

MINUTES

REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS MARCH 20, 2008

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Duane White Mr. Thomas Kucera Mr. Norman Brusk Mr. Patrick Feeney
Also Present:	Mr. Lucas Haire, Planning Administrator

2. APPROVAL OF MINUTES OF FEBRUARY 21, 2008 MEETING

Chairman Feeney: We'll go on to the approval of the minutes from the last Board meeting. Any changes to the minutes? (No response.) If not, we'll approve them as they're written.

Mr. Haire: I just have one comment. We have someone new transcribing our minutes, so, Mr. Feeney, if you could try to recognize anyone who wants to speak, or if you could announce your name prior to speaking, that would help them out tremendously in trying to figure out our voices.

Mr. Feeney: Okay, we can do that.

3. APPROVAL OF AGENDA

Mr. Feeney: I guess we just have the one item still. I know we have no Unfinished Business, so no changes to that.

4. SWEARING IN OF SPEAKERS

Mr. Feeney: I guess you're it tonight. If you'll raise your right hand. (Mr. Feeney administers oath.)

5. PUBLIC COMMENT - None

B. UNFINISHED BUSINESS – None

C. NEW BUSINESS

1. VARIANCE APPLICATION: 6144 EAST MAIN STREET, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM TABLE 1181.03(C) OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW THE PLACEMENT OF A WALL SIGN ON A WALL NOT PARALLEL TO A STREET. CONTACT: BRANHAM SIGN COMPANY, INC. – TOM BRANHAM (31-ZV)

Mr. Feeney: First introduce yourself and then talk about what you want to do. Did you sign in?

Mr. Jeff Smith: Yes. Jeff Smith for Tom Branham, Branham Sign. Starbucks feels they have a hardship at the location at they're at because of a couple of reasons. Supposedly when they built that center, there was supposed to be a second entrance/exit out of that onto Main Street and that hasn't been done and I don't know that there's any plan to do it. Also, there was also a bank that was supposed to go in on the east end of that building and, supposedly, they've withdrawn and they're not going to be in there, and they depend a lot on the foot traffic in a facility like that. Their reason for this sign is so that when traveling from the east to the west, you can see that there's actually a Starbucks in there. They have the sign that's out front, a tenant panel that's out front, but by the time you see that tenant panel, you're passed the only driveway into that facility to see it. So that's their major concern is that you don't actually see the signage there until you're past the only entrance/exit out of that facility.

Mr. Feeney: This is on the east side of the building, correct?

Mr. Haire: It's on the west side of the building. Oh, the sign would be on the east, sorry.

Mr. Smith: They feel that then they could be recognizable from the Brice Road/Main Street intersection area.

Mr. Feeney: Is there any – I'm just thinking what happens if a bank decides to come in there?

Mr. Smith: The only thing that I was told there was that if that sign was actually there and another tenant moved in there, that the landlord would probably make them remove that sign.

Mr. Haire: Right. I asked the Starbucks folks to obtain something from the landlord that said this would be either a permanent sign that no one else would be able to put a sign on that wall of the building, giving them exclusive rights, or that the sign would be removed when a tenant occupies that space. I don't know if they've worked that out with the property owner or not at this point. We haven't received anything.

Mr. Feeney: I was concerned that if another tenant moved in, we'd have multiple signs going up on that side of the building. Is this a lit sign?

Mr. Smith: Yes.

Mr. Haire: It'll basically be the same sign that's on the front of the building. In that bottom right-hand picture you can see – I guess it doesn't show up very well, but—

Mr. Smith: It's a 4' diameter—

Mr. Haire: Right. I think it's the exact same sign that's on the front there, or is the front a 3'? I don't know, but it's very similar to that as far as the round logo and also the drive-thru letters underneath.

Mr. Brusk: Where it says Starbuck's you show a picture of what it's going to look like. Do you recall that? Is that to scale?

Mr. Smith: Actually on the elevation, I can't answer that for sure.

Mr. Haire: It's probably not completely to scale, because I emailed them that drawing and I don't know if – the scale unit's been transferred so many times, it's probably not to scale.

Mr. Brusk: Okay, because I was wondering how big 4' would look on that.

Mr. Haire: It won't appear very large on that side of the building. We talked about – when I met with Starbuck's, I talked about a number of different options that they could do. They had indicated maybe channel letters across there and I said I'd prefer the logo of 3-4', whatever looks more appropriate for the size of that building. It's a pretty large wall, so I don't think that the 4' diameter sign will appear very large on there.

Mr. White: Mr. Smith, I'm having difficulty understanding how your application is consistent with the actual code. I'm looking at 1147.01, it says, "Board of Zoning Appeals may vary the strict application of the provisions of the zoning code where only to the characteristics of the property, a literal enforcement of the provisions would result in unnecessary hardship or practical difficulty." What about the building causes a hardship for you?

Mr. Smith: The entrance/exit to the building. The sign is when you come from the east on Main Street, before you can recognize any signage, you're already past the actual drive-thru. The other part of the building that they feel creates a hardship is when they were moving into that building, there was a bank

that was supposed to be in there, too, which they counted on a lot of their business being foot traffic with that bank in there also. So that's their feelings.

Mr. White: What I characterize those as being are maybe matters that could have been adjusted, I don't know if it's in the lease you entered into, where you could have added conditions to entering into the lease that certain circumstances do not occur that you could withdraw from the lease.

Mr. Smith: I'm not privileged to that information.

Mr. White: Well, I'm saying it seems like that kind of circumstances. I'll go on to another part of the provision that you're applying for. First to 1147.05(D) says, "If there is proof of hardship or practical difficulties, the Board must consider these factors when they make an exception or a variance." One of those is that ". . .there's proof of hardship or practical difficulties created by the strict application of the code, beyond the simple showing of greater profit that would result if the variance is granted." It further says that the "hardship results from the application of this code and is suffered directly by the property in question." Again, I don't see where basically we're looking at anything on this other than the fact that you're not generating the kind of business you anticipated when you moved in there. The building itself doesn't seem to affect – it has no impact upon your business at this point in time, at least what I can hear from you saying.

Mr. Smith: I think they feel it directly does, because of no business being in the actual building which was supposed to be in there when they originally moved in. How they structured the lease, I don't know.

Mr. White: I guess one final area, and I guess I'm kind of showing you my reservation about this, is as I ride down Main Street and look for buildings that may have signs that are perpendicular – wall signs perpendicular to the road, I see none. I saw one possibly, Arby's at Briarcliff that had just a small sign, but all along that strip I see no signs that are perpendicular to Main Street. And I'm concerned about the fact if, in fact, we allow you for a temporary concern because of economic turnout which we are suffering at this point – some people suggest it's an actual recession, but, you know, some say it's an economic turndown. Nevertheless, what you're suffering is only going to happen for maybe a year or so. We're going to create possibly opening a floodgate that allows a variance for your customer's business, other businesses are going to wish to have signs perpendicular to the road to enhance their business. My concern is the consistency and if we create a precedence, we're going to possibly create it for other people and it's going to be a problem that's not going to be temporary. It's going to be a longer problem that we'll have into the future. You'll see signs all up and down the street that are perpendicular to the road. How do you address that?

Mr. Smith: I really can't address it for other businesses. I know that's their feelings on it and I'm not privy to their business, other than just representing them as a person with the sign company.

Mr. White: I just want to add one thing for the record. It just happens to be in the judicial notice, I noticed in today's Wall Street Journal there's an article with regards to Starbuck's. I guess that's the customer that you're serving. That Starbuck's actually suffered a 50% decline in their stock over last year and I'm wondering if the economic impact is not just peculiar here in Reynoldsburg, but it's basically because their loss of stock value is prominent throughout the country. So that sign that you're asking us to put on that building would not necessarily improve the overall economic condition of the company at this point in time.

Mr. Haire: Mr. White, that is the case. When I met with Starbuck's there are a number of stores in the Columbus market they don't feel are performing up to par, this being one of them. They're evaluating stores currently and evaluating closing stores currently, and they are going to close a number of stores in the Columbus market; hopefully this is not one of the stores that is closed. But, yes, I think their feeling is that this will help, at least temporarily, to drive sales in that location.

Mr. White: I guess my only concern – I'm just expressing my opinion – is that if we allow the sign to create a precedence for future signage along Main Street just to cure this particular business' economic concerns, then we'll have to address that problem with other businesses coming before this Board requesting a variance to allow them to address the same issue at some point in time.

