

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

July 17, 2015

Meeting	Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:32 p.m. which was held at the Tipp City Government Center, 260 S. Garber Drive, Tipp City, Ohio.
Roll Call	Roll call showed the following Board Members present: Michael McFarland, Steve Stefanidis, and Isaac Buehler. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and Board Secretary Kimberly Patterson.
Absence	Chairman McFarland moved to excuse Ms. Carrie Arblaster from the meeting, seconded by Mr. Buehler and unanimously approved.
Citizens signing the registrar	Citizens attending the meeting: Steve Staub, Evelyn Staub, Leslie Trimbach, and Joe Trimbach.
Board Minutes 06-17-2015	Chairman McFarland asked for discussion. There being none, Chairman McFarland moved to approve the June 17, 2015 meeting minutes as written , seconded by Mr. Stefanidis. Motion carried. Ayes: McFarland, Stefanidis, and Buehler. Nays: None.
Citizens Comments	There was none.
Administration of Oath	Mrs. Patterson swore in citizens and Mr. Spring.
Chairman's Introduction	Chairman McFarland explained the guidelines and procedures for the meeting and public hearings. He advised the applicant that any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the court of common pleas as provided in ORC Chapters 2505 and 2506.
New Business Case No. 09-15 Leslie Trimbach Studio 14 Gallery Setback signage Variance Request	Case No. 09-15: Leslie Trimbach for the Studio 14 Gallery - 115 W. Main Street Lot: Pt. IL 136 – The applicant requested a variance of 7' 6" to the required setback for freestanding signage noted in Code §154.11(l)(4)(b) Zoning District: CC/RA – Community Center/Restoration District Zoning Code Section(s): 154.11(l)(4)(b) Mr. Spring stated that in association with the proposed construction of ± 12.6 square foot freestanding sign, the applicant requested the following variance for the commercial business located at 115 W. Main Street:

1. A variance of 7' 6" to the required setback for freestanding signage noted in Code §154.11(l)(4)(b).

Variance

Code §154.11(l)(4)(b) states:

All freestanding signs shall be set back a minimum of 10 feet from any public right-of-way or property boundary line unless such signs are adjacent to a residentially zoned lot, in which case the sign shall be setback a minimum of the height of the sign.

The proposed free standing sign would be located 2' 6" from the front property line, therefore a variance of 7' 6" was needed ($10 - 2' 6" = 7' 6"$).

Mr. Spring pointed out the Board Review Criteria §154.03(K)(4)

(4) Review Criteria

Decisions on variance applications shall be based on consideration of the following criteria:

(a) Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance as further defined below.

(b) The following factors shall be considered and weighed by the BZA to determine practical difficulty:

(i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

(ii) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(iii) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(iv) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

(v) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, electric, refuse pickup, or other vital services;

(vi) Whether special conditions or circumstances exist as a result of actions of the owner;

(vii) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(viii) Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance; and/or

(ix) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(c) No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Mr. Spring noted the following:

- If the requested variance was granted, the applicant would be required to obtain an approved sign permit which could be administratively approved.

Chairman McFarland asked if there were any further questions for Staff. There was none.

Chairman McFarland asked if there were any neighbor's comments. There was none.

Ms. Leslie Trimbach for the Studio 14 Gallery, 115 W. Main Street, Tipp City, approached the dais. Ms. Trimbach stated that they had their grand opening in January of 2015 and that the public was still not aware of their location. In an attempt to draw more people she intended to add the proposed freestanding sign.

Board members found the following: sign would be illuminated 24 hours; property had a small front yard area; west side of the property was a realty business; east side of property was residential; Studio 14 occupies the entire building; hold art parties on third floor; reasoning for 30" off of side was best place to be noticed; foot traffic at their previous location was 50-75 a week and now maybe 1 or 2 and that people just don't walk past Midwest Memories when downtown.

Chairman McFarland was concerned with obstructing site when exiting the alley. Mr. Steve Staub, 49 Stonehenge Drive, Tipp City stated that the realty building abutted the sidewalk which really obstructed the view and that the alley was a one way alley that was rarely used.

Mr. Buehler stated that he liked the position of the sign.

Mr. Stefanidis had an issue with the site line and asked if the applicant could move the sign back from the sidewalk more. Ms. Trimbach

approached the Board and presented a visual rendition of the proposed site. Mr. Staub also presented an aerial view via iPad.

Board Members asked if the applicant would agree to move the sign back 6" which would make the variance request 7'. Ms. Trimbach agreed.

Chairman McFarland asked if anyone present in favor of the request. There was none.

Chairman McFarland asked if anyone present was opposed of the request. There was none.

Chairman McFarland asked for further discussion. There being none, Chairman McFarland **move to amend the request and grant a variance 7' to the required setback for freestanding signage noted in Code §154.11(I)(4)(b) for the property located at 115 W. Main Street, seconded** by Mr. Stefanidis. **Motion carried.** Ayes: McFarland, Stefanidis, and Buehler. Nays: None.

Old Business

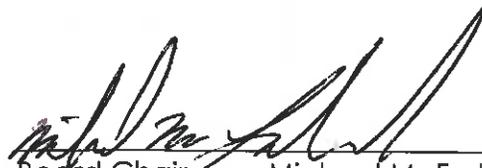
There was none.

Miscellaneous

There was none.

Adjournment

There being no further business, Chairman McFarland **moved to adjourn the meeting**, seconded by Mr. Stefanidis and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 7:52 p.m.


Board Chairman, Michael McFarland

Attest: 
Mrs. Kimberly Patterson, Board Secretary