

VILLAGE OF PLAIN CITY
BOARD OF ZONING APPEALS

Minutes

July 21, 2020, 6:30 PM @ Via Zoom and in person

MEMBERS

Shannon Pine – Tara Lee – Janika Adler – Tom Jaskiewicz – Daniel Fennell

Solicitor: Paul La Fayette

CALL TO ORDER: Ms. Pine calls the meeting to order at 6:30 pm

ROLL CALL: Committee members present- Shannon Pine, Tara Lee, Janika Adler, Daniel Fennell;
(Tom Jaskiewicz- Not present)

Visitors: Kim Mayer (Applicant) and Landen Steiner (Der Dutchman)

COMMUNICATIONS:

- Zoning (Taylor Brill)- Nothing to report

APPROVAL OF MINUTES: Ms. Lee motion to approve June 23, 2020 BZA minutes. Mr. Fennell second the motion. Four votes Yes and one Not Present (T. Jaskiewicz)

OLD BUSINESS:

NEW BUSINESS: Case #VAR-2020-001: Variance Application to Replace an Existing Non-conforming Sign at 440 S. Jefferson Street (Parcel Number 04-00777.001) – Applicant: Plain City Shell (Jerry and Kim Mayer)

- Ms. Pine stated, “As a result of the State of Emergency declared by the Governor of the State of Ohio as outlined in Executive Order 2020-O1D and accordance with HB 197 and the recent amendments to the Ohio Revised Code at Section 121.221, the Board of Zoning Appeals hearing was held in-person and by video conference.”
- Ms. Pine also verified with the Zoning official (T. Brill) that all public notices regarding the hearing were sent out to adjoining property owners within 250 feet of the subject property and published in the paper 15- day prior
- Mr. Lafayette swore in Ms. Mayer (applicant) and Mr. Steiner (supporter) for their testimony regarding Case #VAR -2020-001.
- The documentation that was emailed by Ms. Brill regarding the application is Exhibit A.
- Ms. Brill gave a brief overview of Case#VAR-2020-001. Ms. Mayer would like to replace the existing shell sign at 440 S. Jefferson Street. The applicant was approved for this matter in May 2020 but was revoked shortly after because the sign that was placed was not up to code with the Village Zoning Code. Currently the signed measures 11 ½ by 8 ft excluding the base, the new sign (which is more conforming)

measure 9 ½ by 8 ft that's including the base, which it stands about 13 ½ ft. Overall the new sign is about 76 square feet, which is about 12 square feet over the recommending 64 square feet allowed but it does fall within the height requirement excluding the base. Due to the nature sign and conforming nature staff is recommending approving the variance.

- Ms. Mayer was given the floor to speak regarding the Case in hand. Ms. Mayer's reasoning for the application that is present to the board is to replace the current sign. She would like to have a more modern style that is appealing to the eye and have it more presentable for the community. She is currently working with Shell corporation and Federal Heath signs to make sure the sign is within the parameters of Shell and the Village requirements.
- Ms. Pine stated that the overlay district prohibited pole signs, according to the picture submitted it shows the sign on two poles. Ms. Pine asked Ms. Mayer if there was any way that the sign could sit on a base? Ms. Mayer confirmed that the sign will be sitting on the existing base that is currently present. Ms. Pine confirmed with Ms. Mayer that the current base is a grey color with two small poles. Ms. Lee stated that the application should have a drawing that represents how the sign will look like. Ms. Pine asked Ms. Mayer to submit a drawing that represents the sign sitting on the current base by next schedule BZA meeting which is July 28, 2020. Ms. Mayer stated that Ms. Evon Brown works with the Zoning department and she can deliver any update drawings that the board is seeking. Currently, Ms. Mayer is out of town, thus her asking the Board to get in contact with Ms. Brown (contractor) for the items needed to proceed with the application. The board asks the Zoning official (Ms. Brill) to contact Ms. Brown for the items need.
- Ms. Adler questions the setback? She sees no mention within the application. According to 1199.05B1 Location. *All ground signs shall be set back a minimum of eight feet from any public right of way or property boundary line.* Ms. Mayer was unsure but believed it was compliant. Ms. Brill can measure to verify.
- Mr. Fennell was curious to know if anything was preventing her while designing the sign to be able to comply with the current code compared to creating a sign that needs variances? Ms. Mayer stated that the sign is from Federal Heath and Shell. Shell has certain requirements as well regarding the sign. Therefore, she is not only having to work within the choices that Shell provides but as well falls within the code of the Village. Ms. Mayer stated that if the application does not get approved, she will keep the current sign as is. She just wanted to update the sign and make it more appealing to the public. Ms. Lee asked if the interchangeable message board, will it be bigger? Ms. Mayer stated No, it will be smaller than what it is now. It will not be wider, only taller.
- The board questions the Zoning Official if other business within the village needed variance approval for their signs. Ms. Brill was unsure but would have to look into it. Mr. LaFayette attested that the other business that needed approval was Der Dutchman, for multiple signs. Also, Ms. Pine attested as well that the NAPA auto parts store was another as well. She also mentioned that there are several changeable copy signs along 42.

- The Board of Appeals acknowledged Mr. Steiner (Der Dutchman) as a supporting party for Ms. Mayer (Shell Station). His official statement “he is in full support of the current application of the sign for Ms. Mayer Shell Station”. There was no opposing party present during this public hearing for Case #VAR2020-001.

At 6:51 pm deliberation started among the members of the Board of Zoning and Appeals.

- Ordinance 1138.05(c)(3): (3) Approval of Variance by the Board of Zoning Appeals. Within forty-five (45) days after the public hearing required in Section 1138.05 (c), the Board of Zoning Appeals shall approve, approve with supplementary conditions, or disapprove the request for a variance. The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:
 - A. That said area variance will not be contrary to the public interest.
 - *Board agrees with this statement.*
 - B. That said area variance is justified due to special conditions.
 - *Board agrees that is not a special condition because it is a nonconforming sign.*
 - C. That the literal enforcement of the Zoning Ordinance will result in practical difficulties. The factors to be considered and weighed in determining whether practical difficulties have been encountered shall include, but not be limited to the following:
 1. Whether there can be any beneficial use of the property without the variance.
 - *Not applicable*
 2. Whether the variance is substantial.
 - *Board felt that is not substantial*
 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - *Ms. Pine stated that the character of the area already has existing signs of this type. She does not believe it would bot a detriment for the area. Ms. Lee refrains herself from making any comments until she can see the new drawing showing the actual sign sitting on a base.*
 4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).
 - *The board agreed that this is not the case.*
 5. Whether the property owner purchased the property with knowledge of the zoning restriction; and
 - *Ms. Pine asked Ms. Mayer if she knew at the time of purchasing the property if she was aware that the sign was non-conforming? Ms. Mayer answer, she was not aware at the time of purchase that the sign was non-conforming.*

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 - *The option would be either leaving the existing sign or a sign created within the limitation of the Code.*
- D. That the spirit of the Zoning Ordinance will be observed, and substantial justice is done if the area variance is granted.
 - *Ms. Pine commented that if the drawing shows that the sign sits on the base the spirit of the Zoning Ordinance is observed. Need to verify once the drawing is submitted to the board.*
- E. That the variance is based on need, not convenience or profit.
 - *Ms. Pine and Mr. Fennell both agreed that the variance is based on need not on convenience or profit, according to the testimony that Ms. Mayer stated and the reasoning behind her application is to replace the old sign.*

Ms. Pine official close the Public Hearing for Case #VAR2020-001 at 6:59 pm.

The next scheduled Board of Zoning Appeals meeting will be held on July 28, 2020, at 6:30 pm to discuss the Finding of Facts and rendered a decision on Case# VAR 2020-001.

ADJOURN: Ms. Lee motioned to adjourn. Mr. Fennell seconded the motion. Four votes Yes and one Not Present (T. Jaskiewicz)

- Ms. Pine closed out meeting @7:00 pm