

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, MAY 1, 2019

WEDNESDAY, MAY 1, 2019, COUNCIL CHAMBERS, AVON CITY HALL

The meeting was called to order at 7:01 P.M. by Chairman Randy Fratianne.

Present: Randy Fratianne; Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Kurt Schatschneider; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING – APRIL 3, 2019

A motion was made by Mr. Miller, seconded by Mr. Schatschneider to dispense with the reading of the minutes of Wednesday, April 3, 2019 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

RAYS AUTO & TRUCK SERVICE APPEAL

Dan Beeman of Wagner Electric Sign Co representing Ray’s Auto and Truck Service is requesting a 7 sq. ft. variance from C.O. 1290.05(d)(2) Schedule of Maximum Sign Area for the replacement of the existing freestanding sign located at 38219 Colorado Ave.

Dan Beeman is sworn in by Mr. Gasior. Mr. Beeman says they want to swap out the existing for a new sign including a full color led sign and asking for 7 extra square feet with the overall height being reduced from 13’ to 10’ to comply with the code. Mr. Fratianne says the sign is 13’ high? Mr. Beeman says yes, and the signs been there for a while. The additional signage includes the NAPA logo which is a set size so that takes them over a bit.

A motion was made by Mr. Miller, seconded by Mr. Ladegaard to approve a 7 sq. ft. variance from C.O. 1290.05(d)(2) Schedule of Maximum Sign Area for the replacement of the existing freestanding sign located at 38219 Colorado Ave. The vote was: “AYES” All. The Chair declared the motion passed.

ONE HOUR HEATING AND AIR CONDITIONING APPEAL

Terry Mitchell of One Hour Heating and Air Conditioning is requesting a 17’9” height variance from C.O. 1290.07(d) Maximum Height of Freestanding Signs to allow the construction of a 32’6” new freestanding sign to be located at 1750 Moore Road.

Terry Mitchell of One Hour Heating, Ryan Brady of Brady Signs and Josh Bulloch of One Hour Heating all are sworn in. Terry Mitchell says they are looking to replace the sign that was constructed in 1990 and is getting weathered and needs to be replaced. Mr. Mitchell wants to upgrade it with an LED double faced sign and they would like to get the height up to make it visible from the highway. Mr. Mitchell says he worked with Rick on the size of the sign and because of his frontage along 90 he believes the sign is more than enough for the size he is asking for and is looking for the height variance. Mr. Fratianne asks about the size of the sign and Mr. Schneider confirms the existing sign is compliant with size and the existing sign is roughly 16’6” high. Mr. Mitchell says that is what is recommended to him to get the sign up to be visible. He says he has looked at other signs for example, the ball parks sign is 42’ tall and Clinic sign is 25’ tall he believes, and he is asking for something in the middle and given those two heights this has been done before. Mr. Fratianne says other than those two are there any

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other signs as those are Special Use issues. Mr. Mitchell asks what that means, and Mr. Fratianne says the property is under special use, the sign, whatever is on the property and how they operate, its all falls under that and is handled through Planning. Mr. Schneider says if those businesses are going to do anything on the property they have to come in front of Planning. Mr. Mitchell says regardless of how they got the sign; the sign is there, and they determined that was how high they needed to get the visibility. Mr. Fratianne asks current height and it was said at least 16'6" according to Mr. Schneider and it was determined it could be higher closer to 21 feet. Mr. Schneider say you are allowed 10 feet and you are higher than that and they use the elevation of 90 in helping get some more height and maximum height should be 16 and they are already over. Mr. Mitchell says the sign has been there for years and believes it met all the requirements. He understands that codes are changed but for the 90 traffic, it needs to be higher. Talk was on what signs are located on 90 and it was mentioned that Harley sign is up high, but its also on the building. Mr. Mitchell says they knew they had to get it up but it's a building sign regardless. Mr. Schneider says that there are monument signs on 90 now and Mr. Mitchell wants to know if they are electronic messenger as that makes a difference to get the message out on his electronic sign. Mr. Fratianne says they are trying to eliminate tall signs in our town and there are some limitations on the height, but they also give additional footage to help. Mr. Mitchell says he couldn't even replace the sign he has as its higher than what is allowed and asks why we want to limit business from marketing along i-90. Mr. Fratianne says they are not trying to limit the marketing, we are trying to keep it uniformed. Mr. Mitchell says it's not though since the ball park and Clinic are higher. Mr. Fratianne says again, those fall under Special Use and Mr. Mitchell says it doesn't matter, they are still signs. Mr. Fratianne says those were included in the Planning process and can't use those as examples. Mr. Brady says one of the challenges that Terry has is, that there is overgrowth on the ODOT property and it makes it very difficult to see the sign. Mr. Brady says putting a sign at 10 or 16 feet along 90 you will not have the visibility and the monument signs for the buildings off Chester are ineffective to him as he can't get any message or see them driving by. Mr. Brady says with the traffic and speed, they will need to be higher and is willing to work with the City. Mr. Mitchell says he doesn't think the current code is enough for the freeway traffic to get a message out. Mr. Fratianne says what they do now could set the pace for the other businesses down the road. Mr. Brady says its case by case and Mr. Mitchell core market is 90 as he is tucked away off Moore Road, and this is unique. Mr. Fratianne says there is a nonconforming sign and they need to look at what's best. Mr. Fratianne says the current sign is about 21 feet and 11 feet noncompliance and want to expand another 11 feet. Mr. Mitchell says they are changing the sign to make it not look like a pole sign its more monument like. Mr. Fratianne says it's a big increase. Mr. Schneider says they could move the sign closer to the right of way, but Ms. Fechter says they can't as there is a catch basin that goes along that area. Mr. Mitchell says it would be a challenge to put the sign in that area and it was determined it is a detention basin. Mr. Fratianne asks if it was along the whole property. Mr. Mitchell says it runs, there's a break and then goes again but that part puts you on the entrance ramp and off the highway, so he could move it a few feet either way but not to the end of the property- it wouldn't be as visible. Mr. Brady says in his opinion moving it closer to the highway will not have a better visual line. Mr. Mitchell says he has about 15 feet after the basin to the right of way and there are sewer stuff and he doesn't think there would be enough room. He says he can continue to maintain he land but if the grass grows on the states land, its hard for him to do anything. Mr. Mitchell adds this is a large investment and says if he is going to spend the money he wants to put up something that's worth it. Mr. Brady says he thinks this is done to

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make more business from advertising on that. Mr. Mitchell says the challenge is they just don't know how to find him. Mr. Klingshirn says he has an existing sign that was grandfathered, and Mr. Fratianne says they are expanding on a nonconforming use and can't do that. Mr. Klingshirn says there are other grandfathered signs too. Mr. Fratianne says he's at 20 now and if they use the 6 feet difference. Mr. Mitchell says he is not the Clinic or Jacobs Group but has been in town for 30 years and hasn't asked for anything and wants to keep the business here and growing. Mr. Fratianne says again, Clinic and Ball park are special use and can't be compared. We will only look at what is current, and they are over already on the sign and technically shouldn't allow the expansion but will work with you with what we can. Mr. Mitchell with the current ordinance they know businesses along the freeway need a bigger size, but they didn't look at the height which is important. Mr. Mitchell understands the City is trying to keep uniformity but also thinks its unrealistic to have a 10' size sign along the freeway. Mr. Brady asks Mr. Schneider can they use 90 or Moore Road for the existing grade. Mr. Schneider say they start with Moore Road but when working with business along 90 they give them that elevation. Mr. Schneider says that would allow them a sign at 16 feet but your already at 21 feet. Mr. Brady explains the sign and the measurements with the base and electronic part of the sign. Mr. Brady continues to say reducing the sign its important to make sure everything will be visible and going less than 26' would be difficult to see the bottom part of the sign. Discussion continues again about what the existing sign height is and what the elevation is at. The sign being 21 feet, using the 6' elevation change, keeping the same size sign now would put you to 27 feet and asks if that could work. Mr. Brady says that sounds like it could work as minimum. Mr. Schatschneider asks if this sign was before the sign ordinance change and it was determined yes. He asks if he would have to be here if he was remodeling the sign that was up and no was the answer. Mr. Fratianne says if he doesn't change anything with the existing he can remodel. Mr. Schatschneider says remodel what they have. Mr. Mitchell says the sign size is a challenge and will put it at 11' off the ground and they want to get is up higher and there is again discussion on what the size is now, what grade they will use and how big it will be. Mr. Brady says if they take the sign down to 27 feet is that what is being proposed. Mr. Fratianne says the highway elevation will be used to the existing sign. Mr. Schatschneider says no, you put the sign as high as it is. Mr. Fratianne says they can expand the existing sign but use the 90 elevation and then the sign could be 27 feet. Mr. Schatschneider says he is already higher than what is allowed and should just use the existing size. Mr. Brady say he feels the board is saying its hard to allow them to build a bigger sign than the 21' sign that is existing. Mr. Brady says what Mr. Fratianne is trying to say is build that same 21' sign but he will give the 6' grade difference. Mr. Schatschneider says that's not right and wants to know why we want to give him more when he is already bigger that what is allowed. Mr. Klingshirn says they probably went off Moore Road and Mr. Schneider says it was a different sign code then and its been repealed. Mr. Klingshirn says it's been there and should work off the existing sign but allow them to use the new elevation. Mr. Schneider says Mr. Fratianne is using the sign as it exists and its nonconforming, the correct height is 10', given the 90 elevation, 16' is the highest he could go with out being here. Mr. Schneider continues to say with that being an existing sign at 21' he could redo that sign without being here as that is grandfathered in. He continues to say anything above that is another variance and Mr. Fratianne wants to give him the 11' to allow the 6' on top of the 21 feet. Ms. Fechter say we want them to do well, we just don't want 90 to be a billboard of signs. Mr. Schneider says the Board must be consistent for down the line. Mr. Brady says he understands they are responsible for all the businesses and need to look at each case by case. Mr. Mitchells lot is unique as his property is set

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back and needs to be able to market his business to be successful. Mr. Schatschneider says keep the sign as it is, or they want to go with the 27' sign off the existing ground and are asking for an 11' variance. Mr. Mitchell says he knows those are special use, but they needed the height to get the message out and he says he is no different. It was determined they are asking an 11' variance to allow the sign to be 27' maximum height from the elevation.

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to approve an amended 11' height variance from C.O. 1290.07(d) Maximum Height of Freestanding Signs to allow the new freestanding sign to be no taller than 27' maximum to be located at 1750 Moore Road. The vote was: 3 "NAYS" and 2 "AYES". The Chair declared the motion denied.

Mr. Mitchell asks what he does now. Mr. Schatschneider says keep the sign at the existing size and they can't give everyone variances as it needs to stay consistent.

COMMENTS

ADJOURN

A motion was made by Mr. Ladegaard, seconded by Mr. Miller to adjourn. The vote was: "AYES" All. The Chair declared the meeting adjourned at 8:20P.M

ATTEST

CHAIRMAN

DATE