

MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, FEBRUARY 21, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

Members present: Mr. Jeff Brown, Ms. Victoria Harris, Ms. Barbara Meek, Mr. Robert Schultz, Mr. Richard Veitengruber, and Chairman Tristan Bullington

Members absent: Mr. Michael Butts

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Interim Community Development Director
Ms. Katie Simpson, City Planner
Ms. Izzy Rivera, Assistant City Planner

Ms. Simpson called the roll at 4:05 p.m. With six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the January 17, 2018 regular meeting minutes. Mr. Brown motioned to approve the minutes; Ms. Meek seconded the motion. The Board approved the minutes by voice vote, 6-0.

REGULAR AGENDA:

SP-02-18 Consideration, review and action of a petition submitted by 616 IAA Dr. LLC for a special use permit to allow offices in R-3B, High Density Multiple Family Residence District at 616 IAA Dr. (Ward 5)

Z-06-18 Consideration, review and action of a petition submitted by 616 IAA Dr. LLC for a variance to allow no screening from adjacent residential districts at 616 IAA Dr.. (Ward 5)

Chairman Bullington opened the public hearing and introduced cases SP-02-18 and Z-06-18. The petitioner's Attorney Mr. Todd Bugg, 1001 N. Main St. Bloomington, IL, and Mr. Mark Fetzer, 1305 Winterberry Rd, Bloomington, IL, were sworn in. Mr. Bugg provided background on the subject property. He stated the building was built in 1969 as a daycare but had also been used for office purposes. Mr. Bugg explained that the petitioner is requesting a special use permit because the property's previous special use permit expired when the property was vacant for more than six months while listed for sale. Mr. Bugg described the surrounding topography and uses, and the existing setbacks. Mr. Bugg stated he and his client request a waiver of the screening requirement. He expects no change in the value, use, or nature of the property and surrounding properties as a result of granting the variance. He explains that the use will continue as it was prior to being listed for sale. Mr. Bugg fears that the screen will block the view of the adjoining apartment complex and requests that the variance is granted.

Mr. Schultz confirmed the location of the proposed screen is on the north and west lines of the property. Mr. Schultz stated that the screen, either a fence or a hedge, could obscure the apartment complex resident's vision of the cars parked behind the office building. Mr. Bugg affirmed and stated he thinks the fence might obscure the first floor occupant's general views. Ms. Harris stated that she thinks the hedges may serve as noise barrier and an improvement to the property. She believes an obstruction to the parking lot may not be a detriment to the residents. Ms. Harris asked if the apartment complex density had increased recently. Mr. Bugg stated he believed the population has remained the same.

Ms. Meek asked if the variance requested applied to screening between the apartment complex and the single-family residences west of the site. Mr. Bugg affirmed and stated his client would prefer the variance is granted along both side; however, he feels a variance is especially warranted along the west boundary because the physical separation between the single-family homes and the parking lot is greater and that the creek serves as a small buffer. Mr. Brown asked if the petitioner is concerned with the cost of the screening. Mr. Bugg affirmed that the fence could cost about \$6,000.00. Mr. Schultz asked if shrubs or trees could be used. Mr. Bugg stated a fence is preferred because it is compliant and requires less maintenance than shrubs or trees. Chairman Bullington asked if installation would require changes to the property. Mr. Bugg stated he did not believe any changes would be required.

No one spoke in favor of the petition. No one spoke in opposition of the petition.

Ms. Rivera presented the staff recommendation and report for both cases. She stated staff is supportive of the Special Use permit but recommends against the variance request. Ms. Rivera described the general purpose and intent of the zoning ordinance and the sign ordinance. She shared pictures of 616 IAA Drive and a zoning map of the area. Ms. Rivera described the surrounding uses and the property. Ms. Rivera shared pictures of the parking lot and neighboring apartment complex. She provided a brief history on the site and described the seven variances approved in 2003. Ms. Rivera shared an aerial view of the site and highlighted the areas of the parking lot where the City is requesting screening. Ms. Rivera reviewed standards for the special use permit and shared staff's positive recommendation. Ms. Rivera reviewed the standards for a variance. She explained that staff could not identify a physical hardship associated with the site and necessitating a variance. She stated that the site is nonconforming, and identified the special use permit request as an opportunity to bring the property into conformance with the code requirements. She explained that staff is recommending denial of the variance.

Mr. Bullington asked about a photo of the site showing three cars parking in the parking lot, he asked if the apartment complex is surrounded by parking on three sides. Mr. Schultz commented on the small berm west of the site and identified that the neighbor had planted small evergreen trees. Ms. Meek asked if the fence would be located under the soffit of the buildings. Ms. Simpson clarified that the fence would be installed behind the building. Mr. Veitengruber asked if staff knew when the apartments were built and why screening had not been added. Ms. Rivera explained that the standards in 2003 could have been different. Mr. Veitengruber asked about setbacks and stated that he feels the buildings are very close. Ms. Meek asked to see the list of variances previously granted, and stated that the property has not changed other than the special use. Ms. Rivera confirmed. Mr. Schultz clarified the location

of the screen. Ms. Simpson explained the fence or screen could help prevent other people from using the parking lot without permission.

Chairman Bullington asked the petitioner if they are opposed to the apartment tenants using the parking lot. Mr. Bugg stated that his client would prefer that tenants did not park there but does not want to create trouble and is trying to be a good neighbor. Mr. Bugg stated his client would prefer to have a variance from the requirement on the north and west property lines, but in the alternative would prefer a variance from the screening on the west property line. Chairman Bullington closed the public hearing.

Mr. Brown asked if there were pictures from the house towards the parking lot. Ms. Rivera shared a picture from the parking lot looking west to the house. Mr. Brown asked about an outbuilding on the property.

Following the Board discussion, Chairman Bullington requested a vote on the Special Use petition. He stated a “yes” vote is to “approve” the Special Use petition.

The Special Use Petition was unanimously approved, 6-0, with the following votes cast: Mr. Brown—yes, Ms. Harris—yes, Ms. Meek—yes, Mr. Schultz—yes, Mr. Veitengruber—yes, Chairman Bullington—yes.

Chairman Bullington requested a vote on the Variance petition, as presented. He stated a “yes” vote signifies “approval” of the Variance and that four affirmative votes are required.

The Variance was approved 4-2 with the following votes cast: Mr. Brown—yes, Ms. Harris—no, Ms. Meek—yes, Mr. Schultz—no, Mr. Veitengruber—yes, Chairman Bullington—yes.

C. Z-04-18 Consideration, review and action of a petition submitted by EA Architecture and Design for a variance to allow a reduction in parking by 25 spots at 2301 Castleton Dr. (Ward 3).

Chairman Bullington introduced the case and Mr. Russell Arbuckle, architect representing the petitioner, was sworn in. Chairman Bullington asked Mr. Arbuckle if he had reviewed the staff recommendation to table the case until the following meeting so the petitioner could provide an agreement for shared parking and staggered hours of operation for the property. Ms. Simpson clarified that staff is recommending against the petition absent the shared parking agreement; she asserted that conditional approval could not be given for the variance. Mr. Arbuckle stated he would like time to discuss this request with his client. Ms. Harris requested that evidence asserting each business will have different hour be provided. Chairman Bullington moved to table case Z-04-18 until the next scheduled regular meeting on March 21, 2018. Mr. Brown seconded the motion. The Board voted unanimously by voice vote, 6-0, to table case Z-04-18 until the March 21, 2018 regular meeting.

D. Z-05-18 Consideration, review and action of a petition submitted by Picture This Media LLC for a variance to allow a 70 ft reduction in distance between signs at 1701 S Veterans Rd. (Ward 1).

