. Hawkins: Yes. Based on Staff's comments and based on the fact that Planning Commission is going to have to look at this again in their July meeting then we would have to come back anyway. It couldn't be resolved tonight.

Ms. Linda Pritchard: Since it doesn't appear that they are going to be here tonight, how does that affect the timetable, there will be one more meeting on July 8th, and then will there be a subsequent meeting.

Mr. Hawkins: They would go to Planning Commission on July 8th and then they would come to Board of Zoning Appeals on the 15th of July. Whether they are here or not they will have to go back to Planning Commission for two of those three issues.

Ms. Linda Pritchard: If we could resolve tonight's questions and have a ruling, is there the possibility that we could discuss this and because I have been to every meeting and I kind of know the thinking and what they are trying to accomplish, can I speak on their behalf?

Chairman Weidlich: Planning Commission has to decide on the signage. The pole sign is the big issue and then the total square footage of their signage.

Ms. Linda Pritchard: Isn't this supposed to be discussed tonight with this Board?

Chairman Weidlich: We are not making recommendations because Planning Commission has to decide on the pole sign.

Ms. Linda Pritchard: What was the purpose of tonight's meeting?

Mr. Campion: These three items would need a variance to the Zoning Code; so if Planning Commission approves a pole sign then they would need a variance.

Mrs. Ghantous: Planning Commission cannot grant the variance, the Board of Zoning Appeals could grant a variance.

Ms. Linda Pritchard: Is that something that is still an option?

Chairman Weidlich: Not this evening.

Ms. Linda Pritchard: Because they are not here?

Mr. Campion: No. The Board of Zoning Appeals can only grant a variance to the Zoning Code. Whether or not there is a pole sign is to be determined by Planning Commission. What they had proposed was above the square footage for their signage and they would need a variance for that. So, Planning Commission needs to rule on those two items first before this Board could consider them.

Ms. Linda Pritchard: But that came up at the last meeting and my understanding was last week that Planning Commission said they needed to go for a variance. Our understanding was that tonight was to discuss that.

Chairman Weidlich: It was recommended that we either deny or continue the sign portion of the variance until Planning Commission has a chance to review it and make a decision.

Ms. Linda Pritchard: I guess I am not clear on what they would have to review when it was all presented last week.

Chairman Weidlich: Pole signs are not permitted in the Route 4 Corridor and that is the one item that they are requesting, plus a large amount of signage over the allotted amount.

Ms. Linda Pritchard: And that was all presented and they said that they needed to attend for a variance so we thought tonight was that petition for a variance.

Chairman Weidlich: But Planning has not met to do their portion.

Ms. Linda Pritchard: I don't know what the purpose of tonight is then.

Mr. Campion: Well, there is a third item that this Board can rule on, or they can continue it and listen to all three items at the same time.

Ms. Linda Pritchard: Well it would be better to do two than three next time, maybe.

Mr. Knox: If the signage issue will ultimately be determined by Planning Commission, then possibly they could resolve it without the need for us but we would be the only ones that could really rule on the 6.7' setback question. I would prefer to get that out of the way. If Planning Commission could resolve the signage issue then things could move along more quickly.

Chairman Weidlich: If the Board chooses to, we can get the setback issue off of the table tonight. Would somebody like to make a motion?

Mrs. Huber: I would like to make a motion to table the request for Tire Discounters at 12130 Springfield Pike until July when the Planning Commission is able to address the signage; at that point it will either come back to the Board of Zoning or they will resolve it; and also the setback request we will talk about next month.

Chairman Weidlich: That is up to the Board whether they want to continue it or decide on the setback issue tonight.

(Mr. Knox seconded the motion.)

Mr. Hawkins: The motion is to table the entire request or just to table the two requests regarding signage? I believe Mr. Knox, who just seconded the motion, initially said that he wanted to only table the pole sign issue and the total signage issue but to discuss tonight the matter with regard to the 6.7' setback, is that correct?

Mr. Nienaber: Would it be suitable to make two motions? One to allow the 6.7' setback on the southeast rear corner of the property, variance from Section 153.502(C)"In no case however...shall the parking area or access drives be located closer than 10 feet from any non-residential property line... ". That being one motion and a second motion for the two variance requests for signage.

Chairman Weidlich: So you want to make an amendment to the motion?

Mr. Nienaber: I think it should be a stand alone motion regarding the setback.

Chairman Weidlich: You are making an amendment to the original motion. Would anyone care to second that?

(Mrs. Ghantous seconded the motion to amend the original motion and separate the request for variance on the setback; with seven "aye" votes the request to amend the motion was approved.)

Chairman Weidlich: Mrs. Huber would you poll the Board on the original motion minus the setback?

(With seven "aye" votes the original motion to table the two variance requests for signage was approved.)

Chairman Weidlich: Mrs. Huber would you poll the Board on the setback request?

Mr. Hawkins: I want to be clear on where we were and where we are going. I am not sure if folks thought they were voting on the amendment or on the amended motion for both matters. If we have already voted on both matters, then we are done. That is what it appeared to be.

Mr. Campion: As a point of record, from my standpoint, it appeared to me that there was a motion to consider both of them separately and nobody has made a motion to approve or deny the 6.7' setback.

Mr. Hawkins: Based on that, I will make a motion to grant a variance to the owner of 12130 Springfield Pike requesting a variance with regard to allow a 6.7' setback to the pavement on the southeast rear corner of the property. Said variance is requested from Section 153.502(C) )"In no case however...shall the parking area or access drives be located closer than 10 feet from any non-residential property line...".

(Mr. Ramirez seconded the motion and with seven "aye" votes from the Board of Zoning Appeals Members, the variance was approved.)

Ms. Linda Pritchard: Just to clarify, they will return on July 8th for the Planning Commission meeting and should that be approved that night then they have to come back here for your final approval, as well?

Mr. Campion: Yes. Because things could change at the Planning Commission meeting but it would still have to come back here to get a variance.

## XI DISCUSSION

Chairman Weidlich: At the last Zoning / Planning Partnership meeting that I went to, the County put together a Board of Zoning Appeals handbook. Mr. McErlane copied the handbook that I brought back and would like to know if any of the Board Members would like a copy?

(All of the Board of Zoning Appeals Members indicated that they would like a copy.)

## XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Nienaber seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:38 p.m.

Respectfully submitted,

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

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