

**BOARD OF ZONING APPEALS**

**Springfield, Ohio  
Monday, August 19, 2019  
7:00 P.M.  
City Forum, City Hall**

**Meeting Minutes  
(Summary format)**

Acting Chairperson Denise Williams called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Mathew Ryan, Mr. Mark Brown, Mr. James Burkhardt, MS. Denise Williams and Ms. Dori Gaier.

MEMBERS ABSENT: Ms. Anderson and Ms. Zimmers.

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

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**SUBJECT: Approval June 17, 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.

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**Case #19-A-21 Request from Sign Connection for a conditional use permit to construct a multi-color, digital dynamic display at 201 N Limestone St. in a CB-10, Central Business 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 seeks a conditional use permit to construct a new, multi-color, digital dynamic display sign. The sign will match the previous sign with foam sculpted to look like stone and have an LED message center. The approximate size will be seven feet by nine and a half feet.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create

an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes.*

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

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

Ms. Gaier asked if a multi-color sign has been approved in the past.

Mr. Brown stated a multi-color sign was approved for Lee's.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Gaier stated the applicant needed to be sworn in and asked Ms. Pinkerman to administer the oath.

Mr. Greg Alvarado, Sign Connection, 90 Compound Road. Centerville, OH.

Ms. Williams asked if the brightness was able to be controlled.

Mr. Alvarado stated the brightness could be controlled and explained there were one hundred different brightness settings. Mr. Alvarado explained the nighttime brightness would go down to a regular church sign setting and doesn't seem to affect anyone in the neighborhoods.

Mr. Brown asked if the sign would hold and image or if it would be fast changing.

Mr. Alvarado stated according to regulations there had to be a minute and a half to three minute idle time between picture changing and the planned to comply with the regulations.

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:** Mr. Ryan made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #19-A-21.

**MOTION:** Motion by Mr. Burkhardt to approve Case # 19-A-21 for a conditional use permit to

construct a multi-color, digital dynamic display at 201 N Limestone St. in a CB-10. Seconded by Mr. Ryan.

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

1. There is no opposition.
2. It has previously been approved for a sign.
3. It is a commercial area of the city.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Burkhardt, Ms. Williams and Ms. Gaier.

**NAYS:** None

Motion Approved 5 to 0.

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**Case #19-A-22 Request from Reasonable Choices for a conditional use permit for a personal service establishment (spa) at 738 N Limestone St. in a CO-1, Commercial Office 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 seeks a conditional use permit to establish a spa.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes, it is an existing structure that would only require internal changes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes.*

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

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

Ms. Williams questioned what type of spa would be at the location.

Mr. Thompson explained the spa would offer massages, manicures, pedicures and explained the building was used for counseling services for recovering addicts.

Ms. Gaier stated the spa would not be open to the public, it would be used as an extension of services they already offer.

Mr. Thompson stated as far as he could tell, that was their business plan.

Mr. Ryan questioned if the service including residential housing.

Mr. Thompson explained that it did not include residential housing. Mr. Thompson stated it was zoned for commercial.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, 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. Williams 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-22.

**MOTION:** Motion by Ms. Williams to approve Case# 19-A-22 Request from Reasonable Choices for a conditional use permit for a personal service establishment (spa) at 738 N Limestone St. in a CO-1, Commercial Office District. Seconded by Mr. Ryan.

Ms. Gaier asked for comments or finding of facts in the case.

Mr. Burkhardt stated he was unaware that the services existed and that the maintenance on the property had not been great.

Mr. Ryan agreed.

M. Williams stated she received a call about the case and explained to the citizen if they had any objections, they would need to attend the meeting.

Ms. Gaier questioned what was discussed.

Mr. Williams stated he wanted to know what the spa was exactly and she advised him again that he need to go to the meeting.

**MOTION:** Mr. Ryan made a motion to reopen the public hearing. Seconded by Mr. Burkhardt.

Ms. Gaier asked the Board members to voice yes if they were in favor of reopening the public hearing. Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the public hearing was now reopened.

Mr. Ryan questioned if there was a community center designation for the building.

Mr. Thompson stated the building was in the CO-1 district and has always been operated as an office. Mr. Thompson explained that a community center was different from what they were doing. Mr. Thompson state it was more of an office setting. Mr. Thompson stated the spa did not fit into the community center use either.

Mr. Ryan questioned if they any type of permit for the services they were providing and the only conditional use that would have would be for the spa.

Mr. Thompson stated that was correct. Mr. Thompson stated if they made any internal changes they would have to go through the building department and would have to do that if the conditional use would be approved for the spa. Mr. Thompson stated the applicants did apply for a permit but they were on hold pending the results of the meeting.

Mr. Ryan questioned if the city was ok with the services that were currently being provided.

Mr. Thompson stated that was correct.

Mr. Burkhardt asked facility was privately owned or publicly funded.

Mr. Thompson stated as far as he could tell it was privately funded and not publicly affiliated or funded.

Mr. Burkhardt stated he was concerned that the applicant or applicant's agent didn't bother to show up to the meeting.

Mr. Ryan agreed.

Mr. Burkhardt stated that he would like some more information about what is offered and what the spa would offer.

Ms. Williams questioned if the case could be tabled.

Mr. Thompson stated that was an option.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #19-A-22.

**MOTION:** Motion by Mr. Ryan to table Case# 19-A-22 until the applicant could be present at the meeting. Seconded by Mr. Burkhardt.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Burkhardt, Ms. Williams and Ms. Gaier.

**NAYS:** None

Motion Approved 5 to 0.

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**Board Comments:**

Ms. Gaier asked if there were any plans for staff to be able to approve signs. Mr. Thompson stated they planned to look into it.

**Staff Comments:**

Mr. Thompson explained one of the board members, Ms. Jeannette Anderson, would not be on the board due to a scheduling conflict with schooling.

**Subject:** Adjournment

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

Ms. Gaier adjourned the meeting at 7:21 pm.



Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson