

BOARD OF ZONING APPEALS MEETING
JULY 25, 2023
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson.

II ROLL CALL

Members Present: Jeffrey Anderson, Dave Nienaber, Tom Hall,
Carolyn Ghanous, Douglas Stahlgren, David Gleaves

Staff Present: Carl Lamping

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF JUNE 27, 2023

Motion to approve the minutes presented by Ms. Ghanous and seconded by Mr. Nienaber.

(Voice vote taken and the minutes were approved with a vote of 6 to 0.)

V CORRESPONDENCE

Mr. Anderson stated that there was items of correspondence listed on the agenda. There was a letter concerning BZA Application # 20230116, and additionally an email from the applicant requesting the withdrawal of Application # 20230116. Mr. Anderson stated that with the withdrawal notice being submitted, there is no longer any need to review the correspondence as well. Mr. Anderson stated that if there were no objections, the Board would move on to the next item on the agenda.

VI REPORTS

Report on City Council

Mrs. Ghanous provided a report on City Council meeting held on July 19, 2023. Six members were present. There was four ordinances and one resolution. Mr. Gleaves asked if there was any additional information yet on Wawa. Mrs. Ghanous stated that the only information she had was from Ms. Sullivan-Wisecup's Planning Commission report presented to Council. Which was that the development was approved. Mrs. Ghanous stated that she had been receiving numerous questions regarding traffic patterns with Wawa. Mr. Lamping stated that the Wawa project is being designed with a lot of different moving parts and Wawa is currently working through those. Mr. Lamping addressed the lane changes and improvements that will be upcoming regarding Wawa. Mrs. Ghanous stated that if individuals wanted further information, the recordings can be found on the City's website.

Report on Planning Commission

Mr. Hall stated that the Planning Commission meeting that was schedule for July 11, 2023 was not held due to no new applications. The next meeting will be held on August 8th at 7:00 p.m. Mr. Lamping added to Mr. Hall's report that the August 8th meeting will not be required since no new applications were submitted.

VII CHAIRMAN'S STATEMENT

Chairman Anderson read the Chairman's Statement.
One member of the audience was sworn in.

VIII OLD BUSINESS

Continued from June 6, 2023 BZA Special meeting; BZA Application # 20230116. Mr. Anderson stated that prior to this meeting, he consulted with Mr. Joe Braun, City Law Director on how to handle the situation. Mr. Braun advised as the applicant had submitted a written request to withdraw their application, there is no action required from the Board of Zoning Appeals, and the Board can simply move on to the next item.

IX NEW BUSINESS

1. **PUBLIC HEARING** Maple Knoll (Application # 20230484)
11100 Springfield Pike is requesting two variances for the new proposed Coventry Pavilion located at 600 Maple Trace.
 - i. Variance One is a request to approve the proposed increase of light levels of 34 foot candles for the new proposed pickleball courts in violation of Section 153.351(B)(2); where a light level of only 10 foot candles is permitted for the development type.
 - ii. Variance Two is a request to approve one additional ground sign, proposed to be a 78.2 square foot ground sign and 8 feet in height at the intersection of Maple Trace, where several ground signs already exist for the development. The new proposed ground sign is in violation of Section 153.459(C)(3); where only one ground sign is permitted per development.

Mr. Lamping, Building Official gave an overview of the projects. Mr. Busch of JMM Architects came for to discuss or answer any questions the Board of Zoning Appeals had regarding the application that was brought forth. Mr. Lamping asked Mr. Busch for clarification in regards to the location of increased lighting; if it was strictly for the pickleball courts or the surrounding area. Mr. Busch indicated that some of that lighting was included for the adjacent porch. Mr. Anderson asked if this additional information had an effect on the Staff report. Mr. Lamping stated that it did not, but, that the agenda could be amended to include the site, and not simply the pickleball court. Public Hearing was opened for the audience to speak for or against the variance regarding item (i). There were no questions. Mr. Stahlgren asked if the variance needed to specifically state that there is a limitation to the candle power with regard to the porch, etc.? Mr. Lamping stated that variance (i) is a request to approve the increase of the light levels to 34 foot candles, which is the limit. Mr. Lamping stated that at the time of request, he understood the request to mean the pickleball court only. Due to this slight change, the motion should now read "the proposed building". Mr. Anderson asked if the name of the building had to be included in the motion or just the building listed in the application? Mr. Lamping suggested simply stating "for the building site" would be acceptable.

Mr. Anderson asked the Board if they had any questions or discussion regarding variance (ii) related to the signage. Mr. Anderson asked if the signage would be visible from the street. Mr. Lamping stated that it would not since the sign is 800 feet from the right-of-way. Mr. Anderson asked if there were any other questions from the Board regarding variance request (ii). There were none. Mr. Anderson opened up the public hearing for variance request (ii) and asked if there were any questions. There were none.

Mr. Anderson opened the floor for a motion on variance (i).

Mr. Stahlgren made a motion in the matter of BZA Application #20230484; Variance (i) specifically for the building site in regard to the lighting. Mr. Stahlgren made a motion that there is unnecessary hardship for the owner in complying with the requirements of the Zoning Code. There are special conditions or circumstances that are particular to the land structures or buildings involved, which are not generally applicable to other lands, structures or buildings in the same district that the requirements and the factors to be considered under Section 153.206 of the Springdale Code of Ordinances are satisfied and the variance request by the applicant should be considered for approval. Mr. Hall seconded the motion. Mr. Anderson opened the floor for discussion on variance (i) regarding the light level. Mr. Nienaber wanted to not that both variances being requested tonight are well confined within their own property lines, and this sign is strictly internal and for

directional purposes only within the facility. A request was made from the floor to ask a question. Mr. Anderson informed the individual that they would need to be sworn in in order to ask their question. Mr. Anderson stated that while the public was finished he was comfortable answering the question from the floor. Mr. Anderson swore in Joseph Cottrill. Mr. Cottrill's question was in regards to the location of the future pickleball courts, and also stated that he had no issue with the sign's location. Mr. Anderson stated that he allowed the individual to come forward with the question because he believed he neglected to formally close the public hearing before the motion. A vote was taken and variance (i) was granted 6-0.

Mr. Anderson stated that he would accept a motion for variance (ii).

Mr. Stahlgren made a motion in the matter of BZA Application #20230484, variance (ii), specifically regarding the proposed signage. Mr. Stahlgren made a motion that the Board find that there is unnecessary hardship for the owner in complying with the requirements of the Zoning Code. There are special conditions or circumstances which are particular to the land involved which are not generally applicable to other lands in the same district and that the requirements and the factors to be considered under Section 153.206 of the Springdale Code of Ordinances are satisfied in the variance request by the applicant should be considered for approval. Mr. Hall seconded the motion. Mr. Anderson opened up discussion related to the motion for variance (ii). There was no discussion. A vote was taken and this variance was granted 6-0.

X DISCUSSION

Mr. Anderson stated that the previous month there was discussion of creating a “sub group” of BZA to assist with “onboarding” individuals new to the Board and any additional processes needed. Mr. Anderson proposed waiting until the next month to take this conversation up since the Board was currently down one member. Mr. Hall agreed. Mr. Gleaves agreed, but asked what would be done if there was not a meeting next month. Mr. Anderson suggested that it could be brought up at the next meeting, or possibly via email to form the group. Mr. Anderson asked Mr. Lamping when the next meeting was scheduled. Mr. Lamping stated that the next meeting would not be until possibly October. Mr. Anderson stated that the group could be organized next month. Mr. Anderson asked if any individuals were opposed to being a member of the group, which would be two to three individuals. Mr. Anderson cautioned that while scheduling of meetings could be done via email, discussion of the meeting and viewpoints could not be discussed via email however.

XI ADJOURNMENT

Mr. Nienaber made a motion to adjourn and Mr. Hall seconded.

Mr. Anderson stated that we are adjourned.

Respectfully submitted,

_____, 2023 _____
Chairman, Jeffrey Anderson

_____, 2023 _____
Secretary, Tom Hall