

**CITY OF CIRCLEVILLE
PLANNING AND ZONING COMMISSION
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

Wednesday, March 7, 2018
City Hall Council Chambers

MEETING MINUTES

Members Present

Al Sedlak
Don Sherman
Terry Leasure
Marsha Griebel Graham
Mike Combs
Mayor, Don McIlroy
Dorcas Morrow
Brenda Short, Clerk

Visitors Present

Jennifer Tomlinson
Todd Tomlinson

Chairman Al Sedlak called the meeting to order at 6:05 p.m.

The first item on the agenda is the approval of the February meeting minutes. Al Sedlak stated there were discussion notes missing and would like the notes reviewed and updated and would hold off approving until the April meeting. Brenda Short stated there were problems with the tape and she would review her notes and update.

The next item on the agenda was Variance #2-18, as requested by Jennifer Tomlinson, 348 Ludwig Drive, Circleville, OH 43113, for the approval of a two-sided sign 2' x 3.5', perpendicular to front of building at 149 West Main Street, Circleville, OH 43113, and to vary the required set back from 0" to an encroach of 4'2" into the Right of Way, in an area zoned DB Downtown Business District.

Jennifer Tomlinson was sworn in.

Jennifer Tomlinson stated she has a business located at 149 West Main Street in Circleville that she would like to put a sign up that would be perpendicular to the front of the building. The sign is 2' x 3.5' on each side with a total square footage of 14 square feet. Jennifer Tomlinson stated that when traffic is moving on Main Street unless you stop to look, it is hard to see a sign that faces the street. With the sign perpendicular to the front of the building, it is easily seen when approaching the building.

Al Sedlak stated we are here to formally discuss the request for signage and the variance.

Don Sherman pulled his Planning and Zoning Handbook and read the article that pertains to signs in the Downtown Business Area. It says that a sign within the DB district may extent into the Right of Way provided the applicant demonstrates due to location of the building and other physical features of the lot is not feasible. The other thing is, in addition, the applicant is subject to subsequent removal at the owner's expense, if so required by ODOT or the City for public safety. After reading this, we can grant the variances for perpendicular signs in the Downtown Business Area. The caviar is, if we were to get federal funding and the feds go through, the sign may need to be removed.

The Mayor stated he was not aware of any federal grant money.

Al Sedlak stated that when they improved Main Street and Court Street with landscaping, new curbs and everything, that was a long time ago and believes they used federal grant funding for that.

Don Sherman stated that was in 1997.

Al Sedlak stated he has two concerns about this. I think they both have been addressed pretty well. First is whether we have authority to grant an easement. Under the Ohio Revised Code, Council grants easements or any kind of interest in real estate. But, I think the way the Law Director is going to draft the agreement is that is going to grant something less than an easement. Maybe a license or a permit or something which will let you do what you want to do, without it being the type of an interest in land that requires the Council's approval.

Al Sedlak stated his second concern was that it was kind of opening a can a worms by utilizing the variance to allow perpendicular sign when there is nothing against the code to start with. But, the 35.09 J9 is provision of the code. It does specifically allow it and this is something we haven't done before. This is a section to the code that we haven't had to interpret and apply in the past. Generally, for us to grant a variance, we have to find some extraordinary circumstances, something unique about the lay land or building that creates a hardship. All this sets forth is that if you erect the sign outside of the Right of Way it is not feasible. We are basically just applying their standard. With that being, he is comfortable moving forward. Al Sedlak stated the standard is the erection of the sign outside of the Right of Way would not be feasible. If this opens up a can worms for a lot of other downtown businesses wanting perpendicular signs then we will have to get with City Council and see if they want to address it by coming up with more specific standards. Our role at this time to apply the standards that we have at this point in time. What we have is a variance, something we can interpret and apply and be comfortable with.

Mayor McIlroy stated that he believes this has been reviewed by the Historic District.

Don Sherman stated he did take it to Historic District and City Council. City Council didn't apply a lot of direction. They were back and forth and basically sent it back here. Historical District Review Board was very positive with this and they think it was a good thing. We have done an inventory downtown of the number of encroachments we have with signs, railing, stairs and awnings. The list is quite extensive. As long as it is a reasonable request, he doesn't have a problem with it. Awnings make a lot of sense in the downtown area as well as signs and trees.

Al Sedlak stated he thinks it is important that the Historic District Review Board is positive with this.

Mayor McIlroy stated he believes we will hear a lot more about this when the Main Street Heritage Program kicks off, they have a board of directors now, this will bring more business into the downtown area. It is good that we having this discussion now.

Terry Leasure stated he wanted to thank Jennifer Tomlinson for having a business in town because we need this.

Don Sherman made a motion to grant variance to 2-18 to vary the set back and vary the encroachment; Terry Leasure seconded. VOTE ON MOTION: MIKE COMBS: YEA, DON MCILROY: YEA, AL SEDLAK: YEA, DON SHERMAN: YEA, MARSHA GRIEBEL GRAHAM: YEA, TERRY LEASURE: YEA; DORCAS MORROW: YEA. 7 YEAS, 0 NAYS; MOTION CARRIED.

Terry Leasure motioned to adjourn; Don Sherman seconded. All in favor, meeting adjourned.

DRAFT