

BOARD OF ZONING APPEALS

JANUARY 9, 2017

The meeting was called to order at 5:30 p.m. by Craig Pickerel. Board members present were Greg Bade, Jason Decker, Niki Decker, Craig Pickerel and Rob Vela (5). Also present were Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

Election of Chairman

Mr. Decker nominated Mr. Pickerel to be Chairman. Seconded by Mr. Bade. Ayes: (5). Nays: (0).

Election of Vice-Chairman

Mr. Bade nominated Mr. Decker to be Vice-Chairman. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

Approval of Minutes

Mr. Pickerel moved to approve the minutes of the December 12, 2016 meeting as submitted. Mr. Decker seconded and they were unanimously approved.

Mr. Pickerel administered an oath to those that would be speaking at the meeting.

APPLICATION, 1-17 - Brian Heil on behalf of Schutz Containers is requesting a zoning variance that would allow the installation of one free standing sign within the 25' setback from the front property line. The property is located at 2005 Wilkinson Way and is zoned as I-2 (General Industrial).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*
I-2 Zoning:

Setback: 25' from right-of-way

NOTE: *1250.39 Other Administrative Procedures*

The Board of Zoning Appeals may grant a variance only if it finds that all of the following apply:

- (a) That the literal enforcement of the requirements of this chapter would involve practical difficulties based on the presence of special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district. (see factors 1-6)
- (b) That granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the

intent and purposes of the requirement being varied or of this chapter, and is the minimum variance necessary to provide relief.

- (c) That the variance would not adversely affect the delivery of governmental services (e.g. water, sewer, refuse).
- (d) That the variance as granted would not confer on the applicant any special privilege, or deprive the applicant of rights, when compared with those rights commonly enjoyed by immediately adjoining properties.
- (e) That the variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

1. The requested variance would permit the applicant to install a permanent freestanding sign with a zero foot setback from the public right-of-way (25' closer than is otherwise permitted).

Recommendation:

1. No recommendation provided.

Mr. Easterling reviewed Application 1-17. He said that traditionally signs have not been allowed up to the right of way, but have been required to be at least two feet off the right of way. Brian Heil of Toledo Signs was present on behalf of Schutz Containers. Mr. Heil said that most signs that he has seen out near Schutz are within the 25' setback. He added that the sign would still be 25' from the sidewalk. Ms. Decker asked if the sign is there already. Mr. Heil said that it is not; it is for the new building and they would like to keep them in line. Mr. Bade asked Mr. Heil if he is proposing locating the sign 25' from the sidewalk. Mr. Heil said that it would be 61' from the center line which would be one foot from the right of way. Mr. Bade said that he has no problem with that distance from the street and two feet from the right of way. Mr. Pickerel asked if any comments were received from neighbors. Mr. Easterling said that he received no comments.

Mr. Decker moved to approve Application 1-17 with the condition that the sign be two feet from the right of way. Mr. Bade seconded and it was unanimously approved.

APPLICATION, 2-17 - Aaron Greene on behalf of Mercy Health is requesting two zoning variances that would allow the installation of a freestanding sign that is taller and larger than what is permitted. The property is located at 12623 Eckel Junction Road and is zoned as INS (Institutional Uses).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*
INS Zoning:

Setback: 10' from right-of-way

Maximum Height: 6'

Maximum Size: 48 SF

1. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign with a height of 12' (the maximum height allowed is 6').
2. The applicant is requesting a variance that would allow them to construct a freestanding sign larger than the maximum of 48 square feet. The sign would be approximately 72 square feet, with one sign placed along Eckel Junction Road.

Recommendation:

1. No recommendation provided.
2. No recommendation provided.

John Venglarcik and Rebekah Szczerbiak from Harmon Signs were present on behalf of Mercy. Mr. Venglarcik said that they are doing a new branding of Mercy Properties and they will be changing out the wall signs and monument sign. Mr. Venglarcik explained that the monument sign is at the only entrance which is on Eckel Junction Road. The new sign is proposed to go in exactly the same spot as the current sign but since this is an emergency medical facility, they want it to be easier to see. Mr. Bade said that he drives by it every day and he agrees that if you aren't looking for it, it could be hard to see. However, the request is not slightly different from the Code, it's a lot more. He said that in his opinion it is entirely too tall.

A letter was received from Taylor Automotive, a neighbor of the Mercy property. The Taylors said that they are okay with the larger sign because then they can get one too.

Mr. Venglarcik said that they have had people say that the Emergency portion of the sign is harder to see so they are making that translucent red. There was discussion regarding the size of the sign, and several Board members agreed that they are okay with the size of the sign, it's the height that is the issue. Mr. Decker asked why they chose the height to be 12'. Mr. Venglarcik said that it is a brand standard. Mr. Bade said that he does not want to set a precedent by permitting the sign to be that tall. Mr. Pickerel said that he agrees, but this is an emergency facility. Mr. Decker asked how tall the existing sign is. Mr. Walters said that he believes the one pier is about 8' tall.

Mr. Pickerel moved to approve Application 2-17 based on modifying the height to match the existing which is approximately 8' to make the sign more visible because it is an emergency facility. Mr. Decker seconded and it was approved 3-1. Ayes: J. Decker, N. Decker, Pickerel (3). Nays: Bade (1). Abstain: Vela (1).

APPLICATION, 3-17 - Aaron Greene on behalf of Mercy Health is requesting one zoning variance that would allow the installation of a wall sign that is larger than what is permitted. The property is located at 12623 Eckel Junction Road and is zoned as INS (Institutional Uses).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*
INS Zoning:

Maximum Size: 10% up 75 SF per facade

Quantity: 1 per façade up to 3

1. The applicant is requesting a variance for a wall sign on the building larger than the maximum of 75 square feet. The sign would be approximately 88 square feet.

Recommendation:

1. No recommendation provided.

It was determined that a variance was not needed for this sign because it was in compliance with the Code.

There being no further business, the meeting adjourned at 6:23 p.m.

Respectfully submitted,

Mary Jo Sutton