

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
APRIL 8, 2015

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
APRIL 8, 2015**

Present: Messrs: Gary Wilner, Ed Kancler, Thomas Brown and Brian Davis

Absent: Neil Rubin

Also Present: Mr. Russ Rodic, Building Commissioner
Mr. Sam Scaffide, City Council Representative

The Board cited the Pledge of Allegiance.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION / REGULAR MEETING
APRIL 8, 2015**

The Board of Building and Zoning Code Appeals met in a Public Work Session/ Regular Meeting on Wednesday, April 8, 2015. The Vice Chairman, Mr. Brown called the meeting to order at 6:30 p.m.

Mr. Brown explained that there only being four Board Members in attendance at the meeting allows the possibility for a tied vote, in which case, the appeal would fail.

1. Appeal # 03-2015
Variance 1148.13

A public hearing will be conducted at 6:30 pm on April 8, 2015; for the purpose of hearing an appeal for a variance from section 1148.13 of the Twinsburg Zoning and Development Regulations which requires a minimum 70 foot front yard depth as well as a minimum 20 foot side yard depth. The applicant is proposing a 2,235 SF building addition at the north and east sides of the existing building. This appeal is made by Jim Lindley of the Goddard School, 2608 Glenwood Dr.

- Specifically, a request for a 30 foot front yard variance and a 5 foot side yard variance.

Mr. Jim Lindley, 2608 Glenwood Dr. Twinsburg, Ohio explained that they would like to put a 2000 SF addition on the rear of their building in order to add a gym area, allowing for the children to have an indoor activity space.

- There would also be two additional classrooms.
- The addition would be between the existing row of Evergreens and the current building.
- They are working within the requirements for space-per-child in a childcare facility.

Mr. Kancler asked what the hours of operation are for the facility.

Mr. Lindley replied 7:00am to 6:00pm Monday through Friday.

Mr. Kancler asked if any neighboring property owners have objected to the request for variances.

Mr. Rodic noted an email from Danielle Sanderson with Kindercare raising questions regarding utility easement changes, there will be no relocation of easements.

Mr. Kancler asked about increased parking.

Mr. Lindley replied that there was extra parking put into place originally which will be sufficient for the addition.

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
APRIL 8, 2015

Mr. Wilner asked if the trees and fence will remain in place.

Mr. Lindley replied that the side yard fence will be removed and the side of the building would be 10 feet further from the property line than the fence was.

Mr. Kancler asked about the Planning Commission meeting for 4/6/15.

Mr. Lindley answered that there was no vote on the project at the meeting.

Mr. Lindley indicated that the only concern from the Building Department is the increase in roof area, which will increase volume to the storm sewer.

- They have asked him to provide landscaping to slow the drainage rate of the storm water.
- He feels that will be easily accomplished.

Mr. Rodic administered the Oath to Mr. Lindley.

Mr. Brown asked if there was anything that Mr. Lindley would like to add or change under Oath.

Mr. Lindley said there was not.

MOTION: THAT WE APPROVE APPEAL #03-2015

MR. WILNER MOVED, MR. DAVIS SECONDED
UPON ROLL CALL, MOTION PASSED UNANIMOUSLY.

Mr. Rodic explained that Planning Commission did not move on the application pending the determination made by BZA. The next Planning Commission meeting is April 20, 2015.

2. Appeal # 04-2015
Variance 1173.33(1)

A public hearing will be conducted at 6:30 pm on April 08, 2015; for the purpose of hearing an appeal for a variance from section 1173.33(1) of the Twinsburg Zoning and Development Regulations which states that no legal nonconforming sign shall be modified or changed. The applicant is proposing a face change and new columns. This appeal is made by Thomas Yankovich of Ellet Neon on behalf of Missionary Baptist Church of 10900 Ravenna Rd.

- Specifically, permission to modify the variance is requested.

Mr. Brown noted that the Board will address Appeals #04-2015 and #05-2015 together in the work session portion of the meeting.

3. Appeal # 05-2015
Variance 1173.15(d)

A public hearing will be conducted at 6:30 pm on April 08, 2015; for the purpose of hearing an appeal for a variance from section 1173.15(d) of the Twinsburg Zoning and Development Regulations which requires a planter sign to have a minimum 10 foot setback from the city right-of-way. The existing foundation to be used is 4.5 feet from the city right-of-way. This appeal is made by Thomas Yankovich of Ellet Neon on behalf of Missionary Baptist Church of 10900 Ravenna Road.

- Specifically, a 5.5 foot setback variance is requested.
-

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
APRIL 8, 2015

Mr. Rodic explained that the sign application came into the Building Department.

- There has not been a previous sign variance granted for this property.
- The Sign Regulations require a sign to be placed 10 feet from the City right of way.
- The current sign is 5 ½ feet within the 10 foot setback requirement.
- Since it is in the Public Facility District, it is allowed to be an electronic sign.
- The Zoning Code considers the current sign to be Legal non-conforming.

Ms. Brenda Lang, 10877 Ravenna Rd. stated that she lives across from the Church.

- She stated that in 1988 there was a variance granted by the Architectural Review Board.

Mr. Rodic explained that the records do not reflect any prior variances from the 10 foot setback.

Ms. Lang stated that the Architectural Review Board met 4/2/15 and they believe that they had previously granted a variance.

- They tabled the application and said they cannot approve the sign because they are not able to change a legal non-conforming sign.
- The ARB seemed to think that the jurisdiction on this matter is theirs, not BZA.

Mr. Rodic clarified that Section 1173 of the Zoning Regulations addresses non conforming signs.

- 1173.47 (a) states "Any person may appeal to the BZA for variance from the requirements of the sign code".
- It is non-conforming and they are asking for a variance allowing for modification of the sign.

Ms. Lang stated that the ARB indicated that an applicant is not able to request another non-conforming sign if they already have one.

- The residents are concerned that the sign will be very bright and distract drivers in a residential neighborhood.
 - o There are two parcels zoned not residential but they are surrounded by homes with children and pets and residential driveways.
 - o It is already not a safe area.

Mr. Rodic explained that there are guidelines that specifically apply to the PF district.

Ms. Lang replied that she understands and that is why she feels that it should be placed 10 feet from the right of way in order to prevent lights from shining into homes and distractions for drivers.

Russ administered the Oath to Thomas Yankovich, 3041 E. Waterloo Rd. Akron, Oh. 44312.

Mr. Brown reiterated that there only being four Board Members in attendance at the meeting allows the possibility for a tied vote, in which case, the appeal would fail.

Mr. Yankovich indicated that he wanted to proceed.

Mr. Yankovich explained that they would like to install a 54" high by 77" wide double faced sign

- It would display the name and logo of the Church.
- They would like to use the existing masonry structure and the electrical feed.
- The sign would be the same height and square footage as the existing sign.

Mr. Yankovich stated that the ground sign is the primary identification of the Church.

- There are no other options.
 - o The parcel is very long and narrow with the building being set far back from the road.
 - o The sign is all that you see when on the road.

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
APRIL 8, 2015

- o A ground sign is currently 8 feet from the sidewalk, placing it 20 feet from the curb.

Mr. Yankovich pointed out that the existing sign has been in place since 1988.

- There is good visibility for ingress and egress.
- The sign needs to be in a visible area.
- They are requesting for the sign to be placed 5 ½ feet closer than sign regulations allow.

Mr. Yankovich explained that there is a financial burden associated with moving the sign.

- Churches compete to bring in a bigger congregation and allow their church to grow.
- They need a good first impression and identity of who they are and what they do.
- They need to create excitement about the activities in that church.
 - o This is being created with the electronic sign.
- The congregation has raised funds for the electronic sign.
 - o This sign will appeal to the younger congregation, which will help the church grow.
- A widely adopted study done in 1996 by Penn State allows for 51 feet per second if travelling 35 mph.
 - o A sign with 12 inch letters can be read clearly from 80 feet away.
 - o He presented a graphic explaining the "cone of visibility" described in the study.

Mr. Rodic administered the Oath to Vicky DePiere, 10897 Ravenna Rd. Twinsburg, Ohio

Ms. DePiere stated that she is a neighbor of the church and her family spends much of their time in their yard.

- The sign concerns her due to the lights, she often sees police lights which attract her attention and she feels that the changing lights on the sign will also be a distraction to her.
- She feels the cone of visibility prepares drivers to see the sign at an earlier stage, taking their attention from their driving at an earlier point and compromising safety.
 - o She feels it as a distraction similar to texting and driving.
 - o She also thinks it will detract from the "Naturally Beautiful" aspect of Twinsburg.
- The ARB noted that the consideration for a variance is listed in sec. 1173.47 (c) and (c1) which does not talk about the landowner cost or preference.

Ms. Lang spoke again, but it was off microphone and inaudible.

Mr. Yankovich noted that they church does not have a cost estimate for the sign.

Mr. Kancler indicated that he has been a lawyer for over 50 years in Ohio.

- His specialty was Zoning law in many locations across the state.
 - o He is very experienced interpreting ordinances involving zoning.
- There is a conflict in what the Ordinance says.
 - o He is going to request a statement or visit from the City Law Director clarifying what the Ordinance means.
 - o 1199.09(c)(1) The powers and duties of BZA specifically says that the Board shall not possess the authority or power to hear, determine or grant variances to land use classifications for signs.
 - o 1173.47 States that any person may appeal to the BZA for a variance for requirements of this Zoning Code.

Mr. Kancler does not believe that the members of the BZA can take action on the two variance requests until the Law Director of the city tells them what their powers are.

- He urges the BZA to table the application until there is clarification regarding the powers, jurisdiction and rights as a Board of Zoning Appeals regarding sign variances.

MOTION: I MOVE TO TABLE THE TWO REQUESTS FOR SIGN VARIANCES.

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
APRIL 8, 2015

Mr. Brown added that requests for variances under 1173.33 non-conforming sign Appeal #04-2015 as well as specifically a five foot setback variance requested Appeal #05-2015. Mr. Kancler has moved to table, seconded by Mr. Davis.

MR. KANCLER MOVED, MR. DAVIS SECONDED
UPON ROLL CALL, MOTION PASSED UNANIMOUSLY.

PUBLIC PARTICIPATION - NONE

APPROVAL OF MINUTES- Dated February 11, 2015

MOTION: MOTION TO APPROVE MINUTES OF FEBRUARY 11, 2015.

MR. WILNER MOVED, MR. KANCLER SECONDED
UPON ROLL CALL MOTION PASSED UNANIMOUSLY.

COMMUNICATIONS- NONE

EXCUSE ABSENT MEMBERS – MR. RUBIN

MOTION: TO EXCUSE MR. RUBIN FROM TONIGHT'S MEETING.

MR. WILNER MOVED, MR. KANCLER SECONDED
UPON ROLL CALL MOTION PASSED UNANIMOUSLY.

ADJOURNMENT-

The meeting adjourned at 7:15p.m.

Neil Rubin, Chairman

Russ Rodic, Building Commissioner