

Board of Zoning Appeals

July 15, 2021

Members present Chairman, Phil Rooney; Blaine Wells; Kerry Trombley; and Scott Brecheisen.

Mr. Rooney called the meeting to order at 6:00 p.m. and the general rules were reviewed.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-12-2021-61106

Address: 320 S. Main Street

Zone: C-3 Downtown Commercial

Filed by James Koehler on behalf of Davis Building LTD, regarding a variance from section 1161.12.12 of the City of Findlay Zoning Ordinance regarding a proposed electronic message center at 320 S. Main Street. The applicant is proposing to install a 42-inch display electronic message center on the wall of the building. This section does not allow electronic message centers to be located within the C-3 Downtown Commercial District, and are not permitted on any wall.

The applicant is looking to install an interactive electronic message center to display their listings of houses currently for sale on the wall outside of Flag City Title. The city of Findlay zoning code only allows for electronic message centers (EMC) in C-1 Local Commercial, C-2 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial. The C-3 Downtown Commercial does not allow for these signs to be placed within the zoning district. In addition, the proposed sign is a wall sign, though the city of Findlay does not regulate wall signage, it does in the case of an electronic message center. Section 1161.12.12(A)(2) states electronic message centers "Shall not be permitted on any wall or fence".

This sign went in front of the Design Review Board on April 15th, 2021. During the meeting, Hancock Regional Planning recommended denial of the sign in their decision, however, the Design Review Board decided to table the item until the Board of Zoning Appeals ruled on the proposal.

In conclusion, the City of Findlay agrees with HRPC's recommendation for denial, and would recommend that the board denies the request on the basis that electronic message centers are prohibited on a wall and in the C-3 Downtown District.

Mr. James Koehler II, 16250 Beechwood, owner, was sworn in. He stated there is a sign just like he is proposing in the downtown area on Crawford Street. He stated what he is proposing is an iPad on a wall. He thought it would be a fun thing for downtown. Other communities have these and he thought they could bring it to Findlay for people to see what the listings are, especially with the D.O.R.A. now in Findlay, it would give the people some entertainment to view listings while at the same time, do some advertising and display some of the better aspects of Findlay. They thought it was an innocent use of electronic media. He continued to state, even though he could box in a window and put it in a window and the city couldn't do anything about it. Scott Keller has a big video display in his window on Crawford. The only difference is that

his is rotating on his own and his proposed one would be interactive and be activated by the user. He has many windows in downtown he could stick this in but would rather not. He thinks this would be a better use and a better presentation. He stated he could do it in billboard form on top of a building, but would rather not. He stated he was perplexed as to why this is such an evil thing.

Mr. Trombley wanted clarification that this would not be advertising the business there but would be interactive so people could go up and touch it to see the homes for sale; but what about when it's not being used?

Mr. Koehler stated it would have a band around it being Bircher Hathaway branded but the inside is just like an iPad to see the listings like you could bring it up on an app on your phone. It does have advertising. The vendor goes to various suppliers of real estate brokerages, title companies, inspectors, plumbing and heating companies, electricians, etc. and they advertise on that. That would be a rotating advertising. He stated it is not bright or anything that would be distracting like a neon sign. The screen is approximately forty-two (42) inches corner to corner.

Mr. Wells asked what is on the display when it is idle?

Ms. Shannon Roof was sworn in. She stated that their understanding is that it is a closed system. If someone is not interacting with it, it will stay static. She referenced a picture that shows a blue display. The bottom third of the screen is where the scrolling advertisements are located. She believes they have control over the time intervals that the advertisements at the bottom will scroll. Otherwise, it just sits there static.

Mr. Trombley asked if the sample ordinance for Findlay that was put in the packet, is part of the proposal, to make an adjustment to the Zoning Code?

Ms. Roof stated it was what they received from the Downtown Review Board.

Mr. Adkins explained the two (2) supplemental items given to them was from Hancock Regional Planning, not from the City. They did the research on other cities that do not permit interactive digital displays.

Ms. Roof stated that on the bottom, there are also some that do permit it; along with other cities that are in the process of approving them; a sample ordinance for Findlay, all given to them by the Downtown Review Board. It is not stuff they came up with.

Mr. Koehler stated that when he was there, their biggest concern was they did not have specific language that would dictate to this board; and instead of doing the work and coming up with some language, they just gave a veto.

Ms. Roof stated, but they did give the sample ordinance that they pulled from other cities that allow them.

Mr. Wells stated that it is not this board's purpose to rewrite the zoning code. He stated they are here to go under a certain code and see if a variance is justified or not on the specific code.

Mr. Trombley stated, the code says 25% shall be the scrolling for the electronic portion, but per the photos, it looks like yours would be 90%, but most of yours would be the interactive part, right?

Ms. Roof stated, to clarify, the bottom part would be the part that scrolls, which would be the advertisements, which is approximately 25 – 30%; and the top part is where people can click on, which would give them control of that part having any movement.

Mr. Wells asked, what the plan is for advertising on this?

Mr. Koehler state it's the same kind of thing as when the advertisers would come in and get a list of the suppliers and do a fancy booklet.

Ms. Roof stated they are trying to keep it local, home related businesses, etc. She explained how the advertising agreement works.

Mr. Koehler stated it would have all M.L.S. (multiple listing service) Listings.

Mr. Rooney asked Mr. Adkins if the city approves this, does it have to go back to Design Review again?

Mr. Adkins stated "Yes". If they get approval from there, they would have to go to Wood County and get a Wall Sign Permit.

Ms. Kaitlyn Price, 21858 Road 18S, Fort Jennings, OH, asked where is it located on the building?

Ms. Roof showed here a photo of the location on the building.

Ms. Price stated the photo answered the question.

Mr. Rooney asked Mr. Adkins if there were any communications on this case?

Mr. Adkins read a letter, received from Cathy Weygandt, 204 Greenlawn Avenue, into record. "The idea of an electronic message board next to our grand Courthouse is appalling. I certainly hope that the Appeals team does not give this idea one single more moment of thought. These message boards are a blight in Findlay. Appeal denied, hopefully!"

Mr. Wells stated he struggles with this. He stated Mr. Koehler referenced what Scott has in his window, there is the stand alone sign at the other corner, and we've all been to towns with these and we know the look that we are going for. He stated he struggles with the location being on Dorney Plaza.

Mr. Koehler stated that if the location was an issue, they could take it across the street and put it at the Greek Garden.

Ms. Roof stated the reason they chose the location at Dorney Plaza is because of the gatherings there. They thought it would be the best place for this to be used and be successful.

Mr. Trombley stated that he also struggles with the individual hardship for this specific applicant verses everyone else in the C3 District. He stated that he gets that the electronic messaging boards ordinance was written before they were a thing, but their job is to apply the code as written. He stated he thinks the sample ordinance is the way to go so everybody gets a chance to play by the same rule; but he does not feel there is an individual hardship for this specific spot.

Discussion took place in regards to getting new ordinance in place regarding electronic message boards in the C3 District.

Mr. Koehler stated as he understands this, he could actually build this within a window, within a wall and the city could not say anything about it.

Mr. Adkins stated it would have to be inside the building, accessed through the door into the building.

Mr. Wells stated he understands this is where things are going and he agrees with their statements; however, the purpose of what they are here for is to apply the code to the request. Most variance requests have one (1) aspect, this one has two (2); the C3 District and being on a wall.

Mr. Trombley suggest Mr. Koehler make formal recommendation to council for ordinance amendment on this code.

Mr. Adkins stated the correct step would be for HRPC to get it on the agenda for Planning and Zoning Committee, then they would make the decision to push it through to City Planning Commission for approval to go back to Planning and Zoning Committee, then to Council for three (3) reading.

Mr. Wells made a motion to deny the requested variance, per the facts, under the code as it exists. He suggested they do whatever they can to help get council to adopt the sample code given in the packet.

Mr. Brecheisen seconded the motion.

Motion to deny the variance as requested, 3-0. Mr. Rooney abstained from voting.

The May 13, 2021 meeting minutes still pending approval.

The June 10, 2021 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary