BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, April 15, 2015

Call to Order
Those members present: Prue Dana, John Barnhart, Paul Brady, Jack Cohen, and Mike Schnipper.
Those members excused: None.
Staff members present: Sam Perry, Steve McHugh, and Jung-Han Chen.
Staff members excused: Amy Blankenship.

Approval of Minutes of the February 18, 2015 Regular Meeting
Ms. Dana made motion to approve the February 18, 2015 minutes as written. Mr. Schnipper seconded the motion. All were in favor.

Adjudication Hearings
BZA-2015-04 215 S. Main Street, variance to Section 1143.05(c)(2)C minimum side yard setback, David Kellems, Applicant

Mr. Cohen made motion to enter into Public Hearing BZA-2015-04. Ms. Dana seconded the motion. All were in favor.

Mr. Chen provided a review stating that the variance request was for a reduction in the side yard setback. Mr. Chen reported that the property was located in an R2MS District. Mr. Chen stated that the structure was built in the late 1970's. Mr. Chen stated that the Owner wished to add a front porch to the structure and that by adding the porch, it would extend the building plane toward the side yard, thus reducing the side yard setback.

Mr. Chen provided photographs, and noted that an an alley ran alongside the structure.

Mr. Chen reviewed the Decision Standards:
1. The property in question could still yield a reasonable return without the variance.
2. The variance is not substantial. It will not encroach any further than it already does.
3. The character of the neighborhood would not be substantially altered.
4. The variance would not affect the delivery of government services.
5. The property owner purchased the property with knowledge of the zoning restriction. Mr. Kellems indicated he was aware in his narrative.
6. The property owners' predicament can be feasibly obviated through some method other than the variance. Mr. Chen stated that if the porch was located in the center of the front façade a variance approval would not be necessary; however, he understood that it would incur substantial renovation costs to do so.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Mr. Chen stated that the porch will provide some element of protection.
Any other factors: Mr. Chen noted that this structure was one of two not having a front porch in the vicinity.

Mr. Dave Kellems, Owner, was sworn in. Mr. Kellems referred to the top right photograph noting that the removal of the sidewalk along the alley would actually make the lot more conforming. Mr. Kellems stated that he was also removing the existing garage and concrete wall thus decreasing lot coverage.

Mr. Cohen inquired that the variance request had nothing to do with the demolition of the garage. Response correct.

Mr. Barnhart made motion to Reconvene to Regular Meeting. Mr. Schnipper seconded the motion. All were in favor.

Mr. Cohen made motion to adopt the staff analysis and grant the variance. Mr. Schnipper seconded the motion.

AYE: Mr. Cohen, Mr. Barnhart, Ms. Dana, Mr. Schnipper, Mr. Brady (5)
NAY: None (0)
ABS: (0)

BZA-2015-05 110 N. Poplar Street, McCullough Hyde Memorial Hospital, variance to Sections 1151.05(a)(2)A wall signs only; 1151.03(b) permitted signs; 1151.05(c)(4)A, C&D directional sign size, location and message; 1151.05(a)(2)B1 indirect illumination only, Andrew English, Innocom Corporation, Applicant/Agent

Ms. Dana made motion to enter into Public Hearing BZA-2015-05. Mr. Schnipper seconded the motion. All were in favor.

Mr. Perry provided a PowerPoint stating that the request came about because the signs are not permitted in the current zoning code. Mr. Perry reviewed the sign variances:
North Main Monument sign - freestanding sign not permitted
Poplar Street/Church Street Monument sign - Freestanding signs not permitted
North Poplar Street Monument sign - Freestanding sign not permitted
Employee Parking 1 sign - Minimum setback, size and corporate logo
Employee Parking 2 sign - Minimum setback, size and corporate logo
North Main Wall sign - Internal lighting not permitted

Mr. Perry provided an overhead map showing where the signs would be located on the hospital property. Mr. Perry stated that the hospital took up approximately two city blocks and that the sign application would take care of hospital identification changes and provides wayfinding improvements.

Mr. Perry stated that freestanding signs existed before the zoning code change and if this application would have been for a face change only, (which are permitted) they would have been approved, but this is a structural change of the entire sign.

Mr. Perry provided a rendering of each sign request.

Mr. Perry referred to the Decision Standards:
The property in question could yield a reasonable return without the variances since the hospital has existed many years in this location;
The variance request is not substantial because the square footage increase of the directional signs, setbacks of directional signs and corporate logo on the directional signs are not substantial. However, the free standing signs as well as the internally illuminated wall sign are substantial;
The variance does not negatively alter the essential character of the neighborhood. Two of the signs will not affect the essential character; however, the internally illuminated sign could alter the essential character.
Regarding affecting governmental services, Staff felt that the hospital was a governmental service and that the signs would be improved by granting the variances since they will positively facilitate more efficient navigation into and around the site.
Mr. Perry noted that there were other methods of finding the hospital besides on-site signage. Mr. Perry added that there wasn't any evidence that other options were investigated.
Regarding the spirit and intent of the zoning requirement, Staff felt that the Uptown zoning requirement was intended for commercial storefronts with no building setbacks, therefore a provision for freestanding signs would not have been expected. Mr. Perry did note that internally illuminated signs do change the character of an area.

Mr. Perry referred to the three monument signs that currently exist and referred to there being three road frontages at the hospital site.

Mr. Perry referred to the staff conditions listed in the staff report which were:
Require automated adjustment of wall sign lighting intensity based upon atmospheric conditions and ambient lighting;
Require automated adjustment of ground sign lighting based upon atmospheric conditions and ambient lighting;
Landscape trees on the site shall not be removed to accommodate wall sign visibility
No electronic changeable copy reader boards are permitted on the premises;
New wall sign shall comply with the height above grade requirement

Mr. Perry stated that they believed there was substantial evidence to support the variance requests for all the variances except for the internal illumination of the wall sign. Mr. Cohen inquired about the wall sign lighting intensity and how expensive it would be to install a device to control the intensity. Mr. Perry responded that they would adjust it with a photocell, but not sure of the cost. Mr. Cohen inquired about the changeable copy reader boards. Mr. Perry responded that they were not permitted.

Mr. Brady inquired if the wall sign was truly visible because of the existing landscaping and the way it would be situated. Mr. Perry responded that it was hard to visualize the importance of it. Discussion followed.

Mr. Andy English, Applicant, Innocom Corporation, was sworn in. Mr. English stated that his company was brought on by Tri-Health approximately two years ago. Mr. English stated they specialize in healthcare. Mr. English stated they came up with the sign height that Tri-Health implemented and that they want to standardize their signage in Oxford. Mr. English described that they like to go up 12 feet in height and as big as possible. Mr. English stated Tri-Health felt the campus needed directional signage. Mr. English stated that all Tri-Health signs were of the same size, height and location. Mr. English noted that signs #4 and #5 were for the employee parking lot and that the current signage was not sufficient. Mr. English stated that the wall sign at N. Main (732) was for future recognition of the hospital and that was why they wanted it on the wall and felt that the lit sign intent at that thoroughfare was for recognition. Mr. Schnipper inquired if it was more about branding than direction. Mr. English responded branding.

Mr. Cohen referred to staff conditions listed in the staff report and inquired if the Applicant had any problems with any of them. Mr. English responded that the atmospheric condition and ambient lighting condition yes, have an issue with, but all others were fine. Mr. English stated that the wall sign wasn't going to blow light out to the neighbors.

Mr. Cohen inquired about Tri-Health's capital investment into the hospital.

Mr. Hehemann, McCullough Hyde President & CEO, was present at the meeting and spoke and agreed that immediate and long term investments were taking place with Tri-Health. Mr. Hehemann concluded that McCullough Hyde Hospital name would still stay but adding Tri-Health to it.

<u>Ms. Dana made motion to reconvene to Public Hearing. Mr. Schnipper seconded the motion. All were in favor.</u>

Mr. Brady stated that regarding the wall sign he had an issue with it. Mr. Cohen responded that we can't tell someone no who is investing in the hospital. We welcome them to the community. Mr. Brady stated that they can put up a sign, but it doesn't have to be internally illuminated. Mr. Cohen stated he didn't agree and that he didn't have a problem with the wall sign. Mr. Cohen stated that there wouldn't be much branding going on, especially if you can't see it after 6:00 p.m.

Mr. Schnipper stated that he didn't agree, as the sign was visible anyhow.

Mr. Cohen referred to the importance of a company investing in the City and that this investment could fall under Other Relevant Factors in the Decision Criteria.

Mr. Barnhart inquired if the monument signage was internally lit. Mr. English stated no, that they were uplit from the ground.

Mr. Perry explained the difference between internal and external lit signs in the UP District and what was allowed. Mr. Perry stated that the monument signs would be uplit. Mr. Perry added that the hospital was located at the fringe of the Uptown zoning district.

Mr. Schnipper referred to the west facing sign where an illuminated sign is now and if there was ground lighting on that wall. Mr. Perry stated yes that it was landscaped lighting which lights the wall.

Mr. Barnhart inquired why you would have ground signs uplit and not the wall sign. Mr. English responded that there are uplit lights on that wall and that the lighting dissipates the higher up it goes; therefore, it wouldn't be enough to show at night.

Mr. English noted that no one ever has in their code hospitals as it is such a unique thing. We can look at the option of diming the internally lit sign. But not sure. The sign light will only illuminate at the wall. Mr. Barnhart inquired that if standing in the middle of the street, there would not have any reflective light. Mr. English stated correct.

<u>Ms. Dana made motion to approve the variances requested for five new ground signs and one new wall sign be approved</u>

with recommended staff conditions listed above. Mr. Cohen seconded the motion.
AYE: Mr. Cohen, Mr. Barnhart, Ms. Dana (3)
NAY: Mr. Schnipper, Mr. Brady (2)
ABS: None (0)

Old Business

There was none.

New Business

Staff announced that there has been discussion on City Council of increasing BZA members from 5 to 7. Discussion also took place regarding having alternates. Mr. Brady noted that it would take a charter amendment for passage. Mr. Brady announced he requested a meeting with City Council. Discussion followed. Everyone agreed that five on BZA was a pretty typical number. Staff stated they would let everyone know when a meeting is scheduled. Mr. McHugh stated the meeting would probably take place during a City Council work session.

Adjournment

Ms. Dana made motion to adjourn the meeting. Mr. Cohen seconded the motion. The meeting was adjourned at 8:24