

City of Circleville Board of Zoning Appeals Minutes

**City Hall, Council Chambers, 2nd FL.
127 South Court Street, Circleville, Ohio
Monday, August 9, 2021 – 7:00 pm**

City of Circleville Board of Zoning Appeals convened in City Hall, 2 FL. Council Chambers, Tuesday August 9, 2021, at 7:00 pm. Roll call, Members present: David Getreu; Josh Ford; Mike Logan; Brad Keaton and Seth Sias. Clerks are Linda Chancey and Darci Valentine. Board Consultant: Holly Mattei, Crossroads Community Planning, LLC. Invited guest Applicant Richard Verito, Attorney for Applicant, Matt O’Leary, Teratai Welch PR OhioHealth/Berger Hospital and Tim Colburn VC OhioHealth/Berger Hospital.

Getreu called the meeting to order at 7:00 pm. Getreu outlined the meeting procedures: the Chair will name and describe the Case; the Applicant will give testimony as to why the Application should be approved. Anyone wishing to speak in favor, against or in general, will be allotted three (3) minutes to address the Board. Once all testimony has been heard, the Hearing will be closed, and the Board will deliberate in private or in open session. The Board has up to thirty (30) days to render a decision. If the applicant is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code.

Getreu asked those who wished to address the Board to please stand for the Oath. Getreu administered the oath to all that wished to speak.

1. Richie Verito, 206 South Court St. Circleville OH.
2. Teratai Welch, 223 Honey Locust Rd, Commercial Point, OH
3. Matt O’Leary, 130 West Franklin St, OH
4. Jacob Sebano, 6694, Sebring Rd. Circleville, OH
5. Tim Colburn, 7800 Trimmer Rd. Circleville, OH
6. Jeff Hallinin, 545 Northfield Rd. Circleville, OH

1. Approval – August 9, 2021, meeting minutes

Sias motioned to approve the minutes. Ford seconded the motion. (4 Yeas -0 Nays -1 Abstained -David Getreu). Motion carried.

2. Public Hearing

Variance Case Application 2021-BZA-15

Requesting approval of a Variance to Section 35.09(J)(12) Table One (1179.09 (J)(12) Table One of the Codified Ordinance) to allow the total square footage of all signs on a parcel to exceed 100 square feet. A 12.3 x 43 foot (528.9 square foot sign) is proposed to be located on the north elevation of the existing building located at 206 South Court Street having tax parcel number A0520410005400. This parcel also has an existing 80 square foot sign for an existing business.

Getreu asked Mattei to state the case. Mattei present the following case:

Variance Case Application 2021-BZA-15 – See Exhibit A for Report

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DISCUSSION

Matt O'Leary, 130 West Franklin St, OH stated he is the Attorney for Richie Verito's property. Anyone that has met with Mr. Verito knows that he has a sense of pride in the community of Circleville and has operated his business for the last ten-years quite well. The reasons Mr. Verito is seeking a variance on the signage is simple reasons, Verito noticed the sign in Pumpkin Show Park on the Frontier building. Verito wants to promote and give back to the City in a way that celebrates it. His business in this situation has a setback and a place that is visible on North Court and Franklin Streets. There is a wall big enough in scope and size that is similar to the nature that is like Pumpkin Show sign, it does require a variance. Anyone passing by that sign/ picture does notice it's difficult to read the current sign there. In regard to your consultant report it appears some of the photos are from google maps or Street View. They are not the current representation of the building because if you notice the trees does not appear in the picture on white board. If the board would refer to the current pictures in the application to size and note two of the signs Mattei refers to have been removed by Verito. The other item is Verito has operated this business for ten-years and has operated it as part of downtown business. In referring to the definition and principal guide in the downtown business district? Verito is a startup and entrepreneur, which is what the City would like in the business districts. The service industry has had a tough year for restaurants. Verito let go of every employee and is running the business bare bones by himself. He is in significant danger of not being able to operate that business. If that were to happen it would be difficult for him That is why he is seeking the variance. One of the concerns is regarding the parking lot next to the building. It is a parking lot currently and I don't know if it would be feasible to stay within the current standards. I would agree it is not characteristic of a parking lot in the downtown business district. That argument is why this variance should be granted, which is what counsel is proposing. What Verito and OhioHealth has in mind is to celebrate historical buildings with a cityscape that puts them in the center above the parking lot on a blank wall. I would argue that yes, there is something similar two blocks up the street, that is not visible from the street only visible for someone in that park. The cityscape is a better fit on the building that Verito owns, surrounded by other government buildings. It would enhance it in a favorable way and does not distract from it. I would note, it's not appropriate to consider other variances that have been granted and other zoning issues only what is before the board tonight, that's not my intention. But Mattie did note there are other signs in the area and it's not appropriate to consider them when considering this application, because that is outside of the scope. I am not sure what signs Mattei is referring too and what variances Mattei is referring to. I don't know what that would be, maybe on Rt 23 sign when exiting. Regarding characterization and described as a billboard, I think the board would refer to 1179.02 20 what is the definition of a wall sign and a vision that is proposed. This sign would be physically attached to the building and no more than twelve (12) inches from the wall. There are no thoughts of an offsite sign because the thought on the sign is for OhioHealth logo. The nature of this sign is to celebrate Circleville itself. But I point out an off-premises sign, than a billboard. It was noted that the applicant did go before the Historical District Review Board (hereafter, HDRB), currently there is not an application before this board for them to consider this. The HDRB reasons that Gary Kenworthy, City Law Director, opinion stated it was necessary for the applicant to go be a HDRB. Verito inquired of the City in February for the need for approval, it was said that it was not necessary to submit an application to the HDRB when he submitted an application for a variance. Because there was not a board at the time to consider the application or give an opinion of appropriateness relative to the zoning. That was put in writing from the City and Verito inquired again in June 2021 and after the application to the zoning inspector in May 2021. Verito was given a letter in writing contrary to the Law Director's opinion and that is the binding opinion tonight. The application was submitted in February no action was taken that it would be appropriate, he sought assistance from the City and attempted to include that but was told not to do so. If the board grants this, you are granting this to a business owner here in the downtown business district, the counter side is this sign is not promoting his business, but to promote the City thru OhioHealth as a partner similar to the other sign two blocks from here.

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I am uncertain where this would be more appropriate in this district and aware that is similar situation with a lot in the district where this parking lot appears. I ask the board to give real consideration at this time allowing OhioHealth to erect this sign and place it on the building.

Teratai Welch, 223 Honey Locust Rd, Commercial Point, OH. PR OhioHealth/Berger Hospital stated one of the hospital core values is stewardship and the way to be good is giving back to our community, which is what we want to do with a wall scape on Verito's building. We have placed the sign scape at Pumpkin Show Park, and it has it has been very well received by the community and that is the same thing we want on the deli wall. One of the things considered is the loss to structure fire to some of those buildings. They will be placed on the wall scape in a way for the community to connect and grow memories and to cherish the building we have now. There will be a scan QR Code on the wall scape, you can scan the code and watch the some of the older buildings come to life. This is important to give back and partner with a business in this community and provide human recovery to our community that has been in a difficult time in the past and still going thru it. But if you can take a walk and look at the wall scape it will help in human recovery of our healthcare workers and the recovery of our community. I strongly urge you to consider this process and grant us approval to better our community.

Richie Verito, 206 South Court St. Circleville OH. Spoke about a rough time running the deli by himself and this idea came right before COVID happen, I want to give back to the community. Plus, this might now help save my business. Not to mention, I want to give to the community a portion of proceeds will be donated back every year to the restoration to this community, that how much I care and if this flourishes then every business will, and the community will flourish, and more people will come and spend money and walk our downtown. As a community we can build each other up and work together to build each other up. But something that are not best for my business or vice versa does not mean I will not support it. I support what is best for the community, there are many issues. You speak of Pumpkin Show Park, if Pumpkin Show Park wanted to replace that wall scape, then we are back to looking at an ugly wall on that side, because Pumpkin Show Park would have to resubmit a permit to change it out and we are back to where we are now. Now if this is denied, then we are going backward because the downtown is going backward not forward, what kind of community will we have for our families?

Jeff Hallinin, 525 Northfield Drive, stated, I am here tonight for support of one of the greatest corporations, OhioHealth/Berger and a small business and a supporter of the City. I was told about the deli building and the sign going up and the parking lot, which is their problem, When you see it, it's the Mural, not a billboard and if it would have to approve its changes by this board it would need new variance every time. I am a councilperson and I support this, Verito does have a Certificate of Appropriateness that was issued by the City, and I hear the Mayor talk positively about it but the one thing is I wasn't on City Council when this BZA was created. It was created to help the local business people. Planning and Zoning denied something, now this board can help our businesses going forward to help the City.

