

BOARD OF ZONING APPEALS MEETING
JUNE 28, 2022
7:00 P.M.

I. CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:00pm

II. ROLL CALL

Members Present: Jeff Anderson, Dave Nienaber, Tom Hall, David Gleaves, Carolyn Ghantous, Doug Stahlgren, Michelle Miller

Staff Present: Carl Lamping

III. PLEDGE OF ALLEGIANCE

IV. SUMMARY MINUTES OF THE REGULAR MEETING OF MAY 24, 2022

Voice vote taken and the minutes were approved with a 7-0 vote.

V. CORRESPONDENCE - NONE

VI. REPORTS

Report on Council – Mr. Anderson stated council last met on June 15, 2022.

Report on Planning – Mr. Hall stated planning last met on June 14, 2022.

VII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

Chairman Anderson read the Chairman's Statement and swore in 4 members of the audience.

VIII. OLD BUSINESS - NONE

IX. NEW BUSINESS

1. PUBLIC HEARING (Application #20220988)

Timothy Brown and Sharon Chard, at 740 Cloverdale Ave, are requesting a variance of the front yard setback requirements from the Zoning Code Section 153.252, Table 252-2, to install a new Front Porch Addition.

Mr. Lamping gave an overview of the project stating the setback in this location is 35 feet, and the current house sits 20 feet from the property line. He stated they have an existing front porch. Mr. Lamping stated the applicant submitted his request as an appeal of the entire Chapter 153. They went on to ask for a variance for the setback. He stated after discussion with the applicant they are not looking for the appeal and just the variance.

Jesse Fields, Home RX contractor, stated they misspoke when applying. He said his intent was to reference the chapter for the variance and not appeal the entire thing.

Mr. Nienaber asked if the roof would be run dormer style into the current roof.

Mr. Fields stated it would tie in to the existing gable roof.

Mr. Lamping pulled up a submitted photo with the front elevation to show.

Mr. Nienaber asked for the applicant to help him out. He stated we usually only grant a variance for something that is unique with the property. He stated he is aware it will enhance the neighborhood and that there are other properties down the street with a similar front.

Ms. Miller stated there is a house a few doors down with the same setback and look.

Mr. Anderson stated it would be consistent with this neighborhood, so that is a consideration.

Mr. Stahlgren made a motion to grant a variance from Springdale Zoning Code to Timothy Brown and Sharon Chard at 740 Cloverdale Ave. The applicant is requesting a variance from Springdale Zoning Code Section 153.252, Table 252-2; which indicates a front yard setback requirement of 35 feet of principle buildings to the property line. The variance allows for the new front porch to have a setback of 19 feet.

Mr. Hall seconded the motion. Roll call was taken and a variance was approved 7-0.

2. PUBLIC HEARING (Application 20220974)

Sweeney Auto Body, located at 1280 E. Kemper Rd, is requesting a variance of the pole sign height limitation of Zoning Code Section 153.459 (C)(3)(c) and (f) to install a pole sign that is 17 feet tall.

Mr. Lamping gave an overview of the project. He stated the owner is relocating the body shop and requesting a variance for a ground sign. He stated the sign is approximately 17 feet tall and 80 square feet of signage. Mr. Lamping stated the maximum height of a sign in a GB district is 8 feet. He also stated the zoning code does not allow a pole sign; therefore this is being called a ground sign. Mr. Lamping showed a provided drawing of the sign in its current location, in a mulched bed. He stated there are no dimensions stated.

Steve Weeks, Tri State Signs, stated the sign is made of aluminum and was made for the original location of the auto body shop on Northland Blvd. He stated they are looking to move the sign from the previous address to the new address to save money. He stated they could comply with the setback of 10 feet and the landscape bed. The variance request is for the height of the sign and the materials and colors.

Mr. Anderson asked if the current code requires the materials to match the building.

Mr. Lamping showed a map photo of the existing building and the rendering submitted of the proposed sign. He stated they do not match.

Mr. Weeks stated the topography of the site does fall off. He said an 8 foot tall sign would not be seen. He said they already have a sign that is 2 years old and wouldn't be useful because the body shop will no longer be at Northland location.

Mr. Anderson stated reuse is not part of the standards, but he understands the concern. He asked if the sign could be modified.

Mr. Weeks stated the sign has been repurposed and started out at 22 feet tall.

Coby Sweeney, stated he wants to relocate the sign because it is a corporate look and not very old. He stated it would be easier to modify the building than the sign.

Mr. Lamping asked about the feasibility of lowering the sign so that it's maybe 8 feet above the sidewalk. He asked if was possible to change the 17 feet to a shorter dimension so it's closer to what the code requires.

Mr. Weeks stated that was done once. He stated to take it apart and redo it is probably not an option. He stated moving the letters is not feasible because there are holes behind the letters.

Mr. Lamping asked if there was a 4 foot panel on the bottom that could be eliminated easily.

Mr. Weeks responded and said he does not know for a fact how the bottom panels come out.

Mr. Stahlgren questioned if the sign is only 9 feet above roadway grade because of the drop-off. He said that if he's driving by that is only at eye view and does not seem excessive. Mr. Stahlgren stated the 9 feet was provided in the comments from staff.

Mr. Lamping responded saying he is not sure how that information was calculated. He was not aware that number was identified.

Mr. Anderson said the zoning code does not take that from grade at a certain position.

Mr. Lamping stated he believes that could be an intent to meet the 8 foot requirement, although it's still 9 feet.

Mr. Gleaves questioned if they would have to manipulate the sign to be able to install it with the given slope of the property.

Mr. Weeks said they would put in a new foundation and attach it.

Mr. Nienaber addressed the schematic provided by the applicant, stating it looked as if they could take off 40.8 inch segments at time.

Mr. Weeks stated those are just a covering that's attached to the steel structure underneath. He said there is a steel pipe that runs up the center.

Mr. Anderson stated the city is trying to work with the applicant in addressing the sign as a ground sign and not a pole sign.

Mr. Hall stated the applicant knew the topography when they purchased the building, and that should have been taken into consideration at that time if they needed a sign. He stated there are no special circumstances for this variance. He stated the main thing he considers are the neighbors and having consistency. Mr. Hall feels the variance requested is totally unreasonable and unacceptable. He believes if a variance is granted it would be taken as special privileges. He said for those reasons he cannot support it.

Mr. Anderson echoed Mr. Hall's statement about consistency with neighbors. He stated from reviewing previous variances there were two primary issues.

The sign needed to be consistent with national branding and the other was that signs were consistent with others in the area. He stated he is surprised they are calling this a ground sign.

Mr. Sweeney stated he sees the point about consistency and agrees there is no consistency. He stated someone could drive along and pass the driveway before they know where they are going. He said there is not an identifiable marker at this property. He has a sign that is less than 2 years old and he would like to be able to mark the entrance to the facility. Mr. Sweeney asked if he could lower the sign 12 inches into the ground. He stated that would satisfy the 8 feet off the grade, if Mr. Weeks can do that.

Mr. Anderson stated in 2016 the city made an effort to reduce the amount of pole signs in the interior of the city. He stated any existing are legacy conforming signs.

Mr. Hall asked if the brand name was across the front of the building.

Mr. Sweeney stated it is but does not identify as the body shop. He stated his concern is marking the entrance to the property, there is only one entrance.

Mr. Anderson asked if this was an item that Planning Commission had considered or given specific feedback on.

Mr. Lamping and Mr. Hall stated they did not recall anything.

Mr. Anderson asked if the sign information was presented to planning.

Per Mr. Lamping and Mr. Hall the sign package was not available at that time.

Mr. Anderson stated that as a board they try to minimize the amount of variance that is being considered, first. He advised the applicants they can request any number they like. He stated the board likes the least change as possible. He stated presented before them is a 17 foot high ground sign with materials that do not match the building. He asked the applicant if that's what they would like to consider.

Mr. Nienaber stated the board did take grade into allowance on the Tire Discounters sign.

Mr. Lamping asked if they setback of 10 feet and the mulch bed would be items that they are going to comply with.

Mr. Weeks stated his dimensions came from the curb.

Mr. Lamping stated the right of way is typically not the curb. The code requires the sign be setback 10 feet from the right of way. He stated the applicant needs to state they are going to be 10 feet from the right of way.

Mr. Weeks stated the property line or right of way was right at the back of the sidewalk which still gives 13 plus feet back to the sign. He stated yes they can conform to the 10 foot setback, and yes they will conform to the 80 square feet of landscape.

Mr. Gleaves asked Mr. Sweeney asked if this is sign will be the only thing that directs people into his business.

Mr. Sweeney stated that this is a body shop and that is the only sign they are requesting.

Mr. Lamping stated the current proposed plan includes 1 sign.

Mr. Weeks stated his concern is he did not shoot the elevations and is not sure what the correct number should be.

Mr. Anderson advised the applicants that there is a third option to table this and carry it to the next meeting. He stated these are their options.

Mr. Weeks stated the best choice might be to table it and come back with more information.

Mr. Lamping asked if it would be a good idea to discuss what is preferred by the Board of Zoning Appeals.

Mr. Anderson stated they can give feedback on what they would like to see. He stated he is understanding and would be more inclined to support something in the spirit of the zoning code which is an 8 foot sign.

Mr. Hall asked for clarification of 8 feet above the sidewalk or 8 feet above the right of way.

Mr. Lamping responded stating they have not specifically asked but the discussion he proposed was above the sidewalk.

Ms. Ghantous stated she believes 8 feet above the sidewalk is good.

Mr. Nienaber asked if they table the height issue, would they want to address the color issue.

Mr. Anderson stated right now it is submitted as 1 variance request and it would be up to the applicant. He stated that the color and material is still part of the variance and it has been sidestepped.

Mr. Sweeney stated it would be easier to change the color of the building and they would like to stick with the look of the sign. He stated that is what they would do.

Mr. Lamping stated the best way to approve this would be to ask for the sign to be approved as materials as presented, and that is their request.

Mr. Anderson stated they would give them relief to a section of the code, and in this case it would be as presented. It would allow the sign to be as is. He is asking if the applicant is looking to table this and get more information for the next meeting.

Mr. Weeks stated he would propose to keep the sign at a height of not more than 8 feet above the sidewalk. He stated he will make it work.

Mr. Anderson asked if they are adjusting the request that they are considering, and instead of saying a pole sign of 17 feet tall it would say 8 feet above sidewalk height.

Mr. Lamping stated he thinks they should also note for the record the 2 areas of compliance.

Mr. Hall stated he wants to see documentation as to what it will look like. Not just statements saying we are going to chop a foot off of it.

Mr. Anderson questioned BZA members and stated we only look at sections of code we give relief too, not the look and feel if there is a change. He stated he is trying to come up with a way to address Mr. Halls comment, but keep the applicant moving forward. He asked the applicant if the sign information was still the same information, they are just going to install it differently.

Mr. Weeks stated there is another option. He referenced the submitted photos and stated they could move it to the north and it will lower it another 18 inches.

Mr. Hall asked if they are going to leave the sign on the front of the building along with this sign.

Mr. Sweeney stated they are not planning on removing it.

Mr. Lamping stated as part of the appeal for the BZA the focus is on the ground sign. He stated they are allowed to have a wall sign per the code.

Mr. Stahlgren made a motion to grant a variance from Springdale Zoning Code to Sweeney Auto Body at 1280 E. Kemper Rd.

1.1 Applicant is requesting a variance from Springdale Zoning Code Section 153.459 (C)(3)(c); which states the maximum height for all ground signs is 8 feet. The variance allows for the new sign to be no higher than 8 feet above sidewalk grade.

1.2 Applicant is requesting a variance from Springdale Zoning Code Section 153.459 (C)(3)(f); which states the base of the ground sign shall be constructed of materials, colors, or design details which match or correlate to those used in one of the principal buildings on site. The variance allows for the sign to be as submitted with the current color and structure.

Mr. Gleaves seconded the motion. Roll call was taken and the variance was approved 7-0.

Mr. Stahlgren amended the motion 1.2 to include as submitted with the current color and structure. Mr. Gleaves seconded the motion. Roll call was taken and the amended variance was approved 7-0.

X. DISCUSSION

Mr. Anderson addressed the Board of Zoning Appeals members advising them on things that happened at City Council relative to past meetings. He stated there was concern raised by some council members regarding feedback from Planning Commission on a project that BZA should consider. He stated the concern was not being in alignment with other areas of the city if feedback is not asked for. Mr. Anderson asked the members to go back and watch the video from council to be able to understand the entire concern.

XI. ADJOURNMENT

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

Respectfully submitted,

_____, 2022 _____
Chairman, Jeffrey Anderson

_____, 2022 _____
Secretary, Tom Hall