

VILLAGE OF PLAIN CITY
BOARD OF ZONING APPEALS (FINDINGS OF FACT)

November 24, 2020

6:30 PM @ Via Videoconference

MEMBERS

Michael Terry – Janika Adler – Mr. Jaskiewicz– Brad Swank -- Vacant

CALL TO ORDER: 6:30pm Mr. Jaskiewicz read solicitors disclosure re HB197

ROLL CALL: all in attendance

Michael Terry Janika Adler Mr. Jaskiewicz Brad Swank

VISITORS: Christy Hatcher, Timothy Dawson, Paul LaFayette, Heidi Baldwin, Taylor Brill

COMMUNICATIONS:

- Zoning (Taylor Brill) – verifying about Dec. meeting. Has couple applications pending.

APPROVAL OF MINUTES:

- November 17, 2020 meeting minutes – Mr. Terry approved **Mr. Jaskiewicz** 2nded – 4 yeas

Mr. Jaskiewicz before we get into actual applications, the committee members that wanted to look into the applications, did you have opportunity to do that? Mr. Swank and Mr. Terry yes. Move into old business.

OLD BUSINESS:

Case #VAR-2020-003: Variance Application to install a sign at Lil e’s Ice cream (461 W Main St, Unio Co. Parcel ID 180003040000)

Mr. Jaskiewicz asked if anyone has questions or discussion points:

Mr. Terry asked about pole if variance not approved

Ms. Brill stay as existing because on property owner’s property

Mr. Terry for something to be vacated and removed it has to be within a reasonable amount of time if a new company is taking over?

Ms. Brill yes typically within 30 days of business vacating

Mr. Jaskiewicz asked if anyone else in relation to this application. Asked if everyone had the opportunity to read the findings of fact for this application by Mr. LaFayette, based on last meeting.

Mr. LaFayette has one correction on last sentence of each VAR’s, hearing was held March 17th, just delete that sentence under Section A, for both applications.

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Mr. Terry had question on findings of fact, you wrote those and at the end a boiler plate on where we were headed, explain that processes.

Mr. LaFayette obviously you read what was prepared and make sure it's accurate then ultimately you make a decision whether or not you approve or deny. Whatever decision is made is a final appealable order. If approved and somebody wants to oppose it or somebody wants to appeal the decision of approving it, they can go under 250602 administrative appeals statute and appeal to the trial court, Madison Co. Decision is X and here are your public rights.

Mr. Terry asking if we want to add something to finding of facts, do it now or only during findings of fact?

Mr. LaFayette you can add it in now.

Mr. Jaskiewicz . to clarify what we will do, if any changes/modified/added/deleted from findings of fact in front of you, we need to do now. We will then have a vote to accept or adopt a finding of fact. Then we will vote to approve or deny the application.

Mr. Terry under B #4 in the spirit of the ordinance , we kind of said it is in the spirit of the ordinance It just interesting that we said it that way, the zoning code is no pole signs, so I don't know if it is in the spirit of the zoning code. I would almost say it's impossible to be in the spirit of the zoning code, if there is not allowed to have one. Thinks it's a little odd that we said it that way.

Mr. Jaskiewicz not sure what you are eluding too. Mr. Jaskiewicz stated that he believes that the spirit of the zoning ordinance is clear to the extent that pole signs are prohibited and old signs that are abandoned should be removed. This pole remained. However, the fact that the sign is not illuminated, in his opinion, reflected that the variance is minor in nature. No other Board members offered comment. I don't think anybody said it was within the spirit of the ordinance. I think it says he believes that it's spirit of the zoning ordinance is clear to the extent that pole signs are prohibitive.

Mr. Terry don't know if that sentence of "however" really applies. To me the spirit is about the pole or not a pole. If you believe it's the illumination of a pole sign that in the spirit.

Mr. LaFayette would you like me to add something to the affect that you agree with the portion of the spirit of the ordinance prohibits pole signs.

Mr. Swank, yea I like that better actually.

Mr. Terry I was just trying to make it clear that to me, spirit is ?, not that it changes my, it was the one thing that was a little different.

Mr. Jaskiewicz and that makes sense because we are actually talking about the pole sign itself and the structure, the fact that it's not illuminated has no bearing.

Mr. Swank has question about illumination of sign. I thought we discussed that the sign would not illuminated and I asked that we discussed provision that it t would never be illuminated. What I'm looking for is, if we approve this sign today, is there something that we can put in makes sure it is not illuminated?

Mr. Jaskiewicz I believe that if they came ad wanted to change that sign at all, if would come back to BZA and we would have to grant specific authority.

Mr. LaFayette to the extent that there changes to the sign, not under zoning would have to go under another variance process.

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Mr. Jaskiewicz .so having said that I don't believe that we would need to outline that as a condition because that would have to be an entirely different application that would come thru us.

Mr. Jaskiewicz anybody else to add or change to the findings of facts? Mr. LaFayette how are you going to change so Mr. Terry would be comfortable with the wording and such Mr. LaFayette, I left everything that was in there and then are the point where needed I inserted that Mr. Terry agrees that that the spirit of the zoning ordinance prohibits pole signs.

Mr. Terry agrees with changes

Mr. Jaskiewicz said if we agree to the finding of fact, the protocol would be to have a motion to adopt the finding of fact as it's been submitted and now with e modification he has made. This is not an approval of the application itself this is just simply adopting the finding of fact of what we've discussed and how it fits into the zoning code and then the application for variance.

Mr. Terry motion to accept the findings of fact as written and modified. Mr. Jaskiewicz seconded. 4 years

Mr. Jaskiewicz, now that the finding of fact has been approved based on the motions. We not need a motion to approve or deny the variance application as submitted. Mr. Terry motions to approve the variance application. Mr. Swank 2nd. 4 yeas

Mr Jaskiewicz thank you Mr. and Mrs. Hatcher Ms. Bill will be in touch with you regarding the application.

Case #VAR-2020-004: Variance Application to install a sign at a new business (132 N Chillicothe St, Parcel ID 04-00244.00)

Mr. Jaskiewicz asked if everyone had opportunity to review the finding of fact and also you guys had a chance to survey. Mr. LaFayette parcel and address is incorrect, needs to be changed. Do you guys have further thoughts in relation to this application?

Mr. Jaskiewicz opened for comments.

Mr. Terry visit didn't change the finding of the facts substantially enough to make an edit. When you get down to E, that's where I was looking for visibility, his thoughts are fairly represented. Don't need any changes based upon my visit.

Mr. Swank agrees with Mr. Terry.

No further discussion.

Mr. Jaskiewicz if no other changes other than the parcel and address that Mr. LaFayette is change, do we have a Motion to Adopt the finding of fact as prepared. Ms. Adler motioned, Mr. Terry 2nded – 4 yeas

Mr. Jaskiewicz Motion to Approve or deny the application. Based on the finding of fact and deliberation. Mr. Terry motion to approve the variance. Mr. Jaskiewicz . – 4 yeas

ADJOURN: Mr. Jaskiewicz motion to adjourn at 7:07pm, Mr Terry 2nd