My question is, have you gone to OhioHealth/Berger and tried to communicate on what they could do for the City versus what this thing will help the citizen, and I listen to the spot it energizes the City. That is very positive. I am asking this board take in consideration approving this request. Getreu stated regarding your question about interacting with OhioHealth, this board hears appeals that would be Planning and Zoning Commission who works with applicants, not this board.

Logan stated, this board is here hopefully to grant the intention when it was approved, we can make changes and possibly come to an agreement not to say, no, but we can look at the bigger pictures.

Jacob Sebone stated that he is a newcomer to Ohio, and mostly growing up in LA, California and Ohio has a lot of small towns, and small is relative. I went to school at Kent State, it was a nice town. The town changed and the buildings were bought up by big business in that area. Town changes that's part of

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life. In Circleville some buildings are old buildings with new paint and new trim, and they are maintained, if you view the front, it looks maintained. How many buildings in the City are being maintained and used? But this one is being maintained and used right across from the Courthouse and other government buildings which means everyone sees this building. That's not the focus...you are going to see the building being is maintained trying to give back to the community, but I don't understand why it's a topic of so much discussion.

O'Leary concluded he has no more remarks.

Verito stated I was not born in this City, but I did fall in love with the City and the buildings, and that building is in good shape thru a lot of heart, soul, sweat, and tears went into that building. If a building goes up beside me in that parking lot, my window will be covered up and deli sign covered up, too.

Sias asked, what's the relationship with OhioHealth/Berger regarding the sign being proposed, what's the message behind the sign? Mattei stated as a board, we are not allowed to regulate the message of the sign or time, or place and manner, but if the application chooses to say what the message is that is fine.

O'Leary stated that OhioHealth/Berger came up with the design and triggered by Verito who wanted to do something similar in a bigger area. The proposal is attached to the application and it's a city scape.

Welch added the message on the sign will say "My Town My Health" with Circleville written in it and it's not targeting or promoting OhioHealth in the sign that you would normally see, but pictures of the buildings in illustration form and implementing the saying in that context.

Logan asked Mattei if the sign 12 x 43 feet is above the deli sign now, Mattei stated a variance to the height requirement of the sign would be required, twenty (20) feet is the maximum height for a sign in the DB district, how high is it? Verito stated it's twenty-five feet from the ground to the top of the sign.

Getreu stated the top the of sign is twenty-five ft from the ground is that correct? Alright, but its five (5) feet over the height requirements. Verito stated we were unaware of it as part of the application process, Could you look at that in this application? Are we allowed to do that?

O'Leary stated that Verito interprets the sign itself in height not from ground.

Logan asked is the placement of the sign on this drawing. Does it need a variance? Mattei stated "Yes, it does." Logan stated, so it's too tall. Mattei stated the sign is too tall by five feet. Getreu stated that is a separate application because it's not in the application today nor was it advertised is that, correct? And that will need a separate application. Mattei stated it was not advertised in a legal notice that way and will be an issue. Logan asked can we accept the sign under certain variances, or do we have to advertise that too? Mattei stated we must advertise the variances. Logan stated this makes it more difficult, but we can't do anything tonight right? Mattie stated you can act on this variance if you so choose, but they can't move forward because the applicant does not have everything they need tonight. Mattei stated the sign would have to be reduced to meet the requirements by five (5) feet.

Ford asked Welch how did the sign of Pumpkin Show Park sign come about? Welch stated at the Pumpkin Show Park OhioHealth put up a sign two-to three years ago, I think it was 2018. We filled out the required paperwork permitting us to do that. Because our company, Orange Barrels, that hang these city scrapes will not go on the property without the proper paperwork. OhioHealth came down and presented to the Planning and Zoning Board the plan and we were approved that evening. Orange Barrel Company would like to revitalize other walls in downtown Circleville.

Keaton asked why this is such a big deal to approve, as much as we can, within the guideline rules that are already set. I want to ask Mattei are their variances for a mural or just signage? Mattei stated your code is just for signage and currently murals, but murals have come up for discussion as we revise the

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city's codes to be more supportive of business and to move forward with, but unfortunately, we are stuck with the current city codes we have now, and we have to work in those perimeters.

Logan stated looking at 2020 City codes, is this the codes we are working from in Section 35.02 (b) 20? Logan read what it says....

Mattei stated that within the size limitation its better noted in the city codes are 100 sq ft for all signage, that's the problem. Logan asked, so Pumpkin Show was granted a permit for the existing sign or billboard for Pumpkin Show Park? Mattei stated I can't answer how it happened.

Verito stated I have been back and forth with the City about this application, and I have dotted every eye and when I submitted the application and drawings for the building when the permit was denied. The denial was based on the 100 sq ft., there was not anything said about requesting a variance. The sign was denied by the City due to the SQ footage, not by height from the City. the City's zoning inspector never stated that on his paperwork and I didn't know I needed a variance for it.

Logan stated I am here to make this work and I am not getting many answers about how to do that. Whether I like the sign has nothing to do with this or asked for permission for the building or not but its like, how can we do this? Verito, you are going to receive funds for placing the sign and it will help OhioHealth/Berger plus it will give them another sign in town, no problem.

Mattei states how it can work if you want to move the sign forward then look at (g) "special condition" that results from the owners. There is no circumstance from the owner, but there are things outside the owner's control that have happened, focus on things outside of the owner's control, loss of business or COVID. There could be signs down the road that exist granted by other boards in this community. But there are things that can be identified that should be granted that would differentiate from another variance going forward, that is the biggest concern. There can be variance being granted because you don't want everyone placing a 100 sq ft sign throughout the City. That's what differentiates this property from others.

Logan stated there is another property on Main Street where this sign could be erected. It's a building owned by Rumpke family and the lot is owned by Jon Bialek. I would love to see a sign go there. It's not going to help your business.

O'Leary stated I think this board wants the buildings to deteriorate so that you have to place a sign over it to cover it up. It's not exactly, similar but a bigger wall. This block is in the center of town of Court and Main Streets and a proximate sign promoting the City is an appropriate place for it and besides it would look good on the other building too but it's a better location and the context is a better fit there, than anyplace else. Logan stated this board would be setting a precedent if we approve this.

Verito asked if I let my building go to crap you would not have a problem placing a sign there?

Logan stated I know where you are coming from, but I don't understand if we are approving as a sign, but its really a billboard and what happens down the road when the contract is up with OhioHealth, and someone else wants to place another sign there with the same size and location? What control do we have? O'Leary stated if there are any changes to that sign would we have to come back to this board for required additional approval? Mattei stated, the problem is the only thing we can control is time, place, and manner and not the message on the board. So, if that message changes this board is approving a sign of that size no matter what it says.

O'Leary stated HRDB would say the changes on what is allowed?

Ford asked has the board received something from the Law Director yet. Mattei stated we received an opinion stating that a Certificate of Appropriateness is required and that just applying for a zoning permit does not start the clock ticking, it's a separate application. Ford stated, I would feel comfortable in my

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opinion, stating this is an incomplete application without it... and it says in the email that its needed. Is there a copy of the certificate of the appropriateness on file?

Mattei stated that Verito has not applied for one. Verito stated, I approached the City last February 12, asking them for all the paperwork I needed for this. Brenda Short, service office, stated in an email “that you do not need a Certificate of Appropriateness because there is no HDRB you will not need that application. Then when I submitted paperwork for the sign permit, again I asked for a certificate for appropriateness and once again verbally this time the City does not have a HDRB, and I was never given the application. I asked for it, later when I started placing the paperwork together for a variance, again another email to the City which I have (copies of emails).

Verito stated in an email that the City’s codes stated that we need a Certificate of Appropriateness and then I was emailed back the City does not have a HDRB and you do not need a Certificate of Appropriateness. When this issue came up, the Mayor created a HDRB. Mattei herself stated the application is not validated and turns out when the City viewed all the email exchanges the City said that they were not going to give me an application, they were not going to act or take money that they were not going to act upon. So, I did as we are supposed to, I follow up for a piece of more paperwork.

Logan asked Verito do you have a copy of the emails from the city or the employee that says that you do not need it? O’Leary stated we have a letter from Brenda Short and a letter from the Zoning Inspector, dated August 5th I don’t know what the policy is.

O’Leary read the letter that says if the HDRB does not take any action after 90 days the Certificate of Appropriateness shall be issued as a matter of law. The ninety (90) days has passed and now it’s a matter of law, that’s my understanding according to your Law Director that the certificate should have been submitted. I disagreed, Verito did submit all the paperwork and was not asked to provide it and they penalize him on those grounds as being incomplete. As on the Attorney side this is an incomplete conclusion.

Logan asked what the date on the letters, Verito replied August 5, 2021, and Jim Stanley date is February 12th is the other one.

