

**MARION CITY BOARD OF ZONING APPEALS  
MEETING AGENDA  
Tuesday, April 24, 2018 @ 6:00 P.M.**

Roll Call

Minutes of March 14, 2017

**New Business:**

**Item 1.** Application for Variance from Section 1151.011 from the required front/side yard and setback in residential districts of the Marion City Zoning Code has been filed by Terry Litteral for the property located at 254 Johnson Street, Marion.

Item 2. Meeting time preference

**Matters not on the Agenda**

Adjourn

# MINUTES OF MARION CITY BOARD OF ZONING APPEALS

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March 14, 2017

Members present: Mr. Watts, Mr. Sanner, Mr. Gustin, Ms. Parker, Mr. Douce, Mr. Hord. Minutes of September 13, 2016; Ms. Parker moved, Mr. Douce 2<sup>nd</sup>; roll call: ayes all, motion carried; Minutes are approved.

Reorganization: Bob Sanner was unanimously voted on for Chair, Marden was unanimously voted on as Vice Chair.

## **NEW BUSINESS:**

**Item 1.** Request for 3 variances for Two Sons Inc – Car Wash - Variance from Section 1151.041 - required front-yard setback. Variance from Section 1161.023 B - digital message board accessory identification sign.

Two Sons Inc. Is proposing the tear down the former Pizza Hut building and construct a car wash facility on the site.

The zoning code requires buildings located in the commercial districts (except the C-3 District) to have a minimum front yard setback of 30' (30' or height of the building - whichever is greater). Two Sons is proposing to have two vacuum station islands encroach into the required front yard setback. The northern vacuum station is approximately 10' from the street right-of-way line while the southern vacuum station is approximately 12' 6" from the street right-of-way line. Front yard setback variances of 20' and 17' 6" are required.

The applicant would also like to have a digital message board accessory identification sign mounted on a pole near the road. Digital message board accessory signs are not permitted by the zoning code.

IN FAVOR : 1. The requested variances are considered minimal and should not be detrimental to the surrounding commercial uses. 2. As the BZA is aware, it is often times difficult to redevelop and existing site and meet all of the zoning requirements.

AGAINST : Three variances are required.

STAFF RECOMMENDATION: Approve the request as follows: 1. Grant the required front-yard setback variances for the two vacuum stations. 2. Approve the digital message board accessory identification sign with the following stipulations:

- A. The sign shall have and use an automatic dimming devise that adjusts the brightness to the ambient light at all times day and night to prevent glare on surrounding properties.
- B. The sign shall not be used for advertising purposes for another off- site business.
- C. The sign shall not have flashing words or drawings, and shall not have changeable advertisements or messages that last less than eight (8) seconds.
- D. The sign shall not have auditory effects including music.
- E. The sign shall not incorporate the movement or the illusion of movement.

- F. The sign shall not contain red, green, or blue lights that resemble highway traffic signs or devices.
- G. The sign shall not be illuminated by any rapid flashing, intermittent light or lights.
- H. The sign shall achieve a transition to another static image or message over a period of at least one second.
- I. The sign shall contain a default design that will freeze the device in one position if a malfunction occurs.

Ms. Parker asked how easy is it to get a sign that meets all these requirements. Mr. Stewart said it's all computer controlled now - it's no big deal. Mr. Brian Long said this is the sign we did 10 years ago and I sent it to Irene. I can't say that we are totally sold on the digital sign. Day/Night Signs is our sign company; I'll give these specifications to them and see if they can do it. If they can't, I'd go with the static sign like everyone else.

Ms. Parker said – red, green or blue – that limits the color. Mr. Stewart said that it can't be close to a stop light. Mr. Watts said the one on Mt. Vernon has those colors. Ms. Parker said they can use those colors, but not look like a stop light.

Mr. Long said if anything, we'd use it as a message board, put up specials. It would be a in-bay automatics. It would be the same as Rt. 95. Mr. Sanner asked if that is your facility. Mr. Long said yes. Mr. Sanner said I'm glad somebody is taking that place over. It's been sitting empty for so long; also, happy that's it's over on 423.

Mr. Douce asked why the vacuums are set so close to the road. Mr. Long said we could maybe pull it back a bit. Most of the traffic will enter to the north, they will loop around and make the turn. It makes traffic flow a lot easier. Mr. Long said there is no Pet Spa at this place.

Mr. Watts moved to approve all three – the two vacuums and the sign per the zoning code; Mr. Hord 2<sup>nd</sup>. Roll call: Ayes all, Motion carried. **VARIANCES ARE APPROVED.**

There being no further business Chairman Sanner adjourned the meeting.

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Chairman Sanner

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Clerk of Council