

BOARD OF ZONING APPEALS MEETING
AUGUST 20, 2013
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, Robert Weidlich, Dave Nienaber, Ed Knox, Joe Ramirez, Lawrence Hawkins III and Jane Huber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF JULY 16, 2013

Chairman Weidlich: Is there any corrections or additions to the Minutes of the meeting of July 16, 2013?

Mr. Hawkins: I move to adopt.

(Mr. Knox seconded the motion and with seven "aye" votes from the Board of Zoning Appeals Members, the Minutes of the July 16, 2013 meeting were adopted.)

V CORRESPONDENCE

(No correspondence presented at this meeting.)

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the July 17th, 2013 City of Springdale Council Meeting.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the August 13th, 2013 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 100 West Kemper Road is requesting a variance to allow a wall sign larger than allowed by Code; a total sign area larger than permitted by Code. Said variances

are from Section 153.531(D)(1) "A single wall sign shall not exceed 150 square feet in total area and Section 153.531(C)(1)(b) "General Business...; Maximum gross area of signs = $(W \times 1.5) + 40$ square feet."

Ms. Victoria Newman: I am with Tri-State Signs, 9077 Sutton Place, Hamilton Ohio 45011. My customer, who actually owns the property is SSC, Springdale LLC. They are requesting a larger sign for the Burlington that is going to go into the old Value City. The sign that they had requested is larger than what Code allows and they are requesting the variance due to the size of the building and how far back the building sits from the road. If we put the smaller sign on there it would look aesthetically unpleasing because it would look so small on a very large building and they are afraid that customers will not be able to quickly identify that there is a new store there, thus reducing revenue, thus reducing revenue for the City.

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

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

Mr. Nienaber: Mr. Campion, you said something about this sign versus the Value City sign?

Mr. Campion: Yes, there is a Value City Furniture and this space used to be the clothing portion of Value City.

Ms. Victoria Newman: The clothing portion of Value City went out five or six years ago, I think.

Mr. Campion: The comments are referring to the Value City Furniture sign, and it is actually 42 s.f. smaller than this proposed sign. It would be the building to the right of this.

Mr. Nienaber: How does the City's signage ordinances handle Tri-County Mall then, where you have a single giant building with multiple signs?

Mr. Campion: I think they look at the individual tenants. When we have a strip mall we are measuring from tenant property line to tenant property line, so they look at the frontage on the building that way. As far as the mall, the mall in general has several monument signs around the mall and I am not sure how that is figured. The Tri-County Mall is in the PUD and is probably reviewed separately.

Mrs. Huber: I am just glad to see that an empty space in our City is going to be occupied. Are the Schottensteins still the owners of that building, or does Burlington Coat own that particular portion?

Ms. Victoria Newman: Well, from my understanding from Blair, the owners are actually SSC Springdale, LLC.

Mr. Ramirez: Just for the record, I did call Burlington in New Jersey and they do not own that building and it is owned by the people up in Columbus.

Mr. Hawkins: I just want to note for the record that the building sits back approximately 370' from the road which is a significant amount to need visibility. It has a large facade and based on those two things, it has an extraordinary situation or condition that would warrant a sign of this size.

Chairman Weidlich: I would like to add also, to me, the signage that you presented to us looks appropriate for the building.
If no one else has any comments or questions, would somebody like to make a motion?

Mrs. Huber: I move to grant a variance to Section 153.531(D)(1), which is the size

of a wall sign and Section 153.531(C)(1)(b), and that is the maximum gross area of signage in a General Business area. The request is being made by the owner of 100 West Kemper Road.

(Mr. Knox seconded the motion and with seven affirmative votes, the variance was granted.)

- B. Chairman Weidlich: Next order of business is the owner of 11907 Lawnview Avenue is requesting a variance to allow a partial garage conversion. Said variance is from Section 153.105(B))"A single two car garage and related parking area is required."

Mr. Benjamin Chrisman: I live at 11907 Lawnview Avenue. We are asking for this variance because of the cost of actually adding on to the house to expand to make a laundry room; it is a little cost prohibitive and we felt that taking 20% of the garage was a more reasonable request. We are just asking for 20% of the garage for laundry, taking it out of the kitchen and putting it into the garage space. It just really doesn't work the way that it is now. There is still enough space to fit our car into the garage.

(Mr. Campion read the Staff comments.)

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

Mr. David Wilder: I live at 11897 Lawnview, which is one door down from my neighbor here. I have never met him but I don't see any problem with his request. It is his property and as long as he doesn't do anything to destroy the curb appeal of the neighborhood, I don't see any problem with it.

(No other members of the audience came forward and the public portion of the hearing was closed at this time.)