Getreu stated that the Law Director states since we have a HDRB in place, you need to go back to the City to have a complete application, I cannot help the fact that a City employee did not contact the city Law Director first or checked the codified ordinance that states that you must have one... even though we don’t have a HDRB, you must apply and even though the city does not have one a HRDB, you must wait 90 days. Vertigo asked Getreu have you tried to apply for something, and they would not give you the paperwork? Getreu told Verito you insist that they give you one because the law says, and the zoning inspector is supposed to create an application for a Certificate of Appropriateness and the zoning inspector has not done that, so go back to them.

Getreu asked Verito, your attorney said this is an off-premises wall sign according to the code, is that correct? O’Leary stated that Yes, is correct. Getreu stated so we said that it is attached to the building face and an off-premises sign means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located is that correct it would not? O’Leary stated again, it is not appropriate for me to answer on the content of the sign, but if the board before me is rendering its decision you want me to do that, I will do that. My belief is that the sign is not promoting a good or service, but the City itself, as the target logo, and the supporter of the sign.

Getreu asked, so if we are considering this an off-premises sign, I will go to the definition of #3 Billboard which means an off-premises sign that is more than 200 sq ft area, should we not be calling this a billboard, it is only allowed up to 300 sq ft? A billboard is not permitted in the downtown business district.

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O'Leary stated I would not characterize this as a billboard as defined in the City's code.

I would interpret a billboard as free standing, in the code it makes a definition what a wall sign is that it is attached to a building, and I would not argue what this is. I don't want to continue to refer to the other sign before this board, and I don't know why any process for a billboard or zoning permit was not sought for that other sign.

Getreu read Section 35.07 Signs, Permit and Administration, A. Permit required. What is the construction material of the sign because I could not find that in the application? O'Leary stated its referring to the original application to the zoning inspector. In the original zoning application, the signs will have material or method of hanging as J bolts with epoxy and anchors. Welch stated the material of the sign itself will be vinyl and weatherproof material and it should have lasting ability of two to three years, that is commitment to Verito, and we will continue to change out the walls cape to make it appealing to the community members just like we did with the Pumpkin Show Park wall scape.

Sias asked would this be classified as a mural as right here? Ford asked according to our code a mural is directly on the building like painted. Getreu explained what a mural is defined by. Sias stated so if this is free of any verbiage it would be considered a mural. Getreu said, it appears to be a billboard because it's over 200 sq ft. and it's an off-premises wall sign.

Getreu asked in answer to your question (c) in the application. Details of the variance that is applied for in City ordinance 1153.01 was read that explains that section. My question is does it improve and maintain the downtown environment? O'Leary stated, I believe it does.

Getreu asked how does this promote an active and business environment? O'Leary stated I think it would show a thriving downtown business not only surviving, but thriving. Yes, it's a benefit to him to put the sign up, but that is a nice place to profile the City of Circleville and other historical buildings similar to the Pumpkin show park sign. It has a nice façade to look at and be similar, but helpful to the business and people that are walking and congregating in the downtown.

Getreu asked, in your questions (c) you speak of adaptive use of older structures, the proposed granted of variances for signage, does this achieve the purpose set forth in the ordinance while adhering directly to the principles at its foundation, how does it do that?

O'Leary stated I believe it refers to the purpose of the downtown business district that Verito embodies all those property owners occupy. Getreu asked how the sign will do that because you say granting the proposed variance for signage expressly achieves that purpose... O'Leary stated the purpose is favoring market driven over regulations to allow his business to be successful in the location that it is.

Getreu asked in the last sentence you say further, the expressed purpose in the City's ordinance 1179.01 (d) is to promote an active economic and business environment to protect the general health, welfare, and safety of the citizens. This sign will do that. How will it do that? O'Leary stated that Welch mentioned before about human health and recovery is a huge topic not only in health, but in our community, schools and business as having something new in the community that can draw you in to drive by or ride your bike.

It is something that is restoring and bettering our community and incorporating those businesses some that used to be in the community and some that are currently thriving its just for OhioHealth to partner with a partner like Verito and place this piece on the building and maybe initially have the opportunity in two to three years and add additional buildings signs that may include Ashville or Williamsport areas Its just a way for us to give back and help little bit of some sense of human recovery we all need to focus on.

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Getreu stated to O'Leary said in your remarks that Verito's business is a service industry, is that correct? and according to (e) # 2. the property primary use is a food service establishment. Is that creating a signage business because now its creating revenue and not as a food service establishment? Is that correct? O'Leary asked, you are suggesting that Verito placing the sign on the building has now become to erect other signs on his buildings? Getreu stated that well your argument about COVID and the food service industry. This will be another revenue source for the business, but the business is a food service industry not signage. O'Leary stated that Verito owns the business and operated it for ten- years, he has had an extremely rough 18 months due to the pandemic and he is in danger of losing the business and his community because the revenue stream is not there. The revenue is not there, he does not want a sign business, but he is in the middle of town to offer to place the sign that will benefit his income from the hospital and will help promote health that Welch eluded too. This will promote all the business that have come thru this town.

Verito stated the building and business are two different entities, the building is owned by Verito Property, and the deli pays rent to the property to pay its taxes and insurance, not being able to pay the rent has sustainedly impacted myself and you can't take money from one hand to the other, that's where the second revenue comes in it will alleviate the headache from the deli and maybe help it.

Getreu asked about question #9 you say the sign design is to promote the City of Circleville in a way that furthers the economic and physical revitalization of the downtown business district, how will that sign do that? O'Leary stated the nature of the sign content is going to encompass other historical buildings and the content in the downtown. There is a charitable contribution that he is going to do here. The revenue streams that he will earn by allowing the sign on his property Verito will donate that back towards beautification of that area.

Getreu stated that in his view we are in a historical area and need a Certificate of Appropriateness. Getreu is trying to reconcile in his head if Verito is inquiring about an application of a Certificate of Appropriateness. The map that shows google earth has three windows on the side of that building. I looked today and the windows are bricked up. In the HRDB you are not allowed to alter a building without a Certification of Appropriateness. How that took place and not applying for it and the second part you are not allowed to cover up historical district, the signs would be covering up the architecture of the building.

Verito stated we had water damage and I asked the City because it was a structure issue going on and that I needed to address it and take care it, and there is no structure architect on that side of the building as most do, but none of those windows are historical actually the windows side of building was bricked up years ago, before I purchase the building.

Getreu read regarding the HRDB Section 27.07.(a).

O'Leary stated that in the historical downtown business as well as it sets. Section L exterior material.

Welch stated the sign will be vinyl and have windows in it to prevent it from ripping or pulling from the building, there will be rods and epoxy, no structure damage will be done to that part of the historical parts of that building.

Getreu asked how it is going to contribute to the enhancement of the existing traditional material overall and the integrity and longevity of the structure. How is it going to enhance traditional material? Welch stated the traditional materials is the graphic designers are working on the design and color scheme of the building. and they are reviewing different buildings in Pickaway County for looks, so the mural in itself will utilize the color and texture of the building for color and place in the wall scape.

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Getreu read in Section m. regarding no windows shall be covered. Welch stated there will not be any windows covered, the windows are already covered. The picture that was up there is not an actual picture of the windows today. This sign will not cover any windows it will be solely placed on building, the designer at OhioHealth have done this several times for Ohio buildings and know codes and designs and given the building shape they are dealing with.

Getreu asked where is the fire escape on the building? Verito stated there is no fire escape on the building the City's codes states that a two-story building does only needs one point of egress, and third story buildings would need two points, one in the back of the building or a fire escape.

O'Leary stated that Verito wants the designs to be exception and different is his goal and end results. Getreu stated if I had a Certificate of Appropriateness, it would help answer these questions. Mattei stated that this board should be limited to the variance request and anything about the Certificate of Appropriateness should come from the design review board, but if you feel like you as a board do not have adequate answers to those questions then it's appropriate for them to continue the hearing until you can get those appropriate answers, but this board does not have the ability to operate as a HRDB.

Logan asked about the parcel list of property owners, were they notified of this? Verito stated that according to the City's codes, that is on the City to mail out the letters to property owners. Logan asked who on the parcel list owns the parking lot? Verito stated Mikael and Deborah Orosz in Salem, Ohio.

Getreu stated the one thing I have trouble reconciling is 35.09 j 12 - Table 1 permitted number of Structure Signs on premise signs. The purpose for this sign is not on any frontage, the frontage for that building is Court Street. It's not Franklin Street it abuts up to another property, so therefore its not Franklin Street. We are putting a sign on the side of a building and the permitted use is frontage, not side. O'Leary stated that's the response Jim Stanley's initially denial of that application said that Franklin Street was frontage. Mattei stated that she disagrees with that in that interpretation from a consultant's point of view. That property does not have a public road and has property in between which is noted in my report. That is something the board should consider. That is no road frontage the building is on.

Keaton asked about the size and height for the sign on the building, could there be a graphic wrap or a physical sign, can we get something on the wall. Mattie stated the code that is written that a mural is classified as a sign and must comply with the requirements in the City's codes, thereby requiring a variance. Do I believe that you can tie the variance too, to move forward to promote the areas but you need to think of the precedent it will create and make sure you have good reasons why this property makes sense versus other property? No matter what you do it requires a variance.

Logan asked I am not fully aware of any members to the HDRB, can we go on what good would it be to send it back? How can we ask this nonexistent board? Getreu stated that last week the HDRB was put in place and has met. Getreu stated there are 3 residents and a zoning code commission person on this board.

Sias stated now that there is a HDRB board we cannot touch the content of the application of this message, and this has not had any sort of review of the content of it. We as a board cannot touch that. Had this been a painting of our City going on a wall, I think we may have a different view we may have unregulated content going up there without going thru any sort of due process.

I understand Verito tried to get his application in front of the board, I agree with Logan you need to send someone back to a board that does not exist, now there is a HDRB that exists for this exact thing I think that's what we are missing. There needs to be a review of the content of this sign, and if it fits the definition of a mural maybe a discussion of a size variance, but right now we can't determine what content goes up there that is past our realm. I think it's my opinion it needs to go back to the HDRB.

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Logan told Verito that he is sorry you had to come up here and we cannot vote on it anyways, but we need to send you back to the HDRB. And put in another variance for the height for the size. Mattei stated you can amend your application and add that to it for the size and come back here and we can advertise it all together.

Getreu read City code 119.04 (c) we can suspend the hearing when all the appropriate applications have been filled out.

O'Leary asked has the board seen the Certificate of Appropriateness, Getreu said it was emailed to the board members.

Getreu asked what would the applicant like to do? If we choose to suspend the application it is amendable? Yes. And if so, I trust you will go to the HDRB when your application is completed. The applicant chose to suspend the application. The board will suspend the application until further information can be brought fourth and the application amended.

Getreu motioned that the applicant, has decided to suspend the hearing and the variance application for 2021 - BZA – 15 and continue to a later date, Richie Verito. Sias seconded. Motion carried.

VOICE VOTE

Ford - yes

Logan -yes

Sais - yes

Keaton - yes

Getreu - yes

No Old or New business was discussed at this time.

Ford motioned to adjourn the meeting at 9:10 pm and Keaton seconded. Motion carried.

Respectfully submitted by

Linda M. Chancery, Clerk

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Exhibit “A”

CONSULTANT REPORT

Board of Zoning Appeals August 9, 2021

2021 - BZA - 15

Prepared by: Holly Mattei, Owner/President, Crossroads Community Planning, LLC

Applicant/Owner:	Verito Properties, LLC/Richie Verito
Site:	206 South Court Street, Circleville, OH - A0520410005400
Acreage:	0.072 acres
Current Zoning:	Downtown Business (DB) District and Historic Overlay District

Description of the Request

The applicant is requesting approval of a Variance to Section 35.09(J)(12) Table One (1179.09 (J)(12)

Table One of the Codified Ordinance) to allow the total square footage of all signs on a parcel to exceed 100 square feet. A 12.3 x 43 foot (528.9 square foot sign) is proposed to be located on the north elevation of the existing building located at 206 South Court Street having tax parcel number

A0520410005400. This parcel also has an existing 80 square foot sign for an existing business.

North: Downtown Business and Historical Overlay District

West: Downtown Business and Historical Overlay District

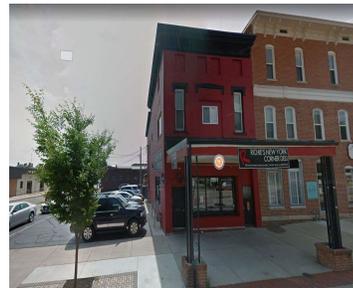
South: Downtown Business and Historical Overlay District

East: Downtown Business and Historical Overlay District

Aerial



Front Elevation



Side Elevation



Variance Criteria – Facts and Findings: Section 7.02(A) of the City of Circleville Zoning Ordinance states that the Board of Zoning Appeals must weigh a number of factors to determine if a practical difficulty exists. Per Section 7.04(F) a practical difficulty must exist in order for the Board of Zoning Appeals to grant a variance. The factors in Section 7.02(A) are listed below. Crossroads Community Planning, LLC has reviewed the application utilizing the criteria in Section 7.02(A).

- A. Whether the special conditions and circumstances exist which are peculiar to the land or structure involved and which are not generally applicable to other lands or structures in the zoning district.

The applicant has argued that the existing parking, existing city-maintained landscaping, and the setback of this building are unique to this site and a variance is needed in order for the sign to be visible from the street. The side elevation of this building is rather large and can be easily seen from Franklin Street, with the exception of the first five to eight feet from the foundation grade (where and when cars are parked). These factors tend to support reasons for the necessary height of the sign, but it is difficult to understand how they justify the size of the proposed sign.

This size of this sign significantly exceeds the size of the signs of those in the downtown and even those found in on US 23 in the GB District, where the buildings are set back even further than this building.

Additionally, the site plan does not provide a measurement for the distance between the grade of the building and the highest point of the sign. If this distance exceeds 20 feet, a variance to the height requirements will also be needed.

- B. Whether the property in question will yield a reasonable return or whether there is any beneficial use of the property without the variance.

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The site has been and may continue to operate as a restaurant.

- C. Whether the variance is substantial and is the minimum necessary to make a reasonable use of the land or structures.

The proposed sign is 528.9 square feet in addition to an existing 80 square foot sign.
Section

35.09(J)(12) sets the maximum square footage of all signs on a property within the DB district at 100 square feet. There are also two smaller signs on the awning of the Court Street elevation for which dimensions have not been provided. Without these two sign areas being calculated, the variance request is still over 600 percent of the permitted size allowed, which is substantially larger than what is permitted. Adding in the other two signs exacerbates the significance of this request.

- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance(s).

The application indicates that the character of the area will not be impacted by the placement of the sign. It further indicates that the sign fronts on the side of a street, which is not accurate. The side elevation actually fronts an adjacent lot owned by another party who has the right to build on this property in the future in accordance with the effective zoning regulations. If the adjacent lot owner would exercise his/her rights to construct a building, this proposed sign would not be visible from any street.

The application also indicates that there are several examples of older painted signs on the side of buildings in the downtown area. Some of those buildings in the downtown area have been covered with painted murals advertising the historic nature and historical significance of the downtown area. There is one example in an existing park in the downtown area. However, it is unclear how this sign was permitted as it does not comply with current regulations and to the consultant's knowledge, a variance was not granted.

- E. Whether the variance would adversely affect the delivery of governmental services.

This variance would not create any adverse effects on the delivery of governmental services.

- F. Whether the property owner purchased the property with the knowledge of the zoning regulations.

The zoning code is readily available and therefore the owner should have been aware of these regulations prior to purchasing the property.

- G. Whether special conditions or circumstances exist as a result of actions of the owner.

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There are no special conditions or circumstances that exist as result of the actions of the owner.

- H. Whether the property owner's predicament feasibly be obviated through some method other than a variance.

It appears this proposed sign is more in line with the definition of a billboard, which is defined by Section 35.02(B)(3) and regulated by Section 35.09(H). Such signs are not permitted in the DB district. So, the applicant appears to be applying for a variance to the size requirements instead. However, as noted above, the proposed variance appears to be significantly substantial.

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

The purpose, spirit and intent of the DB district is to create an attractive streetscape and promote development that preserves and enhances the historical downtown. The best way to accomplish this goal is to create additional buildings in lieu of the existing parking lots. However, if a structure were to be built on the adjacent lot, the sign would not be visible from the street, rendering its purpose obsolete. Additionally, this site must obtain a Certificate of Appropriateness (COA) to ensure that the propose and intent blends with the character of the historic downtown. To date, the consultant is unaware of such COA being approved.

- J. Whether the granting of variance will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same zoning district.

If this variance were to be approved, this property would be allowed to have a sign significantly larger than any other parcel in the DB district, with the exception of the sign in Pumpkin Show park. It is unclear to the consultant how the sign in this park was originally approved.

- K. Whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

No other properties within the DB district are permitted to have signs of this size. The consultant is unaware of how the other similar sign was permitted in the park down the street.

Consultant Recommendation:

Based upon the above analysis and finding of facts, Crossroads Community Planning, LLC recommends disapproval of the proposed variance to Section to Variance to Section 35.09(J)(12) Table One (1179.09 (J)(12) Table One of the Codified Ordinance).