

BOARD OF ZONING APPEALS

Springfield, Ohio

Monday, April 15, 2019

7:00 P.M.

City Forum, City Hall

Meeting Minutes

(Summary format)

Chairperson Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Mark Brown, Mr. Mathew Ryan, Mr. James Burkhardt, Ms. Rhonda Zimmers, and Ms. Dori Gaier

MEMBERS ABSENT: Ms. Jeannette Anderson and Ms. Denise Williams

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator
Cheyenne Pinkerman, Community Development Specialist.

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SUBJECT: Approval March 18, 2019 meeting minutes.

Ms. Gaier asked if the board had any corrections to add to the minutes.

Ms. Gaier asked the board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the minutes stand approved.

Case #19-A-15 Request from Danite Sign Company for a variance from Chapter 1155.06 for a pole sign 60' tall pole sign at 1885 W First St. in a CC-2, Community Commercial District

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a variance from Chapter 1156.6 to place a new sign on existing sign posts. The posts are form the previous use. The new owners want to re-use the existing poles. Poles signs in this sign district are not permitted unless the parcels abuts either I-70 or US68.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes.

2. Whether the variance is substantial;

Staff Comment: Yes. The maximum permitted height for a pole sign is 35 feet. This is a variance of 171%.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No. The applicant is requesting to install a sign that is shorter than the previous one.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: No.

6. Whether the property owner’s predicament can be obviated through some method other than a variance; or

Staff Comment: Yes. A shorter sign can be constructed.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval for a variance from Chapter 1155.06 for a pole sign 60' tall pole sign.
Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Zimmers asked if there was a reason higher signs were only allowed along interstate 70
verse interstate 68.

Mr. Thompson explained the signs had to directly abut 70 and 68. Mr. Thompson stated there are
houses and a road in between the signs and the highway, that's why they need approval from the
board.

Ms. Gaier asked if the board has any further questions. Hearing none, Ms. Gaier asked if the
applicant wished to speak.

Mr. Matt Meyer, 212 N. Chillicothe St. South Charleston, Oh 45368. Mr. Meyer explained when
the target sign was taken down, they did not know there would be a change of code and would
have revamped the sign instead. Mr. Meyer explained the new sign would be ten feet shorter and
less in square footage as well.

Ms. Gaier asked if the board had any questions for the applicant. Hearing none, Ms. Gaier asked
if there was anyone else that wished to speak at that time. Hearing no further discussion, Ms.
Gaier asked if there was a motion to close the public hearing.

MOTION: Ms. Zimmers made a motion to close the public hearing. Seconded by MR.
Burkhardt. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case
#19-A-15.

MOTION: Motion by Mr. Ryan to approve Case #19-A-15 Request from Danite Sign
Company for a variance from Chapter 1155.06 for a pole sign 60' tall pole sign at 1885 W First
St. in a CC-2, Community Commercial District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. The sign fits for the area
2. There are no objections.
3. It replaces the existing sign.

YEAS: Mr. Ryan Mr. Brown, Mr. Burkhardt, Ms. Zimmers, and Ms. Gaier

NAYS: None.

Motion Approved 5 to 0

Board Comments:

None

Staff Comments:

None.

Subject: Adjournment

Mr. Burkhardt made a motion to adjourn the meeting. Seconded by Ms. Zimmers.

Ms. Gaier adjourned the meeting at 7:08 pm.



Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson