

Board of Zoning Appeals

Minutes

February 14, 2017

Members present: John Golzy (Chairperson), Joan Kraynanski, Kay Tousley, Edward Baum (alternate), Aaron Thomas (alternate).

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

The meeting was called to order at 7:01pm in City Council Chambers, third floor of City Hall. The Chairperson noted that, with the absence of two full members of the Board, the two alternates will be voting 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 #16-13V 2065 East State Street Zone B-3 DaNite Sign Co., appellant

Appellant is requesting variances from ACC 23.03.13(I)(4)(d) to allow a free-standing sign with two-hundred fifty-four (254) square feet in area, where fifty (50) square feet in area is the maximum allowed, and from ACC 23.03.13(I)(5) to allow a free-standing sign sixty feet, seven and three fourths inches (60', 7 3/4") in height, where thirty feet (30') in height is the maximum allowed.

The Chairperson called on the appellant to testify.

Tom Seymour (DaNite Sign Co.) addressed the Board. Mr. Seymour indicated that there were other signs in the area that are similar to the proposed sign. He said the sign needed extra height because of the highway bridge blocking the view, and that the sign needs to be seen.

The secretary said that he checked on past sign variances for the outer part of East State Street in the past 25 years, and that most variances were for signs of 100 square feet in size, and one variance was for height.

Mr. Thomas asked to verify the proposed location, which Mr. Seymour showed on the submitted plans. Mr. Thomas asked if the sign has to be as tall as proposed. Mr. Seymour said there are signs available of different sizes and heights. He said this size was chosen so as to be seen by fast traffic on the four-lane highway.

The Chairperson called on anyone wanting to speak in favor of the variance.

David Moran (RVC Architects, 131 West State Street) addressed the Board. Mr. Moran stated that he designed the building for the dealership. He said that there was a choice of 40 feet or 60 feet for the sign. Mr. Moran also said that the service road on which the dealership is located is a service road that will connect with East State Street west of this location.

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

The Board noted that the diagram of the proposed sign provided in the information for this case does not match what is being requested. It was noted that the diagram sign measures approximately 17 feet by seven feet. Mr. Seymour said that the sign they want is ten feet by 25 feet in size. He added that the height requested was arrived at after doing a balloon test on-site for visibility from all roads.

The secretary informed the appellant that, if this variance is denied, the appellant's company can come back for a variance for a sign that is sized differently, if such a variance is needed.

The Chairperson closed the floor for discussion.

On a motion by Mr. Baum, seconded by Ms. Tousley, the Board moved to grant variances from ACC 23.03.13(I)(4)(d) to allow a free-standing sign with two-hundred fifty-four (254) square feet in area, where fifty (50) square feet in area is the maximum allowed, and from ACC 23.03.13(I)(5) to allow a free-standing sign sixty feet, seven and three fourths inches (60', 7 3/4") in height, where thirty feet (30') in height is the maximum allowed.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The sign will be on the other side of the highway. The area could be rezoned to reflect its unique situation.
- 2.) **HARDSHIP AND DIFFICULTY:** They will still have other signage and will be on-line for locating purposes. The nature of this business is such that it is not an emergency to find it.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** It would encourage other businesses to seek taller signs.
- 4.) **MINIMUM VARIANCE:** No.
- 5.) **ABSENCE OF DETRIMENT:** The City of Athens likes to keep sign pollution down.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – Thomas; No – Baum, Golzy, Kraynanski, Tousley. Motion denied 4-1; variance denied.

OTHER BUSINESS:

--Request for interpretation.

Diane McVey (83 Grosvenor Street) requested an interpretation from the Board concerning AirBNB (bed-and-breakfast) use in an R-1 zone.

Ms. Kraynanski said that, as she understands the rules of AirBNB, all who participate in

this business must adhere to all local ordinances. She also indicated that it is City Council that makes regulations about this, and not this Board. Mr. Baum said that the Board cannot make an official opinion about this and cannot discuss it. He added that Ms. McVey should speak to the City Planning Commission, and that their decision can be interpreted by this Board.

Ms. McVey said that she has been waiting a year and one half for City Council to finalize rules about bed-and-breakfast use in R-1 zones. Mr. Baum said that City Code makes it clear that bed-and-breakfast use is not allowed in R-1 zones.

--*Annual organizational meeting.* Mr. Baum nominated John Golzy for Board Chairperson, seconded by Ms. Kraynanski. The Board voted 4-0 to have Mr. Golzy as Chairperson for the next year.

--*Disposition of minutes from January 10, 2017 meeting.* On a motion by Mr. Thomas, seconded by Ms. Tousley, the Board voted 5-0 to accept the minutes as presented.

The meeting was adjourned at 7:57pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary