

Board of Zoning Appeals

December 09, 2021

Members present Chairman, Phil Rooney; Kerry Trombley; Blaine Wells; Sarah Gillespie; 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-31-2021-62347
Address: 600 Jacobs Avenue
Zone: I-2 Heavy Industrial

Filed by Findlay City Schools, regarding a variance from section 1161.12.7 of the City of Findlay Zoning Ordinance for new sign at 600 Jacobs Avenue. The applicant is proposing a new fixed message monument sign at the school that changes messages every 15 to 30 seconds. This section requires a fixed message for a minimum of (15) fifteen minutes.

The request for a smaller timeframe between messages from every 15-minutes to 15-30 seconds is something the city is against. Allowing for such a small timeframe would set an extreme standard and precedence that would be set. The city would prefer the time limit remain as close to the 15-minute requirement, but wouldn't be opposed to a little relief.

A motion was made to remove this case from the table; and the motion was granted.

An email was received from Findlay City Schools stating they have decided not to install the monument sign at their new preschool location (formally Jacobs Elementary). They requested we remove the electronic message sign variance request from the agenda.

The request for variance at 600 Jacobs Avenue has been withdrawn.

Mr. Rooney informed all that an email was received by Cathy Weygandt regarding all cases on the agenda. He asked if the letter should be read into record since Mrs. Weygandt is attending the meeting.

Mr. Adkins asked Mrs. Weygandt if she wanted him to read the letter into record. She stated she would just speak on each case.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-32-2021-62431
Address: 2040 Tiffin Avenue
Zone: C-2 General Commercial

Filed by Key-Ads, regarding a variance from section 1161.12.17(4)(a) of the City of Findlay Zoning Ordinance for a new multi-purpose billboard sign at 2040 Tiffin Avenue. The applicant is proposing to replace an existing pylon sign and two static billboards, with a multi-purpose sign that is 18-feet from the front property line. This section requires a 25-foot front yard setback.

Currently, at this location, there are two 300-square foot plus static billboards, along with a pylon sign in the front of the building. The applicant is looking to eliminate a lot of air clutter by combining the on-premise signage, with the off-premise signage. The applicant has already received a permit to convert the four billboards into one.

After reviewing the architecture and seeing how uncluttered the area would be, the city would not oppose the board if they were to grant the variance as requested.

Mr. Stephen Keys, owner of 2040 Tiffin Avenue, was sworn in. He stated he was already approved to convert the existing static billboards into a digital. There are currently four billboards, two 12' x 25' on the East and two 12' x 25' on the West. They would be replacing the four with two, reducing the signage by 50%. They want to combine the on-premise Restore sign that is currently there with the new sign. This would reduce the square footage of this sign as well. The request for variance is to be able to move the billboard signs a little closer and moving the on-premise sign further away than it has to be from the road.

Mr. Trombley stated he did not see the answers to the questions on the application.

Mr. Keys stated it is because he is here at the meeting asking for a variance on a unique situation. He stated he is combining two difference uses: The off-premise use, that is already permitted, and an on-premise use that is permitted and he is asking to reduce everything, which is permitted; but those questions were not specific to each one. He was under the understanding he could put together a description of what his job site was in leu of answering those questions.

Mr. Trombley asked about the magnitude of the variance. There is a 25' setback for what he wants to do, Mr. Keys is asking for 18' which is 7'. Why can't he meet the ordinance?

Mr. Keys stated the sign is more visible when you are coming down the road, if it is closer to the road, and it is more marketable. He stated he is trying to decrease the overall signage clutter by combining the on-premise sign and the off-premise sign. It doesn't work to put the sign back behind the building, where it is currently. The on-premise sign is allowed to be 10' from the right-of-way, the billboard is allowed to be 25', so he would be meeting in the middle.

Mr. Trombley asked if there was anything in the way which would prevent him from meeting the requirements?

Mr. Keys stated the current billboard sits behind the building. They feel it would be better to take down the old blacked out sign and matching the aesthetics of the improved building would give a more welcoming feature coming into Findlay.

Mr. Trombley asked if he is proposing to incorporate the Findlay sign?

Mr. Keys stated, "absolutely".

Mr. Wells asked why the base couldn't just be 7' closer to the building, which would fall within the 25'? He understands what he is saying about not wanting to put it where the existing billboards are but why can't he just put it 7' closer to the building. It would still give them enough parking in the parking lot.

Mr. Trombley stated it would be significantly closer than the current billboards are.

Mr. Keys asked the Board members what the concern is that they have?

Mr. Wells stated the 7' is the concern. He understands he would put it right on the curb if he could, anyone would. In keeping the uniformity down that street, which has lots of signs, each situation is unique, but this may set a precedence down the road for others to request the same. It appears there is enough room there to meet the 25' setback and still be significantly closer than where the billboards currently set.

Mr. Keys stated, taking that into consideration, if he were to revamp his current on-premise sign, he could move that one closer to the road (at 10') than what it is currently, and make it bigger. So, rather than move something closer to the road and make it bigger, why not reduce the square footage, do something that is welcoming into the City of Findlay and looks nice?

