

Special Meeting Minutes
HARING TOWNSHIP ZONING BOARD OF APPEALS
Wednesday, November 16, 2016
8:00 PM

1. **Call to Order:** Chairperson Giftos called the meeting to order at 8:00 pm.
2. **Roll Call:** Helm – Payne – Giftos were present. Michael Green, Zoning Administrator, was also present.
3. **Pledge of Allegiance**
4. **Consider Approval of Agenda:** Helm moved to approve the agenda as presented, with support by Payne. Motion carried with all in favor.
5. **Approval of October 25, 2016 Minutes:** Payne moved to approve the October 25, 2016 Minutes as presented, with support by Helm. Motion carried with all in favor.
6. **Public Comment for Items Not on the Agenda:** *[none]*
7. **Public Hearings**
 - a. **Art Van/JML Engineering, Request for a variance from Article 6, Section 608.3.a.1. for the placement of an additional freestanding sign along E. 34 Road. Parcel #2209-28-1207-01, Owner: Lakeland Square Associates; Address:**
 - i. **Open Public Hearing:** Giftos opened the public hearing on the request at 8:28 pm.
 - ii. **Presentation by Staff/Applicant:** Fred Campbell with JML Design Group, the company representing Art Van, explained the reason for the request. Payne asked Campbell to explain in his own words why he believes the Practical Difficulty standards are met by the request. Helm asked if the existing pylon signs are maxed out. Campbell stated that it was the maximum allowed size.
 - iii. **Receive Public Comments For the Request:** *[none]*
 - iv. **Receive Public Comments In Opposition to the Request:**
 1. Ray Hill, board member of the Wexford County Airport Authority, testified that the proposed sign is located along the landing approach for the airport. Hill expressed concern that the brightness of an LED sign at night would affect a pilots night vision abilities for up to 20 minutes, which is much longer than it would take to land on the runway at the Wexford County Airport.
 2. A written letter dated 11/16/2016 from Michael Pacola, Commercial Airline Pilot, was read into the public record and is labeled in the packet at “Exhibit #1”.
 - v. **Close Public Hearing for Commission Member Discussion:** Helm asked if pilots have complained about the billboard located east of the subject parcel on Boon Road (located on the south side of Boon Road between Hanthorn and Plett Roads).

Hill stated that the lighting on the billboard in question seems to use more muted colors, not the bright white that really glares. Hill stated that the Fox Motors sign does generate complaints because it does use brighter colors. Giftos then read the Practical Difficulty Standards A-E from Section 703(1a) and Section 703(5)(d) "Consider of Property Values" and asked for a roll call vote on each question. The votes were as follows:

1. **Practical Difficulty Standard "A":** *"Will the strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? (Whether strict compliance with the restrictions governing setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome)."* It was noted that Art Van has a large space in the Lakeland Square Shopping Center and should be allowed more signage than smaller retailers. It was also noted that the shopping center has many more tenants than all the other shopping centers in Haring Township and should also be allowed more signage than smaller centers. The Ordinance does not take these in account. **This standard passed by a 3-0 roll call vote.**
2. **Practical Difficulty Standard "B":** *"Will granting the variance be fair to the applicant, or would a lesser variance work just as well? (Whether a grant of variance would do substantial justice to the applicant, as well as other property owners in the district, or whether a lesser relaxation, other than the one applied for, would give substantial relief to the owner of the property and be more consistent with justice to other property owners),"* **This standard passed by a 3-0 roll call vote.**
3. **Practical Difficulty Standard "C":** *"Is the need for the variance due to a situation that is unique to the property and not generally found elsewhere in the same zoning district? (Whether the plight of the owner is due to unique circumstance to the property and not general conditions in the area. Uniqueness includes but is not limited to parcels which are odd in shape, small in size, possess areas of wetlands or other water bodies, contain natural features like bedrock or threatened plant species, or similar circumstances)."* As noted under standard "A", the shopping center has more tenants than all the other shopping centers and is one of the largest in land area as well. Because of this, the Ordinance gives the shopping center and individual tenants an unfair disadvantage over the smaller centers in terms of sign size allowed. **This standard passed by a 3-0 roll call vote.**
4. **Practical Difficulty Standard "D":** *"If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties?"* The applicant **This standard passed by a 3-0 roll call vote.**
5. **Practical Difficulty Standard "E":** *"Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created)."* It was noted that property is already allotted three freestanding signs, one on each roadway. The only issue the applicant has is that an additional sign on

Hanthorn Street wouldn't meet the tenant's need for visibility along Boon Road.
This standard failed by a 3-0 roll call vote.

6. **Consideration of Property Values (Section 703.5.d):** *“In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located”.* **This standard failed by a 3-0 roll call vote.**

- vi. **Consideration of Motion:** Helm read from the Sign Ordinance Intent and Purpose (Section 601). Giftos expressed concern that there is no special situation and could lead to other requests throughout the Commercial district. Payne felt that granting this request would set a precedent for other sign variance requests. Payne moved to deny the request from Art Van for the additional freestanding signs, with support by Helm. The motion carried by a 3-0 roll call vote.

8. **Public/Commissioner Comments:** *[none]*

9. **Adjournment:** Payne moved to adjourn the meeting at 9:43 pm, with support by Helm. Motion carried with all in favor.

Respectfully Submitted by:

Michael Green, Zoning Administrator

George Giftos, Chairperson