Mrs. Ghantous: Do you only have one bathroom now?

Mr. Benjamin Chrisman: We have one and a half.

Mrs. Ghantous: So if this is approved and you do the renovation, then you will have one and a half or two?

Mr. Benjamin Chrisman: We will have two full bathrooms.

Mrs. Ghantous: So in the garage there will be a shower, a toilet and a sink?

Mr. Benjamin Chrisman: Yes.

Mr. Ramirez: Do you plan on keeping the garage door as is?

Mr. Benjamin Chrisman: Yes. We are planning on replacing it with a new garage door.

Mr. Knox: How many people are living in the house at present?

Mr. Benjamin Chrisman: It is me and my wife and she is pregnant, so three.

Mr. Knox: Did you look into putting an addition on the back of the house?

Mr. Benjamin Chrisman: We did. It was going to be probably be around \$15,000 to \$20,000 instead of around \$5,000 to \$6,000; so the cost was significantly more to do that. It really wouldn't add the kind of value to justify it.

Mr. Knox: How much of the backyard would you lose if you put an addition back there?

Mr. Benjamin Chrisman: In terms of what is available for space, it really isn't that much of space that would be lost in the back yard, it is just more the cost to do such a thing like taking down an exterior wall and bumping it out and then adding the roof.

Mr. Hawkins: If you made an addition in the back, then that would limit your back yard space, right?

Mr. Benjamin Chrisman: It would; the back yard is one of the smaller ones in the neighborhood, as it is. The neighbor's lot next door is almost twice the size of ours and they have an addition.

Chairman Weidlich: And you plan to keep a working garage door?

Mr. Benjamin Chrisman: Yes.

Chairman Weidlich: Generally we require that, when a conversion comes up before this Board.

Mr. Benjamin Chrisman: Yes, we will be keeping our car in there in the winter.

Chairman Weidlich: I think you are about the first applicant that has come before us that is keeping enough garage to put a car in it.
If no one has any further deliberation or discussion, would somebody like to make a motion?

Mrs. Huber: I move to grant a variance to Section 153.105(B), so as to allow a partial garage conversion of property located at 11907 Lawnview Avenue "A single two-car garage and related parking area is required"; and the garage door is to remain workable.

(Mr. Hawkins seconded the motion and with seven affirmative votes from the Board of Zoning Appeals Members the variance was approved.)

Chairman Weidlich: You have your variance. You can get with the Building Department to get the necessary permits and go to work.

XI DISCUSSION

Mrs. Huber: Mr. McErlane keeps referring to all of these houses that are in Springdale Terrace and some in Heritage Hill that were built with only a one-car garage; if the house were razed then I could understand that but the lot would not probably accommodate what the Code would allow on some of these narrow lots, why does he keep referring to that?

Mr. Champion: Because the Zoning Code was passed city wide that said that you had to have a two-car garage.

Mrs. Huber: That should be amended. It should say that if and when a house is razed, and a new residence built, then a two-car garage. This always sounds like they are defeated before they begin.

Mr. Champion: When you pass a zoning ordinance, and that is really the reason for the Board to exist, you could take your ordinance and zone it for certain districts and you could say, "In this district, where the houses are smaller, you are allowed to have a one-car garage". But, that is not what you did, you made it city wide. What it does, it makes all of those structures that only have a one-car garage, non-conforming to your Zoning Code. So, if there is a change to those structures then

they are supposed to meet the two-car garage standard unless they get a variance. It is kind of the difference between having a corner lot and a lot in the middle of a block; we make a requirement for fencing and setbacks and everything for everybody and then the person on the corner lot has no side yard or back yard; which is why you have a Board to grant variances in those circumstances. You apply the Code evenly across the City and then you don't make it more restrictive for one citizen versus another.

Mrs. Huber: It makes no sense to me; none.

Mr. Champion: It is just the way the Zoning Code is structured. If tomorrow we decide that we didn't want something to happen in the City, then we would zone it that way. Everything that is existing would then be non-conforming. If the house got knocked down, then it would have to meet the Zoning Code. Anything that is existing is allowed to be the way it is until it is altered, like this application.

Mr. David Wilder: I live at 11897 Lawnview and my lot would not accommodate a two-car garage. If my house burned down, what you are saying is, I would have to move?

Mr. Champion: No, you would have to get a variance. They would look at it that your house isn't big enough to accommodate a two-car garage and hopefully this Board would grant a variance because your lot is too small. It is a law that is applied to the whole City and it doesn't meet every circumstance and that is the reason for a variance.

