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

Call to Order

The July 15, 2015 BZA meeting was called to order at 7:30 p.m.

Those members present: Roger Ames, Paul Brady, Jack Cohen, Pru Dana
Members Excused: Mike Schnipper
Staff Present: Amy Blankenship, Sam Perry, Jung-Han Chen
Staff Excused: None

Approval of Minutes of the May 20, 2015 Regular Meeting

Ms. Dana made motion to approve the May 20, 2015 minutes as written. Mr. Cohen seconded the motion. All were in favor. Mr. Ames abstained as he was not present for the meeting.

Adjudication Hearings

BZA-2015-10 10N. Beech Street, Princess Theater, variance to Section 1143.10(c)(2) front yard setback, Amy Lynch, Applicant/Agent

Ms. Dana made motion to adjourn to BZA-2015-10. Mr. Ames seconded the motion. All were in favor.

Mr. Perry provided an overview. Mr. Perry stated that the request was on behalf of the owners of 10 N. Beech and noted that the applicant/agent has changed to Robert Treadon, Treadon and Associates.

Mr. Perry provided an overview with a PowerPoint presentation. Mr. Perry referred to the approved BZA request earlier in 2015 for a setback variance; however, now the building is being completely torn down. Mr. Perry noted that the revised design and relocated canopy has been approved by the HAPC. Mr. Perry noted that the canopy would be removed and then reassembled 8'2" north of its current location.

Mr. Perry stated that the applicant proposes to maintain the same encroachment into the right-of-way with the new building, except for the canopy, which would fully extend into and beyond the right-of-way line into the N. Beech Street public right-of-way.

Mr. Perry provided a plat of survey which showed the piers for the canopy. Mr. Perry displayed the design approved by the HAPC.

Mr. Perry showed the floorplan which illustrated how the new design would have a continuous street wall. The variance request approved in January, was for 9'3" encroachment of addition into the 16.5 front yard setback. Mr. Perry described the 1984 addition. Mr. Perry referred to the canopy and noted that City staff has said it would be allowed since it historically has been there, however, is not before the BZA.

Mr. Perry noted that adjacent property owners were notified.

Mr. Perry reviewed the Decision Standards.

Mr. Perry noted that HAPC Uptown's intent is to have street walls.

Mr. Cohen inquired if staff still believes there is substantial evidence to support the variance request. Mr. Perry responded yes and that the key evidence was that the existing street wall encroached on the setback for the entire block face.

Mr. Matt Rodbro was sworn in. Mr. Rodbro stated he had worked with the HAPC on front elevation, and described the reason for a solid street wall.

<u>Ms. Dana made motion to reconvene to regular meeting. Mr. Ames seconded the motion. All were in favor.</u>

Everyone agreed they liked the streetscape.

<u>Ms. Dana made motion to approve BZA-2015-10 variance request 1143.10(c)(2) front yard setback of 6.5 feet based upon Decision Standards that it would not negatively affect the essential character, and is the only way to achieve street wall, meeting the spirit and intent of the zoning requirement. Mr. Cohen seconded the motion.</u>

Roll call:
AYE: Mr. Ames, Mr. Cohen, Ms. Dana, Mr. Brady (4)
NAY: None (0)
ABS: None (0)

<u>Old Business</u>
BZA-2015-05 [110 N. Poplar Street, McCullough-Hyde Memorial Hospital, automated adjustment of sign lighting]

Mr. Perry explained to the BZA that this was follow up to a variance approval to install three ground signs and a wall mounted sign at the McCullough Hyde Memorial Hospital. At that time conditions were placed and now there are two of the conditions the applicant is having difficulty meeting because presently are no products on the market to automatically adjust the lighting levels; therefore, can only be adjusted manually.

Mr. Perry noted that Mr. Rob Steiner was present from the sign company to explain the situation.

Mr. Rob Steiner, Hightech Signs, explained that they fabricate signs for Tri-Health and that they were challenged by the auto adjustment of wall and ground illumination. Mr. Steiner stated he was aware of the residential area and that there isn't technology out there to get a device to auto adjust channel letter signs based upon natural lighting intensity. Mr. Steiner stated that there were dimmers for both ground and wall signs and that they proposed and felt it reasonable to put a dimmer on the wall and ground signs. Mr. Steiner continued that once they arrived at an acceptable even illumination, that they would set it at that.

Mr. Brady inquired if they could put on a photocell or a timer. Mr. Steiner stated yes and described where the timer would be located. Mr. Chen stated that he didn't see a problem with that. Mr. Brady inquired if it could be adjusted again should the neighbors complain and Mr. Steiner stated yes. Mr. Brady inquired who would maintain the timer. Mr. Steiner stated that the lights would be remotely wired into the ceiling and a dial would be located within reach. Mr. Brady inquired if they would still have a variance now with this change, since they are not meeting conditions. Ms. Blankenship stated the BZA would just need to make a motion. Mr. Brady inquired if the procedure they were following was correct. Ms. Blankenship responded yes.

Mr. Brady inquired staff on how to word the condition.

Mr. Ames made motion to amend the conditions regarding lighting on variance on 2015-05 to allow for the City of Oxford staff to determine lighting levels in lieu of an automated system. Ms. Dana seconded the motion. All were in favor.

The BZA expressed concern about others having the capability to adjust the lighting. Mr. Steiner stated they would put a lock box on.

New Business

There was none.

Adjournment

Ms. Dana made motion to adjourn the meeting. Mr. Cohen seconded the motion. All were in favor. The meeting was adjourned at 7:54 p.m.