

BOARD OF ZONING APPEALS

Minutes of Meeting

March 16th, 2021

4:30 pm

Attendance: Members Dave Lundgren, Chairman; Mike Aeling, Billy Ray; Eddie Williams; Zoning Inspector Shane Howard, Assistant Law Director William Morris, Candice Martin, Engineering Clerk.

Meeting held by telephone conference due to COVID-19 pandemic: The meeting was called to order by Chairman Lundgren at 4:33 pm. Due to the COVID-19 pandemic, BZA members participated by Zoom conference. Dave Lundgren, Mike Aeling, Billy Ray, and Eddie Williams present.

Virtual Kiosk:

No one attended.

1. Minutes from the February 16th, 2021 meeting:

Aeling makes the motion to approve the minutes with Williams seconding. Roll Call Vote. All are in agreement. Motion passes. Minutes approved.

Chairman Lundgren reads the Board of Zoning Appeals procedures including appellant recourse.

2. Akins Land Surveying/ Sarchione – 2241 W. State St. -- Appeal #21-010

Outdoor sales setbacks Sec.1162.31 (a)

Shane Howard is sworn in: Zoning Inspector, 504 E. Main St. Alliance, OH 44601. Howard explains that this location is the site of the old McKinney's furniture. They are asking for it to be an outdoor sales and display area for rental goods, cars, and motor vehicles. They need setback requirements. The Zoning code states they have to be 20 ft. away from any right of way. The isle is also supposed to be 10 ft. back from any driveway and access drive. They are going to need a variance for these two items.

Lundgren asks how much of a variance are they asking for.

Howard replies that they are asking for a zero setback from the right of way and also a zero setback from the access isles.

Vanessa Akins Cercone is sworn in. Akins Surveying. 776 N. Union Ave. Alliance, OH 44601.

She explains that McKinney's needs a change of use. There will also be a site plan turned in in a month or two. When McKinney's was operating it was considered a retail store; however, when the property transferred to the Sarchione name it became an auto dealership which entailed a change of use on the property. While getting the site plan ready it was found that the parking lot was going to be considered an outdoor sales use area. The setbacks required would greatly reduce the area that they can park cars. She points out that it is not an active sales lot. She says it will be a holding lot for when a customer puts a hold on a vehicle for purchase. They will get it off the main lot and bring it over there. Customers will not cross State Street. It will be an axillary lot where they are parking overflow vehicles. They are not developing it at this time. They do plan on resurfacing the parking lot in the near future and sprucing it up a little bit. That will be the extent of the development on the lot. Ms. Cercone shares an aerial shot of the property. She explains that on the East side there is a wide driveway and on the West Side they share a drive with Rafael's and the copy center building. She shows the proposed set back area on the map and says that the setback area greatly reduces the amount of parking they have. Also, she points out that a hundred feet to the East is now what is known as Cornerstone or the previous Loudon's

building. They are parking right along the right of way and the edges of their driveway. The same holds true across the street at the main sales lot of the Ford Lincoln store. The reason they are allowed to do that is that they were existing car dealerships and were grandfathered in. Two properties within 125 ft. of this property are grandfathered in and parking along the right of way and the edges of the driveway and it has not created an issue all these years. In addition, Ms. Cerone also believes that since this property is now part of the daily operations of the Ford Lincoln store across the street she believes they should get to abide by the same setbacks as the main lot. They are asking for a zero setback which would be a 20 ft. variance on the 20 ft. setback on the right of way and a 10 ft. variance on the 10 ft. setback on the Eastern drive as well as the Western drive.

Additionally, Ms. Cerone explains that there is a grass buffer of 5 or 6 ft. There is approx. 2 ft. between the back of the sidewalk and the right of way and another 3 to 4 ft. between the road right of way and where the edge of the parking lot actually is.

Williams ask if there are two different variances.

Ms. Cerone explains yes there is one on the right of way. The other is a 10 ft. setback from the edge of the two drives.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.

Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Williams doesn't have an issue with the setback from the access drive. It has been used as a parking lot for the previous business. He doesn't see the setback from the access drive being a big deal.

Lundgren agrees with Williams.

Ray doesn't see an issue with the 20 ft. distance on the right of way especially with the other auto sales place right there parking against there. There seems to be enough distance past the front of the vehicles to see both ways going up and down the Street. It would be different if it were closer to the road. He doesn't see the reasoning for the setback with having a sidewalk in the area.

Lundgren says that the sidewalks are relatively new in that area and may not have been taken into account in the code.

Williams disagrees with Ray and Lundgren about the sidewalk. State Street as it is developed has that in the code for that area to perhaps try to keep the visual appeal of State St. He feels there is a lot of property behind the building that is not being developed right now. If they are not using the lot as a sales lot and just as a storage lot he doesn't know what the current need is to have cars parked all the way up to the right of way. He doesn't see a need to put a variance on the setback from the right of way.

Aeling somewhat agrees with Williams. However he viewed the area and other lots have cars parked up close. It doesn't hinder looking up and down the street to turn. The parking lot is also paved already.

Aeling makes the motion to grant the appeal on the 20 ft. right of way. Ray seconds. Roll call vote. All are in agreement. Motion passes.

Williams makes the motion to grant the 10 ft. variance from the access drive. Aeling seconds. Roll call vote. All are in agreement. Motion passes.

3. Farm Credit Services of Mid-America, ACA – 1980 W. Main St. – Appeal #21-011

Bank/Financial Institute in an I-1 Sec.1122 Land Use Table

Howard explains that the area at 1980 W. Main St. is Zoned I-1 and per the land use table Bank/Financial institution is not a permitted use. They will need a use variance to be located there.

Dan Billings is sworn in. Dan Billings is with Arrowsmith Architects. 620 S. 3rd St. Global, KY. Mr. Billings explains that this will be a new 5,000 sq. ft. office building. It is not a cash institution. There is no cash on the premises. It is an office building where customers will come in and shop for mortgages and crop insurance. The building is designed for 10 or 15 staff members but most will be in the field. There will be usually 3-4 staff members in the building and an equal amount of customers.

Lundgren asks if they are moving their office from W. State St. to this new location.
Mr. Billings replies yes to the best of his knowledge.

Todd Lanning is sworn in. Milestone Design Group: civil engineering firm for the project. 108 Gaventry LN, Louisville, KY 40223. He says he can answer any questions relating to civil engineering.

Lundgren explains that this situation is probably outside the domains of engineering. We have a high end industrial area that is well designed and asks Mr. Lanning if he has had experience with that sort of issue.

Mr. Lanning replies that he has worked on warehouses and all types of industrial buildings and has seen commercial, industrial, and manufacturing together. They have industrial parks in his area of Kentucky with lots of mixed uses: sales, printing, next to light industrial.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.
Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Lundgren explains that we have a use variance.

Williams asks why the I-1 was selected over other areas such as B-1, B-2, B-3, or B-4.

Mr. Billings explains that they choose lots generally that are convenient for their customers. Often it is a route coming into town in an area populated by farmers or it is adjacent or near services their customers rely on.

Lundgren remembers when it was woods before the Main St. extension was built. He believes newer industries look very different than the smoke stacks of the 1950's. Very limited people will be there at a time. Not a traditional retail type place.

Aeling doesn't think it will look out of place. There are offices there in that area.

Aeling makes motion to grant the use variance. Ray seconds. Roll call vote. All in favor. Use variance approved.

4. J & K Subway Inc.—766 S. Union Ave.—Appeal #21-012

- A. Pole sign, height, and size Sec. 1134.06(e) Table 3
- B. Building sign above roof Sec. 1134.07(g)
- C. Secondary sign on primary building face and size Sec. 1134.06(c)

Howard explains the sign variances. The first part is the fact that it is a pole sign, the height, and the size of pole sign. Next is the building sign. Part will be above the roof line. Lastly, the secondary sign is on the same face as the primary sign and the size of the secondary sign.

Joe Maiorana is sworn in. Business address is 766 S. Union Ave. Alliance, OH. Originally, they were permitted to have 25.5 ft. They could not do a monument sign in the designated area. The area they chose instead is an 18 x 18 area at the corner front of the property at the intersection of Grant and Union. Subway creates a sign that is 6 x 6 which comes out to be around 37 sq. ft. It is also 20 ft. off the ground. He mentions that Burger King's sign is much larger in the area. 6 x 6 is quite small but it will still be 12 ft. over what the Zoning requirement is. Without the monument sign they have to go up in the air. At 20 ft. high it definitely will not impede anyone's view. Also, the City Engineer requested some plantings in the area so some short plantings were chosen. They will be digging that up and adding plantings that are 1 ft. high and 2 ft. wide and adding some mulch, making it look more attractive. They will also be extending the curb as was spoke about previously and including a curb across the lot in the back corner to keep everything inside.

Lundgren wants the variances restated beginning with part A.

Howard explains part A: The fact that it is a pole sign, height of the pole sign because signs are only allowed to be 10 ft., and the size of the sign on the pole.

Lundgren asks Howard to remind us why a monument sign can't be used.

Howard explains that there is a 50 ft. site triangle. On that corner of Grant and Union it cuts that corner completely out so one is not permitted to have anything at a certain height that is a permanent structure on that corner. Therefore the corner would not work per our Zoning code for a monument sign.

Mr. Maiorana says they wanted something small to try to comply with requirements but still large enough to get their message out without being an interference. The one they chose is very small in comparison to other subway signs produced but it still doesn't quite meet the Zoning requirements of 25.5 sq. ft.

Lundgren asks Howard to explain the building sign above the roof variance: Part B

Howard explains part B that the roof is a short mansard roof. To move the sign up so it is not in front of the fascia or the gutter it is looking like it will be 6 or 8 inches above the roofline which is not permitted. Signs are not permitted to go above the roof line.

Secondary sign on the face and size: part C.

Howard explains part C. On a corner lot with 2 accesses a second sign is permitted. With the way the building sets. He is placing the secondary sign he is allowed to have and placing it on the face of the building / same side as the primary sign which will make it more than the 40% coverage. There is nowhere else to place the sign. The primary sign is permitted to be 102 sq. ft. and he is allowed 40% of that so he is allowed 40.8 sq. ft. The sign he is showing is 48.11 sq. ft. So he will need a variance on size and primary wall. The shape of the building is the reason.

Lundgren asks what the arrows on the sign are for.

Mr. Maiorana said that Subway calls it a choice mark. It is just their new logo.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.
Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Williams makes motion to grant variances for pole sign, height, and size. Aeling seconds. Roll call vote. All are in agreement. Motion passes.

Aeling makes motion to allow sign over mansard roof. Williams seconds. All are in agreement. Motion passes.

Aeling mentions that it is an unusual building. Lundgren agrees and says that the angle is also unique.

Aeling makes motion to allow secondary sign on primary face of the building. Ray seconds. Roll call vote. All are in agreement. Motion passes.

5. Other Business

Howard mentions the appeal from January about a shipping container. They need to come up with a plan because the container is still there.

Lundgren says that he needed to come up with some engineered plans with what he was going to do.
Lundgren asked if we had heard anything from him.
Howard said no.

Lundgren says that it is not good for the neighbors that it stays like that. Give him another month to present his case or he has to remove it.

Mr. Morris explains it was tabled. He asks if it is going to be removed from the table now or are they going to give him 30 days.

Aeling makes the motion to remove it off the table assuming May's Meeting. Will be either approved or denied.
Williams seconds. Roll call vote. All are in agreement. Motion passes.

Motion to adjourn. Roll call vote. Motion passes. The meeting adjourned at 5:36 pm.

Respectfully Submitted by:
Candice Martin
Engineering Clerk