

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, June 15, 2016

Call to Order

Those members present: Paul Brady, Roger Ames, Prue Dana, Jack Cohen, and Michael Schnipper.

Those members excused: None.

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

Staff members excused: None.

Approval of Minutes of the May 18, 2016 Regular Meeting

Ms. Dana abstained from voting on the minutes of May 18, 2016 due to her absence.

Mr. Schnipper made motion to approve the minutes as written. Mr. Ames seconded the motion. All were in favor.

Adjudication Hearing

BZA-2016-04, 110 N. Poplar Street, McCullough-Hyde Memorial Hospital, Variances, Chapter 1151 Signs, specifically, 1151.05(a)(2)B.1 indirect illumination of wall mounted signs; 1151.05(e)(2)A building identification sign area and natural illumination, Michael Murphy, Champlin Architecture, Applicant, Agent

Ms. Dana made motion to enter into adjudication hearing BZA-2016-04. Mr. Schnipper seconded the motion. All were in favor.

Mr. Perry was sworn in.

Mr. Perry made a staff presentation about this variance request stating that there were two aspects of the variance request regarding signs: their size and illumination. Mr. Perry described the location of the two signs. Mr. Perry provided a PowerPoint presentation describing their location, size and what is permitted. Mr. Perry noted that an additional wall sign was asked for to be located on the canopy. Mr. Perry noted that this is a donor sign. Mr. Perry continued, that due to size and lighting, it far exceeds the zoning code by seven times. Mr. Perry noted that he met with the applicant Mr. Michael Murphy before his submittal.

Mr. Perry reviewed the Decision Criteria.

Criterion A - Reasonable return without the variances, Mr. Perry stated the hospital has been here many years and can yield a reasonable return.

Criterion B - is the variance request substantial, the internal illumination of the brand wall sign is not substantial; the size and lighting of the name sign is substantial. It is seven times larger than the maximum allowed of six square feet.

Criterion C - will the variances negatively alter the essential character. Staff believes they will not.

Criterion D - governmental services will not be impacted.

Criterion E - applicant had knowledge of zoning restriction. Mr. Perry responded it was not an issue.

Criterion F - Are there other feasible methods of identifying the building donor. Mr. Perry responded that

yes there were other methods. Both in size of signage and other ways to illuminate in order to meet the zoning code.

Mr. Perry made note that the existing ER signs are of the same color and internally illuminated as the donor sign so similarity is there, just would be at a different location on the canopy facade.

Mr. Schnipper inquired about the new sign on the west side and how was the sign illuminated now. Mr. Perry responded that the illumination would be the same and the existing has not been an issue and it had no effect on the residential character or no complaints having been received. Mr. Perry also noted that the size was identical.

Ms. Dana inquired about a reasonable return without the variance, what does some relief mean. Mr. Perry stated this wasn't before the BZA.

Ms. Dan referenced the sign being seven times larger and if the BZA could stipulate less than. Mr. Brady responded no because the BZA doesn't know if it is possible; you have to react to the proposal.

Mr. Cohen inquired if they would be allowed to come back to us with a different size. Mr. Perry stated the applicant could request tabling it, which will allow them to come back with different sizes.

Mr. Brady inquired about the canopy and how close to the sidewalk and street it is. Mr. Perry responded less than 20' from the sidewalk; not sure from the street.

Mr. Michael Murphy, Champlin Architecture was sworn in. Mr. Murphy stated he did not know exact setback from the curb but thought about 25'. Mr. Murphy agreed with what Mr. Perry presented.

Mr. Murphy stated that the logo sign was identical to the other logo sign.

Mr. Murphy stated that the donor sign was developed through very close work with the donor. The donor provided a significant donation and the sign with their name was part of it. Mr. Murphy acknowledged the BZA and staff concerns and brought with him a smaller version sketch. Mr. Murphy inquired if he could present it. Mr. Brady suggested not but would be happy to enter into record but on a decision basis, would have to table the case and resubmit a new size. Mr. Murphy referred to a hospital representative also present to share the importance of the donor sign. Mr. Murphy shared how they came about placing the sign where it is.

Ms. Mary Bennett, Chief Development Officer, McCullough Hyde Trust, was sworn in. Ms. Bennett asked for a moment to provide a summary behind the name on the emergency department canopy. Ms. Bennett provided their family history and why the Bruns family had chosen to make this donation to the emergency department and surgery suite in honor of her parents.

Mr. Murphy entered in his newest sketch, which was a smaller version, but still larger than the 6 square feet. The drawing was passed around. Mr. Cohen inquired if the donor had a specific size, shape of sign, and if they were aware of a smaller consideration. Mr. Murphy stated yes and that they were aware that it wasn't a done deal. Mr. Schnipper inquired if the donor knew of the allowed maximum size. Mr. Murphy responded yes.

Mr. Schnipper noted that to him this sign was a building identification sign. Mr. Schnipper inquired about there already being two signs stating Emergency Department and this would make it three, and felt this redundant. Mr. Murphy responded that Emergency Department signage has certain requirements, and this is a regulation. The color red is another regulation and is why the family chose the red lettering.

Ms. Dana made motion to reconvene to regular meeting. Mr. Schnipper seconded the motion. All were in favor.

