

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

May 17, 2017

Meeting	Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 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, Isaac Buehler, Steve Stefanidis, Mark Hartman and David Cook. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and Board Secretary Dawn Gross.
Citizens Signing the Registrar	Citizens attending the meeting: Sam Crow, Gary Pfister, Abby Bowling, Amy Hackenberger, Gretta Kumpf, Scott George, Sam Spano and Nancy Bowman.
Board Minutes 04-19-2017	Chairman McFarland asked for discussion. There being none, Chairman McFarland moved to approve the April 19, 2017 meeting minutes as written , seconded by Mr. Stefanidis. Motion carried. Ayes: McFarland, Stefanidis, Buehler, Cook, Hartman. Nays: None.
Citizens Comments	There were none.
Administration of Oath	Mrs. Gross 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(s) 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. 12-17 Gary Pfister – Director of Services – Tipp City Exempted Village Schools – Stadium Scoreboard variances	Case No. 12-17: Gary Pfister – Director of Services – Tipp City Exempted Village Schools – 35 Parkwood Drive, Tipp City, Ohio – Lot: OL 21 – The applicant is requesting five variances: 1. A variance to Code §154.11(E)(1) to allow for off-premises commercial signage to be placed on the scoreboard sign at the new Tippecanoe High School athletic stadium. 2. A variance to Code §154.11(F)(3) to allow for a scoreboard sign with off-premise commercial signage to be placed on public property. 3. A variance to Code §154.11(I)(4)(c) to allow changeable

copy signage to be installed on a pole mounted scoreboard sign. 4. A variance of 20' to the maximum height of 15' for a freestanding scoreboard sign as noted in Code Table 154.11-1. 5. A variance of 505 square feet to the maximum area of 120 square feet for a freestanding scoreboard sign as noted in Code Table 154.11-1.

Zoning District: CD/FA – Conservation District/Flood Hazard Zoning District

Code Section(s): Code §154.11(E)(1), §154.11(F)(3), §154.11(I)(4)(c), Table 154.11-1

Mr. Spring provided the following report:

General

Tipp City Exempted Village Schools has embarked on a plan to renovate the Tippecanoe High School athletic "football" stadium which is located at 35 Parkwood Drive. The multi-phase plan includes: an upgrade to the field surface, new home and visitors bleachers, new press box, and new locker rooms, ticket booth, restrooms, scoreboard, & concession stand.

The Tippecanoe High School athletic "football" stadium was originally constructed in the 1940's, with bleachers added in the 1960's and additional upgrades undertaken in the 1990's. The stadium facility is located within City Park, with the land owned by the City of Tipp City and leased to the Tipp City Exempted Village Schools.

Proposed Scoreboard Sign Replacement

As a part of the renovation project, the applicant proposes the replacement of the existing scoreboard sign with a new scoreboard sign. The new scoreboard sign will include the following elements:

- A 4' x 25' trussed "Red Devils" logo
- A 3' 8" x 10' 8" Electronic Display (Advertising)
- A 6' 10" x 16' 2" Electronic Display
- (2) 3' 8" x 7' 2" Advertising Panels
- (2) 6' 10" x 4' 5" Advertising Panels
- A 2' 6" x 25" Advertising Panel
- A 8' x 25' Football Scoreboard

The current scoreboard was approved in 2001 (attachment "E"), however said approval did not include any approval of commercial advertising on the scoreboard. The existing and proposed scoreboards will be located at the north end of the field (± 420' from Parkwood Avenue).

Scoreboard Sign

The proposed scoreboard is a "sign" as defined by Code §154.11 as:

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Unlisted Sign Type

Staff notes that a scoreboard for a high school athletic stadium is not specifically listed as a sign type in Code. However, the Zoning Administrator has made the determination that the scoreboard sign is substantially similar to a *Commercial Freestanding Sign in a Nonresidential Zoning District* and shall be reviewed as such in this staff report. The Zoning Administrator's determination is based on Code § 154.03(N) which states:

It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Zoning Administrator, and that such questions shall be presented to the BZA only on appeal from the decision of the Zoning Administrator.

Requests

In conjunction with the proposed renovation of the existing Tipp City Schools athletic stadium the applicant requests the following variances regarding the installation of a new scoreboard sign:

1. A variance to Code § 154.11(E)(1) to allow for off-premise commercial signage to be placed on the scoreboard sign at the new Tippecanoe High School athletic "football" stadium.
2. A variance to Code § 154.11(F)(3) to allow for a scoreboard sign with off-premise commercial signage to be placed in a public park or on other public property.
3. A variance to Code § 154.11(I)(4)(c) to allow a pole mounted scoreboard sign to include changeable copy signage.
4. A variance of 20' to the maximum height of 15' for a freestanding scoreboard sign as noted in Code Table 154.11.1.
5. A variance of 505 square feet to the maximum area of 120 square feet for a freestanding scoreboard sign as noted in Code Table 154.11.1.

Variance 1

Code § 154.11(E)(1) states:

The following types of signs are specifically prohibited within the city:

- (1) Billboards and other off-premise signs unless specifically allowed on temporary signage in § 154.11(K);*

Code § 154.14 defines an Off-Premise Sign as:

A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

The proposed scoreboard sign will contain off-premise signage (i.e. commercial advertising signage). Thus a variance to Code §154.14 is required.

Variance 2

Code §154.11(F)(3) states:

Signs may not be installed in any of the following locations:

(3) In any public park or other public property, except as expressly authorized by this section;

The proposed scoreboard sign will be located in a public park (City Park) and on public property (property owned by the City of Tipp City). Thus a variance to Code §154.11(F)(3) is required.

Variance 3

Code §154.11(I)(4)(c) states:

Up to 75 percent of one ground-mounted monument sign on any lot may include changeable copy signage. The changeable copy sign may be a manual sign or an electronic message center. The electronic message center shall be subject to the provisions of §154.11(G)(3).

The proposed scoreboard sign will include a 16' 2" x 6' 10" electronic message center, and will be a pole sign rather than a monument sign. Thus a variance to Code §154.11(I)(4)(c) is required.

Variance 4

Code Table 154.11.1 indicates that the maximum height for freestanding signs is 15'. The proposed sign will be 35' tall. Thus a variance of 20' is required (35 – 15 = 20).

Variance 5

Code Table 154.11.1 indicates that the maximum area for freestanding signs is 120 square feet. The proposed sign will have an area of 625 square feet. Thus a variance of 505 square feet is required (625 – 120 = 505).

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.

Additional Notes

- The existing scoreboard would be removed prior to the placement of the new scoreboard.

Mr. McFarland asked for questions of Staff.

Mr. Stefanidis stated the current scoreboard is out of code, correct? Mr. Spring replied, "Correct."

Mr. Stefanidis then stated, if we do not grant these variance they will have to remove the current scoreboard.

Mr. Spring stated, "The way it is currently viewed is as an existing non-conforming sign. The existing scoreboard was approved before Mr. Spring's tenure and he is not aware of how it came into being."

Mr. Buehler asked "Would they have to get a variance to replace the current sign as it is?" Mr. Spring replied, "Because it would be removed and replaced, yes." An existing sign can always be "re-faced" which essential maintains the existing structure and elements of the signage structure and the faces themselves can be replaced without any variances or permits.

Mr. McFarland asked, "Have there been any neighbor comments?"

Mr. Spring asked for an opportunity to read comments into the record.

Mr. McFarland authorized the reading of the neighbor comments into record.

Mr. Spring read one telephone response and three letters into the record.

Telephone call from Keith Kingrey – Owner of SK Mold & Tool has no problem with the scoreboard sign request.

He also noted that when he was on City Council that it was his intention that signs such as this would be grandfathered in...

Date: May 15, 2017

To: Board of Zoning Appeals

From: Joanne Blaul

Subject: Tipp City School Sign Variance (Case No. 12-17)

As a resident of the Tipp City community and Tippecanoe Schools, I am writing to express my support of the sign variances requested by the school to erect a new scoreboard, with commercial advertising space and a video board.

The community is coming together to build a new stadium at City Park. Every element of the stadium (field, bleachers, concession, restrooms, fencing etc.) will be a drastic improvement over the current facility. We, as a community, should expect a state of the art facility, and that includes a state of the art scoreboard.

The video board can be used to deliver many types of messages during events. The school has stated in the variance application that the video board will be used during home athletic events, a total of 5 football games and 16 soccer games. When there are no athletic events the video board and the scoreboard will be turned off.

The stadium has been in the park for over 70 years. Building a new state of the art facility provides a better experience for all who use the stadium, improves the park, in both appearance and facilities, and does little to increase the negative impact of the surrounding residents.

The new stadium will be built with private funds, where the commercial advertising spaces on the scoreboard are critical assets in the efforts to raise funds. After construction, the continued sale of the advertising space will provide recurring revenue to help the school with costs related to maintaining the stadium.

I support the variances requested and ask for your approval to enable the continued progress in making a new stadium at City Park a reality.

Thank you for your consideration!

Joanne Blaul
15 W. South St.
Tipp City, OH 45371

Steven Booher
372 N. Second Street
Tipp City, Ohio 45371
May 10, 2017

Subject: Scoreboard Sign Variance Request

(Tipp City Zoning Board)

To Whom It May Concern,

As a nearby neighbor, that borders the city park stadium, and perhaps the one that will be most impacted by a new scoreboard... as it will directly face my driveway and side yard, I am writing to offer my support of the proposed sign variance.

My main concern is that it is done with class so that it looks good when not in use. We have lived for years with temporary construction fencing" around the stands, sub-standard concession facilities, and poor locker rooms for the players, so taken in whole, the stadium project will be a significant improvement to the area.

While not actively involved, I have attended several meetings on the new stadium, and know this... we have a good group of 20 -30 volunteers from the community, along with the leadership of JD Foust {our Athletic Director} that deserve our support of this stadium renovation project.

Sincerely,

Steve Booher

Date: May 9, 2017

To: Board of Zoning Appeals

From: Nichole Stockslager, 782 Charrington Way

Subject: Tipp City School Sign Variance (Case No. 12-17)

As a resident of the Tipp City community and Tippecanoe Schools, I am writing to express my support of the sign variances requested by the school to erect a new scoreboard, with commercial advertising space and a video board.

The community is coming together to build a new stadium at City Park. Every element of the stadium (field, bleachers, concession, restrooms, fencing etc) will be a drastic improvement over the current facility. We, as a community, should expect a state of the art facility, and that includes a state of the art scoreboard.

The video board can be used to deliver many types of messages during events. The school has stated in the variance application that the video board will be used during home athletic events, a total of 5 football games and 16 soccer games. When there are no athletic events the video board and the scoreboard will be turned off.

The stadium has been in the park for over 70 years. Building a new state of the art facility provides a better experience for all who use the stadium, improves the park, in both appearance and facilities, and does little to increase the negative impact of the surrounding residents.

The new stadium will be built with private funds, where the commercial advertising spaces on the scoreboard are critical assets in the efforts to raise funds. After construction, the continued sale of the advertising space will provide recurring revenue to help the school with costs related to maintaining the stadium.

I support the variances requested and ask for your approval to enable the continued progress in making a new stadium at City Park a reality.

Thank you for your consideration!

Nichole Stockslager

Mr. McFarland asked the applicant to step forward and state his name and address for the record.

Gary Pfister; 803 Copperfield Lane, Tipp City, Ohio.

Mr. Pfister said, the scoreboard and advertising panels are vital to the fundraising efforts so as not to use city tax dollars or school tax dollars. Without the scoreboard it will be extremely difficult to raise the necessary funds.

Mr. McFarland asked for further questions of the applicant, there were none.

Mr. McFarland asked for anyone in favor of the variance requests, there were none.

Mr. McFarland asked for anyone opposed of the variances requests to step forward and state their name and address for the record.

Abby Bowling; 861 Hawthorne Drive, Tipp City.

Ms. Bowling stated "On October 13, 1883 the Village of Tippecanoe secured the rights to the City Park for \$3,975. For 133 years the City Council and its residents have embraced the desirability of this park facility but this was just the beginning of the park acquisitions for the area citizens. Additional Park lands were bought by the City, Park levies were passed, grants were secured, and park lands donated. The City now has 17 parks. Citizens have demonstrated their love of the parks by establishing funds especially for the parks through such organizations such as The Tipp Foundation, The Lucille Millner Tree Fund, The Warren Miltenberger Park Land Fund, The Memorial Tree Program, The Boy Scouts donate, and The Rotary Tree Program. The City Zoning Code was adopted to promote and protect the public through establishments of minimum regulations governing the development and use of land. The Board of Zoning Appeals was established to consider variances to review them based on specific criteria. In 2015 and 2016 the BZA heard 15 cases each year filed by different people with the largest variance request of any case being 3. From January to May of 2017 the BZA has 17 cases with most cases asking for 1 variance filed by different individuals or businesses. However, the Tipp City School Board has so far

filed 2 cases in 2017 in April and May asking for 7 variances for the proposed football stadium renovation. More variances are anticipated. The current case pertains to 5 variances for a scoreboard. You have attachment C of the Application showing the proposed scoreboard. I have a document that I received from the work session at the Board of Education on May 10th with the scoreboard package from Tipp Pride. I don't know whether you have that information or not, or if you want that information? The thing I find is that what they are saying in their proposal or their package or whatever they have given to the school board does not correspond with the scoreboard that they are asking you to grant the variance for. There are some discrepancies. One of the things that they are asking for is they are having 2 video areas on the scoreboard and both of those videos will be used for advertising, not just one. I'm not sure if they can use video per se, what we consider video, because it is my understanding that they can only have a visual up there for 10 seconds, and I am not sure how all that applies. I have done some research on how other communities have handled scoreboards in their communities, some of the restrictions that the zoning boards have applied are, limited amount of scoreboard signage that could include sponsor panels of 25%, scoreboard can only be activated for only up to 1 hour before or 1 hour after school sporting events, changing image not visible from the street, graffiti resistant coating on back of sign so defacement is easily removed, back of the sign is to be blank, not additional sign area, actual number of games being played and times at which they are played are listed, exact location of the scoreboard, landscaping requirements, sound from scoreboard shall meet all applicable standards set up by the EPA, light analysis showing there is no lighting impacting from the scoreboard to the adjacent residential neighborhood, stadium activities for junior varsity football and soccer games shall end at 10:00 pm, events using the lights and/or sound system are limited to 10 events per year, an automatic dimmer module shall be installed to reduce the nighttime light, output of the led lighting on the scoreboard based on the ambient light level, all requirements must be graphically represented on site plan, landscape and other required plan and must be labeled required. According to City Officials a commercial sign permit has never been granted for the City Park in its 133 years of existence, nor has any commercial sign permit been granted for our other 16 public parks with their 16 ball fields and 16 soccer fields. Hopefully the policy of no commercial signs in our public parks will still stand after tonight's meeting. Please do not let the camel's nose under the tent. This phrase is from an Arab proverb that states that if a camel is allowed to get its nose inside the tent it will be impossible to prevent the rest of him from entering. In other words permitting of a small seemingly innocuous act will open up the door for larger clearly undesirable actions. Thank you."

Mr. Stefanidis asked Ms. Bowling, "Relative to the Park, where is your home? Are you near the park?" Ms. Bowling responded, "I am not near

the park, no, I have lived there many, many years." Mr. Stefanidis, "So you're like a mile away?" Ms. Bowling, "Yes."

Mr. McFarland asked for anyone else against, please step forward and state your name and address for the record.

Amy Hackenberger; 28 Parkwood Drive, Tipp City.

Ms. Hackenberger stated "I am attending tonight to address the latest of the proposed variances at the City Park property. I own property adjacent to the park and the decisions that are being made do impact my residence. I do not believe that expecting the Zoning Ordinances to be honored and the renovation or rebuilding of the stadium to be either selfish or anti-student. Just as there are rules established before an athletic contest there are rules or ordinances in place for the development of properties within the City. In both instances it allows for a fair playing field for both sides. Those who elected to renovate the stadium at its current location were aware of the zoning regulations when they made their decision. I am not asking for the stadium to be moved to a new location. I am asking for it to be constructed following the ordinances that were in place when it was determined that the City Park location was the best choice for its development. That is not to say that some variances may not need to be granted. But, we are in the initial planning stages of this project and two parking variances have already been granted and five more are on the table this evening. How many more are going to be requested before the project is finished and what is the impact on the residential area? With that said I would like to address the variances on tonight's agenda. According to the variance application the scoreboard will only be in use during athletic contests which consist typically of five home football games, and 16 home soccer events. Last year there were at least 14 boys' soccer events, 16 girls' soccer events, and 7 football games held at the stadium. I am assuming that the scoreboard was used for all of them. So, to say that this would only be in use about 20 times per year does not appear to be accurate. And if, as has been stated in conversation with the athletic director the intent is to allow the middle school football team, some pee-wee football games and some possible conference games to be played at the stadium as well, wouldn't the assumption be that the scoreboard would be in use? Are you saying that you will cap the number of times the scoreboard can be used in the writing or granting of this variance to less than 25, as it appears on the application? The school district is asking for an increase in the size of the scoreboard, going from 120 square feet to 625 square feet is a significant increase. It appears that from the submitted drawing that about 40% of that space (and I don't teach math, so you can correct me if I'm wrong.) would be used strictly for advertising. If the video portion at the top of that sign is flipped to advertising that increases the percentage to closer to 50%. I understand if you feel you need to see the score of the game, however,

it appears that just as prominent will be the advertising, which is the violation of the current ordinance. If you really need a scoreboard that is bigger, then allow for that portion to be what the variance grants. This would reduce the size of the board from approximately 625 square feet to 312, which is still significantly larger than the current 120 square foot sign. Furthermore, if you grant these variances as requested you essentially are agreeing to allow for advertising in this setting potentially up to 35 feet high 365 days a year. As some of those advertising places are not going to be turned off as they are printed not digital signs. If you agree that the scoreboard would only be used 21 times per year that means you have 344 days a year where you are directing advertising not to those in attendance at events, but rather to those enjoying the park and the surrounding areas. I don't feel that this meets the minimum necessary to make possible the reasonable use of land structure criteria, nor do I feel this is a variance necessary to allow beneficial use of property. The review criteria also asks whether the predicament can feasibly be obviated through some method other than variance. I know one of the considerations presented at the Board Workshop involved placing advertising on the field in the end zone. To me this seems a much more feasible option as it would be visible to those attending events but not necessarily within the Park and surrounding neighborhoods. Thus, allowing for the integrity of the area to remain intact and yes, I am aware that this too would require a variance, but at least this one takes into account the essential character of the neighborhood (review criteria in 4 b 4). Although the size of the scoreboard is of concern to me equally worrisome are the capabilities of the newer signs on the market today. The lights and sound that would work from or in conjunction with the new sign itself need to be restricted to levels that do not interfere with the residentially zoned areas. As stated before it appears that there will be at least 35 to 40 scheduled events each year where the scoreboard would be used and that is if the stadium usage remains under the current level of use which I don't think is anyone's intention. I believe there should be restrictions stated in any variance considered, for example, the sign can only be on one hour before the scheduled start time and must be turned off within an hour at the end of the contest. I understand the current model being considered for installation doesn't have its own sound system, however, I believe the variance should include language limiting the amount of noise associated with any scoreboard placed in any park even if running through the public address system. This variance or a reference to it will stand longer than the newest scoreboard and the next model may very well have sound that needs to be considered as you approve requests. The location and capabilities of this sign especially of this size also needs to be considered in the granting of any variance. If kept at the north end of the stadium in the current location all lights and maybe sound in the future are directed back toward the nearest homes. Is there a dimmer capability available to control just how bright those LED lights are? Will you stipulate that any strobe type effects cannot be used,

even in the video clips being sold for advertisement? I have heard that anything put on the screen must stay there for a ten second time frame before moving to something else. Will you include that in the language of any granted variance? How will you account for the effects of flashing lights etc. in any video? If the scoreboard is moved to the south end then the view from the street and the homes becomes possibly 625 feet of something, hopefully not advertising, why not place it in the northwest corner of the stadium? This would direct light and future sound capabilities toward the parking lot and field areas of the City, not toward residential homes and would not force residents to have a view of the backside of a 625 square foot sign or whatever gets deemed appropriate to decorate that space. The placement would also provide some natural landscaping options which are required under the current code, on the backside of the sign through the use of some of the trees that are already established in the Park. Has consideration been given about how to work within the Park to incorporate such a structure so that the integrity of the Park may be maintained? Again, the character of the neighborhood is specifically mentioned in the review criteria. As for the commercial signage, if it must exist, I believe the ability to post such signs shall be limited to areas within the stadium and not visible from the Park proper. This is a residential and conservation park area, it is not commercial. Section 105.03(k) variance reads, the purpose of a variance is to provide limited relief from the requirements of this Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirement of this code may impose. A scoreboard with a 40 to 50 percent advertising area is not necessary to enjoy a sporting event at this location. Again, I'm not necessarily asking for an outright denial of the variance, I am asking for consideration of the Zoning Codes that work to keep residential property and parks free from commercial signage. If you feel you must grant the variance please stipulate that the signs must be located within the confines of the stadium itself and limited in their reach into the park and surrounding areas. In conclusion, I am asking you not to grant these broad blanket variances. A summary of the text objectives and purposes of zoning and land use controls states that zoning codes were created for the purpose of "promoting the common good and general welfare of the community as a whole." I ask that you please remember that this area of town is more than just a stadium site. Thank you."

Mr. McFarland asked for any further comments, there were none.

Mr. McFarland asked for Board Member discussion.

Mr. Buehler asked, Mr. Spring, have they applied for any other variances that may be coming up in the future? This has been 2 months in a row.

Mr. Spring responded, Mr. Pfister has given the entirety of their variance requests at this point, that I am aware of. We have not seen a formal site plan of the stadium at this point, we have seen the rendering, but no actual formal engineered site plans. Mr. Buehler asked Mr. Spring "In your professional opinion do you foresee any more variances?" Mr. Spring replied, "That I cannot answer, I simply do not know the answer to that."

Mr. Stefanidis asked, as far as foot candles and types of illumination and sound levels that would be handled by the Building Department, correct? Mr. Spring answered, for the electronic message center, there are some very specific requirements of code that are in our Tipp City Zoning Code. For example, regarding the brightness, Code 154.11(g)(3)(d) states the electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions. The brightness level shall not increase by more than 0.3 foot candles or 3.23 units per square meter or lux over ambient levels as measured using a foot candle meter at a pre-set distance.

Mr. Stefanidis said, with the fact that stadium lights are on whenever the scoreboard is on, you wouldn't have any leakage of foot candles outside the area because the lights that are there are so powerful.

Mr. McFarland asked the following question of the applicant. "What is the reasoning behind wanting the video display above the tradition football scoreboard?" Mr. Pfister responded, it is a component that newer and or renovated stadiums are going to. It allows the ability to show pictures of the players as they are being introduced. It can show their grades, their stats, and it would eventually have the capability of showing re-plays. It is a component that most newer stadiums have. It is not being put up for advertising purposes.

Mr. McFarland said, "In other words we are trying to keep up with the Jones' of other stadiums?" Mr. Pfister responded "You could look at it that way. We just think we are building a classy stadium and we would like to continue the image of our community and we think that it will add to the stadium as well."

Mr. Buehler asked, do you foresee future variances coming in front of us? Mr. Pfister said, "at this point I can't answer that, I don't believe so, but until we actually get into the engineered drawings and working with City Staff, I can't definitively answer that."

Mr. Stefanidis said, structural things would not come before this board. In other words, what you are intending to do is to bring the stadium up to the best technology that is available in 2017, seeing that it could be there for 20+ years. Mr. Pfister responded, "Yes, sir."

Mr. Stefanidis asked, "Assuming from a cost perspective it costs less to do it all at once, then to come back later and try? Mr. Pfister responded, "correct."

Mr. Buehler asked, is there any way to combine the video portion of the scoreboard with the score on the scoreboard? Mr. Pfister answered, "that is an option."

Mr. Buehler said, "I think it's a nice feature and it's nice for the students and I think it's cool to have their face up and I think that great, but I think the sign is HUGE. If we could somehow integrate more than one part and find a way to make it smaller I think it would be a good idea."

Mr. Pfister said, compared to the current sign its only 5' wider than the current sign. Mr. Buehler added "The square footage is almost doubled though." Mr. Pfister replied, "Correct, it is a 25' x 25' sign, the current sign is 20' x 15'."

Mr. Stefanidis asked, "What is the setback distance from the sign to the road?" Mr. Spring answered, "It is 420' from Parkwood Avenue."

Mr. McFarland stated for the record, "For those that might be concerned with the advertising on this particular sign request, please keep in mind the baseball field at the middle school has banners around the outfield fence of sponsors. I am not sure if it was grandfathered in, but the advertising for the football field is not any different than it is for other sports fields in the City."

Mr. Stefanidis posed a question, Will the signs down below stay up year round or will those be purchased based on the fall sports season? Mr. Pfister answered, "I believe those are 5 year terms and the larger ones will be 10 year terms."

Mr. Stefanidis made a comment to the Board, "A couple of months ago, we granted AT&T virtually double the size facing two different streets based on the fact that quite frankly the bigger sign will look better. At the time I asked the question what kind of precedent are we setting here, everything was just so logical and made so much sense to go ahead and grant that variance. My goodness we are 400+ feet from the road and this sign is not going to be seen because of the amount of lighting that there is to illuminate the playing field area. I could understand if it is something that is going to be glaring in people's living rooms that would certainly merit some concern, but the distance back and the fact that the scoreboard is not going to be on unless the lights are on. The fact that there are elements within building regulations that allow for the adjacent properties to not be blown away with sound. The two ladies that spoke have some valid points. I do believe it is a balance

between what is the overall good for the community. A large amount of people in the area feel that this is good for the community. Obviously we want this to cost the least amount of money possible and it's obvious that this was not just thrown together. My personal opinion, I feel we should grant the variances."

Mr. Buehler asked for other questions of the applicant, there were none.

Mr. McFarland asked for further Board Member comments or concerns, there were none.

Variance 1: Mr. Stefanidis moved to grant a variance to Code §154.11(E)(1) to allow for off-premise commercial signage to be placed on the scoreboard sign at the new Tippecanoe High School athletic "football" stadium which is located at 35 Parkwood Drive, seconded by Mr. Buehler. **Motion carried.** Ayes: Stefanidis, Buehler, McFarland, Cook. Nays: Hartman.

Variance 2: Mr. Stefanidis moved to grant a variance to Code §154.11(F)(3) to allow for a scoreboard sign with off-premise commercial signage to be placed in a public park or on other public property for the new Tippecanoe High School athletic "football" stadium which is located at 35 Parkwood Drive, seconded by Mr. Buehler. **Motion carried.** Ayes: Stefanidis, Buehler, Cook, McFarland. Nays: Hartman.

Variance 3: Mr. Stefanidis moved to grant a variance to Code §154.11(I)(4)(C) to allow changeable copy signage to be installed on a pole mounted scoreboard sign at the new Tippecanoe High School athletic "football" stadium which is located at 35 Parkwood Drive, seconded by Mr. Buehler. **Motion carried.** Ayes: Stefanidis, Buehler, Cook. Nays: Hartman, McFarland.

Variance 4: Mr. Stefanidis moved to grant a variance of 20' to the maximum height of 15' for a freestanding scoreboard sign as noted in Code Table 154.11.1 for the new Tippecanoe High School athletic "football" stadium which is located at 35 Parkwood Drive, seconded by Mr. Buehler. **Motion denied.** Ayes: Stefanidis. Nays: Buehler, Cook, Hartman, McFarland.

Variance 5: Mr. Stefanidis moved to grant a variance of 505 square feet to the maximum area of 120 square feet for a freestanding scoreboard sign as noted in Code Table 154.11.1 for the new Tippecanoe High School athletic "football" stadium which is located at 35 Parkwood Drive, seconded by Mr. Buehler. **Motion denied.** Ayes: Stefanidis. Nays: Buehler, McFarland, Hartman, Cook.

**Case No. 13-17
Sam Crow,
owner-
Front yard
setback variance**

Case No. 13-17: Sam Crow, owner – 670 W. Broadway, Tipp City – Lot: IL 1684 – The applicant seeks a variance of 3.65' to the required front yard setback of 23.07' noted in Code §154.04(H)(1)(d)(iii).

Zoning District: R-1C – Urban Residential Zoning District
Code Section(s): 154.04(H)(1)(d)(iii)

Mr. Spring provided the following report:

In association with the proposed construction of a 10' x 21' residential expansion, the applicant seeks the following variance for the single-family home located at 670 Broadway:

1. A variance of 3.65' to the required front yard setback of 23.07' noted in Code §154.04(H)(1)(d)(iii).

Variance

The "standard" front yard setback for the R-1C district is denoted in Table 154.04-7 which indicates a minimum front yard depth of 30 feet. However, this requirement is superseded by the front yard exception clause noted within Code §154.04(H)(1)(d)(iii) as follows:

Front Yard Exception

In any residential district, a front yard setback shall not be required to exceed the average front yard setbacks of the existing front yards within the same block and within 100 feet of the principal building. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this code.