Mr. David Wilder: The reason that I came up here is because this other gentleman needed a variance. My wife bought our house before I married her and she moved in around 1996 or 1997; when she moved in there was already a room built in the garage. It did not have a door from the mud room to the garage so I put a door in, to finish it up. Do I need to go back and tear that room out?

Mr. Champion: Technically, it would require a variance if it had not been built under a permit. Because of the rental program that we have and inspectors that go in to license a rental unit, we have discovered a lot of garages that were converted without a permit.

Mr. David Wilder: I can still get her car in there and have room to walk around and work on it, if I have to.

Mr. Champion: Again, the whole purpose of the Board existing is because not everybody fits.

Mr. David Wilder: Is our house legal?

Mr. Champion: It is deemed non-conforming. It doesn't conform to the Zoning Code.

Mr. David Wilder: How do I find out if it was legally done?

Mr. Champion: You could call us and we could look it up to see if a permit was ever issued for that. Some of them were and some of them weren't.

Mr. David Wilder: As I understand, the people who had the house before my wife did, that was their living room.

Mr. Champion: There are a lot of them that have been converted legally and there are some that are converted illegally.

Mr. David Wilder: It still has the garage door on and it still works.
Thank you very much and you all have a good evening.

Mr. Knox: The Burlington sign kind of gets to me because it sits so far back from the road, if you made it the normal size people wouldn't be able to read it and it would not be good for business. I have been pondering, since I read this thing on Friday, the way that we could reword the sign ordinance that would bring the distance from the access road into play which would alleviate the Building Department from having to take a look at this and also our businesses going to the extra expense of sending somebody out here. I am also looking at the electronic signs because of the question that came up on McDonald's. I may be trying to engender a meeting of that committee.

Chairman Weidlich: On that same subject, since they opened in Springdale, Home Emporium's sign is almost impossible to read from Kemper Road in the old Walmart space.

Mrs. Ghantous: I think when Tri-County Mall starts renovating we are going to have all kinds of signs and it will be real difficult. We are all excited about renovation and upgrading and I know, as sure as I am sitting here, there are going to be requests for signs that don't meet our Code. From when the last signs were planned out and requested for Tri-County Mall, so much has changed just in technology, in the light and the quality. I really think that is going to be a bag of worms. Whatever we can do to make that Mall successful, we want to do. I know that the Code we have is not going to maximize and allow the requests that are going to come forward. The sign package that was presented for the new McDonald's was different because there was a new addition and there was this new technology that the McDonald's corporate wanted; so I can just foresee what is going to happen when they want to really spiff up Tri-County Mall; there could be an awful lot of signage issues that are going to come up.

Mr. Nienaber: As far as signs, I am certain that people in the sign industry have some statistics that say that if a 1' tall letter is visible at "this" distance, then at "this" distance you would need a 2' tall letter. They could probably provide some valuable input. The electronic signs scare me because they are so busy it is almost obstructive to driving.

Mr. Knox: I am not advocating animated signs, or moving signs or anything of that sort; it is something that doesn't change every minute or so and then only a static display that people can read.

Mrs. Huber: This thing of variances being permanent with the property, is that a state law, a county law or a Springdale law?

Mr. Champion: I would say it is probably a state law.

Mr. Hawkins: I think it is a state law.

Mrs. Huber: Dumb; it is a dumb law.

Mr. Nienaber: When I first got invited to be on the Board they were having a training session for the Board of Zoning Appeals. The City of Wyoming put it on so I attended that and learned that some places like the City of Hamilton will grant variances with a timeline on it. One specific item was a handicap person that needed a ramp and they said they would grant the ramp approval for as long as they were in the house. Some of the people said that they can't do that but their attitude was, "Well, we did".

Chairman Weidlich: We used to do that but the Law Director said that we weren't allowed to be doing that anymore.

Mr. Knox: I asked that question this afternoon and somebody mentioned conditional use in some cases. I raised the question, if you knock down the building, does that do away with the variance, and it does not. Whatever they build the variance goes with it.

Mr. Champion: If you bought Value City and wanted to build something else, the variance has a value to it. That property came with so much signage.

Mr. Nienaber: I am not sure I follow the formula for signage.

Mr. Champion: It is the width of the building, times 1.5, plus 40 square feet; and then there are certain setbacks, so you can't have a sign closer than five feet to the property line. If you have a small cellular store, a building that is only 15' wide, then the sign can't get closer than 3' to the next tenant.

Chairman Weidlich: If no one else has anything further we will move to item eleven.

XII ADJOURNMENT

Mrs. Huber moved to adjourn, Mr. Nienaber seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:46 p.m.

Respectfully submitted,

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Chairman Robert Weidlich

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Secretary Jane Huber