

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

Wednesday, October 4, 2017
City Hall Council Chambers

MEETING MINUTES

Members Present

Mike Combs
Dorcas Morrow
Al Sedlak
Don Sherman
Marsha Griebel Graham
Don McIlroy
Kim Hunter, Clerk

Visitors Present

Drew Skillman
Don Walker
David Betz
Chris Scherer

Chairman Al Sedlak called the meeting to order at 6:00 p.m.

The first item on the agenda was approval of September Meeting Minutes. Mike Combs motioned to approve as requested, seconded by Dorcas Morrow. All in favor, minutes approved.

The next item on the agenda was Vote to remove Variance #15-17 from the table.

Marsha Griebel Graham motioned to remove Variance #15-17 from the table, seconded by Don Sherman. All in favor, motion to remove Variance #15-17 from the table was approved.

Variance #15-17, as requested by Island Glow, LLC., 122 Morris Road, Circleville, for approval of an existing 4' x 10' = 40 square foot wall sign and to vary the maximum sign area allowed from 20 square feet to 40 square feet, in an area zoned GB, General Business District.

Chris Scherer, 122 Morris Road, Circleville, was sworn in and stated the sign is above the doorway and it is a permanent sign. The sign is there to let our customers know where we are located.

Al Sedlak asked Chris Scherer, approximately, how wide is your store front?

Chris Scherer replied I believe it is about 20'.

Al Sedlak stated the reason that is important is the size of the sign is limited by the amount of frontage that you have. You do have a very narrow storefront which creates an unusually small limitation or restriction on you.

Don McIlroy asked Chris Scherer, is this a temporary sign?

Chris Scherer replied no, it is permanent and drilled in to the building. It was installed by All Signs.

Don McIlroy motioned to approve, seconded by Marsha Griebel Graham. VOTE ON MOTION: DORCAS MORROW, YEA; MIKE COMBS, NAY; DON MCILROY, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA. 5 YEAS, 1 NAY, MOTION CARRIED.

Al Sedlak stated the next two matters on the agenda are related matters. I will read them both into the record, then when we proceed we will take them one at a time. We will take information on one, then the next and then have a separate vote on each item.

The first is Conditional Use Permit #8-17, as requested by Rocket VII, P.O. Box 370, Gallipolis, Ohio 45631 to install a 199.70 square foot, single sided, Off-Premises Digital Sign at 513 East Main Street, in an area zoned GB, General Business District.

The second item from this applicant is Variance #22-17, as requested by Rocket VII, P.O. Box 370, Gallipolis, Ohio 45631 to install a 199.70 square foot, single sided, Off-Premises Digital Sign at 513 East Main Street and to vary the message changing intervals from no more frequent than once per 30 seconds to 15 seconds, the maximum height allowed from 15' to 24', in an area zoned GB, General Business District.

Al Sedlak stated Mr. Walker, you have two requests regarding one sign at this location, 513 East Main Street. Taking them one at a time, you are first asking for a Conditional Use Permit. Can you explain to the board the nature of this project with a description of the sign and why you feel a Conditional Use Permit would be appropriate?

Don Walker, 846 Second Ave, Gallipolis was sworn in and stated we feel that it is appropriate because it meets the zoning for that particular area. The State of Ohio has granted a Conditional Permit on that route for us to put a sign there. The sign has messages that support the local community so that the local businesses in town can advertise and support their products to generate more business for themselves.

Al Sedlak stated the general standards for a Conditional Use are set forth in Section 8.03 of our Zoning Code. I believe from the prior hearing and other proceedings you are familiar with these standards. Can you address how you feel that the proposed sign would be in compliance with the criteria for Conditional Use?

Don Walker read Article VIII, Section 8.01 A. and then stated there are large signs in that area that do support businesses in that area and this sign will do the same. He then read Section 8.01 B. and then stated the one variance that we are asking for is for the height, we would like the sign to be higher. This will also add to the safety factor of the sign. We have also provided different studies that have proved that these signs do not add unnecessary safety risks to drivers. Don read Section 8.01 C. and stated these signs are within all sorts of different codes and regulations. The company that is building the sign is out of Georgia. They have set signs up all around NASCAR tracks. The signs withstand hurricane force winds and they can also provide a service to the highway, streets, police and fire protection and display messages during critical incidents or accidents in the area and in this community. He read Section 8.01 D. and stated the requirements for this is only 100 watts electrical system, so it will not be a detriment to anything. After reading Section 8.01 E. he stated this doesn't put off anything like that. The only thing it would put off is light and the light that it does put off is within state standards. It will automatically adjust to the light in the area, so it will not produce a glare. Don then read Section

8.01, F. and stated it is in a parking lot, therefore it will not impact the streets or roads. After reading Section 8.01 G. he stated as we went through the ordinance, we did not find anything that went against item G. I hope I answered your questions.

Al Sedlak asked, does anyone on the board have any questions?

Don McIlroy replied, I do. Mr. Walker, I would like to explore a little bit in Section 8.01, E. You had mentioned the glare, could you explain that a little bit better? There may be a homeowner that could be affected by that sign. What do you mean when you say the glare would not be affected?

Don Walker stated the sign doesn't produce a glare. It is L.E.D., it doesn't omit a glare type light noise.

Don Sherman asked Don Walker, will the existing sign be removed still? That was in the discussion the last time.

Don Walker stated where we propose to put it now, we will actually take one of the signs out.

Don Sherman asked what about the Zanzi's sign out at the street?

Don Walker replied as of right now, we have not made plans to take that out, but we can take that out.

Don Sherman stated that was in the last discussion.

Don Walker stated that is correct. We have since moved it further back away from the intersection because of safety concerns.

Don McIlroy asked when you say you can take it out, do you own that sign?

Don Walker replied, no sir. We have talked to the land owner and the land owner is going to allow us to take that sign out, if necessary.

Marsha Griebel Graham asked is the sign illuminated on both sides.

Don Walker replied, no ma'am. As you are leaving town going towards Kroger's and the traffic light. No one would be able to see the sign. The sign will be at an angle as you come in to town. It will support the businesses in town. You will be able to see it from three different streets.

Marsha Griebel Graham asked does that include Mingo Street.

Don Walker replied yes, Mingo also.

Marsha Griebel Graham asked if you are going out of town, you will just see the back side of the sign?

Don Walker replied yes, the back side.

Marsha Griebel Graham asked if there would be anything on the back side of the sign.

Don Walker replied just the scaffolding so people can go up and work on it.

Marsha Griebel Graham asked will there be a light reflection from the back of the sign or is it totally black or dark?

Don Walker replied 50% of it is black and the other 50% is actually the back side of the L.E.D. screen, which is silver. It doesn't project anything, it is just a silver material.

Don McIlroy stated just so the board knows, I did ask both the Fire Chief and the Police Chief if they had any difficulties with this sign and they indicated they didn't see any safety problems. They had more problems with the sign that is at Cash Max, the green one that is illuminated at night.

Al Sedlak stated regarding the Conditional Use Permit request, do we have any other questions?

Don Sherman stated in looking through these studies, all of the studies are based on freeways so they don't really apply. They are also based on 1000 foot visual contact and we are nowhere near that. Mingo will be maybe 50 feet. These studies just do not have any effect on this. The studies on the time were on interstates where the speeds are different. O.D.O.T. has no authority on permitting this sign. They have admitted that they made that mistake and should not have issued it. They do not permit within the city limits.

Al Sedlak stated I second what Don Sherman said. The study by Tantaia Associates, that was included in the attachment with the email that was sent to us, was entirely regarding interstates in Cuyahoga County. The second study by Virginia Tech indicates that it was involving both interstate and surface streets. However, as you go through the study, there were only five digital signs involved and they were all on interstates in Cuyahoga County. Neither of these studies dealt with digital signs along secondary streets or in congested commercial areas. I second what Don Sherman said in that I really don't think these studies are helpful at all. Included in our packet was an executive summary for something titled CEVMS and Driver Visual Behavior Study – Peer reviewed report. This does not at all indicate who even did the study and it has no description of what types of studies, they are just described as arterial highways. It doesn't describe whether the studies are in town or out of town. I know when we were here the last time the visuals that the applicant had were from down around Gallipolis and they were out in the country along either freeways. They weren't interstates, but they were still four lane divided highways. My conclusion is that we really don't have anything, one way or the other, regarding item B, whether it is a traffic problem involved in this, other than our own experience in driving around the City of Circleville. Nothing that the applicant has given us really impacts this in a positive way for them. Anyone else from the board regarding the Conditional Use Permit request. I will be taking these one at a time. Does anyone have any other questions for Mr. Walker?

Al Sedlak stated the second request is a Variance allowing the sign basically to lessen the frequency of the changes from 30 to 15 seconds and to vary the maximum height allowed from 15' to 24'. Mr. Walker, our requirements for a Variance are set forth in section 7.02 of our Zoning Code. Could you address each of the items there, because all are required to be satisfied, and tell us how your request would satisfy each of those requirements?

Don Walker asked can I see that, I don't actually have a copy with me. For the 30 seconds to 15 seconds, the state standard is 8 seconds. Our business model is we used 8 seconds. One of the bits of information we provided for you talks about how other states have a maximum, I believe at 10 seconds. We have 15 different signs throughout Ohio and we do have one at Ironton now that is at an intersection. It is set at 8 seconds. We thought we would meet you in the middle a little bit. You require 30 seconds, so we asked for 15 seconds. Don read Section 7.02 A. and B. of the Zoning Code. Again,

we don't feel like our request impacts that. Don then read Section 7.02 C. and D. of the Zoning Code. We believe that the 15 seconds will not harm anyone in the public because of what we provided and what the State allows at the normal 8 second intervals. Don read Section 7.02 E. of the Zoning Code. That is why we went to 15 seconds, just trying to meet in the middle. When it comes to the maximum height it is 15'. The sign itself is actually 10' tall. If we were to put the sign there, you would only have 5' of clearance in the parking lot. We feel that it is not a safe clearance for vehicles, so we requested it to be 24'. At the 24' mark, that would give us 14' of clearance. If someone were to bring in a tractor trailer in to the Zanzi's parking lot area, they would not hit the sign.

Al Sedlak asked Mr. Walker, is there anything unique or unusual about this parcel that would prohibit you from making the sign have a frequency of every 30 seconds, according to what which would be in compliance with our code, or finding a location on the premises where you could put the sign at 15', which would be in compliance with our code? What the Variance is based upon is the uniqueness or something unusual about the parcel that makes you have to have something different. Is there anything like that about the parcel?

Don Walker replied the uniqueness of the parcel is the current signs that are already there and then, of course, the entrance and the parking lot and spaces that is there. We needed to move it further back away from the intersection to provide more safety for the drivers. Therefore, in moving it back it would have to go higher. Our original request was to move it more along the side, where it could be lower and no vehicle would be around the sign. We would put bollards around it, protecting it so that traffic couldn't get near the sign and they would hit the yellow bollards first. Moving it back and giving it more room away from the intersection, which was mentioned last time, puts it in the location that we would need the height. As far as the 30 seconds to 15 seconds, there is nothing of the property itself that deems that. It is our business model and this is what we do with our software and how are operation runs. It would be the only sign in our fleet that works at 30 and 15 seconds, if we could do that.

Al Sedlak asked Don Walker, with a 15' maximum height in the General Business District, and your plans are to install a 10' high sign. Do you think your sign itself is simply too big for the General Business District.

Don Walker replied I do not believe that. The sign I mentioned earlier that we put in Ironton, they have an ordinance there where your sign could only be 20' tall. We put our sign there, but it is in a location that is at an intersection and there is no traffic that will be driving under it. We put bollards around it so the sign is actually only 10' off of the ground. It is almost a 200 square foot sign and it is only 20' off of the ground, at an intersection. We believe that the sign will not impede traffic.

Al Sedlak stated my question was do you think that the sign is just too big for this location based upon the requirements and restrictions in our Zoning Code.

Don Walker replied I believe that we meet the requirements of the sign. You have a square footage and we meet the square footage for the sign. We are just looking to make the sign just a few feet taller for the safety of the vehicles.

Al Sedlak stated you just stated the reason you have to be taller is because the sign is too big. The reason you have to go to 24' is because the sign is 10' and it is too big. Your sign basically would be totally incompatible with a 15' height limitation, which our code calls for.

Don Walker replied that is correct. Your code also allows for less than 200 square feet and we are less than 200 square feet. That is why we asked for the Variance for the sign to be a little bit taller.

Don McIlroy stated I have some information. I had asked the Service Department to give me an idea of what the time limit is for other digital signs. I am going to just take a few that are related to this area. Delong's is a little bit further away, but their interval is 20 seconds, Goodwin's is 12 seconds and the Fairgrounds is 10 seconds. The signs out on 23 are a little different. Two of these signs are less than what they are proposing at 15 seconds.

Don Sherman stated Schieber's is 30 seconds. Our code allows 200 square foot for Off-Premise signs. A typical 200 square foot sign is 10' x 20' and that is how they are manufactured. The area where this sign is located, I would be uncomfortable if the sign were anything less than 14' to the bottom of it, for vehicle safety. Now that causes you to be up to 24'. I did pull some older permits, but I don't have the Dollar General information. The Rite Aid sign was 20', Kroger's was 20', UDF is 21.4' and Circle Printing was 14'8". It is higher than the other signs in the area, but not a lot. You are only talking about 2 1/2' difference from the UDF sign. I am concerned about looking at the time that we have granted other people, I am happy to come back at 15 seconds instead of 8 seconds. I am not real happy with 24', but considering the size of the sign, I think it is necessary if we allow the sign to go up. I am concerned because the signage on that lot is already very excessive. It is way over our codes. I feel if the board would approve the Conditional Use of the sign, I think the existing Zanzi's sign needs to go.

Al Sedlak stated you had mentioned the number of signs. Do you know what the height and the size of the S & J Pools or Short Stop signs?

Don Sherman stated I could not find those two. They are higher than the Circle Printing sign, but not as high as UDF. I am thinking they are in the 18' to 20' range, would be my guess.

Don McIlroy asked so they would be over 15'?

Don Sherman replied yes, they are higher than 15'. I am sure of that.

Al Sedlak asked do you know what they are size wise?

Don Sherman replied I am going from memory. There is a Zanzi's sign and there is a message board. They are two sided signs and each one of those are 4' x 6', so they are 24 square feet. If they take that down, they are removing almost 100 square feet off of that lot. That is where I felt it would be better. We would be adding another 200 square feet, which is allowed in our code. However, that lot already has quite an excessive amount of signage.

Al Sedlak asked as far as the Short Stop and S & J Pools signs, do you know how big those signs are.

Don Sherman stated I am going from memory here, but I would say Short Stop is in the range of 4' x 8' or 5' x 10'. If you look at the message board on the Zanzi's behind it, that is 4' x 6' as I remember. The one advantage that I see to this is that it will actually open up Short Stops sign a little bit to where you could see it in both directions. Right now you can't see it from the east because the Zanzi's sign blocks it. Even with a digital signs, I have been looking at Lancaster's signs, they have a several of them. A couple of them are out on Rt. 33 where you are actually moving and have a good bit of traffic. However, one of them is right at Fair Avenue. If you are heading northbound, they have one off to the right at Fair and Memorial Drive. It is the same size that they are talking about. It is up on the hillside a little

bit, so they are probably 50' off of the road. It is a one sided sign, right at the intersection. You have a long section of Memorial Drive where you can see it and when you get up to the intersection you are actually almost passed it. This submittal is much better than what they had before. Even though it is a digital w/LED's, there is still light generated. We have had that problem across the street from Circleville Schools. They have been complaining about the light in their bedroom windows. Basically, the way this layout is I can see it potentially affecting one residential and that is a concern. I don't know how far the glare or the light pollution goes out. I don't know if it would light up that side of the house or not. You are a good distance away.

Don Walker stated our signs have to meet the state codes where some of the smaller signs that you find at high schools or movie theaters are not regulated by the state like they regulate us. They can be brighter and they can actually have movement on their digital signs. We are not allowed to have movement on our sign.

Don McIlroy stated that was the question that I asked you and I am glad that Mr. Sherman brought that up. The house that is on Mingo Street that would be affected. You said there was no glare, but the illumination of light. Do you think that will be a problem for that house that sits on the corner of 56 and Mingo?

Don Walker replied I think the light from our sign in the evening would be lost because of the distance from it, with all of the traffic lights and car lights at the intersection.

Don McIlroy asked what happens if it does? You said it may, but what happens if it does?

Don Sherman asked Don Walker, you said you could adjust the intensity of that?

Don Walker replied it adjusts automatically and we do have set perimeters that the state calls for.

Don Sherman stated again, state rules do not apply.

Don Walker replied that is correct, but it is a good step forward because they have done a lot of research on these to see the proper lighting.

Al Sedlak asked if anyone in the audience wanted to speak on this issue.

David Betz was sworn in and stated I am the one that owns the property that you are talking about, the house on the corner. I don't live there, it is a rental. The problem is the intersection is such a busy intersection anyway. Do you have a traffic survey of how many accidents they have had there? When they come in Rt. 56, you are supposed to stay in the center lane to go through. How many times have they pulled right up to UDF and cut right in front of you going through the intersection? I can see two cars coming in there and trying to look at that sign to see what it says that day. They will be looking at the message and it will cause a traffic hazard. That is the biggest concern that I have.

Don McIlroy stated when I talked to the Police Chief, they had more concerns with the sign that is closer to Routes 22 and 56 that sits at the corner of Mingo Street. It is the green light up sign. That is the one that they thought was more hazardous and could cause accidents.

David Betz stated the trouble is when they changed the lettering people got rear ended. The one guy was watching the sign and wasn't paying attention to what was going on ahead of him.

Don McIlroy stated it is a difficult intersection. I haven't seen a traffic study on it, but I certainly could get that. I think that we probably have more accidents at other intersections than that one, if I am correct.

David Betz stated I have had two cars end up in my front yard, by the porch.

Don Sherman I know if you get too far over you lose the effect depending on the viewing angle of the sign. Can you tell me roughly what type of viewing angle you have? If you have a viewing angle that goes out at a 45 degrees, where it is placed now. There shouldn't be a lot of light on the house. That is what I am trying to figure out.

Don Walker replied see the lines I drew there.

Don Sherman stated okay, so you are going out about 30 degrees.

Don McIlroy asked so you are indicating I believe that it is facing Rt. 22 more than it is Rt. 56? So it is facing more Rt. 22 going east or Rt. 22 coming west?

David Betz asked which way will it face.

Don Sherman replied coming in to Lancaster Pike.

Al Sedlak asked if anyone else had any comments or questions regarding this issue. Have we received any feedback from any of the neighbors?

Kim Hunter replied no.

Al Sedlak asked Don Walker if there was anything else he wanted to say about this matter.

Don Walker replied no. Thank you for your time. We would like to do business in the City of Circleville. We currently have 14 digital signs, all on secondary roads. None of our signs are on freeways. I apologize that there aren't studies for that, so we got the studies that we could find. We are a company that has started this endeavor to put it on secondary roads, where we are supporting the smaller community businesses. You won't find large corporations on our signs, like you do on the big freeway signs. We have three in our small town of Gallipolis. All of the businesses on there are small businesses.

Don McIlroy stated before a vote is taken, I would have difficulty with this unless there is wording about the existing Zanzi's sign coming down. I don't know how we put that wording in here. You could say yes, we will take it down but you are not bound by anything. He doesn't have the authority to take it down. I don't mind the sign being there, but I do agree with everyone else that there is too much signage there. In my opinion, that sign would have to come down for me to vote on this.

Don Sherman stated we could still make it a condition of his approval. If he doesn't get it down, his sign won't go up.

Don Walker stated we could possibly provide a notarized letter from the land owner saying that we have permission to take the sign down prior to any construction. We could provide this to Mr. Sherman.

Al Sedlak stated I would not be comfortable with that.

Don Walker stated if we are here as a business saying that we have talked to the land owner and the land owner is willing to take the sign down, what do we need to do to make the board comfortable?

Al Sedlak stated I am just speaking for myself. I am not sure that there is anything you have the ability to do to make this comfortable. You can't speak for the land owner. Frankly, the land owner saying I will take the sign down wouldn't be something I am comfortable with. It has nothing to do with your application.

Don Walker stated I understand. I have had to go in front of zoning boards before. I just went in front of one in Marietta and they conditionally approved our sign once we met certain standards and provided certain documents. I don't see how this would be any different. If you conditionally approve us based on us providing written documentation that satisfies your needs, we can move forward with the project once we remove that sign.

Marsha Griebel Graham asked if he gets a written notarized statement from the land owner that he agrees he will remove the sign, that document wouldn't hold up?

Al Sedlak replied I would not find it convincing. We have been down this road before.

Don McIlroy asked what would you feel comfortable with on that sign.

Al Sedlak replied I will be honest with you, and for reasons I am going to state in a few minutes, I am going to be voting against this. Don't try to make me comfortable with this. You guys make yourself comfortable.

Don McIlroy stated I am going to vote yes. However, my concern is the existing Zanzi's sign. I cannot vote yes until I get something definite that the sign will come down. I don't want to add another sign in that location.

Don Sherman stated I don't want to kick this down the road further, but if we tabled this and have a certified letter from the land owner at the next meeting.

Don McIlroy stated I am comfortable with that.

Al Sedlak stated we have had dealings with this land owner before.

Don Sherman stated I understand that part too. I totally agree.

Al Sedlak stated if I was in your position and you wanted to vote to approve this, I would table it until the sign was down and gone. That way you know you are dealing with a clean slate at that point.

Don McIlroy asked how long would it take for your sign to be erected and in operation?

Don Walker replied it takes two days for the sign to be erected and then we have to get the electricians out there and AEP has to turn it on. It usually takes about ten days at least.

Don McIlroy stated if we ask the business owner to take that sign down, I would think that he would be reluctant because he obviously relies on that sign for business. He is not going to have a sign for at least ten days.

Al Sedlak stated he won't have a sign at all. This is not going to be a Zanzi's sign.

Don McIlroy asked is Zanzi's going to be advertised on this sign?

Don Walker replied yes, that is correct.

Al Sedlak stated not constantly.

Marsha Griebel Graham asked is there a sign above the business?

Don Sherman replied yes. Just so you guys know, there is a new sign up that he didn't get a permit for.

Mike Combs stated plus, the windows are plastered with signs.

Don McIlroy stated I would like to recommend this be tabled until the existing Zanzi's sign is dealt with.

Don Walker asked is there a way that our company, Rocket VII, can be assured that once we endure the cost of taking the sign down that there will be a vote yes and we didn't take the sign down for nothing.

Don McIlroy stated you have only heard from two of the members here.

Don Sherman stated if everyone is okay with this, I will make the motion for approval with the condition that the sign has to come down while your sign is going up. We need something from the owner.

Al Sedlak stated if you do that, you have no enforcement. If the new sign starts going up and the old sign doesn't come down, you have no way to enforce it.

Don Sherman asked even if we get a certified letter from the land owner?

Al Sedlak replied I don't think that is worth anything, particularly since he is in violation as we sit here.

Don Sherman stated I noticed yesterday that there is a new sign above the seating area.

Al Sedlak stated the property owner is going to profit from this. He has something coming before us that he/she is going to profit from and they are currently in violation. I don't think we should proceed on anything at this premises while a violation is occurring. In law, when you go to a court and you are asking for something that doesn't deal with money, you are looking for equity. There is a maxim of equity that goes back from the middle ages. If you are seeking equity, you have to come with clean hands. That means you are obeying the law and you are doing what you are supposed to do. What we have now is a request on behalf of a property owner that is in violation of our zoning already. I didn't know that until you just mentioned it a few minutes ago. I am glad you mentioned it. My thought is to table the whole darn thing until he is in compliance and there is something regarding the sign that the board can be comfortable with.

Don Sherman stated I agree with that. I make the motion that we table it on the basis of the owner gets in compliance, since they have added the sign recently. We permitted the T-Mobile because that was within their limits. I noticed yesterday or the day before he has added the sign on top of the seating area and that puts him out of compliance.

Don McIlroy added and the other sign comes down.

Don Sherman stated yes.

Al Sedlak stated you are basically moving to table it?

Don Sherman stated yes. We need to explain to Mr. Walker why. One, he is out of compliance and two, the existing Zanzi's sign needs to come down.

Al Sedlak stated Mr. Walker, not to dump this on you because you have no control over those things. In a certain sense, you are probably finding out about some of these things as we are today. Unfortunately, in business as you know that does happen from time to time. You are stuck in the middle of it. These two items have been tabled until further investigation by the Service Department and compliance by the property owner.

Don Sherman motioned to table Conditional Use Permit #8-17 and Variance #22-17, seconded by Mike Combs. All in favor, motion tabled.

Don Walker asked, just for my clarity the sign has to come down and the sign above the seating area has to come down, then he will be in compliance?

Don Sherman replied the sign that he added took him out of compliance. Actually if he takes another sign down, that will put him in to compliance. One of the two signs would need to come down. I have to pull the numbers.

Al Sedlak asked the removal of the Zanzi's sign itself would bring him back in to compliance? That might simplify things a lot.

Don Sherman stated he was given a certain number of square feet, but when he added the T-Mobile sign that took him to the maximum. He received a Variance several years ago for square footage and that additional sign took him out of compliance, plus there is no permit on it.

Don Walker said thank you. Of course, you know we have a deadline to file something later this month or the case will lapse. We look forward to ending the litigation, but I guess we will have to file that.

Al Sedlak stated obviously you need to get back with his legal counsel and let them know what happens.

Al Sedlak stated the last item on tonight's agenda is Variance #23-17, as requested by Pickaway Mechanical Systems, 618 South Pickaway Street, Circleville, to install a two sided 6' x 4' = 24 square foot sign totaling 48 square feet and to vary the right-of-way setback from 25' to 6.4' and the maximum square footage allowed from 40 square feet to 48 square feet, in an area zoned GE, General Employment District.

Drew Skillman, 618 South Pickaway Street, Circleville was sworn in and stated I have been with Pickaway Mechanical for around 20 years now. There was a fire in our building back in December that caused us to move. I was going in with John Ankrom to build these two buildings on South Pickaway Street. We are in discussions now and I have something for Don to look at later. If we can subdivide that I will eventually purchase that property. I am leasing from John. When I moved in to the building I went to John and asked for an architectural drawing of the sign I am going to put up. We have a 4' x 6' two sided, unlighted sign in front of our building that you can read when you are going north and south on Pickaway Street. It was professionally done and installed. We went to the county to obtain a building permit and submitted our drawings with the placement of the sign and the County gave us the okay. We put the footers in and they came to inspect the footers. We later installed the sign and we thought all was well and good until Don called me one day and said you need a permit. The setback of the building from the actual curb cut is 27.5'. From the curb cut, the western most side of our sign is 17.5' back from the curb cut, but only 17.5' back from the west side of the sidewalk, then it is 6' long. I am 3' away from my building and I don't have any more room to go. I think it is improving the neighborhood, if anything. If you have driven by it. There is no obstruction to anyone coming off of Corwin Street headed west on to Pickaway Street. They can see traffic easily from both directions. There is also no obstruction of the alley, which is just to the north of our building before you get to Mill Street. The reason we didn't face mount the sign on the building was to not do anything to the structure of the building. John built the building well and I engineered some of the building for him. It is metal siding on studs and I didn't want to deface John's property in case we ever do leave that property. It is professionally installed per Pickaway County requirements, but it is too close to the street.

Don Sherman stated I don't know if the commission remembers but there were front yard setback variances on this. The Variance that was created back when the buildings were built is causing part of this problem.

Al Sedlak stated I had asked the previous gentleman to address the variance criteria and I don't think he understood what I was asking for. Your case is a good example of where variances are necessary. You don't have enough room. If you were going to try to put your sign back 25', it would be on the inside of your building. By virtue of the lay of the land and the shape of the lot a variance for the setback is needed and this is a classic situation where one is. The variance can go from 40 square feet to 48 square feet as minimal. You are only talking a couple inches on each side. As the Mayor pointed out, not only is the sign appropriate but it really dresses up that corner. It looks very nice and I think you did the best you absolutely could. Some sign situations are pretty straight forward and make a lot of sense, and I think this is one of them.

Al Sedlak asked if anyone else would like to speak on this issue.

No one replied.

Don Sherman motioned to approve, seconded by Don McIlroy. VOTE ON MOTION: MARSHA GRIEBEL GRAHAM, YEA; DORCAS MORROW, YEA; MIKE COMBS, YEA; DON MCILROY, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA. 6 YEAS, 0 NAYS, MOTION CARRIED.

Don Sherman motioned to adjourn, seconded by Dorcas Morrow. All in favor, meeting adjourned.

Submitted by: Kim Hunter

DRAFT