

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: January 7, 2016
Time: 7:30 P.M.
Place: Hoover Municipal Center
Present: Mr. Guy Locker
Mr. Allan Rice
Mr. Kyle Puchta
Ms. LeAnna Huddleston
Mr. Lawren Pratt

Absent: Mr. Dan Mikos
Mr. Paul Gamble

Also Present: Mr. Robert Macke – Zoning Inspector
Ms. Leslie Klasing – City Attorney Staff
Ms. Vanessa Bradstreet – Secretary, Board of Zoning Adjustment

1. **CALL TO ORDER**

The meeting was called to order by Mr. Locker. The secretary had the roll call and a quorum was present.

2. **APPROVAL OF MINUTES**

Mr. Locker stated the minutes from the December 3, 2015, regular meeting and the December 28, 2015, work session had been distributed to the Board members for review. He asked for a motion to dispense with the reading and approve the minutes as submitted. Mr. Rice made a motion to approve. Mr. Puchta seconded the motion. On voice vote the motion carried unanimously.

3. **Election of Officers for 2016**

Mr. Locker announced all five BZA board members would be voting at this meeting, and announced the election of officers for the 2016 year. Mr. Locker asked for a nomination for both chairman and vice-chairman. Mr. Rice nominated Mr. Locker for Chairman and Mr. Mikos for Vice-Chairman. Mr. Pratt seconded the nominations. Mr. Locker asked if there were any other nominations and there were none. Mr. Locker asked for a vote. All members voted in favor of Mr. Locker for Chairman and Mr. Mikos for Vice-Chairman for the year 2016.

4. **BZA-0116-01** – Daniel Signs, representing Edgar’s Bakery, is requesting a variance to allow one building wall sign at thirty (30) square feet and one projecting sign at thirty (30) square feet in lieu of one building wall sign at sixty (60) square feet.

Mr. Locker stated he would like to make one minor amendment to this wording as it was submitted. Mr. Locker stated it was actually as submitted the projecting wall sign would be 30

square feet per face for a total of 60 square feet so the total wall signage being requested is actually 90 square feet.

Mr. Locker asked for the applicant to step to the podium to address the case. Mr. Wes Daniel, Daniel Signs, stated what they were proposing was a 30 square feet sign projecting double faced on top and single faced 30 square feet underneath. Mr. Locker asked what the reason was for the request. Mr. Daniel stated Edgar's had a corporate logo change and it was in the oval shape. The new logo would not fit on the vertical sign so they were trying to figure out how to get the existing sign to look good. Mr. Daniel stated they also had an issue with the Hwy 119 traffic with people passing that intersection and not being able to see it. Mr. Daniel said one sign sort of faced the traffic light at the intersection and the other two obviously faced coming down from the shopping center and the other going west on Hwy 119.

Mr. Locker stated the way he modified the wording on the request was that the existing sign that was being proposed to be replaced, more rectangular in style, was 30 square feet per side, but was a projecting sign that would be by definition then with a projecting sign, each side counted as signage, so $30 + 30$ was 60. Mr. Locker stated the current sign ordinance would allow for an establishment of a shopping center of this size, a total of 60 square feet. Mr. Locker added that in 2008, a variance request was approved that allowed them to do two things: (1) to use a projecting sign instead of a wall sign and (2) to divide the signage of a total of 60 square feet into two signs so instead of one wall sign at 60 square feet they were granted a variance for a projecting wall sign with a total of 60 square feet. Mr. Locker explained to Mr. Daniel what he was asking for there was actually 60 reconfigured projecting wall sign and then an additional wall sign for an additional 30 square feet. Mr. Daniel replied it was 60 square feet on top and 30 square feet underneath.

Mr. Locker then opened the floor for questions or comments from the board members. Mr. Pratt asked Mr. Daniel if there were any thoughts to having a sign on each face of the building so instead of three signs, they would have two and be more compliant with the square footage in the ordinance. Mr. Daniel stated they did lay this out at one point but when they got near the awnings, they didn't feel they were getting the visibility they were getting with the projecting sign. Mr. Daniel stated that was the reason they chose to go with the projecting sign and putting it up on the corner was where it got a little better visibility. That was the main reason for the choice.

Mr. Locker stated he felt the hurdle Mr. Daniel was going to face here was it was going to be an uphill battle getting a 50% increase in the allowable square footage. Mr. Locker stated that was a significant increase. Mr. Locker stated that the Board of Zoning Adjustment had numerous requests for increases in square footage because nobody ever had enough. Mr. Locker stated the BZA had been very stingy with allowing additional square footage. He stated what they had been more amenable to in the past was allowing reallocations. For instance, if you were allowed in this instance, where they were allowed one sign at 60, they broke it up into two for a total of 60. Mr. Locker stated they have had the same issues come up with service stations where they were allowed whatever their allowable square footage was on one sign, they allowed them to break it up into say a monument sign and a building sign, but without increasing the total square footage. Mr. Locker stated there were certain geographical and lot configurations that didn't work well with the strict reading of the ordinance and that is what Boards of Zoning Adjustment

were for, however, they did take pretty seriously the obligation to maintain the spirit of the ordinance which was to limit or control the signage and not let it get out of control.

Mr. Locker asked if Mr. Daniel would consider any other configurations that would keep it within the allowable square footage. Mr. Daniel said obviously they would because Edgar's Bakery wanted the new logos up. Mr. Daniel asked if he was suggesting the one projecting sign and leave off the single face projecting sign out toward the corner. Mr. Locker said they could consider that if that what he was proposing. Mr. Locker stated this is something they had not discussed was would it be possible to do that - taking the one projecting sign and remove the single face sign. Mr. Locker stated that would be one option. Mr. Daniel said the other option could be have the two single face signs down below the windows, one on each street front would be the other option. Mr. Pratt added that was what he was asking before.

Mr. Daniel asked if he would need to make their decision at this meeting. Mr. Rice asked the Chairman if they could grant a variance that would allow an either/or configuration that would give them the opportunity to go back and decide what was best. Mr. House added that could be done. Mr. Rice added that way they could get an answer tonight at this meeting and go back to decide which one was more advantageous. Mr. Daniel added that they had 5 or 6 locations and the logo signs had been changed on all of them except this last one, so if they could make that into a variance, that would be great.

Mr. Locker asked if he could work with one or the other – either a single projecting sign – two faces each at 30 square feet or two wall signs mounted directly to the walls each at 30 square feet. Mr. Daniel stated he thought he could work with either of these.

Mr. House added that he thought Mr. Daniel had said before that the two building wall signs would be above the awning and below the window. Mr. Daniel stated that is where they had it laid out before. Mr. Daniel stated that Edgar's actually had some gooseneck light fixtures there that were probably designed for signs at one point. Mr. House asked Mr. Daniel if he would consider taking the either/or approach taking his new projecting sign and placing it where the existing projecting sign was rather than have it so high on the building and to turn the projecting sign vertically so that it was Edgar's going up and down rather than projecting six (6) feet out from the building. Mr. House added that was a pretty good projection. Mr. Locker stated he felt the current projection was 3'10" looking back at the previous notes from 2008 minutes. Mr. Locker added that was a significant increase for something that was the subject of a variance in the first place to allow a projecting sign in the first place. Mr. Locker added that the other option with respect to if he had to make a decision at this meeting, was he could request a continuance, go back and lay it out and think about it a little bit and they could finish it next month. Mr. Locker stated the board would certainly understand it if they did need this time.

Mr. Daniel asked the question if they had it 6 feet out now and the 5 feet would be less obviously. Mr. Daniel stated he felt they would have a problem with it reading vertical because they tried that on the existing sign, but it was a lot smaller and it didn't work. Mr. Locker asked him if he turned it vertically it would still project 5 feet. Mr. Daniel stated if you put the logo up sideways, they never really laid it out on the oval turning it that way, so he wasn't sure how that would work, although it sounded like it would work to him.

Mr. Locker stated that to him he wondered if two one-face building wall signs couldn't be accomplished but still sort of almost meet at the corner, and get them out to be more in line with the window rather than so high above it on each wall face but not try to squeeze it in between the window and the awning supports. Mr. Daniel stated he felt that would work and they had that laid out at one time. Mr. Locker stated that would mitigate the problem with it projecting so far out from the building. Mr. Locker stated that was just a random idea that he had and that again, if they needed more time to go back and lay it out and think about it, that would be an option they could take.

Mr. Daniel stated he felt that bringing it back to the windows, making a "V" where the projection from the corner would be less than 5 feet (he said he wasn't sure what the measurement would be but it would be less than projecting out the 5 feet). Mr. Locker asked him if he could keep it to within the projection that was existing (3 feet 10 inches)? Mr. Daniel stated he would think you could. Mr. House stated that is what the variance said.

Mr. Daniel then asked if they projected it no more than 3 feet 10 inches and had that as one option – two single faced V signs. Mr. House asked him if he was going to bring it out and asked if the sign would extend beyond the wall of the building? Mr. Daniel answered yes, on the corner. Mr. House stated that would still probably be a projecting sign since it would be hard to say, but either way, whether it was 2 building wall signs or 1 projecting sign, he felt the board would see it in the same veins, two - 30 ft signs. Mr. Locker added that he felt their precedent was that it really dealt with the total square footage than the exact attachment structure.

Mr. Locker asked Mr. Daniel to tell him what he and his client would rather do. Mr. Daniel stated he felt his client would be happy with projecting at the windows levels, squeezing it back into the window, so that the projection was no more than 3 ft. 10 inches. Mr. Locker asked him to revise his request to allow, in lieu of the existing building projecting wall sign, that a replacement projecting wall sign with two faces at 30 square feet each to project no more than 3 feet 10 inches beyond the building wall. Mr. Daniel answered that was correct. Mr. House asked what height. Mr. Daniel answered centered up with the windows. Mr. Rice stated the mid line was in line with the middle of the windows. Mr. Locker added center line to center line.

Mr. Locker stated they had the variance request as stated and asked if there was any further discussion. Mr. Daniel asked if they could still do it either or that being one or either two single face 30 square feet below the windows. Mr. Locker stated that is not how we worded it, but if that was his preference, they could word it that way.

Mr. Locker stated it was everything stated before or at the applicant's discretion, it could be two building wall signs at 30 square feet each for a total of 60 square feet to be mounted between the window and awning on each building face. Mr. Locker stated he felt that satisfied the concerns that everyone had.

Mr. Locker asked if there was any further discussion. There was none. Mr. Locker asked if there was a motion for approval of the variance request as amended. Mr. Pratt made a motion to approve. Mr. Rice seconded the motion. With a roll call vote, the motion was approved unanimously.

Mr. Locker added that the proposed meeting dates for 2016 into January 2017 were introduced and did want to project them out and get them where all members could put them on their calendars. Mr. Locker added the only change he had seen in his first run was in the work session for the January 2017 meeting, where he had proposed moving the work session out one day so it wouldn't be the day after Christmas, date being Tuesday, December 27, 2016. Mr. Locker stated Ms. Huddleston had just pointed out under April, the work session (March 28th) was actually Spring Break week for Hoover City Schools. Mr. Locker suggested we hold that date in place at this time and as time approached, they would see what happened.

With no further business, the meeting was adjourned.

Vanessa Bradstreet, Secretary, Board of Zoning Adjustment