Mr. Trombley stated that was irrelevant because it is not at the city limits.

Mr. Keys stated it comes down to marketability of the billboard, visibility for the on-premise sign, and to help clean up the property. It would be cleaner and more visibly friendly to the area.

Mr. Trombley stated it's a solid idea, but he is struggling to see what the hardship is preventing him from moving it 7' back?

Mr. Keys stated, marketability for a billboard.

Mr. Lee Weygandt, 204 Greenlawn Avenue, was sworn in. He asked the board to oppose moving these bright, illuminated, flashing billboards any closer to our thoroughfares. That's one of the highest trafficked areas in the city and the drivers along there do not need more distractions of having a blinking, changing sign any closer to that highway than billboards are currently situated. The signs are very visible from both directions on Tiffin Avenue now and he doesn't see any advantage to moving them closer to the highway. He does see a lot of negative impact on the aesthetics of the street. They are just an eyesore. He hopes the board will not change the rules on the size, the height, and the proximity of the signs to make them more visible. He stated the city would look more beautiful if they were moved further away from the roads and not quite so bright.

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

Mr. Adkins stated there were no additional communications on this case, other than the email from Cathy Weygandt.

Mr. Wells thanked Mr. Weygandt for his opposing view point. He stated as he sits at his office and looks out the window every day, it is extremely high trafficked. He understands that is why Mr. Keys chose this property. There are no traffic lights at any intersections close to that property

and there are accidents there very often. Something that could be deemed a distraction is very concerning. He struggles to see the hardship to meet the 25' setback.

Mr. Rooney stated that his opinion is, trading two signs for one, with the idea of getting rid of as much signage as possible, that seems like a pretty fair trade to give up 7' of frontage. He could put an on-premise sign 10' from the front property line, and a sign is still a sign and could be a distraction. The unique situation is he is combining an on-premise and an off-premise sign in one sign. He does not feel that anyone will perceive the difference of 18' and 25'.

Mr. Wells stated he agrees that it does unclutter the air space right there.

Ms. Gillespie stated that she agrees with Phil. It does look better the way they want to do it.

Mrs. Cathy Weygandt, 204 Greenlawn Avenue, was sworn in. She stated she wrote a letter to the Zoning Appeals Board when she saw all of these variance requests show up in the paper recently. She stated she has spoken to Matt and Mayor Muryn about the billboards in this town; and the recent article in the Toledo Blade about how they are cracking down on billboards and trying to eliminate some of the problems that have come without all the ordinances. She stated Mayor Muryn assure them that these would be addressed more next year. Now, all of the sudden, four different variances showed up in the paper, like everyone is trying to grandfather some eye sores into this town. We need to apply the ordinances that are there. Seven foot is seven foot. She is glad he is combining the billboards that are there. She thought the public would be able to see the pictures on a screen at the meeting. She stated the article in the Toledo Blade also referenced a study that was done for the City of Philadelphia in regards to billboards; and what they had found, a 2019 study that can be found on the internet, beyond aesthetics, there is a correlation between a home's value and its proximity to billboards. She read: Homes within 500' from a billboard are worth \$30,000 less on the average, and each additional billboard can decrease the value of nearly \$1,000. It's not just aesthetics, its safety. They are distracting. She thought there was a limitation of time on how fast they could switch over. What is it currently now, she asked? Is it 15 seconds?

Mr. Adkins stated it is 8 seconds.

Mrs. Weygandt stated this is insanity. She stated Main Street and West Main Cross are some of the busiest intersections and people are getting hit and injured in these areas. She stated if you go to these well planned, beautiful cities, they have continuity, they don't grant variances, they are very strict and business still come there and are still growing. She stated businesses will continue to come here and continue to grow. You don't have to give in to the variances.

Mr. Keys spoke in response to Mrs. Weygandt's comments. He stated the safety on billboards are less of a hazard, per a study, than people think. He stated the study shows there is not an increase in traffic accidents. He stated the intersections closest to his property have billboards closer, that was just granted, not by variance. In regards to the study from Philadelphia, he is curious to know if the homes were sitting in residential districts or commercial districts, which would play a big part in their home values.

Mr. Trombley stated he has to go back to, What's the hardship for this piece of property? He appreciates and thinks it's a good idea to clean up the property and move three signs into one, but the hardship presented is that it is more marketable. That is not a hardship unique to this property.

Mr. Trombley made a motion to deny the requested variance.

Mr. Wells seconded the motion.

Motion to deny the requested variance, 3-2. Requested Variance is Denied.

(Mr. Rooney and Ms. Gillespie opposed to deny the requested variance).

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-33-2021-62435

Address: 1921 Tiffin Avenue

Zone: C-2 General Commercial

Filed by Alpha Management, 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 1921 Tiffin Avenue. 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 22-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. David Mack, representing Brady Sign Company, 1721 Hancock Street, Sandusky, Ohio, was sworn in. He stated he wanted to bring a correction to everyone's attention. In the application it is listed as removing the 3' x 8' static changeable message sign and put up a 3' x 8' digital message sign; they are actually requesting to put up a 4' x 6' digital message sign. It is still 24 square foot. The current pylon sign has been on the property since this site was originally constructed. Since then the Cities Sign Code has changed, resulting in this request for variance. This is a like – for – like replacement.

Mr. Trombley referenced 1161.12.19 Non-conforming Signs Code and the intent of the ordinance. This would be an upgrade and would not be permitted by code. There is no hardship, other than a financial hardship having to build a new sign.

Mr. Mack stated the hardship is a couple of things. In order to comply with the existing code would require the entire sign to be changed and could mean demolition of the current sign, re-engineering of the sign footing, erection, and it would pose a significant cost for the owner.

Changing from a static reader board to a digital board would allow the owner and the parcel the ability to dynamically advertise to the public and drive more tax revenue out of this specific location.

Mr. Rooney stated that in the seven conditions, he does not see hardship in there anywhere. He stated his problem is these people are just basically upgrading their technology, their sign was conforming when it was built and it seems ridiculous to tell these people they have to tear their sign all the way down to make their technology a little more current with the current market. This is a no harm, no foul.

Mr. Trombley stated the code specifically addresses Electronic Message Boards. If this was something the code did not address, he would agree, but the code specifically addresses this.

Mr. Rooney stated that is the purpose of the variance, is to look at situations that are different from the code. The only reason the sign is too high is because the golden arches stick up out of the top. The actual message board itself would be conforming. It is not too high. The effect of the request is within the code, because the message itself is not too high.

Mr. Wells stated he agrees with Mr. Rooney. He made a motion to approve the requested variance with the stipulation that all necessary permits be obtained within 60 days.

Ms. Gillespie seconded the motion.

Mr. Adkins stated there were no additional communications on this case, other than the email from Cathy Weygandt.

Motion to approve requested variance with the stipulation that all necessary permits be obtained within 60 days, 4-1.

(Mr. Trombley opposed to approve the requested variance).

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-34-2021-62436

Address: 731 Trenton Avenue

Zone: C-2 General Commercial

Filed by Alpha Management, 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 731 Trenton Avenue. 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 30-feet tall. This section limits a sign's 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 however, it exceeds the maximum height and the allowable sign area 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, which could be costly. Additionally, the applicant could replace the existing cabinet with a sign of the same footprint, if they received approval in case number BZA-35-2021-62347.

Mr. David Mack, is still sworn in. He stated they are asking for a variance for the same reason as the previous location just discussed.

Mrs. Cathy Weygandt, is still sworn in. She stated it seems this one is doubling in height from 15' to 30'. She said its hard to understand without pictures.

Mr. Adkins explains the sign is already at 30' in height. He shows Mrs. Weygandt pictures to help her understand.

Mr. Wells stated he agrees with Mr. Rooney. He made a motion to approve the requested variance with the stipulation that all necessary permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve requested variance with the stipulation that all necessary permits be obtained within 60 days, 4-1.

(Mr. Trombley opposed to approve the requested variance).

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-35-2021-62347
Address: 731 Trenton Avenue
Zone: C-2 General Commercial

Filed by Alpha Management, regarding a variance from section 1161.12.9(C)(2) of the City of Findlay Zoning Ordinance for a new (EMC) electronic message center on an existing pylon sign at 731 Trenton Avenue. The applicant is proposing to replace an existing static reader-board with a new EMC of the same size, on an existing pylon sign that is 377 square feet in size. This section limits a sign to half of the frontage, in this instance 135 square feet in size.

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 however, it exceeds the maximum height and the allowable sign area 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, which could be costly. Additionally, the applicant would be able to replace the existing cabinet with a sign of the same footprint if this variance were granted. It would require a fixed message of 15 minutes though.

Mr. Wells asked what the difference is between this and the last variance request?

Mr. Adkins stated this one is for the size.

Ms. Gillespie asked if it is 15 minutes of the exact same thing?

Mr. Adkins explained the last one and this one kind of go hand in hand.

Mr. Rooney stated when this sign was built, it complied with the code. The code changed and now his frontage is not big enough for this size of sign.

Mr. Rooney explained to Mr. Weygandt the last variance was for height and this one is for the size of the sign.

Mr. Weygandt stated they want smaller signs.

Mr. Wells stated he thinks these should go hand in hand.

Mr. Trombley stated the intent of the code is that when you want to update, it meets the current code.

Mr. Wells made a motion to approve the requested variance with the stipulation that all necessary permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve requested variance with the stipulation that all necessary permits be obtained within 60 days, 4-1.

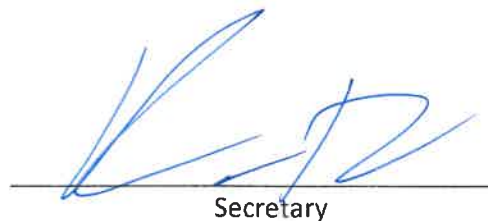
(Mr. Trombley opposed to approve the requested variance).

The November 10, 2021 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary