

Board of Zoning Appeals

December 8, 2016

Members present: Chairman Phil Rooney, Doug Warren, and Brett Gies. Present on behalf of the City of Findlay is Erik Adkins, Zoning Department Code Enforcement Officer, and Deidre Ramthun, Recording Secretary.

The meeting was called to order at 6:00 p.m. by Chairman Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

Case #55419-BA-16 (1031 Interstate Court) was introduced. Mr. Adkins read his comments as follows: Filed by Elrod Engineering, on behalf of Whitson Investors III, LLC, regarding a variance request to section 1161.12.19A3 of the City of Findlay Zoning Ordinance. The applicant has proposed to alter a nonconforming sign and it will not meet the required 45-foot setback from the property lines.

This property was developed before it was annexed by the City in 2004. The sign is nonconforming by height, size, and setback. The applicant will need to alter some of the components of the sign because of aging. While the alteration is being made, the sign will meet the size and height requirements. As a result, the sign will meet two of the three requirements.

The relocation of the sign to meet the 45-foot setback is the remaining issue. Relocating the sign will place it in the parking lot, however, there are some grassy areas farther away from the property line that would not involve any of the parking spaces.

On the other hand, the effort to conform should be recognized and the fact the encroachment is along the interstate right-of-way and not along some other property or building must be considered.

Mr. Rooney swore in Richard Frankel, Elrod Engineering, 871 Seven Oaks Boulevard, St. 220, Smyrna, Tennessee 37167.

They do the engineering and management of the Cracker Barrel sign program. Mr. Frankel said that Mr. Adkins has stated the case exactly correctly. The cabinet has been up there since 1988. It is now to the point where it needs to be replaced. It's a 420 square foot cabinet. We understand the new requirement to bring it down to size and are willing. We also understand that it is 114 feet in the air and the new ordinance is 90. We are also willing to comply with that, however, moving 45 feet back is both physically and economically a major, major burden; so we request your indulgence.

There was no communication.

Mr. Warren asked a question as part of the understanding - it would cost tens of thousands of dollars to put up a new pole, wouldn't it?

Mr. Frankel replied, "Yes, sir".

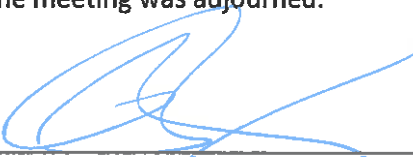
Mr. Warren reiterated that it's a significant cost.

Mr. Frankel commented that to manufacture, install and relocate the sign would cost in excess of \$165,000.

Mr. Warren stated that their application does a good job talking about their unusual circumstance – one is the significant cost to move the pole and the other is when you look at the property, there's not a good place to move the pole that's 45 foot off without disturbing parking, safety, and moving around on the property. The last one they pointed out, it's an interstate property and by not setting back, it's really interstate type traffic that's impacted. Their neighbors are not really impacted and they're going for visibility anyway. When you add all that together and add the other requirements together, Mr. Warren thinks they've done a really good job searching alternatives. The alternative to comply with the height and the square footage requirements and not to relocate which is a good alternative. A motion was made by Mr. Warren to grant the request for the sign as they've asked for and they should pick the permit up within 60 days. Said motion was seconded by Mr. Gies and it was passed unanimously by a vote of 3-0.

A motion was made by Mr. Rooney to approve the October 13, 2016 minutes as written. The motion was seconded by Mr. Gies. The motion to approve the minutes passed unanimously.

The meeting was adjourned.



Chairman



Secretary