Chairman Bullington introduced the case and opened the public hearing. Mr. Veitengruber recused himself from the meeting at 4:40 pm. Mr. Patrick Cox, Attorney for the petitioner, was sworn in. Mr. Cox addressed the standards for a variance from Chapter 44, Section 13-4E2. Mr. Cox provided a brief timeline of events detailing the removal of a previous off-premise sign to allow for the new sign and the installation of an on-premise sign at the adjoining property prior to the installation of the new off-premise sign. He stated the strict interpretation of Chapter 3 Section 5.7k, creates undue hardship for his client by disallowing the petitioner to install a new off-premise sign. He stated this scenario is specific to this site and unlikely to apply to other sites. He stated that the variance should not establish precedence because it is unlikely an interruption during the application process, like that experienced by his client, will happen again. Mr. Cox provided three sets of photographs and a list of previous clients. Chairman Bullington incorporated the items into the public record by marking the items as "Petitioner's Exhibits 1-4", and he distributed the exhibits to the Board. "Petitioner's Exhibit 1" illustrated a sign of Owen's Nursery. "Petitioner's Exhibit 2" showed a sign of TGI Friday's restaurant. "Petitioner's Exhibit 3" portrayed of the Popeye's Restaurant on the west side of Bloomington. "Petitioner's Exhibit 4" detailed a list of the petitioner's clients. Mr. Cox stated that, in the event that the Board does not find that an unreasonable hardship exists but determines that some hardship exists, he distributed the aforementioned exhibits as evidence that the proposed sign are of particularly good taste and that the entire site is particularly well landscaped and maintained. He stated the three pictures represent signs the petitioner owns and operates and provides a true representation of the petitioner's quality of work. The client list, he stated, provides evidence that the petitioner contracts with reputable people who advertise in good taste.

No one, outside of the petitioner, spoke in favor of the variance request. Mr. Nathan Hinch, Attorney, 404 N. Hershey Road, Bloomington IL, and Mr. Tom Dalton, 403 Cobblestone, Heyworth, IL, were sworn in to speak in opposition to the petition. Mr. Hinch stated Mr. Dalton is the owner of the adjacent property, located at 1703 S. Veterans Parkway, where the small sign is located, and that the proposed billboard would be placed within the 100 ft. buffer from the sign. Mr. Hinch spoke in opposition to the variance request because the variance would cause significant hardship to his client, he feels the petition does not meet the standards required for granting a variance, and disagrees that the special conditions for a variance exist. Mr. Hinch introduced seven exhibits. The exhibits were marked "Respondents Exhibits A-E." The first exhibit, Exhibit "A" illustrates the adjacent property purchased by Mr. Dalton in June, and the surrounding properties and the previous billboard located on the subject property. The second exhibit, Exhibit "B", depicted a rendering of the building, the former Midwest Food Bank, mocked up to show what the proposed billboard may look like at his business. A person is shown on the exhibit to provide reference to heights of the proposed billboard and existing small sign. Mr. Hinch described his clients business, an online sign company called Signs Direct Inc. He stated he does not believe his client is in direct competition to the petitioner. Exhibit "B" also shows Mr. Dalton's plans to develop the property and remodel the existing business. Mr. Hinch described the previous wall sign Midwest Food Bank had, and stated that area could be used by his client or tenants. Mr. Hinch stated his client is considering installing windows at that spot too. Another photo on Exhibit "B" illustrated the other side of the building owned by Mr. Dalton. Mr. Hinch described Exhibit "C", a map rendering with text prepared by his client referencing a study that shows the building's east exterior wall, from a marketing perspective, is the best spot for advertising because of visibility as well as traffic safety. Mr. Hinch explained the east wall is located on

the same side of the road as traffic and reduces the driver's need to look across multiple lanes of traffic or being oriented parallel to traffic.

Mr. Hinch referred to the minutes from the previous hearing held in January 2017 and addressed clarifications about the timeline of events. Mr. Hinch stated his client purchased the property in June and "his client was not sitting on his hands in some nefarious scheme to wait for the old sign to be taken away and then come into the city and apply for a sign and pull a fast one on somebody." He stated his client applied for his sign permit within a week or two of closing on the property. Mr. Hinch referenced testimony presented by Mr. Mahrt at the previous hearing describing the petitioner's application timeline beginning with a submittal on November 2016 and were notified by email on November 18 that the city could not approve the permit because of a previous unpermitted billboard on the premises. He stated that the petitioner waited four months to remove the previous sign and three months to apply for the state permit, and that the petitioner waited seven months to move on the application. He stated that his client applied for his sign permit at the same time that the petitioner applied for their IDOT (Illinois Department of Transportation) permit.

Mr. Hinch cited Mr. Mahrt's testimony at the previous hearing describing the 100 ft. buffer requirement for on premise and off-premise signs and its application. Mr. Hinch referenced the unpermitted billboard that was already on the premises. He stated he feels that the petitioner's argument is mistaken. Mr. Hinch summarized the petitioner's argument that client would not have been able to install his on premise sign because of the unpermitted billboard. He stated that his client would have been allowed to install his sign because the previous billboard had not been permitted by the city, and consequently the regulation did not apply. He stated this is relevant for weighing the hardships of a petition for a variance. Mr. Hinch stated that the record does not provide evidence that there are no alternative locations for the proposed billboard on the site. He feels that there are alternative locations for the proposed billboard on the property that will not block his client's building. He feels granting the variance will establish precedence for a digital billboard to block a building.

Mr. Hinch stated that the circumstances and hardships were created by the petitioner, who, as he described, had a nonconforming use which was eliminated and consequently no longer grandfathered. The regular rules of the code apply. Mr. Hinch described Exhibits "D," which show a survey of other billboards on Veterans Parkway submitted with the petitioner's IDOT permit, and Exhibit "E", which represents a map of billboards on Veterans Parkway generated from data gathered from the IDOT Outdoor Advertising Sign database and general observations. Mr. Hinch stated he had not reviewed evidence of the additional standards regarding landscaping and design of the sign, but feels they are relative with an unclear baseline. He stated this is a significant variance that imposes hardship on his client, and would not result in sever hardship for the petitioner, so he is asking the variance be denied. Chairman Bullington offered Mr. Hinch the opportunity to review the Petitioner's Exhibits 1-4. Mr. Hinch commented that the three photos show digital billboards that do not block buildings. He stated it is unclear if the sign shown is Exhibit 2 is on premise or off-premise advertising but he has observed the sign advertising for goods and services located off-site; he stated the block is essentially a block away from the proposed sign. He said that he has no objections to Exhibit 4, the list of clients.

Mr. Dalton testified that the petitioner's argument that he is placing an off-premise sign with an off-premise sign is false, Mr. Dalton added that the petitioner is "replacing an illegal off-premise sign with a legitimate off-premise sign." Mr. Dalton stated that other locations are available for the petitioner. He testified that the petitioner has demonstrated a pattern of using signs not intended as off-premise signs, as off-premise sign and disregarding codes. He clarified that the billboard had been gone by the time he purchased the building and the sign he installed was used at his previous location.

Mr. Brown clarified that the respondent's main concerns were blocking the building and future improvements as well as blocking the respondent's signs. Mr. Hinch confirmed and added they were also concerned about establishing precedence for allowing a digital sign to block a building. Mr. Brown asked if there was an alternative location on the petitioner's property where the respondent would not have an objection. Mr. Hinch stated he believes there are but he has not discussed specifics with them. Mr. Dalton stated he believes the sign could go where their existing pylon sign is. He stated the petitioner could also seek a permit for signs at other properties they own. Mr. Dalton acknowledged the hardship imposed would also be financial by limiting his ability to rent a portion of his building as well as the exposure on the eastern wall for a tenant's sign and potentially reducing his resale value.

Chairman Bullington offered the petitioner an opportunity to respond to cross examine the respondent. Mr. Cox objected to the respondent's characterization of the petitioner as negligent. He stated his client was actively pursuing the permit and working towards complying with the regulations, including the airport regulation. He stated that his client's sign will not block the current sign that exists on the adjoining property. He stated that the off-premise sign, which was there before, would still be there, had they not taken it down. Chairman Bullington asked if the City could have, at any point, requested that the petitioner remove the previous billboard. Mr. Cox stated that he supposed but was unaware to the extent that the sign was not allowed in the first place. Chairman Bullington asked if Mr. Cox's client had a permit for the previous sign, and questioned whether the previous billboard should have been protected or grandfathered if no permit was had been granted initially. Mr. Cox stated that he is unaware of the process under which the original sign was constructed. Chairman Bullington asked if Mr. Cox disputes the City's characterization of the original sign as 'unpermitted'. Mr. Cox stated he cannot answer the question. Mr. Cox did not address the exhibits presented by the respondent. Mr. Schultz asked if Mr. Cox had been the person negotiating with the City when the permit application was originally submitted. Mr. Cox stated that he was not involved, that is was the owner of Picture This Digital Media. Chairman Bullington asked if Mr. Cox had a copy of the Respondent's Exhibit B, and asked if Mr. Cox agreed that the Exhibit represents the location of the proposed sign. Mr. Cox said that he cannot say that the exhibit is completely accurate nor representative of the appearance of the sign. He stated the location is approximate. Chairman Bullington asked if the height is accurate. Mr. Cox stated that he is unsure. Chairman Bullington asked if there are any alternative locations on the lot that would be in compliance with the 100ft setback.

Ms. Simpson presented the staff report and stated that staff did not find conclusive evidence based on the petition submitted to support the standards for a variance. Ms. Simpson explained that Board could determine the standards to be met and/or hardship to exist based on additional evidence presented at the hearing. Ms. Simpson presented a picture of the subject property and described its location. She stated that the Illinois Department of

Transportation requires a permit for outdoor advertising and off-premise signs. Ms. Simpson described the surrounding uses and identified locations of nearby billboards. She explained that the City Code and State Ordinance limits the amount of billboards located on the same side of the street allowed within a half mile to three. Additionally, billboards are required to have a two hundred (200) ft horizontal separation. Ms. Simpson described the zoning and permitted uses.

Ms. Simpson described the history of the subject property and stated that it was developed in the 1980s, at that time there were no billboards. Ms. Simpson described an aerial of the property highlighting the subject property's on premise pylon sign, the location of the previous billboard, the location of the neighbor's on premise sign, and the location of the proposed off premise sign. She described the proposed scope of work and stated that the message center would have a vertical clearance of 19 ft. She described other locations on the site and stated that a variance could be required for locating the signs on other areas of the property.

Ms. Harris asked if staff could indicate what part of the building would be blocked by the proposed sign. Ms. Simpson stated that staff cannot provide that exact information at this moment. Ms. Schultz clarified that the bottom of the sign would be 19ft high. Ms. Simpson confirmed and added that the message center is also 11 ft tall, so the total height of the sign is 30 ft. Ms. Simpson explained locating the billboard in the proposed location could cause a reduction in parking spaces for the subject property, and that the billboard would have to have a minimum vertical clearance of 14ft. Ms. Simpson stated that the City told the petitioner in November that the City could not approve the permit application because, due to the existing billboard, the proposed sign did not comply with the 200ft separation requirement and would result in more than 3 billboards on the same side of the road for a half mile.

Ms. Meek asked if staff could explain why the City requested that the other billboard be removed. Ms. Simpson clarified that the City did not request that the other sign be removed but told the petitioner that the City could not approve the permit application for a new sign in the proposed location because of the presence of the old sign, and the permit application did not comply with the code requirements. Chairman Bullington asked if the proposed sign is in the same location as the previous sign. Ms. Simpson stated that it is not, and explained that the proposed sign is fifteen feet away from the property line and located in the parking lot. She stated the previous sign was located closer to the property line and in the landscaping setback. Ms. Simpson discussed the standards for a variance and explained that although there is insufficient evidence to determine physical hardship and unique conditions. Ms. Harris stated that it is crucial information to understand which part of the building will be blocked by the proposed sign. Ms. Simpson explained the board could request his information. She stated that the property owner can also consider alternative on premise signs such as a roof sign, wall sign on the south side of the property or ground sign on the west side of the property. Chairman Bullington asked if a variance would be needed if the petitioner located the billboard where the Starbucks sign is currently located. Ms. Simpson stated it would not be necessary. Chairman Bullington asked if the petitioner could seek a variance to locate the billboard closer to the Starbucks sign; Ms. Simpson affirmed. Ms. Simpson stated that changing the location would most likely require an amendment to the IDOT permit. She identified alternative locations and stated that these locations would still require a variance. Chairman Bullington added that the petitioner could remove the existing on premise sign and

locate the billboard in that location without needing a variance. Ms. Harris asked if the adjacent building would still be blocked. Ms. Simpson stated that it is possible but the separation between the sign and building would be greater. Ms. Meek added that blocking the building may be a moot point because someone else could build a building in that location that blocks the building. Ms. Simpson clarified that the sign code does not address the separation between a building and an off premise sign. Mr. Schultz asked if the petitioner could combine the on premise sign with the off-premise sign; Ms. Simpson affirmed.

Mr. Charles Farner, 7 Pebble Brook Ct, Bloomington IL, owner Picture This Media was sworn in. Mr. Farner asked if the City had a permit for a proposed sign from Mr. Dalton. Ms. Simpson stated that the City has not received a permit application for the improvements illustrated in the Respondent's Exhibit B. Mr. Farner asked if the City had a permit application from the petitioner. Ms Simpson stated a permit application was received in November. Mr. Farner asked if the City had a copy of the state permit. Ms. Simpson stated the City has a copy of the state permit that the petitioner submitted with an appeal. Ms. Simpson stated that City has not received an updated permit. Mr. Farner asked if Mr. Dalton has a permit for his sign, and if the height and width of signs are required. Ms. Simpson affirmed. Mr. Farner asked if his proposed sign would interfere with Mr. Dalton's existing sign. Chairman Bullington clarified the staff recommendation in the report found that the sign may not be detrimental to the neighboring property. Mr. Farner stated he is concerned about having to move his sign. He explained he went through a long process with the state and has an easement with the landlord. He stated he cannot easily move his sign, and that he is not blocking the neighbors sign right now. Chairman Bullington asked if it were possible to move the sign. Mr. Farner stated he would have to re-engineer the sign permit with the state.

Ms. Meek stated that no one owns the air rights over Starbucks and she feels blocking the building is irrelevant to the case, and does not want to focus on irrelevant information. Mr. Cox added that his petitioner does not own the property and does not have control over the lease or the lease with Starbucks. Mr. Hinch stated he disagrees with the comment that blocking the building is irrelevant and that is exactly the reason why the code has buffers. He feels this would be the first time the Board would allow a billboard to block a building. He stated the reason why we are considering a variance is because the application does not comply with the code. He stated his client's building is thirty feet tall, and the height of the sign aligns with the height of the building. He stated Mr. Dalton is willing to testify about how he scaled Exhibit B. Mr. Hinch entered Exhibit F, a copy of the easement between the property owner and the petitioner. He stated Exhibit F does not allow a lot of flexibility to change the location of the sign, but contemplates a sign that would be larger than the previous sign. Mr. Hinch stated he is not accusing the petitioner of legal negligence but suggests that it is disingenuous to imply that staff was negligent. He thinks that staff was not negligent so there were no special circumstances by this property owner. Mr. Dalton added that it will block the sign and building. He shared his credentials as a sign contractor and stated front views are worthless, that this side is the most valuable side of his building.

Mr. Boyle added that four affirmative votes are required to allow a petition for a variance. He added that less than five negative votes allows an appeal to City Council. Mr. Boyle added that the Board needs to establish findings and amount to all five findings being met. Chairman Bullington discussed the Board discuss the findings first. He closed the public hearing and opened the matter to Board discussion.

Ms. Harris addressed the second factor and stated that she disagrees with the staff finding. She found that if that side of the building is the most valuable to Mr. Dalton, then she determined the variance would violate his right to advertise to the traffic. Ms. Harris added that if there was an opportunity, in good faith, to have a sign of the same proportion in another place on the property that does not violate the rights of another building owner, then it is an important consideration. Mr. Schultz stated that he feels the petitioner has jumped through multiple hoops, and that neighbor owner could still make use of their property. Mr. Brown added that he disagrees with the staff finding and believes that is the best spot for signage on the neighbor's building. Chairman Bullington stated that he cannot agree with the staff finding that this would not be detrimental to the adjacent property owner and that the best evidence of that is the respondent's testimony. Ms. Meek stated she believes this would also be detrimental. Mr. Boyle supplemented that the variance needs to establish all five findings before receiving a positive vote. He stated a consensus that one factor is not found then it should also be a consensus that the variance is denied.

Chairman Bullington motioned that the Board find that second factor, the granting of the requested variance would not be materially detrimental to the property owners in the vicinity, has not been met. Ms. Harris seconded the motion. The Board voted the second factor *was not met* by a vote of 1-4, with the following votes cast: Chairman Bullington—yes, Ms. Harris—yes, Mr. Brown—yes, Ms. Meek—yes, Mr. Schultz—no.

Mr. Boyle requested the Board establish findings with relationship to the other factors. Chairman Bullington stated the vote will be to state “met” or “not met”. The Board found the first factor, the literal interpretation and strict application of the provisions and requirements of Chapter 3 of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel of property in question, *was not met* by a vote of 1-4 with the following votes cast: Mr. Brown—not met; Ms. Harris—not met, Ms. Meek—not met, Mr. Schultz—met, Chairman Bullington—not met.

The Board found the third factor, the unusual conditions applying to the specific property do not apply generally to other properties in the City, *was not met* by a vote of 0-5, with the following votes cast: Mr. Brown—not met; Ms. Harris—not met, Ms. Meek—not met, Mr. Schultz—not met, Chairman Bullington—not met.

The Board found the fourth factor, the sign would not exceed 800 square feet, *was met* by a vote of 5-0, with the following votes cast: Mr. Brown—met; Ms. Harris—met, Ms. Meek—met, Mr. Schultz—met, Chairman Bullington—met.

The Board found the fifth factor, the granting of the variance will not be contrary to the general objectives set forth in Chapter 3, *was not met* by a vote of 2-3, with the following votes cast: Mr. Brown—met; Ms. Harris—not met, Ms. Meek—not met, Mr. Schultz—met, Chairman Bullington—not met.

Mr. Boyle asked the Board to find whether they think factor one is met by virtue of the exception, subfactor one. The Board found that the proposed sign was in good taste, well landscaped and under three hundred feet by vote of 5-0 with the following votes cast: Mr.

Brown—met; Ms. Harris—met, Ms. Meek—met, Mr. Schultz—met, Chairman Bullington—met.

Chairman Bullington requested a vote on the variance petition, Case Z-05-18. He stated a “yes” vote signifies “approval” of the Variance and that four affirmative votes are required, keeping in mind that the Board determined that the petition did not meet the standards for a variance. The Variance was denied 0-5 with the following votes cast: Mr. Brown—no, Ms. Harris—no, Ms. Meek—no, Mr. Schultz—no, Chairman Bullington—no.

Chairman Bullington thanked everyone for his or her patience throughout this process.

OTHER BUSINESS: None

NEW BUSINESS:

Elect New Chairperson.

Chairman Bullington requested nominations for Chairperson for the next year. Mr. Boyle stated Chairman Bullington is eligible to serve a second term. Mr. Schultz motioned to nominate Chairman Bullington as Chairman for an additional term. Mr. Brown seconded the motion. Chairman Bullington accepted the nomination. No other candidates were nominated. The Board elected Chairman Bullington to serve as Chairman for another term, 5-0, with the following votes cast: Mr. Schultz—yes; Mr. Brown—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Veitengruber—absent; Chairman Bullington—yes.

ADJOURNMENT

Mr. Brown motioned to adjourn. Mr. Schultz seconded the motion. The meeting adjourned at 6:16.

Respectfully Submitted,
Katie Simpson
Secretary