

Board of Zoning Appeals

Minutes

December 8, 2015

Members present: John Golzy (Chairperson), Lisa Carson, Joan Kraynanski, Edward Baum (alternate), Ellen Soltow (alternate).

City officials present: John Paszke (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:04pm in Council Chambers, third floor of City Hall. The Chairperson noted that, with the absence of two Board members, the two alternates will be full members for this meeting. The Chairperson introduced a video about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

Case #15-17V 29 East Carpenter Street Zone B-3 Barry Oches/Central Avenue United Methodist Church, appellants

Appellant is requesting a variance from ACC 23.10.01, Table B, Off-Street Parking Requirements, to allow renovation to a building resulting in five (5) parking spaces where a minimum of ten (10) parking spaces are required. (This case was continued from last meeting.)

Mr. Baum made a motion to move Case #15-17V off the table, seconded by Ms. Kraynanski. The Board voted 4-0 to approve the motion.

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator reminded the Board of this case, and said the appellants want the five parking spaces required for the apartments in the building to be off-site and leased. He noted that the appellants presented a lease with Joe Krause for parking in his lot across the street.

Ms. Kraynanski asked about how the Code Enforcement Office follows up on parking leases. The Zoning Administrator said the Code Office will document spaces in Mr. Krause's parking lot to ensure he is not leasing more spaces than he has. The secretary said that each rental property has a folder, and any variances are included in the folder, which he checks when he does an inspection. The secretary said that, if the rental owner does have a required up-to-date parking lease submitted, he includes this as a violation in his report.

The Chairperson called on the appellant to testify.

Barry Oches addressed the Board. Mr. Oches said that they will continue to submit parking leases to the Code Office. He said that failure to grant the variance will cause exceptional hardship to the church. Mr. Oches said the variance will cause threats to public safety, and that it is not a nuisance.

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

The Chairperson closed the floor for discussion.

On a motion by Mr. Baum, seconded by Ms. Carson, the Board moved to grant a variance to the property at 29 East Carpenter Street, from ACC 23.10.01, Table B, Off-Street Parking Requirements, to allow renovation to a building resulting in five (5) parking spaces where a minimum of ten (10) parking spaces are required, with the addition of five (5) off-site parking spaces leased within two hundred fifty feet (250') of the building.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** Several properties along this part of the street have insufficient parking for the current Code.
- 2.) **HARDSHIP AND DIFFICULTY:** Several properties along this part of the street have insufficient parking for the current Code.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Baum, Carson, Golzy, Kraynanski, Soltow -yes. No one –no. Motion approved 5-0; variance granted.

Case #15-20V 55 Hospital Drive Zone B-3 Kessler Sign Company, appellant

Appellant is requesting a variance from ACC 23.03.13(I)(2)(d) to allow ten (10) signs, each nineteen point five (19.5) square feet in area and seven feet two inches (7'2") in height, two (2) signs, each twenty-six point twenty-five (26.25) square feet in area and six feet eleven inches (6'11") in height, and one (1) sign thirty-three point seventy-five (33.75) square feet in area and six feet nine inches (6'9") in height, where three (3) square feet in area and three feet (3') in height are the maximums allowed.

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator said all the signs listed on the variance are directional signs. He said the signs are requested to be larger, than what Code allows, for increased visibility. The secretary noted that the hospital received a variance for directional signs in 2012 (Case #2012-

18V), and in comparison, the 2012 variance was for 14 signs and a total of 281 square feet of sign area, while the 2015 variance request is for 13 signs and 281.25 square feet of sign area. The Zoning Administrator said the proposed signs are different in size from the 2012 signs, thus the need for another variance. He also said the street and building signs meet Code.

The Chairperson called on the appellant to testify.

Roger Kessler addressed the Board. Mr. Kessler said his company worked out a program to figure the right size lettering for signs so as to be best seen. He said this helps in getting in and out of the hospital site in an orderly manner. Mr. Kessler then presented photographs and plans to the Board of sign location and appearance. He said the proposed signs are similar to the size and scope of the signs there, and will be easier to read.

Ms. Kraynanski asked if the signs will be lit.

Ray Lynn (Kessler Sign Company employee) addressed the Board. Mr. Lynn said that the directional signs will not be lit. Ms. Kraynanski asked about why the signs are designed closer to the ground. Mr. Kessler said that it makes it easier for people in vehicles to see them.

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

On a motion by Ms. Carson, seconded by Mr. Baum, the Board moved to grant a variance from ACC 23.03.13(I)(2)(d) to allow ten (10) signs, each nineteen point five (19.5) square feet in area and seven feet two inches (7'2") in height, two (2) signs, each twenty-six point twenty-five (26.25) square feet in area and six feet eleven inches (6'11") in height, and one (1) sign thirty-three point seventy-five (33.75) square feet in area and six feet nine inches (6'9") in height, where three (3) square feet in area and three feet (3') in height are the maximums allowed.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The hospital campus is a different thing.
- 2.) **HARDSHIP AND DIFFICULTY:** They feel they need these signs.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Baum, Carson, Golzy, Kraynanski, Soltow-yes. No one-no. Motion approved 5-0; variance granted.

OTHER BUSINESS:

--Disposition of minutes from November 10, 2015 meeting. On a motion by Ms. Kraynanski, seconded by Mr. Baum, the Board voted to accept the minutes as presented 5-0.

The meeting was adjourned at 7:40pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary