

The Tuesday November 12, 2019 meeting of the Delhi Township Board of Zoning Appeals was called to order by Robert J. Ashe at 6:00 p.m. at the Administration Building with the Pledge of Allegiance to the flag.

Members present:

Scott Heenan

Jerome H. Kearns

Andrew Mattei

Robert J. Ashe

Also present:

Gregory J. DeLong, Director of Community Development

Anthony S. Roach, Zoning Administrator

Anthony Roach certified that the requirements of Section 121.22 of the Ohio Revised Code and the rules adopted pursuant thereto had been completely complied with as they concerned the meeting.

On Motion by Mr. Kearns and seconded by Mr. Heenan to approve the minutes of the Boards' October 8, 2019 meeting but to dispense with the reading. Messrs. Heenan, Kerns, Mattei, and Ashe voted Aye.

The Public Hearing was convened.

Mr. DeLong advised that this is a variance request to permit the installation of four wall signs vs. the Zoning Resolution permitting one wall sign per street frontage and for the proposed wall signage to be a total of 168.3 sq. ft. vs. the Zoning Resolution permitting a total of 97.5 sq. ft., based on the unit width for property located at 5297 Delhi Pike in the "DPBC" Delhi Pike Business Corridor District. He commented that the request was filed by Tommy Reed of Atlantic Sign Company on behalf of Chase Bank. He noted that they are looking to put the Chase Sign on all four walls of the building and the "DPBC" only permits one wall sign per street frontage. He advised that based on the submitted application the north elevation sign is at 57.6 sq. ft. and that is smaller than what is permitted, and the south, east and west elevation signs are all 36.9 sq. ft. each. He commented that we did notice a discrepancy in the letter that Mr. Reed submitted and he is going to address that. He noted that in addition to the sign there is additional signage on the property they are also going to be installing including a six-foot-high monument sign out front that meets code requirements. He advised that based on the findings that you will be reviewing later in your discussions Mr. Reed did get a copy of the staff report in advance of tonight's meeting so he is aware of the staff recommendation of denial for the proposed request.

To Mr. Kearns' question as to is it three wall signs that do not meet the zoning code Mr. DeLong responded in the affirmative.

Tommy Reed (sworn), 2328 Florence Avenue, advised he is with Atlantic Sign Company and this is not the first concept drawing that they shared with the Zoning Department. He commented that initially they had more signs, a larger monument sign and some regulatory signs. He noted that

after meeting with the Zoning Department this is what they came back with as their revision. He advised the signage numbers referred to by Mr. DeLong in the staff recommendation letter are the correct numbers and to disregard the ones in his submitted letter. He commented that the code is clear on one sign per street front, but what he would like to look at is what are we defining as street frontage. He noted this is going to be a new out lot building with a new foot print vs what the building that was there previously. He advised that if you were traveling Delhi Pike in either direction you would be able to see each one of the sides of the building. He commented that you could argue that the sides of the building do have street frontage for those elevations. He noted that there are other banks in the area that have three wall signs and his client would like to have fair representation.

To Mr. Heenan's question as to where in the code do you see we can fudge the definition of frontage Mr. Reed responded that because this building is out closer to Delhi Pike and although there is not a formal street running on either side of the building he proposes that the side elevations do have frontage on Delhi Pike.

Mr. DeLong advised that the interpretation of the code would be if the property had street frontage, not visibility. He commented that prior to Chase Bank subdividing the lot off into an independent lot, the property would have had multiple street frontages including Delhi Pike, Mt. Alverno and Anderson Ferry so basically the lack of street frontages is the property owners making.

Mr. Ashe advised that the ground sign would give you the visibility on Delhi Pike going east and west.

Mr. Reed advised that ground signs on the side of the road are not very visible and it is much easier to look at a side of a building for identification.

Mr. DeLong advised that everything that was submitted is compliant except for the wall signs.

Mr. Kearns advised the board has to consider what sort of presentence this creates in allowing that many wall signs.

To Mr. Heenan's question as to has any other business been granted a variance similar to this since the 2018 code went into effect Mr. DeLong responded in the negative. Mr. DeLong commented that in the staff report provided to the Board, staff provided the number of signs for each bank located on the Pike. He commented again, that their signs were approved prior to the 2018 Zoning Resolution update that put limitations on the number and size of signs in the Delhi Pike Business Corridor zoning district.

To Mr. Kearns's question as to if you can only have one additional wall sign what is the most important Mr. Reed responded the east elevation sign.

Mr. Reed advised that the number of signs is more important to the customer than the size of the signs so they can reduce the size to be in the total of 98 square feet which is allowed.

To Mr. Ashe's question as to have you received any opposition Mr. DeLong responded in the negative.

Finding of Fact:

1. The Board does not find that practical difficulties exist as a result of an area zoning requirement after consideration of the following non-exclusive factors.
 - a. Whether the property purchased the property with knowledge of the zoning restrictions; *The Board finds that the property owners purchased the property with knowledge of the zoning restrictions.*
 - b. Whether the property owner's predicament feasibly can be obviated through some other method than a variance; *The Board finds the property owner's predicament feasibly can be obviated through some other method other than a variance, they could go with what is permitted by code.*
 - c. Whether the variance is substantial; *The Board finds the variance is substantial.*
 - d. Whether there is an irregular shape of the lot, topographic or other conditions present; *The Board finds there is no irregular shape of the lot, topographic or other conditions present. The new building on the property is situated differently to the adjacent roadways.*
 - e. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; *The Board finds the essential character of the neighborhood would be substantially altered and adjoining properties would suffer a substantial detriment as a result of the variance, new businesses need to meet the new code.*
 - f. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; *The Board finds the property in question will yield a reasonable return as the current use the property will not be impacted or altered. They can still build the bank and conduct business.*
 - g. Whether the variance adversely affects the delivery of government services; *The Board finds the variance will not adversely affect the delivery of government services.*
 - h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; *The Board finds that the spirit and intent behind the Zoning Resolution would not be observed and substantial justice not be done by granting the variance. It would be in conflict granting the variance for larger signs.*

On Motion by Mr. Kearns and seconded by Mr. Mattei to grant a variance for three wall signs on the north, west, and east facades that the total sign area of all signs will not exceed 98 square feet, that is a reduction from the 168.3 square feet from their application. Messrs. Kerns, Mattei, and Ashe voted Aye, Heenan voted Nay. Motion carried.

Old Business:

- Nothing

New Business:

- Mr. DeLong advised the Remke property is continuing to move along. The township hosted two Community Engagement meetings in October and there were around two hundred people in attendance over the two nights. He continued by thanking the Board members that attended one of the meetings.

- Mr. DeLong advised that we are still waiting on plans for Central Hardware. The property transferred earlier this year and the property owner last advised staff that he was working on final plans for the property.
- Mr. DeLong advised that Delhi Oil project fell through after fifteen months of working with the property owner and Realtor.
- Mr. DeLong advised we have one more house to the land bank that should get demolished in December.
- Mr. DeLong advised the Mount Saint Joseph is moving along, Chase Bank has framing going up, Delhi Liquor is moving along, and Greenside Estates has two houses under construction.

There being no further business on motion of Mr. Heenan seconded by Mr. Mattei the meeting was adjourned at 7:01 pm. Messrs. Heenan, Kearns, Mattei and Ashe voted Aye. Motion carried.

Anthony S. Roach, Secretary