

BOARD OF ZONING APPEALS MEETING
NOVEMBER 19, 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, Joe Ramirez, Dave Nienaber,
Lawrence Hawkins III, Ed Knox, Robert Weidlich and Jane Huber

Others Present: Randy Champion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF OCTOBER 15, 2013

Chairman Weidlich: Is there any corrections or additions to the Minutes of our last meeting on October 15, 2013?

Mr. Hawkins: I move for adoption.

(Mr. Nienaber seconded the motion and with seven "aye" votes from the Board of Zoning Appeals Members, the Minutes of the October 15, 2013 meeting were approved.)

V CORRESPONDENCE

Chairman Weidlich: We all had correspondence in our packets, City of Springdale Zoning Supplement 2013 S-14 and the City of Springdale Zoning Map.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the October 16th, 2013 and the November 6th, 2013 City of Springdale Council Meetings.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the November 12th, 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 370 Glensprings is requesting a variance to allow LED exterior lighting to remain on the building. Section 153.423(C)(4) "Building illumination may be permitted provided such light source is from a concealed source. No colored lights shall be used at any time to light the exterior of the building..."

Mr. Tom Drennen: I am the owner of 370 Glensprings, also known as Beef O'Bradys and I am here today to apply for the Zoning Appeal for the LED lighting on the south, west and north sides of the building that were also approved by the Planning Commission last Tuesday. I am here to answer any questions that you might have. LED lighting, when this change in the building code had taken place in 2000, the technology of lighting wasn't what it is today. LED being considered against the building code now, I think should be reconsidered because it is so efficient because it gets .8 watts every 3', so the 250' of linear feet of LED lighting takes the same wattage of one single 75 watt light bulb verses what was installed on that building before which was a green neon lighting and that was probably thousands of watts. We removed four different generators on that building that generated the electricity for those lights. It is much more efficient and it is not like Christmas Tree lighting, it is installed properly and I think it does look good.

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

Chairman Weidlich: Is there anyone in the audience that would like to address this application?

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

Mr. Ramirez: Is the Beef O'Bradys logo LED lighting as well?

Mr. Tom Drennen: The signage is all LED lighting. The interior of the raceway signs are LED.

Mr. Ramirez: I am wondering what would prevent, if we did do a variance, to run the lighting that is on top of the building a different width. Maybe we need to take into consideration that you could extend that and put another row or make it wider or make it a foot wide; have some sort of restriction. I would also like to see that we recommend a color, a single color green, just so we know what lighting has been approved and that we stay with that lighting. Once it is approved, if you were to move out or move to another location then the people coming in could change that lighting if we give a variance and they could make any neon light that they wanted to.

Mr. Tom Drennen: O.K.

Chairman Weidlich: Is your request for the variance, what was approved by Planning, and there is to be no lighting on the east side of your building?

Mr. Tom Drennen: Right, that was more or less a compromise. I was wanting to be able to keep the lighting. We do have some alternative lighting solutions for that side, however the lighting is there for it to be lit and it is easily removed as well.

Chairman Weidlich: I drove by your restaurant last night and I like the lighting the way it is now, the way they approved it.

Mr. Tom Drennen: Right. There is some other lighting sources that we can use on the side because I know it is very dark and a lot of this is to brighten that building up so we did plan on taking advantage of that.

Chairman Weidlich: If nobody else has any questions or deliberation, would somebody like to make a motion?

Mr. Hawkins: For deliberation sake, for the record I find that the property previously had lighting that was legally non-conforming prior to the applicant

taking over. I also find that granting of this variance would not adversely affect adjacent property or the Route 4 Corridor District's integrity in terms of how it looks.

Mrs. Huber: I move to grant a variance to Section 153.423(C)(4), so as to allow an already installed LED lighting system along the perimeter, the west, north and south sides of the building located at 370 Glensprings Drive; and as Mr. Weidlich said, the building illumination may be permitted provided as per the Code.

Mr. Weidlich: We probably want to include what Mr. Ramirez was referring to, the green color.

Mrs. Huber: Only one color.

Mr. Ramirez: Yes. I would recommend that we add that we would like this variance to go along with the approval of the Planning Commission; what they have approved. We are approving basically the same terms. I would like to see that it is a green and if that color was to change we would have to review that. Also, a single strand; I believe that is a strand of lights?

Mr. Tom Drennen: It is, it is considered one half inch strand.

Mr. Ramirez: And to not exceed that half inch strand.

Mrs. Huber: The lighting shall be one color, green and shall be a single strand lighting system.

Mr. Hawkins: I just want to make sure the record is clear. The conditions stated by Planning and what we discussed here, all the LED lighting shall be lit or shall be turned off. LED lighting may be permitted on the top of the parapet on the west, north and south sides only. LED lighting shall be a single color which is green. LED lighting shall not flash and LED lighting shall be a single strand not to exceed half an inch.

(Mr. Knox seconded the motion.)

Chairman Weidlich: Is there any further deliberation on the motion 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?

Mr. Knox: I have the feeling that this was just one more case where we need to change the sign ordinance because they never considered LED because they didn't exist when they started doing this. I really question if you can call this illumination because it is more decoration to me because you are not going to read a newspaper by the lights on top of that building.

Mr. Hawkins: The issue for this is it being in the Corridor. The rest of the City if they want to have LED lights it is not an issue but it is an issue because it is in the Corridor.

Mr. Champion: That is correct; it is an issue because it is in the Corridor. We have ordinances against neon lighting but we don't have any ordinances against LED. There is a business over on Northland Boulevard that has LED lighting and it looks like neon but it is perfectly legal. It is not addressed in your ordinance.

XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:25 p.m.

Respectfully submitted,

_____,2013_____
Chairman Robert Weidlich

_____,2013_____
Secretary Jane Huber