Mr. Schnipper referred to the variance requests. In reference to the request for an identical sign the BZA are all in agreement that it doesn't merit any discussion, so let's limit discussion to the canopy sign. Mr. Schnipper agreed that donations are appreciated but that it bothers him the size and the donor was made aware of the restrictions.

Mr. Ames stated that for the location of the canopy sign it was not disturbing the neighborhood, is part of the donation, and that he likes it. Mr. Ames felt the size was not something that is glaring. Mr. Brady inquired what is the practical difficulty. Mr. Schnipper and Ms. Dana state that it was created by the applicant.

Ms. Dana encouraged the BZA to table it and let the applicant deal with the size. Ms. Dana agreed that the donor and the identification of were appropriate; however the sign is just so massive.

Mr. Brady agreed with Ms. Dana. Mr. Brady stated he just couldn't approve a sign of this size; he understands and respects the donation; just can't find a practical difficulty. Mr. Brady stated that as presented he was not in favor of the ER sign. Mr. Brady also stated that he was voting no on the other sign only because it is internally illuminated.

Discussion followed.

Mr. Schnipper made motion to approve 1151.05(a)(2)B.1, BZA-2016-04. Ms. Dana seconded the motion.

Roll Call:

AYE: Mr. Cohen, Mr. Ames, Ms. Dana, Mr. Schnipper (4)

NAY: Mr. Brady (1)

ABS: None (0)

Ms. Dana made motion to Table wall sign, variance request 1151.05(e)(2)A&C bldg. identification size and lighting, until the July meeting. Mr. Cohen seconded the motion. All were in favor.

BZA-2016-05 509 N. Campus Avenue, Variance to 1137.06 Nonconforming Structures, side yard setback requirement and 1149.02(a), off street parking requirement, Scott Webb, Applicant, Agent 31

Mr. Perry was sworn in. Mr. Perry stated that the applicant, Mr. Scott Webb, has an application for two variance for an addition to an existing house. Mr. Webb proposes a rear addition. Mr. Perry stated it will not meet side setback requirements. Mr. Perry described the setback requirements. Mr. Perry noted that the addition would be farther away and a 3'7" setback. Mr. Perry noted that there is an existing basement stairway. Mr. Perry referred to another issue, the parking requirement; the zoning code requires if there is an addition to a non-conforming structure and if it doesn't meet the parking code, then that has to be brought up to standards. Mr. Perry stated that there is no off street parking, so this requires a relief from that.

Mr. Brady inquired if there would be no change in the density. Mr. Perry stated no and there wouldn't be any increase in the occupancy permit.

The Decision Criteria was reviewed:

The variance request cannot yield a reasonable return
The rear addition is not substantial
The granting of the variance will not negatively alter the essential character
Government services will not be altered
The owner did not have knowledge of the zoning restriction, that there is no way to achieve the goal without a variance because there isn't any additional space
The spirit and intent of the requirement would be achieved by granting the variance request
Mr. Perry noted that there was substantial evidence to support the variance request.

No questions from the BZA.

Mr. Scott Webb was sworn in. Mr. Webb stated that this was a textbook example of practical difficulty. Mr. Webb stated they would lose on street space in order to put in a driveway. Mr. Webb noted that the only way to get to the furnace and washer/dryer was to go outside and back in through a floor door.
Mr. Webb described the property as having a deep lot but no access from any other point. Mr. Webb stated the applicant is attempting to make it more conforming both with building and zoning codes.

There were no questions asked of the applicant.

Mr. Terry Dudley was sworn in. Mr. Dudley expressed concern about parking noting that it was terrible when students were back. Mr. Dudley inquired if the BZA approved the variance request if there became a new owner, what happened with the variance. Mr. McHugh stated they would run with the land. Mr. Dudley inquired about increasing occupancy and lack of parking. Mr. Brady reminded Mr. Dudley that testimony was received that they would not be increasing occupancy. Mr. McHugh noted that the addition drawings did not show additional bedroom or bathroom. Mr. Brady stated the property was approved for four.

Mr. Schnipper made motion to reconvene to regular meeting. Ms. Dana seconded the motion.

Ms. Dana made motion to approve BZA-2016-05, variance to 1137.06 an addition to a non-conforming structure. Mr. Ames seconded the motion.

Roll Call:

AYE: Mr. Ames, Mr. Cohen, Mr. Schnipper, Ms. Dana, Mr. Brady (5)

NAY: None (0)

ABS: None (0)

BZA-2016-06 116 W. Collins, variance to 1141.03(b) Supplemental Regulations, principal entrance upon a street; 1149.02(a) parking, Scott Webb, Applicant, Agent

Mr. Brady announced that BZA-2016-06 116 W. Collins was being tabled by the applicant. Mr. Scott Webb, Applicant, agreed. Mr. Webb will present at the next BZA meeting in July. The BZA approved by voice roll call.

Old Business

There was none.

New Business

Mr. Ames stated he would be unable to attend in July. Mr. Schnipper asked staff to please share with applicants that only four members will be present.

Adjournment

Mr. Ames made motion to adjourn the meeting. Mr. Schnipper seconded the motion. All were in favor. The meeting was adjourned at 9:00 p.m.