

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
November 1, 2021 Special Meeting – 5:00p.m.

Chairman Frank Kath called the special meeting to order at 5:00 p.m. on Monday November 1, 2021, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: JoAnn Boston, Lisa Brady, and Jim Shaffer. Members absent: Jenine von Krumreig.

Also in attendance: Erik Engle, Planning & Zoning Manager and Christine Gibboney, Zoning Administrative Assistant.

Verification of Required Notice Period

In response to a question by Mr. Kath, Mr. Engle confirmed that notices were mailed to all affected property owners within 100' of the property appearing on the agenda on October 25, 2021.

Mr. Kath asked if staff had received any responses to the notices. Mr. Engle replied the city did not receive any responses. Mr. Kath reviewed the format of the meeting with those in attendance and asked that cell phones be turned off.

Swearing In: Mr. Kath swore in those in attendance wishing to testify before the Board on the case appearing on the agenda.

There were no minutes available for approval.

Old Business

50 Cleveland Road E -Parcel # 42-00926.003 Front and Side Setback Variances, Area Variance for commercial signage.

Project description from summary:

The applicant, Brady Sign Company, has submitted an application on behalf of their client, Simply Better Realty, 50 Cleveland Rd. E, for a single-sided monument sign consisting of a block base with an electronic message center and LED lit cabinet on top of the sign. The message board will be used to advertise real estate listings. As proposed, the signage would require four area variances:

- 1) Front Setback from R-O-W (Section 1129.05 (d)): proposing 2' setback, code requires a min. 7' setback. A 5' front yard setback from the R-O-W would be required. It should be noted this section of the ROW is wide, so the proposed sign would be around 30'-0" from the street curb.*
- 2) Side Yard Setback (1129.05 (d)): proposing 2' setback, code requires a min. of 10' setback. An 8' side yard setback variance would be required. Note: The property is comprised of two separate parcels (refer to site plan). The location of the proposed sign is on the vacant parcel adjacent to the primary structure (42-00926.000). The property owner owns both of the lots.*
- 3) Sign Illumination/Digital Message/Changing Display: Several sections of the signage code pertain to the regulation of illumination as well as specific prohibition of moving/changing signage.*

- *1129.05 (6) (c) Under no circumstances shall any type of on-premises sign contain a message or display that appears to flash, undulate, pulse, move, scroll,....or display any other comparable movements as to distract drivers or pedestrians.*
- *1129.06 (k) No flashing or moving parts shall be permitted for any sign or advertising display within the city.*
- *1129.07 (1) (f) Prohibits flashing, moving, rotating intermittently lighted signs or other mechanically rotated or eye-catching devices.*
- *1129.07 (2) (d) Sign visible from sight lines along streets shall not contain symbols or words. Applicant has referenced the sign will be used for brand recognition and to post new real estate listings.*

4) *Digital Message Board - 30% limitation per 1129.05(6) (B.); proposed is 70% of the total sign area (28 sf of the total 40 sf)*

Mr. Kath referenced the case was tabled previously. Mr. Engle explained that following the previous meeting, staff internally reviewed the case and consulted with legal. All four of the variances are area variances and BZA members are to apply the seven (7) criteria as basis for their decisions on the case. Mr. Engle then reviewed the four (4) variances to be considered:

- Two of the variances are related to setbacks: (5' Front ROW setback and 8' Side setback variances)
- Several sections of the code speak to the electronic message board portion of the sign as it relates to moving/changing/flashing- all of which are prohibited. Mr. Engle noted he has had additional conversation with the applicant regarding the graphics of the board and the applicant has assured the city that the signage will not be flashing.
- Size limitation: The code has a 30% cap.

Mr. Kath called the public hearing to order at 5:07p.m.

Applicant/Owner Statements

Mr. Ryan Brady of Brady Signs. Mr. Brady thanked members for accommodating a special meeting and reviewed the application. He noted the current signage at the location will be removed. He recapped the design of the single sided monument sign, noting that the owner is looking to have listings appear on the digital portion, a static lit section is on the top of the sign, and the sign has a masonry base. He asked members if there were any questions.

Mr. Kath noted that at the last meeting, the confusion was over the issue of the term "Use Variance" when the digital portion of the proposed sign was considered. He referenced the law director's explanation and noted this matter has been cleared up as this is in fact an area variance. Ms. Brady inquired about the existing sign. Mr. Brady explained that there is not a way to make a structural modification to allow for more square footage than what is there and he noted the sign is not in good shape. Mr. Kath inquired about the height and square footage of the proposed sign. Mr. Engle advised the overall height and square footage are compliant, but the message board

section itself exceeds the max of 30% per the code. Mr. Brady noted he was not aware of the code regulating the size restriction previously. Mr. Engle explained that since the last meeting, while reviewing the application, the size cap was determined. Mr. Brady noted that when Mr. Engle brought this to his attention, he reviewed the regulations and noted a 12sf digital sign would be very small and would not be enough square footage to create the messaging being proposed. Mr. Kath referenced previous cases of variances granted for digital signage message boards at the High School and Shawnee School. He noted he went out and measured the signs, which are 5' x 8' in overall size and the message boards measure 18" x 83"- so less than 1/3 of the sign size. He referenced that the Shawnee sign was slightly shorter and both were approved by variances at the time. He noted this proposed sign variance is substantial. Mr. Brady commented that the signs at the schools are text only signs, limited to 2 lines of text with no graphics or images. He explained those are a different use than what is being proposed, explaining the size needed relative to the requirements for the imagery and noting the ratio would be hard to work with when talking about graphics.

Ms. Boston commented she would be in favor of the setback variances, but is struggling with the messaging portion as it is a substantial variance from the code, and doesn't meet definition of a hardship. She referenced the appearance of the sign is complimentary, but the variance is substantial. She referenced the need for amendments to the sign code.

Ms. Brady agreed, but suggested that perhaps conditions could be added to the motion to limit frequency of the changing images, or limit to a single change at night. Ms. Boston commented she did not believe this is for the BZA to do, that the board needs to apply the 7 criteria as the basis. She added that amendments to the code itself are needed to address new technology. Mr. Kath noted the BZA must work within the current code and apply the criteria in decision making. He referenced the following:

1. The property will yield a reasonable return and there has been a beneficial use of the property without the variance in the past. A static sign has been in use for years.
2. Variance is substantial.
3. No hardship proven.
4. Options of a static sign, back lit sign, etc.....
5. Size and images are an issue and substantial.

Mr. Shafer asked what would prevent the sign to be used totally as script. Mr. Brady noted the sign has both text and imaging capabilities and certain functions can be stopped/locked. He explained functions can be limited to changing to every 30 seconds; noting these are instantaneous changes in graphics. Mr. Kath referenced the size of the message board is twice as big as the code allows, and commented he does not believe this is the intent for the masterplan or vision of the corridor. He noted he does not see a hardship in this case.

Mr. Brady advised when you look at digital hardships, it's hard to say that if not approved the company will fail, most likely not, but for a customer who is looking at a digital sign, this is an expensive investment. Mr. Brady spoke to the return on a digital sign which he stated would be better than just a static sign and noted the customer would be more successful with a digital sign. He referenced data to support this argument this shows a business is apt to grow revenue 15%-20% by putting in a digital sign. Kath noted the variance is for the property, not for the business, as the variance stays with the property not the owner, so the business can change hands in the future.

Mr. Brady referenced the city's masterplan and suggested that clarification relative to digital signage in the code would be helpful. Members agreed, noting the code does need amending, but advising that they must be compliant with the current code language.

With no further discussion, Mr. Kath closed the public hearing at 5:26p.m.

Motion by Ms. Boston to approve the two setback variances (5' front ROW setback and 8' side setback variances) as proposed. Motion seconded by Mr. Shaffer. Roll call on the motion:

Yeas: Shaffer, Boston, Kath, Brady (4)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, the motion passes for the 5' front ROW setback and 8' side setback variances, as proposed.

Motion by Ms. Boston that the area variances for the electronic message board (changing and size) be denied. Motion seconded by Ms. Brady. Roll call on the motion:

Yeas: Shaffer, Boston, Kath, Brady (4)

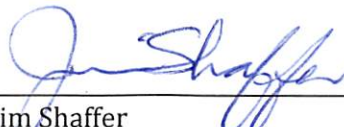
Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, the motion passes to deny the area variances for the electronic message board changing messaging and size of electronic message board.

Mr. Engle advised that two applications will be on the next regular meeting agenda on Monday, November 8th. He also advised that an additional training for the BZA will be scheduled. Ms. Boston asked if the training can be scheduled a few weeks out to allow for scheduling.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Ms. Brady. All in favor, meeting adjourned at 5:30p.m.



Jim Shaffer
Board of Building and Zoning Appeals Secretary

ADOPTED: 12-13-21

JS/cmg