

BOARD OF ZONING APPEALS MEETING
OCTOBER 15, 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, Lawrence Hawkins III, Dave Nienaber, Ed Knox, Joe Ramirez and Jane Huber

Others Present: Randy Champion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF SEPTEMBER 17, 2013

Chairman Weidlich: Is there any corrections or additions to the Minutes of our last meeting on September 17, 2013?

Mrs. Huber: I move for adoption as written.

(Mr. Knox seconded the motion and with seven "aye" votes from the Board of Zoning Appeals Members, the Minutes of the September 17, 2013 meeting were approved.)

V CORRESPONDENCE

Chairman Weidlich: Each of our packets should have contained Ordinance No. 27-2013, Zoning Map Amendment and Ordinance 28-2013, Text Amendment Farmers Market.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the September 18th, 2013 and the October 2nd, 2013 City of Springdale Council Meeting.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the October 8th, 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 11375 Princeton Pike is requesting a variance to allow a wall sign less than 3' from the end of the building. Section 153.523(A) "Wall or panel signs...shall be set back from the end of the building and party wall line at a distance of at least three feet..." Would the representative for 11375 Princeton Pike please come to the podium?

Mr. Bob Carpenter: My address is 9437 Harrison Pike in Cleves, Ohio; agent for Enterprise Rent-A-Car.

Chairman Weidlich: Board Members, I think everyone did get a packet that this gentleman gave me right before our meeting.

Mr. Bob Carpenter: I brought a packet of photos in, which I would like to address with the Board Members. Your first picture there primarily shows what Mr. McErlane said would be allowed and would meet your rules and is acceptable. This is presented to show you how that would look as opposed to the next page which is the signature type logo which shows the logo starting right at the corner; and that is the issue for the variance request. The two greens are two different colors of green as far as the PMS ratings and so forth. They are not the same green, that is why you have the better look with the logo starting immediately adjacent at the corner as opposed to it running around. If you go on further to page #3, this is a sign that is in your local here which we will be replacing probably. This is on Northland Boulevard and it is the older logo but the same look. It has not been upgraded because we probably will abandon that and replace it with this location. If you go to the next page it shows the location in Fairfield which has what we call a wrap look. Basically you are looking at the south end of the building and of the east side and it shows this wrap look. In Fairfield they had no restrictions on the square footage, etcetera that would affect this so we were able to continue this and it totally goes around the building. The whole look is a national signature look for Enterprise. Most of the time when I come to a Board I am trying to get more square footage, taller sign or closer to the road and so forth; our square footage in this instance, we have way more square footage than we are using. Everything is ideal except putting it 3' from the end and running it around the corner like Mr. McErlane suggested. It totally destructs the logo and primarily the ordinance that we are addressing is intended to keep people from having too many signs too close together; it automatically put a 3' buffer between signs in a strip center. In the ordinance it talks about the party wall. The letter that they sent me as far as the Staff report, they have no problem with the design and everything else, it is primarily with the 3' from that corner. Many of the communities that we put these up in actually consider this one sign as opposed to being two signs; and there again we still meet the criteria for the square footage. In the report it asks if the variance is substantial? No. Does the variance adversely affect the delivery of governmental service? Not really. Did the property owner purchase the property knowing this? No, they didn't. Will the spirit and intent behind the resolution and ordinance regulation be observed and justice done by granting a variance? There is really no justice, it is really not a huge decision, we just want to continue the same look that they have throughout the country. Are there exceptional or extraordinary circumstances why this property and so forth that do not apply generally to other properties? They said "No", but I disagree with that decision because most other people's logo doesn't appear on a corner with this type of wrap, it is not a major part of their logo and they are very seldom addressing it. The only people that do that are the gas stations like B.P. and so forth where things are continued around corners.

(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?

Mr. Matt Mraz: I am the Operations Manager for Enterprise Holdings, which owns

Enterprise Rent-A-Car, Alamo and National. Part of my responsibilities are building and developing new properties in the surrounding communities. Enterprise has a national federally registered trademark which is our "E Enterprise" and then our Enterprise swipe. That is what is in questions here tonight, if we are moving our brand and our trademark 3' over to the right is that going to be nationally recognized and is it going to effect our brand for one store versus the other 7,000 other City locations that we have. We are basically just asking for the variance to move it and let our logo start right at the corner where the two corners meet instead of moving that "E" and starting it 3' in. Talking with our corporate office, they have just asked me to thank you for your time this evening to bring this to your attention but asking for the variance to be approved so that we can continue moving forward with building what we consider our flagship office here in Springdale.

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

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

Mr. Hawkins: The property on Northland, do they have a variance there?

Mr. Matt Mraz: I don't know.

Mr. Hawkins: What was the difference in that circumstance, if Staff knows?

Mr. Champion: The existing sign that is there, I don't know. They probably don't have a variance but that is something we can check on. You are saying that the existing sign goes to the edge?

Mr. Matt Mraz: Yes. That is on the third page, our current Northland location.

Mr. Champion: Maybe he looked at the "E" figure as not text.

Mr. Hawkins: Because that "E" doesn't go with the word "Enterprise" like this one does; do you think that is what the difference was?

Mr. Champion: Is this your old sign?

Mr. Matt Mraz: That is an old address, yes. We have updated it to the new Enterprise where the "E" is part of the word; so it doesn't separate the "E" from Enterprise and the "E" is part of the Enterprise logo.

Mr. Champion: Because he doesn't really distinguish as he interprets the ordinance, he is starting text 3' from the edge so if you had some kind of design then maybe he looked at that when it was issued and saw that as not part of the text.

Mr. Bob Carpenter: I do have a permit in hand that was obtained this year to do an update of this logo. And I do have a good permit in hand for doing the same thing that we are asking to do at this other place, I just haven't executed it because they are thinking of replacing this office.

Mr. Matt Mraz: We were going to update the signage at the current Northland location with the new logo. Bob applied for the permit for the new logo that has the "E" as part of the Enterprise sign that was approved for that existing location.

Mr. Champion: As a point of clarification, the permit that you have does it have two "E's"?

Mr. Bob Carpenter: It looks just like what we are proposing, yes.

Mr. Champion: Well, I don't have an answer.

Mr. Knox: This question is for Mr. Champion; did we not as the Board of Zoning

Appeals, a few years ago, approve one of the bank buildings in doing something in variance with our Ordinances because it was in favor of their national logo? I can't remember the name of the bank but I remember it happening.

Mr. Campion: Neither can I; I don't know.

Mr. Knox: Which is essentially the same argument that these gentlemen are presenting, that that's the way they do it. And I have a question for the gentlemen here; if we approve this, everything in the submittal will be approved and as it stands right now the pole sign out in front is supposed to be 87' wide and 46' high sitting on a 32' pedestal. I am hoping you mean inches?

Mr. Bob Carpenter: I believe the pole sign is 30" X 12'-6".

Mr. Knox: That 87' should be 12'-5" X 3'-10". So the submittal is in error?

Mr. Matt Mraz: That is a big sign.

Mr. Knox: My point is that it needs to be modified.

Chairman Weidlich: That measurement is for the building, Mr. Knox.

Mr. Knox: It shows an overview of the building. Oh, o.k.

Mr. Matt Mraz: We would love to have a sign that big.

Mr. Bob Carpenter: They were actually allowed to have a larger pole sign but we really don't need it for the proximity to 747, so we went with the smaller one. They could have had a 45 s.f. but we thought that was overkill.

Mr. Knox: That pole sign gives a clear view from either direction.

Mr. Bob Carpenter: Yes. It is more than ample.

Chairman Weidlich: Does anyone else have any questions for the applicant? (No further questions or comments were brought forward by the Members of the Board of Zoning Appeals.) So, Mr. Campion, we don't have an answer for the current Northland Boulevard signage on there, as far as why that doesn't have a variance?

Mr. Campion: My only explanation is that they have changed their logo. When you look at the old version, the "E" looks more like a character and not part of the text.

Chairman Weidlich: I am referring to the point where the gentleman said that they have a permit in hand to update that.

Mr. Campion: I would have to see that.

Chairman Weidlich: We will move on to deliberation and discussion on the evidence that was presented. Does anyone have any further discussion? (No further discussion was presented, at this time.)

Chairman Weidlich: Could we have a motion?

Mrs. Huber: I move to grant a variance to Section 153.523(A), so as to allow a wall sign to be placed less than 3' from the end of the building on property located at 11375 Princeton Pike and the Section of the Code states "Wall or panel signs...shall be set back from the end of the building and party wall line at a distance of at least three feet..."

(Mr. Nienaber seconded the motion.)

Chairman Weidlich: Do we have any other deliberation, discussion or amendments

to the motion?

(No discussion or amendments were presented and Mrs. Huber polled the Members of the Board of Zoning Appeals, with a unanimous "aye" vote the variance request was granted.)

XI DISCUSSION

Chairman Weidlich: Does anyone have anything for discussion this evening?

Mrs. Huber: I have a question for Mr. Hawkins, being a Councilman, is there any word about repair of Kemper Road, is it in the budget because that road is getting horrible?

Mr. Hawkins: I don't think there is anything that was budgeted for 2013 in terms of major projects. I think we had budgeted for maybe three or four projects that were going to take place through this year and maybe into 2014. I don't remember anything specific for Kemper Road and there hasn't been a budget meeting yet for 2014; that will take place as we get toward December.

Mrs. Huber: It is like a corduroy road.

Mr. Hawkins: Are you talking about down past the Mall or are you talking about closer to our residential area?

Mr. Huber: I am talking about the residential area.

Mr. Hawkins: From Route 4 down to Lawnview, or so?

Mrs. Huber: Yes.

XII ADJOURNMENT

Mrs. Huber moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:32 p.m.

Respectfully submitted,

_____,2013_____
Chairman Robert Weidlich

_____,2013_____
Secretary Jane Huber