

Board of Zoning Appeals

November 14, 2013

Members present: Phil Rooney, Chairman; David Russell, Secretary, Doug Warren.

The meeting was called to order at 6:02 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and explained the order of the proceedings and the general rules.

Case # 51088-BA-13 was reviewed by Todd Richard, City of Findlay:

Filed by N and D Restaurants, Inc., the applicant is seeking a variance from section 1161.12.20.A.3 of the City of Findlay Zoning Ordinance. The applicant has proposed to replace an existing nonconforming sign with a new sign that exceeds the maximum height and sign area requirements. The proposed sign must be a low-profile sign no more than 8 feet in height. The proposed sign will be 38.5 feet high. The maximum sign area cannot exceed 123 square feet and the proposed sign will be 148 square feet.

Since this is an outlot and part of a shopping center development, it must have a low-profile sign. There are numerous recent examples of these signs throughout the city that we have inventoried and included in the packet. The zoning code's intent is very clear regarding nonconforming signs. The goal is to eventually eliminate them. Additionally, wall signs are not regulated and the amount of display area is limitless.

The location of the sign is not an issue in this case and you can disregard any comments by the applicant regarding setback encroachments.

The importance of name recognition and badging associated with a product or business is not being discounted here. However, this is a national chain with a national advertising campaign. A low profile sign with the proper sign area will be one more step in reducing the sign clutter on Tiffin Avenue. There is no apparent hardship in this case and granting the variance would contradict what other businesses have been required to do most recently.

Mr. Warren asked Mr. Richard what the definition of an outlot was. He did not see any reference of that term in the code. He wasn't sure that the requirement of a low-profile sign applied to this case. Mr. Richard stated that the zoning code does not define "outlot". Mr. Warren reviewed code language regarding the meaning of a "site" and the sign regulations that govern site. He questioned whether Red Lobster was on an outlot. Mr. Richard agreed that the term needs to be defined.

Mr. Richard stated that many businesses along shopping center areas were lot carved from those original developments. Mr. Richard gave some examples of what these outlots are. There was agreement that the term needed to be defined.

Mr. Ty Robbins was sworn in. He represents Red Lobster on behalf of Site Enhancement Services at 6001 Nims Parkway, South Bend, Indiana. The goal is to update the site including all signage. Some additional illustrations were submitted to the Board. Mr. Robbins reviewed each page. He stated that the degree of the nonconformity of the height is being reduced. Having a low-profile sign would lessen the visibility because of crossing traffic and the trees that line the parking lot. He does not want to remove the trees to make the sign more visible.

Explained the sign's purpose is to act as a way-finding tool and is more related to a safety issue. The building sits back from the street too far for the wall signs to be very effective. The signs on the South side of Tiffin Avenue are 30 feet in height and are at an advantage.

The size of the sign is being reduced and will be less nonconforming. Mr. Robbins described the elements of the new sign. He believes all of the conditions are being met for the variance to be granted. He reviewed the intent of the sign code. He stressed the importance of safety. By allowing the sign to be installed as proposed, the safety of travelers in the area would be maintained.

Mr. Warren mentioned a reasonable alternative stated by Mr. Robbins that would involve the trimming or removal of trees along the parking lot. Mr. Robbins agreed, but the visibility would only be improved from one direction (east).

Mr. Warren doesn't think crossing traffic is an issue regarding visibility as traffic travels from the west. He thought the photograph was misleading. Mr. Robbins stressed the importance of advanced recognition. Mr. Warren said the advanced recognition doesn't need to be three blocks away.

There was no more communication or testimony regarding the case.

Mr. Warren stated that there are alternatives for the sign. He made a motion to deny the request.

Mr. Russell seconded the motion.

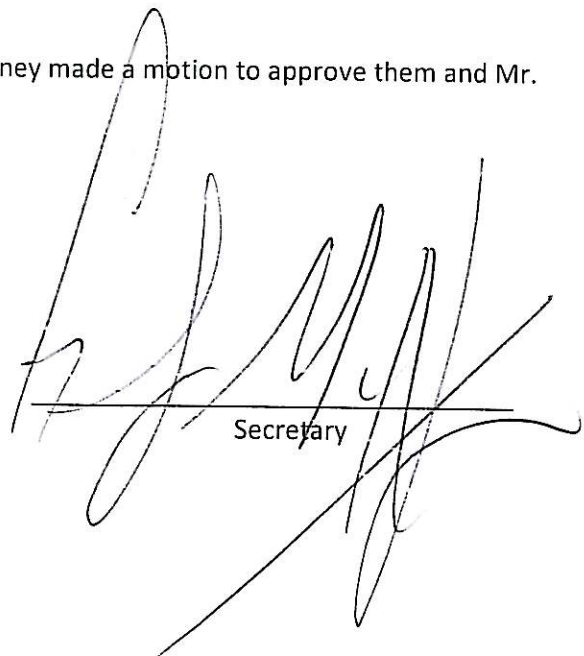
The motion passed 3-0.

The September 12, 2013 minutes were reviewed. Mr. Rooney made a motion to approve them and Mr. Russell seconded the motion. The motion passed 3-0.

The meeting adjourned.



Chairman



Secretary