Board of Zoning Appeals
Minutes
April 12, 2016

Members present: John Golzy (Chairperson), Lisa Carson, Betty Hollow, Joan Kraynanski, Kay Tousley, Edward Baum (alternate).

City officials present: Rick Sirois (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:00pm in Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board of Zoning Appeals. He noted that in Case #16-03V, the property owner has asked to withdraw the variance application. The Chairperson then swore in, under oath, those intending to give testimony.

Case #16-03V Lot 1703—Ring Street Zone R-1 Ron White, appellant

Appellant is requesting a variance from ACC 23.10.01 Schedule of Bulk Controls, Table "A", Schedule of Bulk Controls, to allow construction of a building with a rear setback of seven feet (7'), where thirty feet (30') is the minimum rear setback allowed. (This case was tabled at last meeting.)

(Withdrawn by appellant.)

Case #16-05V 10 Rufus Street Zone R-3 Advance Sign Group, appellant

Appellant is requesting a variance from ACC 23.03.13(I)(1)(k)(ix)(a) to allow a free-standing Property Management identification sign twenty-one (21) square feet in area, where fifteen (15) square feet in area is the maximum allowed.

The Chairperson called on the secretary to testify.

The secretary noted that an identification sign in an R-3 zone can only be 15 square feet in area. Ms. Kraynanski asked about the sign being called a Property Management sign. The secretary said that was how it was designated on the sign application.

The Chairperson called on the appellant to testify.

Jerry Helsel (agent, Advance Sign Group) addressed the Board. Mr. Helsel said that traffic comes up fast to the apartment building entrance, and the larger sign will help direct traffic. He indicated that the design of the sign is intended to go with the scope of the building and sign base. Mr. Helsel said that a 15-square-feet sign does not have enough impact. He added that no other entrances of other nearby apartment buildings have signs like this.

Ms. Kraynanski asked how the sign would be lit. Mr. Helsel said that it would be

internally lit, operated on a photocell to be on at night. Ms. Kraynanski stated that there is not anything in the area to distract from the sign. Mr. Helsel said that the identification sign is for the building itself and the entrance. He also noted that light poles and future landscaping will be around this site.

Bob Freund (manager, Rivergate Apartments) addressed the Board. Mr. Freund said that he wants traffic to have enough advance notice to be able to turn into the entrance. He reiterated that the larger sign is to fit in with the building and monument base.

The Chairperson stated that the appellant could make a sign 15 square feet in area. Mr. Freund said that they could, but the apartment building name and logo would be difficult to keep in perspective. Ms. Hollow said that the sign base could be smaller, as she finds it hard to believe that it would be missed in such a huge project.

Mr. Helsel said that granting this variance could start a precedent for better signs and apartment building care.

Ms. Kraynanski asked to be shown where the entrance is, and was shown by both appellant representatives.

The Chairperson called on anyone wanting to speak in favor, make general comment about, or speak against the variance. No one came forward.

The Chairperson closed the floor for discussion.

On a motion by Ms. Kraynanski, seconded by Ms. Tousley, the Board moved to grant a variance to the property at 10 Rufus Street from ACC 23.03.13(I)(1)(k)(ix)(a) to allow a free-standing identification sign twenty-one (21) square feet in area, where fifteen (15) square feet in area is the maximum allowed.

FINDINGS:

1.) **EXCEPTIONAL CIRCUMSTANCES:** Yes, it is a large complex. There are other large complexes as well. They are allowed only smaller signs. A large complex wanting a larger sign is not unreasonable. The sign is not that much larger than what is allowed. Traffic would not be distracted by other signs.

2.) **HARDSHIP AND DIFFICULTY:** Yes, in that larger apartment complexes try to identify themselves with smaller signs. There is no hardship with a refusal, as they could still have a sign.

3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Some are more privileged than others.

4.) **MINIMUM VARIANCE:** It could be minimal.

5.) **ABSENCE OF DETRIMENT:** The signage is minimal.

6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Golzy, Carson – yes. Hollow, Kraynanski, Tousley – no. Motion denied 3-2; variance denied.

Case #16-06V 55 Hospital Drive Zone B-3 Kessler Sign Company, appellant

Appellant is requesting a variance from ACC 23.03.13(I)(4)(d) to allow a free-standing sign with sixty (60) square feet of area, where fifty (50) square feet in area is the maximum allowed, and from ACC 23.03.13(I)(4) to allow a second free-standing sign, where one (1) sign is the maximum allowed.

Rodger Kessler (Kessler Sign Company) addressed the Board. Mr. Kessler reminded the Board that the hospital had received variances for directional signs recently (Case #15-20V). He said that feedback from hospital visitors coming down West Union Street was that the entrance is hard to find. He also noted the building on the corner that blocks the view of the entrance. Mr. Kessler said that the idea of the proposed signs is to promote safety in entering the hospital.

Mr. Kessler said that the second sign is needed further into the entrance drive to direct visitors to which building they are looking for, and how to get out. He added that two thirds of visitors to the hospital campus are over 40 years old and visually impaired.

At this point, the appellant presented site plans and photographs of the site to indicate where the proposed signs would be. Mr. Baum said that the sign nearest the street blocks cars exiting the hospital campus. Mr. Kessler suggested moving this proposed sign from 25 feet to 30 feet from the street.

Ray Lynn (employee, Kessler Sign Company) addressed the Board. Mr. Lynn presented photographs of the front entrance to the Board. Ms. Kraynanski said that there are too many signs.

Mr. Baum asked about the second proposed sign location and was shown by the appellants. Mr. Baum said it would be better with one sign. Mr. Kessler said that he was working with two different organizations who each want signs.

The Chairperson called on anyone wanting to speak in favor, make general comment about, or speak against the variance.

Ms. Kraynanski then reviewed the placement of directional signs on the site, based on the site plans included with the folder of Case #15-20V.

The Chairperson closed the floor for discussion.

Ms. Carson asked how far the second proposed sign will be back from the street. Mr. Kessler said it would be place about 15 feet from the first "Y" intersection of the front entrance, or 65 feet to 70 feet from the first proposed sign.

The Chairperson closed the floor again for discussion.

On a motion by Ms. Carson, seconded by Ms. Kraynanski, the Board moved to grant a variance to the property at 55 Hospital Drive from ACC 23.03.13(I)(4)(d) to allow a free-standing sign with sixty (60) square feet of area, where fifty (50) square feet in area is the maximum allowed, and from ACC 23.03.13(I)(4) to allow a second free-standing sign, where one (1) sign is the maximum allowed.

FINDINGS:

1.) **EXCEPTIONAL CIRCUMSTANCES:** Yes, it is a hospital.

2.) **HARDSHIP AND DIFFICULTY:** Yes, it is a hospital.

3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** There are two facilities on the site that would need signs.

4.) **MINIMUM VARIANCE:** Yes.

5.) **ABSENCE OF DETRIMENT:** Yes.

6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Carson, Golzy, Hollow, Tousley – yes. Kraynanski – no. Motion approved 4-1; variance granted.

OTHER BUSINESS:
--*Disposition of minutes from March 8, 2016 meeting.* On a motion by Ms. Kraynanski, seconded by Ms. Hollow, the Board moved to accept the minutes as presented, 5-0.

The Board moved to adjourn the meeting. The meeting was adjourned at 8:13pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary