

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, March 21, 2012

Call to Order

The March 21, 2012 BZA meeting was called to order at 7:31 p.m.

Those members present: Todd Hollenbaugh, Gary Meyer, Prue Dana, George Prentice, and John Barnhart.

Those members excused: None.

Staff members present: Jung-Han Chen, Sam Perry, and Steve McHugh.

Staff members excused: None.

Executive Session

Ms. Dana made motion to approve the agenda with the deletion of the Executive Session Mr. Barnhart seconded the motion. The motion passed 5-0-0

Election of Officers

Nominations were opened for Chair. Ms. Dana moved to elect Todd Hollenbaugh as Chair. Mr. Barnhart seconded the motion. All were in favor.

Nominations were opened for Vice Chair. Ms. Dana moved to elect Gary Meyer as Vice Chair. Mr. Barnhart seconded the motion. All were in favor.

Nominations were opened for Secretary. Mr. Barnhart moved to elect Prue Dana as Secretary. Mr. Hollenbaugh seconded the motion. All were in favor.

Adjudication Hearing(s)

BZA-03-2012 516 S. Locust Street, Variance to Sections 1151.02(k)(2)(B), 1151.05(a)(3) to allow additional wall signs in the GB District, one of which does not face the right-of-way, Bernadette Unger, for MOON Cooperative Services, Inc., Applicant

Ms. Dana and Mr. Barnhart recused themselves from the Public Hearing as they are members of MOON Cooperative Services.

Mr. Chen provided a staff report stating that the applicant was seeking approval of additional wall signage on the building which faces Locust Street and on the outdoor cooler located at the back of the building.

Mr. Chen referred to the unique design of the building at Tollgate Mall.

Mr. Chen stated it was unfortunate that the MOON Co-op didn't have street frontage.

Mr. Chen described the existing signage, stating that currently there were three freestanding signs. The allowable sign area for the Mall collectively is approximately 260 sq. ft.; but only 71 sq. ft. is being used. Mr. Chen stated that the Applicant was asking for an additional 48 sq. ft. Mr. Chen noted that this didn't seem to be a substantial variance request. Mr. Chen noted that it was important to attract customers but that the Applicant had very limited ability in modifying the structural elements.

Mr. Chen stated that staff had no objection to the request but there were important issues needing brought up for consideration: the owner of the complex would need to consider comprehensive signage in case any future tenants or current tenants would require/request additional signage. Mr. Chen inquired if the owner should come up with a better management tool for signage with a total package for the Mall. Mr. Chen inquired if the variance was transferrable to the next Tenant.

Mr. Hollenbaugh summarized the number of retail spaces in the Tollgate Mall and their design within the mall area as some face the front of the parking lot, and eight bays are located in the center. A concern of the BZA was that at some point there could be eight different variances.

The Applicant, Ms. Bernadette Unger, was sworn in by Mr. Hollenbaugh.

Ms. Unger stated that Mr. Tim Goldner was the property owner. Ms. Unger noted that Mr. Goldner had the same concerns as the BZA. Ms. Unger referred to having incorporated the additional signage into the lease, and that the owner's approval was required on an annual basis. Ms. Unger referred to the current tenants in the bay area as providing specialty services.

Mr. Unger noted that the Co-op's current space has had no tenant for ten years. Ms. Unger described how far off the street they were located.

Mr. Prentice referred to the temporary vinyl banner. Ms. Unger stated the landlord only wanted the banner to be up for a short period of time. Ms. Unger referred to the large amount of foot traffic behind the building as the Miami Metro drops students off in the parking lot and many cross through the parking lot.

Mr. Meyer made motion to reconvene to regular meeting. Mr. Prentice seconded the motion. All were in favor.

Mr. Hollenbaugh stated he didn't have an issue with the request, but what bothered him most was that the variance was being given to a tenant and not the property owner. Mr. Hollenbaugh felt it more prudent to approve temporary signage until the landlord could design signage for the rear occupants; Mr. Hollenbaugh feared that now the rest of the tenants would want signage on the back of the building.

Mr. McHugh stated that unfortunately the application in front of the BZA was not for temporary signage. Ms. Unger referred to the temporary banner signage on the front staying for a while.

Mr. Hollenbaugh stated he preferred approving as a temporary in regards to the rear signage, as he agreed with Mr. Chen about approaching the Owner regarding all tenants' signage needs.

Mr. Chen volunteered to discuss with the property owner BZA's concerns.

Mr. Prentice inquired if there was a need for a sign in front, since two already existed. Mr. Prentice understood the need for signage at the back being more important in terms of locating their entrance. Mr. Prentice agreed that the sign in front was not out of character with the other signs.

Mr. Meyer stated he sees no problem with the variance request.

The Decision Standards were reviewed:

The property in question will yield a reasonable return and can be used beneficially without the variance.

The requested variance is not substantial. The essential character of the neighborhood would not substantially be altered.

The variance would not adversely affect the delivery of government services.

The owner purchased the property with the knowledge of the zoning restriction - NA

The Appellants predicament cannot be feasibly obviated other than a variance.

The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

No other relevant factors by the Board were considered.

Gary Meyer moved to approve BZA-03-2012 516 S. Locust Street, Variance to Sections 1151.02(k)(2)(B), 1151.05(a)(3) to allow additional wall signs in the GB District, one of which does not face the right-of-way based on Decision Standards 2, 3, 4, and 7.. George Prentice seconded. The motion passed with the following roll call:

AYE: Todd Hollenbaugh, Gary Meyer, George Prentice (3)

NAY: None (0)

ABS: Dana, Barnhart (2)

Approval of Minutes of the January 18, 2012 Regular Meeting

Mr. Barnhart made motion to approve the January 18, 2012 minutes as written. Ms. Dana seconded the motion. All were in favor.

Old Business

There was none.

New Business

Mr. Chen reported that there would be two cases for the April meeting.

Adjournment

Ms. Dana made motion to adjourn the BZA meeting. Mr. Barnhart seconded the motion. The meeting was adjourned at 8:09 p.m.