

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
JULY 21, 2011
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. Patrick Feeney Mr. David Stoffel Mr. Norman Brusk Mr. Anthony Rettke
Others Present:	Mr. Matthew Hansen, Planning Administrator

2. APPROVAL OF MINUTES OF JUNE 16, 2011

Chairman Brusk: Are there any changes, additions, corrections? (No response.) Hearing none, they are approved as submitted.

3. APPROVAL OF AGENDA

Mr. Brusk: Are there any changes, additions, deletions?

Mr. Hansen: No changes.

Mr. Brusk: That being said, the agenda is approved as submitted.

4. SWEARING IN OF SPEAKERS

(Mr. Brusk administers the oath.)

5. PUBLIC COMMENT

Mr. Brusk: Is there any public comment for items not on today's agenda? (No response.) I'm not seeing too many people out there. I'd say that there is none.

B. UNFINISHED BUSINESS

1. VARIANCE APPLICATION, 7610 E. MAIN ST., REYNOLDSBURG, OHIO;
REQUESTING A VARIANCE FROM REYNOLDSBURG ZONING CODE
SECTION 1194.12 TO PERMIT A SIGN IN THE HISTORIC COMMERCIAL
OVERLAY THAT IS INTERNALLY ILLUMINATED, GREATER THAN 18 S.F.,

AND NOT CONSTRUCTED OF NATURAL MATERIALS. CONTACT: BOB MCCOLLUM (90-ZV).

Mr. Brusk: We had this problem with—

Mr. Haire: City Council.

Mr. Brusk: --the Council, yes.

Mr. Haire: Yeah, it's—

Mr. Hansen: Yeah.

Mr. Haire: They've got someone—

Mr. Brusk: Some problem—

Mr. Haire: --someone on order to fix it. It just hasn't happened yet.

Mr. Brusk: So, please bear with us. I think you can hear us. If not, speak up and say, "Hey, speak a little louder."

(inaudible-speaking off mic)

Mr. Brusk: All right. Do you have another presentation?

Mr. Hansen: Sure. I've got a few more pictures and the proposal on the Powerpoint. This was a previous destroyed sign seen in yellow. At the last meeting they proposed this location which is not actually a space which you could put a sign. There's parking there. And in this case, after they revised their drawings, they're now proposing it at the corner of Waggoner and Main Street within the landscape bed that's on the corner.

Mr. Brusk: Is there any problem with it being there from a sight point of view?

Mr. Hansen: No. The City Engineer looked at it and because this intersection is a fully-signalized intersection, all left turns being made are from a signal so you are prompted when to turn. You don't need to look left or right in order to function in the intersection. And plus, when you're going to turn right, essentially you're looking left and there didn't seem to be any concern about turning left from Main Street going north on Waggoner, that the sight lines were free. This was the previously proposed sign that was a bit larger and had the brick base. It was made out of non-natural materials and was internally illuminated. This is the proposed sign which is a two-post ground sign. The face will be made of a synthetic material, but will be routed to give it the appearance of a wood grain. It's very similar to the Epicures' sign, the exact same material. The posts will be made of aluminum and PVC. Staff had some concern that

there might be a finish issue with those materials, but the applicant confirmed that he could do it in a matte paint which should make it not look glossy like a synthetic material and so we were fine with that. The size of the sign is 24 square feet. Our code permits a maximum of 18 square feet, so there is a 6 square foot exceedence that they're requesting. So the nature of the variance is just for the area of the sign and not the internal illumination or the use of non-natural materials.

Mr. Brusk: Can we use—

Mr. Haire: There would be a variance for the material.

Mr. Brusk: --the internal illumination?

Mr. Hansen: So you're – okay.

Mr. Haire: The metal and PVC posts, I mean.

Mr. Hansen: Yeah, true.

Mr. Brusk: My understanding was that one of the problems was – is this internally illuminated?

Mr. Hansen: No. It will be externally illuminated, yeah, from the exterior fixtures.

Mr. Brusk: _____ suggesting.

Mr. Hansen: So this sign will still need to go to the Design Review Board for both final approval of the location and the design of the sign.

Mr. Brusk: Is it reflective? Would you mind coming forward, giving your name and address?

Mr. Hansen: He's actually not the applicant.

Mr. Brusk: Oh.

(inaudible-off mic)

Mr. Hansen: The applicant is not present at this time.

Mr. Brusk: You're for this issue, though?

Mr. : Against it.

Mr. Brusk: Against it? Okay.

Mr. Hansen: Let me show you some pictures of the area. Here's the—

Mr. Brusk: Go back to Epicures. Okay.

Mr. Hansen: Yeah, and that's the wood grain look that they're proposing. Here's a picture of the bank. Here's the landscape area in which the sign will be placed. It is required to be 10 feet from the right-of-way of the road as required by code and they're indicating that it will be on their site plan. This is the southwest corner of Main and Waggoner, a little bit farther west from the intersection looking towards the corner.

Mr. Haire: Will you just point out where the sign will be?

Mr. Hansen: The sign will be roughly here. And because you can see that the grade slopes down and the infrastructure obstructions that are already on the corner, staff supports a variance for the size because of these issues. This is looking west from the northeast corner.

Mr. Brusk: So that should be pretty visible.

Mr. Hansen: Yeah, and the sign will be located roughly here.

Mr. Brusk: The end of it would be in those bushes.

Mr. Hansen: Correct.

Mr. Brusk: What are they going to do, remove some of the bushes?

Mr. Hansen: You could probably nest it in there without having to disturb them, but at the Design Review Board we'll make sure that they have some base landscaping. If they do need to remove the shrubs, they'll be required to install them.

Mr. Brusk: Is that sign, the red and white one where that bus is, is that the sign for the corner?

Mr. Hansen: For the opposite corner, yes.

Mr. Brusk: Okay. And does that meet requirements?

Mr. Haire: Not currently.

Mr. Hansen: It does not meet current requirements, no.

Mr. Brusk: The problem with it is it's oversized also?

Mr. Hansen: It's larger and not set back 10 feet.

Mr. Haire: Right. These requirements were adopted in January 2009.

Mr. Brusk: Right.

Mr. Haire: We passed the zoning overlays in January 2009, so that building was constructed in 2006 and 2007.

Mr. Brusk: It's been vacant that long?

Mr. Haire: It met the requirements at the time it was constructed which were the same requirements for all of Main Street. It's 6 feet tall, 50 square feet that you still see on most of Main Street, but it's not in this Olde Reynoldsburg area.

Mr. Hansen: And that's it.

Mr. Brusk: Okay. Do we have any other questions or can we let the gentleman who has an objection kind of fill us in on what his— Why don't we do that? Can you step forward, give your name and address and then say what your objections to this?

Mr. Gary Knapp: Yeah. I'm Gary Knapp. I live at 1741 Graham Road.

(inaudible-off mic)

Mr. Knapp: I have a question for you. When was the sign constructed?

(inaudible-off mic)

Mr. Haire: I don't know that answer for sure, Gary. I know it's been there at least two or three years.

Mr. Knapp: Well, here's my issue. Okay? A couple of (speaking off mic – inaudible) We have a code for that Historical Commercial Overlay which dictates the size of the sign which is in Historic Olde Reynoldsburg. I don't see any reason to allow a variance out of that one. We just -- _____ and myself went through a bunch of issues over the other historic development....

Mr. Haire: The plan, yeah.

Mr. Knapp: And I was sitting at home and reading in the paper a few weeks after we got this thing settled and here they are trying to allow a variance and that just _____. But then I got to looking into this. The other thing that came to mind was the fact that the dental sign does block the intersection. You cannot see, when you're headed – and believe me, I go through this intersection a hundred times a week and when you're headed eastbound on Main Street you can't see through to the traffic coming northbound onto Graham onto Main. Okay? _____. So, with that being said, the City Engineer at the time and you guys allowed a variance on

another issue which is across the street from me which was on a fence that the guy built a 7-foot _____ around a fencepost or whatever it was – brick which blocked the vision at Palmer going onto Graham. And I bring that up and I want to say I don't have much faith in this comment with the City Engineer at that point. But what happened with that sign, the unintended consequence was we had to move the stop bar. The Street Department spent a day moving the stop bar at Palmer and Graham and eliminating the crosswalk but that's the unintended consequences on that sign. So now this sign, which this is a good picture here. You've got the street box that controls the traffic light sitting there and now you're going to put a sign there. And I don't see any common sense about this. Now, Matt talked about – as of Monday – when did the City Engineer look? This was kind of a-- The City Engineer hadn't looked at that until the last couple of days, had he?

Mr. Hansen: He looked at it today.

Mr. Knapp: So it was a last minute thing. I contacted the Street Department. The Street Department knew absolutely nothing about it and my point of contacting the Street Department was I would figure they'd be asked whether the possibility of doing a sign there to see if what the sign – the size of the sign and what it would affect but that hasn't been done. And the City Engineer I don't have much confidence in, going out there today and looking at it and he's specifically talking about street traffic. What about pedestrian traffic? You've got kids coming on the sidewalk on this side going north on Main Street – oh, I'm sorry, east on Main Street and a person shooting down there trying to make the light to turn right, they look across through there and they can't see them and that person is out there in the crosswalk before they ever see them and they're hit. These people have a sign up at the entrance there a couple hundred feet away. It's 10-foot tall and they've got a sign on their building. I ain't buying it and I'm asking you not to allow this variance and I'm going to keep on going to Council to try to get a location spot which I'm assuming that's not you guys decision. But obviously they don't care enough about it to be here tonight to argue for it, so I'm hearing arguing against it and I need it to get stopped right here until zoning on size until we get a good safety study on this. This will be the third sign within a couple-year period that's caused issues with vision and I have nothing against the bank and believe me, I've got more important things to be doing today. Today's my birthday and I could be other places, but it's very important to me and I want to stop this for now. Maybe down the road you do a safety study or something like that I could be convinced, but right now I don't see it and I don't know what else to say. This is kind of misleading, because you're looking at that box from the narrow way. If you would come around this way and look at that box, now you're looking at something that's this wide. And then that sign is going to sit behind that box even though it's down – there's a two-level tier there for that group of shrubs and I couldn't place exactly where they were going to do it. If they put a footer at the back and down in the tier I might buy it but right now I cannot agree with the location of the sign.

Mr. Haire: Do you have an aerial photo that shows the right-of-way?

Mr. Knapp: I wonder why we write a thing that says, and talk about natural materials up and down the because if it's supposed to be made out of natural material, don't they have to have a variance for that?

Mr. Hansen: They are getting a variance for it.

Mr. Knapp: They what?

Mr. Hansen: They are getting a variance for it.

Mr. Knapp: You already granted it, haven't you?

Mr. Hansen: No, we haven't.

Mr. Haire: What we're considering tonight, Mr. Knapp, we're not considering the location. They meet our 10-foot setback that's required by our code. What they're applying for a variance for is because we require that it be no larger than 18 feet. They're proposing 24 feet and—

Mr. Knapp: Where does the location come in? When does that—

Mr. Haire: We can't control location on a private property as long as it meets our setback requirements, which our setback requirement's 10 feet. So we can't—

Mr. Brusk: And also the fact that it does not block vision per our engineer's study of it, right?

Mr. Haire: As long as it's beyond that 10 feet we do not consider that, but—

Mr. Knapp: _____.

Mr. Haire: It's a private property issue at that point. It's more than 10 feet off the right-of-way. That's what our zoning code states is a setback to provide for safety.

Mr. Knapp: Don't you have to permit it?

Mr. Haire: We do and this would be permitted at 10 feet, so all we're considering tonight is the materials of the sign that they're applying for and the size of the sign. Now, size may be a factor in prohibiting vision.

Mr. Knapp: (inaudible-off mic)

Mr. Haire: In prohibiting a certain amount of vision. If it's 24 feet or 18 feet, that could affect—

Mr. Knapp: (inaudible-off mic)

Mr. Haire: Yeah.

Mr. Knapp: That's why I'm here tonight because I wasn't sure about the location

Mr. Haire: People are coming in, so I'm just wanting to see if the applicant comes in because I'm of the same opinion of Mr. Knapp. If they don't care enough to show up about it and this is the second time we've heard it, I'm not really inclined to vote for it.

Mr. Feeney: I agree.

Mr. Knapp: Well, what we're doing tonight – I'll deal with the location later when City Council and see what I can do there. I'll be there. I'm asking you to turn it down because of the size and the materials and I'm sure that'll fire them up enough to get their attorneys in here and _____.

Mr. Brusk: Thank you very much for your input. Do we have some other comments?

Mr. Feeney: I had the same concern about the size. I thought, you know, we just came out with these new standards and I thought the last meeting I personally made myself clear. We put in brand new standards and I don't see why we need to bend at all. I thought they came back with a nice looking sign, but it didn't meet the size requirements and it doesn't meet the actual product that we're asking for. It was a simple request.

Mr. Brusk: If it were smaller, Matt, would it be visible for traffic along Main Street?

Mr. Feeney: We're talking 6 square feet, right?

Mr. Brusk: Because that's not a huge difference. Twenty-four and 18 isn't huge.

Mr. Feeney: No it is not.

Mr. Hansen: No, it's not but it's hard to tell whether it would be visible. We don't have an exhibit which—

Mr. Brusk: They should've presented two, you know. Do you know if that box is bigger or smaller from the angles from the turning lane? In other words, where you have that box, would that box when you put that there – I don't see how that's going to interfere with vision if it's back at least to—

Mr. Haire: It's going to be back in those day lilies, is where the location of the sign's going to be.

Mr. Brusk: That's what I'm saying. I don't see how that could interfere with vision.

Mr. Haire: The area where the stop bar is, I don't know if they permit right turns on red there.

Mr. Brusk: Yeah, they do.

Mr. Haire: Do they?

(inaudible-off mic)

Mr. Haire: Come on up and talk on the microphone.

(inaudible-off mic)

Mr. Brusk: He's talking about the one you had shown with the box.

Mr. Haire: _____.

Mr. Brusk: That one. That was the one with the bus.

Mr. Knapp: If you're looking at the wide side Waggoner goes southbound. You can't see the bus is in the right-hand lane and I'll bet you a dime to a dollar there's a car sitting right next to the front of that bus. You can't see that car.

Mr. Haire: It's a suburban. I can make it out right here. Just the back wheel, that's about it. It's a big car.

Mr. Knapp: And the other picture you had, Matt, if you could go over to that where that bus is sitting, looking back this way – there. At that point you've got the whole box plus the rest of the sign. Now the sign, I'm assuming, is going to start where the trucks are so you've got the sign – or the traffic control box, the light pole and then the sign.

Mr. Brusk: Yeah, but I don't see that sign being in the visibility area. I think the box is the limiting factor on vision. I don't think that sign is going to be any different if it's there or not there.

Mr. Feeney: Again, signs—

Mr. Brusk: Plus—

Mr. Feeney: --in proper setback.

Mr. Haire: Correct. We're not necessarily considering location.

Mr. Brusk: But we are considering the—

Mr. Haire: The size.

Mr. Brusk: --size and that's what I was saying, that in either case, either the smaller or the larger, I don't think because it's down further, it's further back, that you would have any interference with vision, so I'm not sure that's the big issue. I agree, though with Mr. Feeney, that Council made a very special effort to have specific signage for the whole area, even though that's sort of in a – looks much more like the new area of Reynoldsburg. We need to maintain from a standpoint of setting precedent that particular ordinance. I don't want to be the one to change an ordinance by variance. I've always worried about that and I don't see a compelling interest in having the larger sign. That was my question to you, was it going to be visible for them to be able to have their – the angle, I'm not sure what angle they're going to have it on. Is it going to be more visible to Main Street people or if it's going to be more visible to – because I don't see which direction the sign is going to face.

Mr. Hansen: It was at the diagonal towards the intersection.

Mr. Haire: I agree with you, Mr. Brusk. I don't think this meets the general purpose or the intent of our zoning overlay that was passed by Council recently. I don't see any special circumstances that exist here to—

Mr. Feeney: Hardships.

Mr. Haire: --allow a variance for a hardship, so I agree.

Mr. Brusk: I would have, had this been such that they wouldn't have any visibility and there was no other location. I certainly would have been against it if that would have been internally illuminated.

Mr. Haire: Yeah. Even with the location, as long as it meets the other requirements I don't think there's any issue with approving it there. It just doesn't meet those other requirements.

Mr. Brusk: It doesn't and I would tend to uphold the zoning ordinance that we have just recently – we've done this in the past. We have stuck to this with Massey's sign or the old--

Mr. Rettke: _____

Mr. Feeney: Several signs on Main Street signs.

Mr. Brusk: And we're trying to be very careful that we don't let them do what they do the last time we had a sign ordinance and that was in effect, we gutted it over time. Those things happen. That's why Council came back with a more comprehensive sign. So, that being said, I will entertain – unless there's more comment.

Mr. Rettke: The posts should be natural, right?

Mr. Haire: Yes.

Mr. Rettke: So we've got a violation there.

Mr. Brusk: I have no problem if it looks natural because natural—

Mr. Feeney: It's a variance.

Mr. Rettke: That's gutting the ordinance, so to speak.

Mr. Feeney: I mean, that's—

Mr. Rettke: That's another issue.

Mr. Brusk: Yeah, but I think the intent was that it look natural.

Mr. Feeney: Well, that's not what it says.

Mr. Haire: The way our code is written it's the same section.

Mr. Brusk: Is Epicures natural?

Mr. Haire: No.

Mr. Brusk: The whole thing? I didn't think so.

Mr. Haire: The posts are natural. The sign material is not. It's MBF so it's manufactured wood basically, to look like wood.

Mr. Brusk: And there's a reason for that, is that you don't have—

Mr. Haire: Maintenance.

Mr. Brusk: --the signs are falling over because they rotted out.

Mr. Rettke: Well, the post is wood he said but the sign isn't.

Mr. Brusk: I thought the post was—

Mr. Hansen: The posts are metal and the reason that they didn't want to deal with wood posts was, well – the reason was that he thought the posts would warp as they age.

Mr. Brusk: Yeah, and that makes sense. The life expectancy of a wooden sign is considerably less than another one but, of course, cars usually are the ones that determine what the sign _____.

Mr. Hansen: Has _____ sign.

Mr. Brusk: With that being said, I would entertain a motion.

Mr. Haire: I'll make a motion that we approve Item B1, variance 90-ZV.

Mr. Feeney: Second.

(Mr. Hansen called the roll. Mr. Brusk voted "no." Mr. Rettke voted "no." Mr. Haire voted "no." Mr. Feeney voted "no." Mr. Stoffel voted "no.")

Mr. Brusk: Thank you very much.

Mr. Feeney: Thanks for coming out.

(inaudible-off mic)

Mr. Brusk: I am, too. I would've liked them to be able to explain their way but, okay.

C. NEW BUSINESS

Mr. Brusk: Is there any New Business? None being shown here--

Mr. Hansen: None.

Mr. Brusk: --we go to Other Business. Other Business is about as much as we have—

Mr. Haire: I do have some Other Business that I would like to address this evening. This will be my last meeting on the Board of Zoning and Building Appeals. I have accepted a position outside of the City of Reynoldsburg.

Mr. Brusk: You did? Which city?

Mr. Haire: It has been a pleasure working with all of you over the last five years, some of you, and less years than that, but I appreciated working with you and best of luck in the future.

Mr. Feeney: Well, best of luck to you, too. Congratulations.

Mr. Brusk: Absolutely.

E. ADJOURNMENT

The meeting was adjourned at 6:55 o'clock P.M.

Norman Brusk, Chair

Matthew Hansen, Planning Administrator

This document was transcribed by:
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