

Board of Zoning Appeals

February 10, 2022

Members present Chairman, Phil Rooney; Kerry Trombley; Blaine Wells; 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:

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Case Number: BZA-01-2022-62506

Address: 1501 N. Main Street

Zone: C-2 General Commercial

Filed by Rite Aid, regarding a variance from section 1161.12.12(A)(3) of the City of Findlay Zoning Ordinance for a new (EMC) electronic message center on an existing pylon sign at 1501 N. Main Street. The applicant is proposing to replace an existing static reader-board with a new EMC of the same size, on a pylon sign that is 29-feet tall. This section limits a signs maximum height of 15-feet in order to have an EMC attached to the sign.

The owner is proposing to convert a static message reader into an EMC, but the sign is considered non-conforming, when the requirements are applied. The sign does meet the required setback and the allowable sign area; however, it exceeds the maximum height allowed for a sign with an EMC center. Being that the sign is existing, a whole new sign would need to be constructed in order to meet the requirement. Additionally, the applicant can replace the existing cabinet with a sign with the same footprint, but it would require a fixed message of 15 minutes.

Mr. Rooney asked for clarification, if they kept the EMC at 15 minutes, would they be good?

Mr. Adkins stated they could just switch it out as is.

Mr. Trombley asked for clarification that the EMC cannot exceed 25% of the total sign area; do they meet that?

Mr. Adkins stated it should be 25% of the total sign area.

Mr. Brian Chase, 5924 American Road E, Toledo, Ohio, was sworn in. He stated the sign is a little bit smaller than what is there now. He stated its not an issue to leave the message however long is required but it will dress it up a little more and will be able to communicate with the public better about what is going on.

Mr. Wells commented on Mr. Chase's comment acknowledging the message can stay on the board for 15 minutes, so no variance is needed.

Mr. Chase stated they would like to be able to use it for less than 15 minutes.

Mr. Adkins informed the Board Members that they can set a time on it.

Mr. Wells asked if the sole purpose of the sign is to advertise items sold within Rite Aid?

Mr. Chase informed the Board it is for Covid, shots, etc... If limited to 15 minutes, they can't put out as much message.

Discussion took place in regards to the 25% sign area between Mr. Trombley and Mr. Adkins (inaudible).

Mr. Trombley asked what the hardship is that they should get the variance?

Mr. Chase stated that Rite Aid has a lot of information to put out there and that is why they are updating signs all over Northwest Ohio right now. There is an added need right now to communicate to the public on shots, times, when people can come in, and what's going on. There is a lot of traffic going through there and this would allow a lot better communication with the public. If they have to leave a stagnant message up there for 15 minutes, he is not sure they will get all the information out there. If they have to fill the whole area to put all of the information on it, it is not going to be big enough for people to see.

Mr. Trombley asked, what is the hardship that is unique to this property? What other options could they look at to meet the code?

Mr. Chase stated that they currently have a little bit bigger sign up there right now, and the new sign would be nicer, cleaner, the message would be communicated a lot better.

Mr. Trombley stated he needed to meet all seven (7) criteria and there is a couple that he is struggling with.

Mr. Brecheisen asked if this is the sign on Main Street or on Trenton Avenue? Is there a message board on both signs?

Mr. Chase stated he did not know.

Mr. Adkins stated that whomever he spoke to, they stated they were only switching out the one on North Main Street.

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

Mr. Adkins stated there were no communications on this case.

Additional conversation between the Board Members took place that was inaudible.

Mr. Wells made a motion to approve the requested variance as requested for ONLY the sign on North Main Street, subject to obtaining the required permit within 60 days.

Mr. Trombley stated that their roll is to apply the code as written and he doesn't think this property is unique. There are no conditions or circumstances which makes this one unique verses every other non-conforming sign. If we want to change to code to allow non-conforming signs to change out reader boards into new EMC's, they certainly can change code to do that, but that's not what the Planning Commission of the City has asked them to do. They've asked us to apply the code they've written. It's a small sign and probably will make it a littler nicer, but is this something

that we'll be saying every single sign in town can do this, regardless of what code says, and he doesn't think that is the right thing to do?

Mr. Rooney confirms that Mr. Wells' motion is to grant the variance for the one sign with no limitation on message changes?

Mr. Wells stated that is correct.

Mr. Adkins stated that it still can't animate, blink or flash. It can only move message to message with no scrolling, just so he understands that's how the definition is written in our code book.

Mr. Rooney seconded the motion.

Motion to approve the requested variance as requested for ONLY the sign on North Main Street, subject to obtaining the required permit within 60 days, 2-2.

(Mr. Rooney and Mr. Wells voted to approve the requested variance; Mr. Trombley and Mr. Brecheisen opposed the requested variance).

The case will be held over until the March 10, 2022 BZA meeting.

Mr. Adkins stated we will make sure if one of the Board Members are absent, that we have an alternate Board Member present so we have a five (5) member quorum.

Mr. Rooney asked if anyone would be interested in giving him a different time on the message?

Mr. Brecheisen confirmed that right now it is unlimited?

Mr. Adkins stated the sign standard is 8 seconds.

Mr. Brecheisen stated he agrees with Mr. Trombley. They keep getting put in a situation where they are choosing how long it is and are continuously making up their own rules depending on the situation and not setting a standard. How long does that go on?

Mr. Rooney stated that yes, their position is to enforce the code, but it is also to look at circumstances. He thinks the circumstances could be argued...

Additional conversation took place between Board Members and Mr. Chase about going ahead and getting the permit to install the sign at the required 15 minutes, then just amending the permit and changing the time length if the variance gets granted.

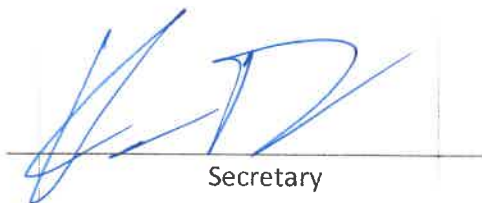
The case is held over until the March 10, 2022 BZA meeting.

The December 09, 2021 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary