

BOARD OF ZONING APPEALS

November 16, 2022

CALL TO ORDER: The Board of Zoning Appeals met on Wednesday November 16, 2022, at 7:00 PM in Courtroom 1 of City Hall.

Chairman Behrens asked the Secretary to call the roll. Members in attendance were Mr. Briggs, Chairman Behrens, and Mr. Dunay. Also in attendance were Assistant Law Director, Joe Gurley; City Planner Phoenix Buathier, and Secretary, Tara Baumgartner

ACTION ON MINUTES OF PREVIOUS MEETING:

Chairman Behrens indicated the Board had a set of minutes from the previous meeting that required action by the Board. Chairman Behrens asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of October 13, 2022. Chairman Behrens stated that he had one correction; he stated that in the first paragraph he's referred to as Chairperson Behrens and afterward he's referred to as Chairman Behrens, he stated that he would prefer Chairman, not Chairperson. Chairman Behrens asked for a motion. Motion by Mr. Briggs, seconded by Mr. Dunay, to accept the Board of Zoning Appeals Meeting Minutes of October 13, 2022 with the correction. Chairman Behrens asked the Secretary to call the Roll. On Roll Call, Mr. Briggs, Mr. Dunay, and Chairman Behrens, answered "yes". **Motion carried, 3-0.**

OLD BUSINESS: None

MEETING PROCEDURE AND SWEARING IN:

Chairman Behrens explained the procedures for the meeting, and then swore in those who planned on speaking for or against the variance request. Additionally, Chairman Behrens explained that the Board of Zoning Appeals has the right to adjourn the meeting to deliberate, if needed, and then return to resume the meeting. In addition, representatives of the City Administration are present; Mr. Gurley, the City's Legal Counsel, and Ms. Buathier the City Planner.

Chairman Behrens explained that the meeting is being recorded, and informed the applicants that the results of the meeting will stand as an official public hearing. He asked the applicants if they agree to the meeting procedures. He also explained that two members of the Board were absent and that it takes three "yes" votes to pass a motion. Chairman Behrens then told the applicants that they had the right to postpone their hearing until the next month when there would be more member present. The applicants in attendance agreed with the meeting procedures.

NEW BUSINESS/PUBLIC HEARING ITEMS:

Chairman Behrens moved to the first item on the agenda. He asked the secretary to read the application for Refusal No. 2391.

Refusal No: 2391
Applicant: Marie L. Cipolletta of Signarama
Owner: John Cerni of Pacer Realty, LLC.
Location: 431 Richmond Street
Parcel Number: 15-D-018-0-00-018-0, 15-D-018-0-00-020-0, 15-D-018-0-00-021-0
& 15D018-0-00-023-0
Acreage: 5.12
District: M-2, Industrial District
Variance: 1127.11(a)(1)

An application has been submitted by Marie L. Cipolletta of Signarama for John Cerni of Pacer Realty, LLC, requesting a variance to Section 1127.11(a)(1) of the Unified Development Code. The variance is to allow 3 additional wall signs on the west side of the building, not on the primary buildings frontage, for a total of 4 wall signs to be located on the building. A variance of 3 additional wall signs not on the primary building frontage is requested.

Marie Cipolletta, of 7248 South Kipling, Concord, spoke on behalf of the request. She stated that the business was changing out signage and names. She stated that on the west elevation they would like to add the Trivista logo and channel letters, requesting a face replacement with the new logo, removing the address numbers, and replacing them with new ones up above.

Ms. Buathier stated that the address numbers did not require a permit.

Chairman Behrens asked why they wanted to move the address numbers.

Ms. Cipolletta answered that she thought it was for increased visibility.

Ms. Cipolletta stated that further down the building they would be adding another service sign, similar to the one by the side entrance door.

Chairman Behrens asked if there were any questions from members of the Board, there being none, he asked the secretary if there had been any correspondence regarding the request.

Ms. Baumgartner stated that she had not received any correspondence.

Chairman Behrens then asked if there was anyone who wanted to speak for or against the request, there being none he asked if Ms. Buathier if she would like to speak.

Ms. Buathier stated there are three wall signs requested on the west side of the building. She stated that the building has existed since at least 1970, and explained that she had done some research into the site to see if there were any previous variances given to the site and how the current signs got there. She stated it was a preexisting legal nonconforming property, and that the current code states that when you change or replace anything you need to meet the current code requirements.

Ms. Buathier pointed out that this building does not have a monument sign, which is unusual. She went on to say that Staff is of the opinion the requested variances for the proposed Trivista location are appropriate. The requested total area of all wall signs is less than the maximum sign area permitted for the building. The requested additional signs are limited to specific areas on the building, and help to identify the business, since the front of the building is located near Richmond Street's right-of-way, and there is no location for a freestanding sign. She stated that the applicant is also decreasing the overall number of existing signs, and working towards bringing the site more into conformance with the Unified Development Code. Based on these reasons, staff recommends approval of 3 additional wall signs on the western building elevation, that is not the primary building frontage.

Chairman Behrens stated that he remembered the building as Lake Truck when he was growing up, so he believes the building to have been there longer than the 1970's.

Ms. Buathier added that it is also in conformance with the sign requirements of the Richmond Street Corridor.

Mr. Dunay asked Ms. Cipolletta if she thought the development of the neighboring property would obscure the Trivista sign.

Ms. Cipolletta stated that it would be illuminated and she thought it would be visible.

Chairman Behrens asked if there were requirements for the illuminated sign.

Ms. Buathier explained the requirements for illuminated signs.

Chairman Behrens asked if anyone would like to make a motion.

Motion by Mr. Briggs, seconded by Mr. Dunay to approve the request as written.

On Roll Call for the motion, Mr. Briggs, Mr. Dunay, and Chairman Behrens answered "yes" **Motion carried 3-0.**

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD OF ZONING APPEALS:

The 2023 Meeting Schedule was discussed.

Ms. Buathier stated that two members of the Board have terms that expire at the end of the year. They were reminded to let staff know if they would like to renew their terms.

ADJOURNMENT

Chairman Behrens asked if there was any further business the Board should address. There being no further business, the meeting was adjourned.

Tara Baumgartner, Secretary

Jim Behrens, Chairman