Mr. Feeney: I looked at this building and what I saw – and I think that additional signage is probably going to help this business in the fact it's so far off of Main Street that it is hard to see until you get up on the building. I remember looking when this building was built, and it's a beautiful building in a beautiful location, but it is so far off of Main Street. So I looked at that, you know, you're going to need a little bit of a sign to find out who's back there. With the monument signs that we require and this happens to be where the first sets of poles are that didn't get put underground, and it kind of does block the view of the monument sign that we're required to put out front.

Mr. White: I did notice that they do have a monument sign there and they have a sign parallel to the building. I had some concerns that it seems like we have in the past, at least one prior not too long ago came before us on 256 and requested a sign on a building and we denied it on the grounds that they had an opportunity to put a sign on the monument sign and also a sign parallel to the road.

Mr. Kucera: That's my concern, is to be consistent with previous rulings and, again, if that particular owner came back and questioned why we allowed this one and not his, we'd be hard-pressed to explain why. I think there's possibilities of perhaps another alternative, which would be, you know, we do allow temporary signs for a specific period of time, sometimes as much as a year, for real estate companies or development companies. I think we allowed one for the development company that's developing the Lowe's shopping center, and I think I would much rather see some kind of a temporary sign like that, perhaps out by the front here, for some period of time. I think that also might be more effective, frankly. One of the things I noticed about this, there was absolutely no fanfare about an opening, or not a great deal, number one; and, number two, I don't think they've done any advertising at all to let anybody know that they're in that location.

Mr. Feeney: Even if they would put grand opening signs in the windows, you're not going to see it from the street.

Mr. Kucera: Well, my point is that there are – that they could have gotten some kind of temporary – I don't know what they would have to do to put some signage out by the road on a temporary basis. Again, I think we've done that in the past for real estate firms advertising a new development or a new shopping center, seasonal type stuff.

Mr. Haire: We typically do allow one sign per property. If you look at the bottom left-hand picture, you'll see the "for lease" sign advertising the development as a whole, and that would restrict them from putting up another temporary sign. We do grand opening type signs, but those are 15 day permits and they're permitted one per year, or they can do a banner which is 30 days, which they've already exhausted their banner permit for the year.

Mr. Kucera: Well, I'd much rather do something like that that's something temporary, or them get with their leaseholder here, and since there's nobody else in that shopping center, let them take over the whole monument sign in front.

Mr. Feeney: You represent the sign company, correct?

Mr. Smith: Yes.

Mr. Feeney: You may have better ideas than we do about different options. I mean you know our regulations about monument signs and such. And, again, I think the key is the building's so far back off of Main Street.

Mr. Kucera: I think the key is that they weren't able to secure leases for the other developments in there. I think that's at the heart of what's happened here and, unfortunately, the owner of Starbuck's is kind of now in a shopping center where there's no traffic other than themselves.

Mr. Brusk: They're not a destination usually. Starbuck's is something you go into when you're somewhere else.

Mr. Kucera: Unfortunately that's nothing we have anything to do with or control over.

Mr. Brusk: That's the unfortunate part.

Mr. Feeney: I know the signage that we discussed in depth on 256, there are always exceptions to rules and the fact that that building was approximately 30' off of the right-of-way versus a couple hundred it looks like, I don't know—

Mr. Kucera: Well, I'm not sure if the concern is people coming from the east going west, the monument sign is before the entrance, so they would see the sign before they got to the entrance for the shopping center. If the concern is people coming from the west going east, they're not going to see the sign on this side of the building, so that's something else I don't understand.

Mr. Brusk: Is there a problem with the monument sign being visible?

Mr. Smith: Yes. Yes, there is. With the dark background and seeing the actual Starbuck's in the logo, that's hard to see itself.

Mr. Brusk: I'm tempted to say that that is where the solution is. I think if that was corrected in one way or another to make it more visible, you would see it much sooner than you would see a symbol up on the building that's far back. My guess is that that panel should be replaced with something that is much brighter and more visible, because you can see it in time to make the driveway. Is that correct? You're just saying it's hard to read, as opposed to hard to see. It's not blocked by a big rock or trees, or anything like that?

Mr. Smith: Correct.

Mr. Brusk: Therefore, I think that my suggestion would be just go after that sign to make it more visible. You've got green on black, or brown, or whatever the color is, do it on white. Do it with an electric green.

Mr. Feeney: Does it have to be divided by four? I mean you only have one tenant. You could tentatively do one big sign out there and then as tenants move in diminish the sign and then they've established their clientele and their traffic.

Mr. Kucera: As I look at the photograph that I've been given here and I look at the lower left photograph, there's two large signs there advertising the shopping center itself. Now they're parallel to the street, but you could certainly – and I'm not sure under what authorization those are there – but you could

certainly add another similar temporary sign – and I would be willing to consider a temporary sign that's two-sided – that, you know, we let them have it for six months and if business improves, it improves; if it doesn't-- If putting this sign on the east side of the building that only people going west can see is going to improve their business, I would think a sign out by the front here that's double-sided, you can see from both sides, if in six months they didn't see an increase in business—

Mr. Feeney: Is this something we would vote on, or is that something in the code already?

Mr. Haire: That sign permit was granted, that's supposed to be a "V" shaped sign. During construction it was moved and they just put it back up as a street parallel sign. So that's how it was originally authorized to go up. I wouldn't have issue with them adding a Starbucks logo or something along those lines to that sign, as long as it remains a for sale or for lease sign. You could do something along the lines of, you know, "Join Starbucks" in advertising the retail center.

Mr. Brusk: You would be able to see that prior to—

Mr. Kucera: Well, you could go back to the "V" shaped sign again that you could see from either side. It would be closer to the road. I think in the long run it would be—

Mr. Brusk: I think we don't have any right to really say what should be, we're just making suggestions.

Mr. White: I just wonder about the monument sign. Was there any reason – I've seen other signs along Main Street that are larger than this monument sign. Is there some restriction as to the size of this sign?

Mr. Haire: The size of the sign cabinet itself is what our code allows. It's a maximum. It's 50 square feet. The height of this sign is 7'. There are other signs on Main Street that are 8', 9', it all depends on when they negotiated for the Streetscape improvements. Our Main Street standard is a 6' monument height, overall monument height, which is typically a 1' brick base and a 5 x 10 cabinet.

Mr. White: It just seems that the sign could be enlarged, maybe height wise.

Mr. Brusk: I don't think that that's where the problem is, not the height, not the shape, it's not the size. I think the problem is the visibility of that. And if that's the case, that could be corrected. Secondly, as was mentioned, you could probably, on a temporary basis, put the sign on that "for lease" add something that shows Starbucks with their logo, which I think we would not object to. Is that

correct? It wouldn't be against our code, and not worry about the problem we have with allowing this sign and setting a precedent that will cause us problems down the road.

Mr. Kucera: I think it's a suitable variance from the code that we could grant to allow them a temporary sign out front.

Mr. Brusk: But they've got two signs sitting there already that they could use. And there's nothing that says they can't put the logo on two of the squares right now, is there?

Mr. Kucera: Or all four of them.

Mr. Brusk: You're got 50 square feet. So that sign could be redesigned in the front for just, on a temporary basis, they're going to have to pay for changing it, but for the full four sections, then down to two sections, then to the one section when the place is fully standardized. I think, a, that will look better. Well, it won't look any better than on the side of the building, but I think it will be more visible and probably more prominent than the circle on the side of the building. When you're driving, you're not looking at the buildings, but you are seeing the signs.

Mr. Feeney: I think we've found a couple options you can explore.

Mr. Smith: Is that something we can work with you with, Luke, or is that something we'll have to bring back here?

Mr. Haire: No, you wouldn't have to bring it back. There wouldn't be any need for a variance on any of those options.

Mr. Feeney: Is there any other Board comment? (No response.)

Mr. Brusk: I, therefore, move Item C1 to vote for approving Variance 31-ZV.

Mr. White: I have a question. What are we putting on the table for his proposal to address the signage problem?

Mr. Feeney: He's going to explore other options that wouldn't have to come in front of the Board.

Mr. Kucera: I'll second the motion.

(Mr. Haire called the roll. Mr. Kucera voted "No." Mr. Brusk voted "No." Mr. Feeney voted "No." Mr. White voted "No." Motion denied.)

Mr. Brusk: I hope we may have provided some guidance that will help on this that may even be better than the variance that they had requested.

D. OTHER BUSINESS – None

E. ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Patrick Feeney, Chair

Lucas Haire, Planning Administrator

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