

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, May 14, 2014

Call to Order

Those members present: Gary Meyer, Prue Dana, John Barnhart, Paul Brady, and Michael Schnipper.

Those members excused: None.

Staff members present: Sam Perry, and Steve McHugh.

Staff members excused: Amy Blankenship.

Mr. Brady called the May 14, 2014 meeting to order at 7:30 p.m.

Adjudication Hearings

BZA-2014-03 325 W. Spring Street, Peak Health & Nutrition, variance to Section 1149.03(e), reduction in the parking space requirement, for installation of a free-standing sign, Andy Shea, Applicant, Agent (Tabled, April 16, 2014) 1

Ms. Dana made motion to remove from Table, BZA-2014-03. Mr. Barnhart seconded the motion. All were in favor.

Mr. Perry updated the BZA of what City Staff had looked into since their last meeting. Mr. Perry stated the BZA requested that Staff looked into designing a different parking lot striping layout; however, per the zoning code, tandem parking is not allowed. Staff also looked at the location of the dumpster. The other item the BZA asked Staff to look into was the attaching of a condition to the variance, that the variance would expire if the use changed and/or the current tenant vacated the property. Discussion took place. Mr. Perry reminded the BZA that the Applicant was requesting to reduce parking by two for the installation of a new sign, and that the BZA expressed their concern of a possible long term impact not just for the current tenant but for future tenants. Mr. Perry inquired if there was a way that future tenants needing a higher parking demand could remove the variance. Mr. Perry suggested to the BZA that if they found the Decision Standards were met and approved, that the variance would be recorded at the Butler County Recorder's Office with conditions listed.

Mr. Perry provided a rendering, which was part of the Sign application, of what the finished sign would look like, sitting atop of the existing asphalt parking lot.

Mr. Perry stated that he had spoke to the Applicant regarding the Butler County recording, and that the Applicant had no problem with this.

Mr. Schnipper inquired about the recording at the County Recorder's Office and it appearing during a title search. Mr. McHugh stated that ideally the property owner should bring that to the attention of the possible tenant but that it would not be the City's responsibility; however, documentation would be located within the file at the City office. Mr. Perry stated that the sign could be restored very easily if placed upon the asphalt. Mr. Perry noted that the property was owned by Redpath, and that most likely this ownership would remain, but only a change of tenant could possibly occur.

Mr. Brady asked Mr. Shea, the Applicant, to step up to the podium. Mr. Shea agreed to leaving the asphalt and constructing the sign on top of the asphalt. Mr. Shea also agreed to recording the variance at the Butler County Recorder's Office.

Mr. Meyer made motion to approve BZA-2014-03 with the condition that upon the tenant vacating the premises, but the use remains the same, the variance shall stay. Should the tenant change the use or a new tenant changes the use, the variance will expire. This BZA decision will be recorded at the Butler County Recorder's Office. Mr. Barnhart seconded the motion.

AYE: Mr. Brady, Mr. Barnhart, Mr. Schnipper, Ms. Dana, Mr. Meyer (5)

NAY: None (0)

ABS: None (0)

Approval of Minutes of the April 16, 2014 Regular Meeting

Ms. Dana made motion to approve the minutes as written. Mr. Schnipper seconded the motion. The vote to approve 3-0-2 (Mr. Barnhart, Mr. Meyer abstained).

Old Business

There was none.

New Business

Ms. Dana referred to receiving from Staff the BZA Rules of Procedure.

Adjournment

Mr. Barnhart made motion and Mr. Meyer seconded the meeting for adjournment. The meeting was adjourned at 7:46. All were in favor.