In this particular case, there are five existing homes on the same block, and within 100' of the lot in question. These homes are noted as follows:

**Average Depth (setback) of Existing Front Yards
(Attachment "C")**

Address	Front yard Setback
673 Broadway	23.49 feet
665 Broadway	23.52 feet
660 Broadway	21.48 feet
635 Rohrer	25.92 feet
630 Rohrer	20.93 feet
Average setback	23.07 feet

As you can see from the above chart, the average depth of the existing front yards is 23.07 feet. Therefore, the required front yard setback must be a minimum of 23.07 feet. The proposed addition will

be located 19.42' (19' 5") from the front property line, therefore a variance of 3.65' is needed ($23.07 - 19.42 = 3.65$).

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.

Additional Notes

- 670 Broadway is a 3-frontage lot, with "front yards" on Broadway, Hathaway, and Rohrer. The only "front yard" setback not met by the proposed addition was that on Hathaway Trail.
- There are no easements of record on this property.

Mr. Stefanidis asked, have there been any neighbor comments? Mrs. Gross responded, "No Sir."

Mr. Buehler asked, Does the 19.5 feet include the sidewalk? Mr. Spring replied, No, the property line is about 1 foot in front of the sidewalk."

Mr. McFarland asked for further questions of Staff, there were none.

Mr. McFarland asked the applicant to step forward and state his name and address for the record.

Mr. Sam Crow; 670 W. Broadway, Tipp City, Ohio.

Mr. Crow stated, he has a single car garage and he would like to increase the storage space by approximately 210 square feet.

Mr. Buehler asked, "Do you have a storage shed on the property?" Mr. Crow responded, No, no storage shed, there are no out buildings."

Mr. Hartman asked, "In the photograph there is a white pickup truck parked in front of the fireplace, is that a driveway at this time?" Mr. Crow answered, it is, the driveway comes off of Hathaway and the previous owner poured an extra pad. Mr. Harman responded, this area will be blocked if the variance is passed? Mr. Crow stated, "That will be done away with."

Mr. Buehler asked, architecturally speaking, how are you going to bring that out?

Mr. Crow said, my contractor is here, can he answer your question? Mr. Buehler said, "Absolutely."

Mrs. Gross swore in Mr. Webb.

Mark Webb; 4805 Deweese Road, Troy, Ohio.

Mr. Webb stated, "What we are proposing to do is a 6 x 12 pitch on the tresses. We are going to come straight out, because the left side of the building is pretty steep." Mr. Stefanidis verified, "So, you are cabling it?" Mr. Webb responded, "Yes, exactly." Mr. Buehler said, "So you will flush out on that side, but you will keep the same pitch?" Mr. Webb stated, they will both be the same, but we intend to keep the same pitch because we thought that would look better.

Mr. McFarland asked for Board Member discussion.

Mr. Cook said, "The garage door appears that it is a 2 car garage, did you state it was a one car?" Mr. Crow said, it is a small garage door, not a large garage door, you could not get two cars side by side inside." Mr. McFarland stated, it looks like a garage and a half.

Mr. McFarland **moved to grant a variance of 3.65' to the required front yard setback of 23.07' noted in Code §154.04(H)(1)(d)(iii) for the property located at 670 Broadway**, seconded by Mr. Buehler. **Motion carried.** Ayes: McFarland, Buehler, Stefanidis, Hartman. Nays: Cook.

Old Business

There was none.

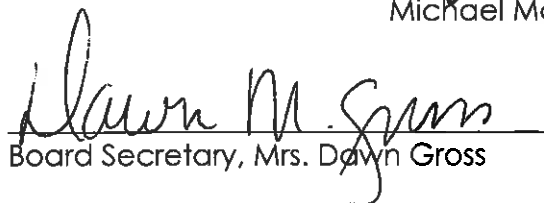
Miscellaneous

There was none.

Adjournment

There being no further business, Mr. McFarland **moved to adjourn the meeting**, seconded by Mr. Buehler and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 8:30 p.m.


Michael McFarland, Board Chairman

Attest: 
Board Secretary, Mrs. Dawn Gross