

BOARD OF ZONING APPEALS

The regular meeting of the Board of Zoning Appeals was held on June 2, 2016 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

President Joe Manchin called the meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

Present

President Joe Manchin
Vice President John Six
Board Member Ray Friend
Board Member Aron Majic
Board Member Gia Deasy
Board Member Michael Ragan

Absent

City Staff Present

City Planner, Sandra Scaffidi
Recording Secretary Maria Cipolla

APPROVAL OF MINUTES

President Manchin asked for a motion to approve the minutes from May 5, 2016.

Board Member Six motioned to approve the minutes.

Board Member Majic seconded the motion.

Motion carried 5-0.

President Manchin: Everything on the agenda tonight is concerning one piece of property [1005 Fairmont Avenue] but they are four separate issues that need to be addressed.

PUBLIC HEARINGS FOR June 2, 2016

1. City Code Section 5.2.2.A.iv which requires that the primary entrance shall be both architecturally and functionally designed on the front façade of the building facing the primary public street.

President Manchin asked if there was anyone here to speak in favor of this request.

Joe DeFazio, Jr came to the podium.

President Manchin: So are you asking for a variance to have your building to look like McDonald's (the orientation of the building). Is that essentially what you are asking for in your variance?

Joe DeFazio, Jr.: Yes. That is correct. The lots are too narrow to orientate the building another way.

President Manchin: To have the front facing the street. O.k. I think we got it. Thank you. We will be calling you back up.

President Manchin: Is there anyone here to speak against this variance?

There were none.

President Manchin asked for a motion to close the public hearing.

Board Member Friend motion to close the public hearing.

Board Member Six seconded the motion.

Motion carried 5-0.

President Manchin asked for the staff report for section one.

Sandra Scaffidi: We worked closely with the DeFazios and their architects and engineers. They came to DRC meetings twice now. I believe they worked very hard to try and meet our criteria but unfortunately because of the size of the lot they are unable to rotate the building around. It does not appear that this would affect the public safety, health, or welfare or rights of the adjacent property owners. It (this variance) doesn't seem to be a major issue.

President Manchin: Thank you. Any discussion from the Board?

Board Member Friend: Do any agencies, like the police department, have an issue with it?

Maria Cipolla: No. There are no negative comments received from any of the agencies on any of the requests tonight.

President Manchin: I am old enough to remember that use to be a Dunkin Donuts when I was a kid. It is funny to see things coming full circle. Did you have that property before in the 60's and 70's?

Joe DeFazio, Sr.: No.

President Manchin: O.K. Does anyone have any comments, questions or concerns dealing with this request? We will go through each one separately.

Board Member Six: I agree with the layout of the property especially with the traffic flow. To be able to get the cars in and out it will serve them better.

Board Member Friend: It's the best use of the traffic light there.

President Manchin asked for a motion on this request.

Board Member Friend motioned to approve.

Board Member Deasy seconded the motion.

Motion carried 5-0.

2. City Code Section 4.13.1 which requires that drive through windows must be located within the side or rear of the building.

President Manchin: Again, this is due to the building not falling within the perimeters. Mr. DeFazio, is there anything you need to add on this?

Joe DeFazio, Jr.: It is all do to the building orientation. It lays out the best that way.

President Manchin: O.K. I got it. Can we have the staff report?

Sandra Scaffidi: The other issue of why we are agreeable to this layout is you won't have traffic that is going through the drive-thru crossing traffic that is trying to come out of the building. It is a safety issue with traffic patterns.

President Manchin: It really is the best use of the property.

Sandra Scaffidi: Yes. Also, the landscaping that they are going have will obscure the drive-thru a little bit more. It won't be as prevalent as it could be.

President Manchin: Is there anyone here to speak against the second variance request?

There was none.

President Manchin motioned to close this request to public hearing.

Board Member Six motioned to close the public hearing.

Board Member Friend seconded the motion.

Motion carried 5-0.

President Manchin: The staff report will show that nothing is really hurt or harmed in the process of doing this. Do we have any questions or comments from the Board?

There was none.

President Manchin requested a motion on the second request.

Board Member Six motioned to grant this variance.

Board Member Friend seconded the motion.

Motion carried 5-0.

President Manchin requested a motion to open it up for public hearing again.

Board Member Six motioned to open the public hearing.

Board Member Majic seconded the motion.

3. City Code Section 5.3.7.B.i.b. which requires the aggregate area for all signs shall be limited to one (1) square foot per one (1) lineal foot of street frontage with a maximum aggregate area of one-hundred (100) square feet per frontage per place of business unless otherwise expressly permitted.

President Manchin: This issue of signage comes before us a lot. Is there anyone here to speak in favor of this request? What size is your sign actually going to be as opposed to what is allowed? Do you know?

Joe DeFazio, Jr.: I do not have the exact square footage. I know it is over. Some of the signage is actually like a wall graphic. It is not a solid sign. I don't know if in your calculations you counted that. I think you just did the total square footage.

Board Member Majic: It is going to be hard to decide without knowing the actual square footage.

Sandra Scaffidi: In your packet (the Board's packets), there is an addendum sheet. The original measurements included all of the signage which included the backside of the building. I apologize. The maximum aggregate of the area is 1 square foot per lineal foot of frontage. If we are looking at the footage being along Fairmont Avenue, they have approximately 54 feet in length of the building. I did measure the signs that were included in the drawings that were listed in the addendum sheet. I broke it down so that you could see that along Fairmont Avenue, there is also 132 square feet of signage. It only includes the big cup logo that is not solid. It is only a logo but it is a sign. It is length time's width measurement. There is also fifteen foot logo. It is not as cumbersome as originally presented.

President Manchin: But the sign is essentially going to be on the side of the building?

Sandra Scaffidi: They are all wall signs.

Board Member Friend: They are not neon and they don't light up?

Joe DeFazio, Jr.: There are some LED lights. There is, I believe, one on the front of the building where the entrance is it and one on the side.

Board Member Friend: The front you are referring to is the side what?

Joe DeFazio, Jr.: It is the side facing Tenth Street.

Board Member Friend: So the side that is on Fairmont Avenue, is now the front.

Sandra Scaffidi: That side is 132 square feet. There is no signage on the rear of the building that faces the resident.

President Manchin: Sheetz is going to right across the street. That whole area is going to be lit up.

The Board and Sandra Scaffidi are all discussing the signage. The discussion is not distinguishable.

Sandra Scaffidi: The way I interpret the code is that you only measure the signage on the front of the building. That is why I originally got a little carried away with my measurements.

President Manchin: So with us granting them the first two variances, the side of the building essentially becomes the new front.

Sandra Scaffidi: Yes.

President Manchin: And they are allowed 100 square feet or 100 lineal feet?

Sandra Scaffidi: No, up to 100 feet but they only have 54 square feet on the Fairmont Avenue side. Technically, they can only have 54 square feet of signage.

President Manchin: And they are asking for 132 sq. feet total?

Sandra Scaffidi: Yes.

Board Member Friend: There is actually more than 132 because there is a pole sign that is 68 square feet on Fairmont Avenue. Is the right? I understood in our sign ordinance that it included all signs.

Sandra Scaffidi: Our building inspector was not available this week so he did not review this. The way I interpreted it was the sign on the building. We did not included the pole sign out front on the Busy Beaver a few weeks ago.

President Manchin: That is right. We did not.

President Manchin: You are not doing anything different than any other Dunkin Donuts (addressing the DeFazios)? You are pretty much going by the corporate standards.

Joe DeFazio, Jr.: Yes. It is a lot more expensive to order bigger or smaller signs. Ours is a standard cookie-cutter size.

Board Member Friend: Everything is to scale. It won't stand out.

Sandra Scaffidi: One thing we did notice today was, which is also listed in this addendum, is the pole sign is listed as 20' feet in height but our code does say that in the business district the entire sign should be no higher than 10' feet for a pole sign. That is just something to keep in mind.

Board Member Majic: Is the McDonald's sign ten feet?

Sandra Scaffidi: No. Their golden arches sign was not included in the last variance that they had.

President Manchin: So then we have to address the pole sign as well because of the height.

Board Member Friend: it is easier for us to address it as submitted. It is submitted at this height.

There is more inaudible discuss among the Board members.

Board Member Six: What would be the possibility of getting a low-profile sign?

Joe DeFazio Jr.: You mean like a monument sign?

Board Member Six: The only thing I am looking at here is the possibility of a distraction at the traffic light. Somebody maybe distracted instead of watching the traffic light. The monument sign could be below it but people coming the other way may not see your sign. They may only see the sign for Sheetz. I don't want to create a situation where you get killed by your competition.

Joe DeFazio, Jr.: That is the only issue. With the trees in the front, I am afraid to have a monument sign that you cannot see going north on Rt. 250. With the trees to help hide the drive-thru window, you are not going to be able see a lot of signs on the building. That is why I would like to have a pole sign there.

Board Member Friend: Where on this drawing is that pole sign going to be? (Joe DeFazio, Jr. pointed the sign out on the map for him) I think if you put in a monument sign, it may block people's vision when they are pulling in and out of the lot. It is almost better to put in a pole sign. I would rather have a taller sign.

Board Member Six: Have you acquired the permits from the State yet?

Joe DeFazio, Jr.: For the intersection there?

Board Member Six: Yes.

Joe DeFazio, Jr.: We are still working with them. We have not had to do a traffic study yet to get the light done. We are trying to find a company right now that can do that.

There is more discussion among the Board members are the traffic light at that location.

Board Member Deasy: The light is right in front of the glass doors (of the building that is currently there). It is just two physical steps. I walk that area. I know it well.

The Board discussed the signage among themselves again.

Board Member Friend: If you put in a monument sign, it will obstruct the view of people pulling. If you put in a ten foot pole sign up, it will be above the cars. It will not block their view and will not require a variance. It is just a matter of ordering a shorter pole.

President Manchin: Was there a reason for the 20' pole? (Directed at the applicants) Was that something that came from Dunkin Donuts' corporate office?

Joe DeFazio, Jr.: That came from the corporate office.

President Manchin: I know they do their studies. They want visibility from so many feet. I get it.

President Manchin asked if there was anyone against this variance request.

There were none.

President Manchin asked for a motion to close it off to public hearing.

Board Member Majic motioned to close the public hearing.

Board Member Six seconded the motion.

Motion carried 5-0

President Manchin asked if there is a need for any further discussion.

Board Member Friend: Obviously, this is a standard-sized package.

President Manchin: That is exactly right and that is what he said. It will cost him more to order smaller or bigger because this is coming cookie-cutter.

Board Member Friend: In my opinion, the City needs to go back and look at that especially on Fairmont Avenue and Locust Avenue. If you look at franchises, they have packages. We can't limit ourselves. It is just my opinion.

Board Member Majic: It seems like all the Sheetz, McDonalds, and the Dunkin Donuts, all have those standards from their studies that are all above 10 feet. That might be give us a reason to focus on and review what we allow.

Board Member Friend: I make a motion to approve as submitted.

President Manchin: O.K. Which allows for the overage on the square footage for the big cup. It will allow for a sign up to twenty feet. That is pretty much it.

Board Member Friend: It would be approved to go over the square footage, as calculated, up to the 277 square feet but not to go any further than that. That is the total if you add it all up?

Sandra Scaffidi: The 53 square feet should not be included in this because it is not included in the façade. We only need to measure what is on the façade right now. That is the 132 square feet. It is 117 for the big cup and 15 square feet for the rest.

President Manchin: So a total of 132 sq. feet. So that is what this motion is requesting as submitted. The variance, up to 132 sq. feet, with the pole sign up to twenty feet.

Board Member Friend: I think it has to be approved as submitted with these square footages for the entry, the pole, and for the directional signage. I would like to refer to as submitted here; the 117 square feet, the 15 square feet for the area along Fairmont Avenue, as well as the area along the building entry which is facing the church and the 68 foot pole sign and the side.

President Manchin: As submitted. Do we have second?

Board Member Deasy seconded the motion.

Motion carried 5-0.

4. City Code Section 5.2.2.D.ii.c which requires at least seventy (70%) percent of the street level frontages shall be in windows or doorways. Street level windows shall be visually permeable. Mirrored glass is not permitted in any location. Faux or display casements are not permitted in lieu of exterior window treatments for the front elevation.

President Manchin: This will be dealing with the side of the building. If you look at the McDonald's building, there are no windows because that is their drive-thru side. So they are pretty much running into that same situation.

Sandra Scaffidi: As we discussed, that side of the building is going to have the kitchen.

Joe DeFazio, Jr.: You will be looking at the back of coffee makers and the kitchen. Nobody wants to see that stuff.

President Manchin: Where the windows will be is a prettier view than even Fairmont Avenue. You are going to have more of the residential feel back there. It is just based on the orientation of the building.

President Manchin asked if there was anyone here to speak in favor of this request.
There were none.

President Manchin asked if there was anyone to speak against this request.
There were none.

President Manchin requested a motion.
Board Member Six motioned to close the public hearing.
Board Member Friend seconded the motion.

President Manchin asked if there was any discussion needed for this request.

There was no discussion needed.

President Manchin requested a motion.
Board Member Six motioned to grant the variance as submitted.
Board Member Friend seconded the motion.
Motion carried 5-0.

President Manchin: Congratulations and good luck. What is your timeline?

Joe DeFazio, Jr.: Hopefully by this winter we would have it done.

DISPOSITION OF PAST CASES

There were none.

OTHER BUSINESS

President Manchin: We lost a good friend today in the radio world, **Mr. Lacy Neff**. He was just 49 years old. I think that is way too young in today's society. He fought his battle for a long time. I would like to recognize him for his work and that he will be missed. He was well loved and respected. I would like that put on the record.

STAFF UPDATES

Sandra Scaffidi: There was a question on the floor last month about the landscaping at BB&T. Maria has brought those drawings. There is a landscaping plan for the section along Gaston Avenue where the wall is. They will continue to complete landscaping plans once the building is completed. We will make sure they fulfill their requirements.

President Manchin: That is the retaining wall in the back?

Sandra Scaffidi: Yes.

ADJOURNMENT

President Manchin requested for a motion to adjourn.

Board Member Six motioned to adjourn.

Board Member Majic seconded the motion.

Motion carried 5-0