

BOARD OF ZONING APPEALS

Meeting Minutes

Wednesday, May 15, 2019

Call to Order

Those members present: Paul Brady, Roger Ames, Prue Dana, Michael Schnipper, and Dan Haizman.

Those members excused: None.

Staff members present: Sam Perry, and Amy Blankenship.

Approval of Minutes of the April 17, 2019 Regular Meeting

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

Adjudication Hearings

BZA-2019-03, 612 S. College Avenue, Variance to Section 1143.03(c)(7)D, to allow for a deck in the side yard, **Scott Webb, Appellant**

Mr. Perry was sworn in by Mr. Brady. Mr. Perry provided a review. Mr. Perry stated a deck was built on the side of an existing three family building without a permit. It was discovered when the owners applied for a building permit that there was a zoning issue and therefore couldn't be approved. Mr. Perry stated that the Mile Square Architectural Guidelines only permit decks on the rear walls of buildings. Mr. Perry noted that that the deck did provide better access to the outdoors and that it was installed to accommodate a resident with limited mobility.

Mr. Perry reviewed the decision criteria:

- A. The variance was not substantial
- B. The variance would not effect the neighborhood
- C. The variance could yield a reasonable return without the variance
- D. Government services was not negatively affected by the variance
- E. It was staff's belief that the owner was fully aware of the permit requirement.
- F. Owner's predicament, Mr. Perry referred to the wheelchair access
- G. Spirit and intent would be observed
- H. The current resident has limited mobility and this is a relevant factor,

Mr. Haizman suggested a different entrance/exit into the structure was feasible.

Ms. Dana inquired if there was a ramp on the structure. There is not.

Mr. Scott Webb was sworn in. Mr. Webb stated that a patio could be on the side of the structure, but didn't work because of the grade. Mr. Webb stated that he considered this a corner lot and no dedicated street and that corner lots don't have backyards. Mr. Webb stated the deck aligned with the other patios. Mr. Webb stated that he felt there was no other place to put the deck, and could be a patio by right.

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

Ms. Dana made motion to approve BZA-2019-03 based upon decision criteria B and C. Mr. Ames

seconded the motion.

Mr. Schnipper commented that once again another case of asking for forgiveness before admission.

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

NAY: None (0)

ABS: None (0)

BZA-2019-04, 200 W. High Street, Variance to Section 1151.05(a)(1), to allow for more than one wall sign per nonresidential occupant, and Section 1151.05(a)(1)(A), variance requiring wall signs to be attached between nine and eighteen feet above the adjacent ground, Timothy Hoskins, Triangle Sign Company, Appellant

Mr. Haizman made motion to enter into public hearing BZA-2019-04. Mr. Schnipper seconded the motion. All were in favor.

Mr. Perry was sworn in by Mr. Brady. Mr. Perry stated that adhesive lettering had been installed without a permit on two existing nonconforming wall signs. Mr. Perry explained the time frame of the two signs' non use and therefore becoming null and void. Mr. Perry displayed the two signs and explained their differences; wall signs in the General Business District are allowed when on a corner; however, the RO District does not allow two signs. Mr. Perry also noted the current sign height was not allowed.

Mr. Perry reviewed the Decision Criteria:

A. Could yield a reasonable return without the variance

B. The variance is not substantial, (the signs were administratively approved by the HAPC)

C. Was not negative to the neighborhood

D. Not sure of property owner awareness of requirement

E. Would need to determine the owner's predicament obviated through other means; would need further discussion

F. The spirit and intent would not be consistent. Mr. Perry pointed out that it is a one story building; regulations weren't written with one story buildings in mind.

Staff found that there was not substantial evidence to grant the variances.

Mr. Ames inquired about when the bank was there, and the sign approvals then. Mr. Perry responded they were grandfathered.

Mr. Schnipper inquired if application being made by the tenant, then the owner had to acknowledge the application. Mr. Ames inquired if the variance is granted the variance would stay with the building for eternity. Mr. Brady responded yes.

Mr. Tim Hoskins was sworn in. Mr. Hoskins stated it was his fault not having approval before putting the signs up as he did the past signage. Mr. Hoskins noted that it was a hard building to sign and the owner would like to obviously do the easiest way. Mr. Hoskins also stated that the sign was not interior lit. If have to he can remove one sign.

All were in favor to reconvene to regular meeting.

Mr. Haizman, thinks one or both signs need to stay where they are at, or remove the smaller sign.

Mr. Haizman made motion to deny 1151.05(a)(1) to have more than one sign. Mr. Ames seconded the

motion.

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

NAY: None (0)

ABS: None (0)

Mr. Ames made motion to approve 1151.05(a)(1)(a) height of wall sign based upon the decision criteria that it is not substantial and wouldn't change the character of the neighborhood with the . Haizman seconded the motion. With the condition to allow the existing east facade sign to stay and remove the south facade sign.

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

NAY: None (0)

ABS: None (0)

Old Business

There was none.

New Business

The BZA discussed attendance at the June meeting.

The BZA discussed training and their intention to set it up to capture two new members.

Mr. Schnipper thanked Ms. Dana for her service.

Adjournment

Mr. Ames made motion to adjourn the meeting. Mr. Haizman seconded the motion. All were in favor. The meeting was adjourned at 7:10 p.m.