

Oakwood, Ohio
June 6, 2019

The Board of Zoning Appeals of the city of Oakwood met in regular session at 4:30 p.m., in the council chambers of the City of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419. The Chair, Mr. Kip Bohachek, presided and the Recording Secretary, Ms. Lori Stacel recorded.

Upon call of the roll, the following members of the Board responded to their names:

MR. KIP BOHACHEK	PRESENT
MR. KEVIN HILL	ABSENT
MR. DAN DEITZ.....	PRESENT
MRS. LINDA WEPRIN	PRESENT
MR. NICK ENDSLEY	PRESENT

The following officers of the city were present:

Mr. Robert F. Jacques, City Attorney
Mrs. Jennifer S. Wilder, Personnel and Properties Director

The following visitors registered:

Dante Connell, Oakwood City Schools

Mr. Bohachek called the meeting to order and shared that Mr. Hill was unable to attend the meeting and asked to be excused. Upon a viva voce vote on the question of the absence approval, same passed unanimously and it was so ordered.

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the May 9, 2019 meeting which were slated for approval. There being no discussion, Mr. Deitz moved that the minutes from the May 9, 2019 meeting be approved. Mrs. Weprin seconded the motion. Upon a viva voce vote, motion passed and the minutes were approved.

Mr. Bohachek explained that the only agenda item is for Application #19-2, to review a request by the Oakwood Schools to vary the rear yard setback for a proposed sign at the entrance of the Oakwood Junior High School at 1200 Far Hills Avenue. He then reviewed the meeting procedure with all in attendance.

Mr. Bohachek asked if Mrs. Wilder wished to present a staff report before opening the public hearing.

Mrs. Wilder presented the staff report. She referenced a PowerPoint presentation and provided the following information.

Application #19-2 was filed by Dr. Kyle Ramey on behalf of Oakwood City Schools to install a seating wall/identification sign located in the rear yard of the Oakwood Junior High School at 1200 Far Hills Avenue. Oakwood Schools is requesting to vary the rear yard setback requirement from 8 feet to 6 feet 11 inches.

The school property at 1200 Far Hills Avenue was built in 1935 on 5.874 acres. The property is in the R-5 (two-family) Zoning District. The R-5 Zoning District is intended to preserve those residential areas which are best suited for small sized lot developments and to maintain the character of existing low-density, single family developments. Both single family and two-family dwellings are anticipated in this district.

The request is made in the context of a larger project proposal for the construction of an "Alumni Plaza" outside the entrance of the Oakwood Junior High School, along E. Schantz Avenue. Zoning permits have been issued for the construction of "Alumni Plaza". The Plaza consists of an outdoor hardscape area for reunions, tailgating, and other school functions. The project has already received approval for: meeting the minimum 50% greenspace for rear yard; drainage/detention plan; and a zoning permit for installation of hardscape. The plan also includes installation of a seating wall/identification sign in the rear yard. An 8 foot setback is required for a monument identification sign in a residential district, but no variance is needed to build the seating wall as proposed. The variance requested allows an identification sign to be built into the seating wall as designed.

Mrs. Wilder then displayed renderings of the "Alumni Plaza" and the proposed wall/identification sign.

Mrs. Wilder reviewed specific details regarding the proposed wall/identification sign. The seating wall height is 3' tall, with the sign face measuring 10.5" tall. The brick and grout of the seating wall will match the school building. The sign face will be made of limestone with black filled lettering, and will match the existing monument sign in front of Oakwood High School on Far Hills Avenue.

Mrs. Wilder closed her presentation by sharing that preliminary staff findings are set forth in the written Staff Report provided to the Board of Zoning Appeals. The proposed identification sign, which also serves as a bench, is part of the approved design. City staff is supportive of the variance request.

Mr. Bohachek clarified the sign wall height. He noticed in the renderings that the sign wall height would be 36" high, but the continuance of the wall around the tree will be 28" high.

Mrs. Wilder confirmed that the measurements were accurate, and the wall has different heights along two separate segments.

Mr. Deitz asked what determines the 8 feet rear yard setback requirement.

Mrs. Wilder explained that Section 1206.2(B) of the Oakwood Zoning Code states that signs in residential districts may not be located any closer to a public right-of-way than eight (8) feet.

Mr. Jacques shared that the Sign Code was recently updated to clarify inconsistencies and areas considered vague. This application is to be reviewed under the old code, although the 8 foot setback is included in both the old and new codes.

Mr. Deitz commented that if the Oakwood Schools were constructing just a seating wall, a variance would not be required.

Mrs. Wilder confirmed that Mr. Deitz was correct.

There were no visitors wishing to comment, so Mr. Bohachek closed the public hearing and the Board began their deliberations.

Mr. Deitz shared that the requested variance for the proposed seating wall/identification sign is a fairly non-impactful request, and is very minor.

Mr. Bohachek agreed. He added that the proposed seating wall/identification sign should not impact neighboring properties on Dellwood Avenue.

Mr. Endsley opined that the benefits of the sign would outweigh any possible impacts.

Mrs. Weprin asked if the request would be considered a sign if the lettering was placed on top of the bench, similar to text on memorial pavers or bricks.

Mr. Jacques explained that the old sign code is extremely vague on this issue, but it would probably still fit the definition of a "sign" and would require a variance. With the recent rewrite of the sign regulations, there is a section that addresses exempt signs, which would include small memorial plaques.

Mr. Bohachek stated that the architecture is adequate and he does not see any issues with this request.

Therefore, it was moved by Mr. Bohachek and seconded by Mr. Deitz that the preliminary staff findings be adopted, and application #19-2 be approved, to vary the rear yard setback for a proposed sign at the entrance of the Oakwood Junior High School at 1200 Far Hills Avenue.

For purposes of the minutes, the preliminary staff findings as stated in the Staff Report were as follows:

VARIANCE FACTORS

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;

PRELIMINARY STAFF FINDINGS:

- The property can be used as an educational institution with or without the variance.

- B. Whether the variance is substantial;

PRELIMINARY STAFF FINDINGS:

- The variance would allow a 6 foot 11 inch rear yard setback where the code provides for 8 feet, a difference of 1 foot 1 inches. While the rear yard encroachments are not insignificant, the proposed signage, which is functionally a bench, will be tastefully done and will match the proposed hardscape improvements as well as the existing building.

- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

PRELIMINARY STAFF FINDINGS:

- As previously mentioned, the resulting improvements will match the existing building and mimic the existing sign located on Far Hills. There is no reason to believe that adjoining properties would suffer a substantial detriment as a result of the variance.

- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, refuse, police/fire);

PRELIMINARY STAFF FINDINGS:

- There is no reason to believe governmental services would be adversely affected due to the granting of the variance.

- E. Whether the property owner purchased the property with knowledge of the zoning restriction;

PRELIMINARY STAFF FINDINGS:

- Staff does not consider this to be a material/relevant factor. The Oakwood Junior High building was owned by the Oakwood Schools District prior to the adoption of the Zoning Code in 2000.

- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

PRELIMINARY STAFF FINDINGS:

- Staff believes that a variance is ideal to avoid the removal of mature trees located on the property that complement both the proposed Oakwood High/Junior High School Alumni Plaza and the surrounding neighborhood.

- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

PRELIMINARY STAFF FINDINGS:

- The spirit and intent of the setback requirement is to ensure a reasonable distance between the signage being proposed and the property line. Staff believes the proposed plan serves that spirit and intent, and notes that the 6' 11" setback will not look out of place as there are no other monument signs in the area.

- H. Any other relevant factors.

PRELIMINARY STAFF FINDINGS:


- None.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. KIP BOHACHEK YEA
MR. DAN DEITZ YEA
MRS. LINDA WEPRIN YEA
MR. NICK ENDSLEY YEA

There being four (4) YEA votes, thereon, said motion carried.

There being no further business, the meeting concluded at 4:47 p.m.


CHAIR

ATTEST:


RECORDING SECRETARY