

Members Present: Lisa Carpenter
Martin Walling
Reece Timbrook, Chairman

Members Absent: Tim Cron

Others Present: Nia Holt, Community Development Director
Josh Rauch, City Manager
Jim Miller, Law Director

CALL TO ORDER: The Board of Zoning Appeals meeting was called to order at 6:30 p.m.

ROLL CALL: Mrs. Carpenter, present; Mr. Cron, absent; Mr. Walling, present; and Mr. Timbrook, present. Chairman Timbrook excused Mr. Cron.

OATH OF OFFICE: Mr. Martin Walling took the oath of office to fill an open position on the Board of Zoning Appeals.

APPROVAL OF MEETING MINUTES: Having no comments or corrections, the minutes of January 23, 2024, stand approved.

APPROVAL OF AGENDA: Mrs. Carpenter moved, seconded by Mr. Timbrook, to approve the agenda. All were in favor. **Motion carried.**

PUBLIC HEARINGS/REVIEW:

- a. **BZA Case #24-0001 – 4888 Airway Road (Parcel ID# I39 00114 0043) – B-2,**
General Business District.
A variance from UDO Section 1115.09(G)(3) to allow front an increase in the maximum sign square footage on a multi-tenant building.

Ms. Holt took the oath to give sworn testimony. She stated it is a variance to allow an increase in the maximum sign square footage on a multi-tenant building. The requirement is a 50 sf maximum; the request is for 80 sf, a 160 percent increase. She presented an aerial map of the building. She stated the Airway Shopping Center is 24 acres and is outside of the source water protection area. The Planet Fitness in the shopping center is updating their signage. The current sign is 147 sf; they are dropping it to 130 sq ft, however, that is over the maximum allowed of 50 sf. There are no records of the original sign permit for the sign that is there now. This change triggers them to request the variance and come into compliance with current sign code permitting. She presented the proposed sign plan. She also presented a rendering of what it would look like with a 50 sf sign. She presented site photos of the current Planet Fitness sign and the signs of other businesses in the shopping center. She stated based purely on the code and standards of approval that staff finds the requested variance to allow an increase in the maximum sign square footage is not adequately justified and does not meet the standards for approval. Staff recommends denial of the request as it is a substantial variance, current design of the proposed sign is not the minimum necessary to afford relief to the applicant as a n entirely new

sign could be designated to meet the sign code requirements, and the spirit and intent behind the zoning code would not be observed. She reviewed the criteria for granting the variance and all the factors that need to be met.

Chairman Timbrook asked if other signage at other businesses in Airway Shopping Center compliant. Ms. Holt stated that was hard to know as a lot of those signs do not have permit information on file or they were granted variances when the sf maximum was 25 sf. Looking back at the records the board at that time thought that was too small. The planning commission and the council made those changes to move it to 50 sq instead of 25 sq. Mrs. Carpenter asked if they considered the store size as some of the frontages of the connected stores are larger than others and if it was known how many spaces they rented. Ms. Holt stated she did not know, and that the applicant would need to be asked. Discussion was held on the store size and signage in the Airway Shopping Center. Mr. Walling stated he noticed the same thing as Mrs. Carpenter. He noticed that Dollar Tree and Big Bobs have unusually large signage. He asked if Big Bobs had applied for a zoning permit or was the old zoning in effect when they moved into that space. Ms. Holt stated she was unable to find records for that. She would have to look and see if there were records for Dollar Tree. Mrs. Carpenter added that since more than one space can be rented that creates more frontage space for the store, which would make it uniform rather than having big frontage with a little sign or a little frontage with a big sign. Chairman Timbrook asked if the code addresses that at all. Ms. Holt stated it addresses it for stand alone buildings, but not for multi-tenant structures. Chairman Timbrook stated this is like a 'corner lot' case as to why they are hearing this as it is different than stand alone buildings. He asked with El Taco Veloz being new if their sign was compliant. Ms. Holt stated they are compliant. Mrs. Carpenter added that if they have the small signage it will give a lot of blank space and make the shopping center look empty. She asked if it hurts the appeal of the shopping center as this is something to think about. Mr. Walling asked if the sign was currently illuminated. Ms. Holt stated it was.

Mr. Rauch asked Ms. Holt during her research when the council changed the sign square footage if there was anything mentioning the intent of being 50 sq, specifically. Ms. Holt stated they looked at communities around them like Centerville, Fairborn, and Huber Heights. They settled on 50 sf. Mr. Rauch stated he wondered if 50 sq at the time that that was considered in 2017, if that had relation to what other cities had in their code or if it was just what they settled on. He stated it sounds like that is what other cities were doing at the time. Ms. Holt agreed. She added it was also after a 2015 Supreme Court case regarding signs.

Chairman Timbrook opened the public hearing at 6:44 p.m.

Ms. Gina Trexler, 4888 Airway Road, Riverside, OH, took the oath to give sworn testimony. She stated the gym was open in 2011 when the sign was put there. The sign has never been replaced. By corporate, they are required to change the sign every 10 years, and they have exceeded that a bit. She stated if the sign is as small as the code requires, 50 sf, then it is going to cut down on their visibility tremendously. She stated when a driver comes into the shopping center from Airway, it is easy to see, but people still need to drive in a bit. With a much smaller sign, people

and prospective members will not see their location from the roadway. She added that they do occupy two spaces, 4888 and 4892 Airway Road; this makes it a much larger space. They feel it may not be appealing for a sign to be reduced by that much. They want prospective members driving by to see their signage. This is the biggest reason to keep the sign the size that it currently is. Mrs. Carpenter asked if they were removing the emblem. Ms. Trexler stated that they are losing the gear emblem and that due to corporate standards at 36" per letter they no longer need the gear emblem. They no longer need the gear as long as they can keep the size of the words. She added they were trying to go down a bit in size to compromise, but anything less than 36" will probably be too small for the size of the space. Discussion was held on the signage coming into the shopping center. Ms. Trexler stated that one sign was recently destroyed by the tornado and that still needs to be replaced. There is still a small kiosk sign coming off of Woodman, but it is in an obscure place that most do not see it. Coming in on Airway there are signs, but sometimes they are also hard to see. She added they are also an anchor store to the shopping center.

Discussion was held on the frontages for two stores and how the code does not directly address that since it is one store. Chairman Timbrook asked her is the proposed sign negatively impact the character of the neighborhood/shopping center. She stated she does not believe so. He asked her if there would be a hardship in having a smaller sign in that they would lose traffic coming to that location. She replied that they would by visibility.

Chairman Timbrook closed public comments at 6:52 p.m. as no one else came forward to speak.

Chairman Timbrook stated that Mrs. Carpenter's point is most interesting as they have double storefront. Another point is the odd condition of having a double wide store front and would it have negative impact on the shopping center to have the larger signage. He does not believe it would have a negative impact. He argued that if they had the two words separated by their store frontage it would look fairly close to what they were asking. He stated the sign height did not seem excessive and is fairly close to what is there. Mr. Walling stated that they have been there since 2011. Planet Fitness corporate asks for a new sign every 10 years, and they are willing to put that sign up for another 10 years. This means there is a viable business in that shopping center. Mrs. Carpenter agreed. Chairman Timbrook stated they need to have visibility from the street.

Mrs. Carpenter moved, seconded by Mr. Walling, to approve the variance request for Case #24-0001, 4888 Airway Road, based on the criteria on whether the property would be useful without it. Roll call went as follows: Mrs. Carpenter, yes; Mr. Walling, yes; and Mr. Timbrook, yes. **Motion carried.**

ZONING ADMINISTRATOR DISCUSSION TOPIC – Online Training: Ms. Holt stated she is exploring an online training tool that could be available to members of the BZA and Planning Commission for 90 days. They would have their own log-in. It would provide training in ethics, principles of everyday boards and commissions, etc. She wanted to get an idea if the board would use it before they made an investment. Mrs. Carpenter stated she would utilize it. Ms. Holt explained the 10

hour training requirement that must be done every two years. She added that there are exactly 10 hours of training in this module and that they all could get their required training done for two years within 90 days. She stated there are a lot of courses beyond what is required in their area. Chairman Timbrook stated it is a great idea. The board has to look at a lot of code and balance very technical items. Ms. Holt stated the Ohio APA has put together a booklet based on laws specific to the state. She purchased a copy for the city and can print out things that are specific to BZA or planning commission. It is a good resource for them. Chairman Timbrook advertised that there is still an opening on BZA if anyone was interested.

ADJOURNMENT: Mrs. Carpenter moved, seconded by Mr. Timbrook to adjourn. All were in favor.
Motion carried. The meeting adjourned at 6:59 p.m.

Chair

Date