



Board of Zoning Appeals

July 10, 2019

6:00 p.m.

Notice is hereby given that the Board of Zoning Appeals of the Village of Whitehouse will hold a meeting on Wednesday, July 10, 2019, at 6:00 p.m. in the Whitehouse Village Hall, 6925 Providence Street, Whitehouse, OH.

AGENDA

1. Call to Order
2. Approve Minutes of the May 1, 2019 meeting
3. Review, discuss and finalize a ruling regarding Appeal #02-2019 submitted by Doug McMahon, owner of General Sud's Car Wash, to install an additional sign located at 6616 Providence Street.
4. Any other business as appropriate under the Village Charter.
5. Adjourn.

Jordan D. Daugherty
Village Administrator

VILLAGE OF WHITEHOUSE
BOARD OF ZONING APPEALS MINUTES
May 1, 2019

Board members present: Chuck Kethel, Leroy Ryerson, Thomas Spears, Julie Studer, Mike Walters. Also present: Kevin Conners, Jeff Rodriguez, Chad Hudson and Planning Administrator Tiffany Bachman.

The Board of Zoning Appeals (BZA) meeting was called to order by Mike Walters at 6:00 p.m.

Election of Officers: Chairman Mike Walters, Vice Chairman Thomas Spears and Secretary Julie Studer. 5-0

Motion by Leroy Ryerson, seconded by Thomas Spears to approve the November 7, 2018, minutes as written. 5-0

Appeal No. 01-2019: Kevin and Beth Conners to add an attached garage to 6423 Whitehouse Valley Dr. and requesting a 5' variance on the side. Mr. Conners would use it to park a car in the garage.

Jeff Rodriguez is concerned about the resale value of his property if this variance is allowed.

Kevin Conners stated he stopped up at the Village Hall to request the variance and pay the fees. He had several conversations with Mr. Rodriguez about the matter also.

Motion by Leroy Ryerson to deny the request for the variance. Thomas Spears seconded the motion. 5-0

With no further business to come before the Board, Leroy Ryerson moved to adjourn, Julie Studer seconded the motion. Motion passed 5-0 and the meeting was adjourned at 6:19 pm.

Respectfully submitted,

Tiffany Bachman
Planning Administrator

STAFF REPORT
BOARD OF ZONING APPEALS #02-2019
July 10, 2019

Applicants: Doug McMahon, owner of General Sud's Car Wash

Property Owner: Doug McMahon

Date Appeal Filed: June 12, 2019

Subject Property: 6616 Providence Street, Whitehouse, Ohio

Request: Applicant is requesting a variance to Chapters 1259.03, 1259.03 (A)(4), and 1259.04 (A)(4). He would like to install a freestanding sign between the landscaping stone at 6616 Providence Street.

Adjacent Zoning: To the north: C-2
To the west: R-3
To the south: C-2
To the east: C-2

Adjacent Uses: To the north: Commercial
To the west: Residential
To the south: Commercial
To the east: Commercial

CONSIDERATIONS:

1. Doug McMahon, owner of General Sud's Car Wash located at 6616 Providence Street, was approved for the Beautification Grant in 2018. The goal of the grant is to assist property owners in the overall beautification of SR 64 as the Village continues to improve the intersections, roadway, right-of-way, multi-use trails, and general appearance of the entire area. The Edge Group designed a landscaping plan for General Sud's Car Wash and incorporated the limestone block used throughout the village. (Exhibit A) Mr. McMahon is requesting variances for a sign shown in the landscaping plan.
2. On June 12, 2019, Doug McMahon submitted an appeal to the Board of Zoning Appeals to request three variances and paid the \$100.00 filing fee.
3. Mr. McMahon is requesting three variances to install a freestanding sign between the landscaping stone.
 - A. Section 1259.03 of the Whitehouse Zoning Code states that any business may utilize any combination of signs, provided that ninety-six (96) square feet total is not exceeded. With the additional sign, the total signage will be one hundred twenty-six

(126) square feet. **A variance of thirty (30) square feet of additional signage is requested.**

B. Section 1259.03 (A)(4) of the Whitehouse Zoning Code states that ground and freestanding signs shall not exceed a total sign area of fifteen (15) square feet when the sign is located fifteen (15) feet from the curb or ledge of the pavement. For each additional foot of set back from the curb or edge of street pavement, an additional three (3) square feet of sign area will be permitted. The new sign is sixty (60) square feet and would have a required thirty (30) foot setback. **A variance of fifteen (15) feet for the setback is requested.**

C. Section 1259.07 (A)(4) of the Whitehouse Zoning Code states that there shall not be more than one (1) ground mounted or freestanding signs for each principle business. The new sign would be the second ground sign for this business. **A variance for one additional ground or freestanding sign is requested.**

4. Section 1242.03 Powers and Jurisdiction of the Zoning Code states that in order for the BZA to authorize a variance upon appeal, that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.

2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

3. The condition from which relief or a variance is sought did not result from action by the applicant.

4. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, convenience or general welfare of the inhabitants of the Village.

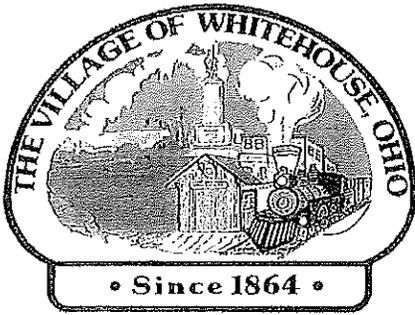
CONSIDERATIONS:

1. Applicant is requesting three variances:

A. *Section 1259.03.* A variance to allow thirty (30) square feet of additional signage.

B. *Section 1259.03(A)(4).* A variance for a fifteen (15) foot setback.

C. *Section 159.07 (A)(4).* A variance for one additional ground or freestanding sign.



PETITION

Before the Board of Zoning Appeals

REQUEST FOR VARIATION

Docket No. _____

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: 4-1 _____ Time: _____

Date set for Hearing: _____ Time: _____

Fee Paid on: 6-12-19 _____ Amount: \$100.00 _____

Comments: _____

NOTICE TO APPLICANTS

A Variation is a zoning adjustment which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of Variation is limited to the minimum change necessary to overcome the inequality inherent in the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

A variation recognizes that the same district requirements do not affect all properties equally; it is used to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district.

You must file this Petition along with the following: The filing fee established by the Village of Whitehouse; an 11 x 17 inch Site Plan and a 24 x 30 inch Site Plan giving dimensions and scale; a Legal Plat of Survey; proof of ownership; and a copy of any rough building plans giving dimensions and scale. You may also be required to submit additional information.

You must complete the following questions (if additional space is needed, attach extra pages to this Application).

1) Name of owner(s): General Sud's

2) If Land Trust, name(s) of all beneficial owners: _____

3) Name of Applicant(s): General Sud's (Doug McMahon DBA)

4) Address of Applicant(s): 6616 Providence

5) Applicant(s) phone number: Home 916 300 0134 Office 419 601 7527
Home _____ Office _____

- 6) Property interest of Applicant:
- Owner
 - Contract purchaser
 - Attorney of owner
 - Other (describe) _____

7) Address of property in question: 6616 Providence

8) Size of parcel: .35 Acre

- 9) Present zoning category:
- | | | |
|------------------------------|---|-------------------------------|
| <input type="checkbox"/> A | <input type="checkbox"/> R-4 | <input type="checkbox"/> C-4 |
| <input type="checkbox"/> S-1 | <input type="checkbox"/> R-5 | <input type="checkbox"/> M-1 |
| <input type="checkbox"/> R-1 | <input type="checkbox"/> C-1 | <input type="checkbox"/> M-2 |
| <input type="checkbox"/> R-2 | <input checked="" type="checkbox"/> C-2 | <input type="checkbox"/> B.P. |
| <input type="checkbox"/> R-3 | <input type="checkbox"/> C-3 | |

10) Adjacent Zoning:

To the North: C2

To the South: C2

To the East: RES/C2

To the West: RES

11) How is the property in question presently improved? was abandoned 2 yrs ago
Painted / refurbished / added S-S-S

12) Present Use:

- Commercial
 - Industrial
 - Residential
 - Other
- (Describe) _____

13) Adjacent Uses:

To the North: _____ "10"

To the South: See

To the East: _____

To the West: _____

14) A VARIATION is requested in conformity with the powers vested in the Board of Zoning Appeals to permit the owner to

install sign "oval 10' X 6' on the
(insert use of construction proposed)

property described above. see rendition attached pg. 2

15) Permit applied for and denied:

Yes

No

By "Edge Company"
NA

16) Is the property in question currently in violation of the Zoning Ordinance?

Yes

No

If yes, how? _____

17) Is the property in question presently subject to a variation?

Yes

No

?

If yes, list each date and ordinance granting the variation(s) _____

18) From what zoning and/or sign ordinance are you requesting a

variation? 96 sq. ordinance - currently using
66 sq. ... This sign would put me over
by 30 sq.

19) ATTACH LEGAL DESCRIPTION AS IT APPEARS ON THE DEED. see A.S.C.S
and attach.

20) What characteristics of your property prevent it being used for any of the uses permitted in your zone?

- Too narrow
- Too small
- Too shallow
- Elevation
- Slope

- Shape
- Soil
- Subsurface

Other (Specify) - ordinance
sign limit

21) Describe the items checked, giving dimensions where appropriate. NA

22) How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? see above

23) Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway)?

Yes

No

If so, describe 2019 Steve Grant

24) Which of the following types of modifications will allow you a reasonable use of your land?

- Setback requirement
- Side yard restriction
- Area requirement
- Lot-coverage requirement
- Off-street parking requirement
- Other (describe)

See sign request

25) To the best of your knowledge, are the conditions of hardship for which you request a Variation true only of your property?

- Yes
- No If no, how many other properties in your immediate vicinity to the best of your knowledge are similarly affected?

100 maximum beautification plan this sign would be a bonus for village

26) Explain why in your opinion the grant of the Variation requested will be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance. (Use additional pages if necessary)

See 25

Proposal

Request approval of the following:

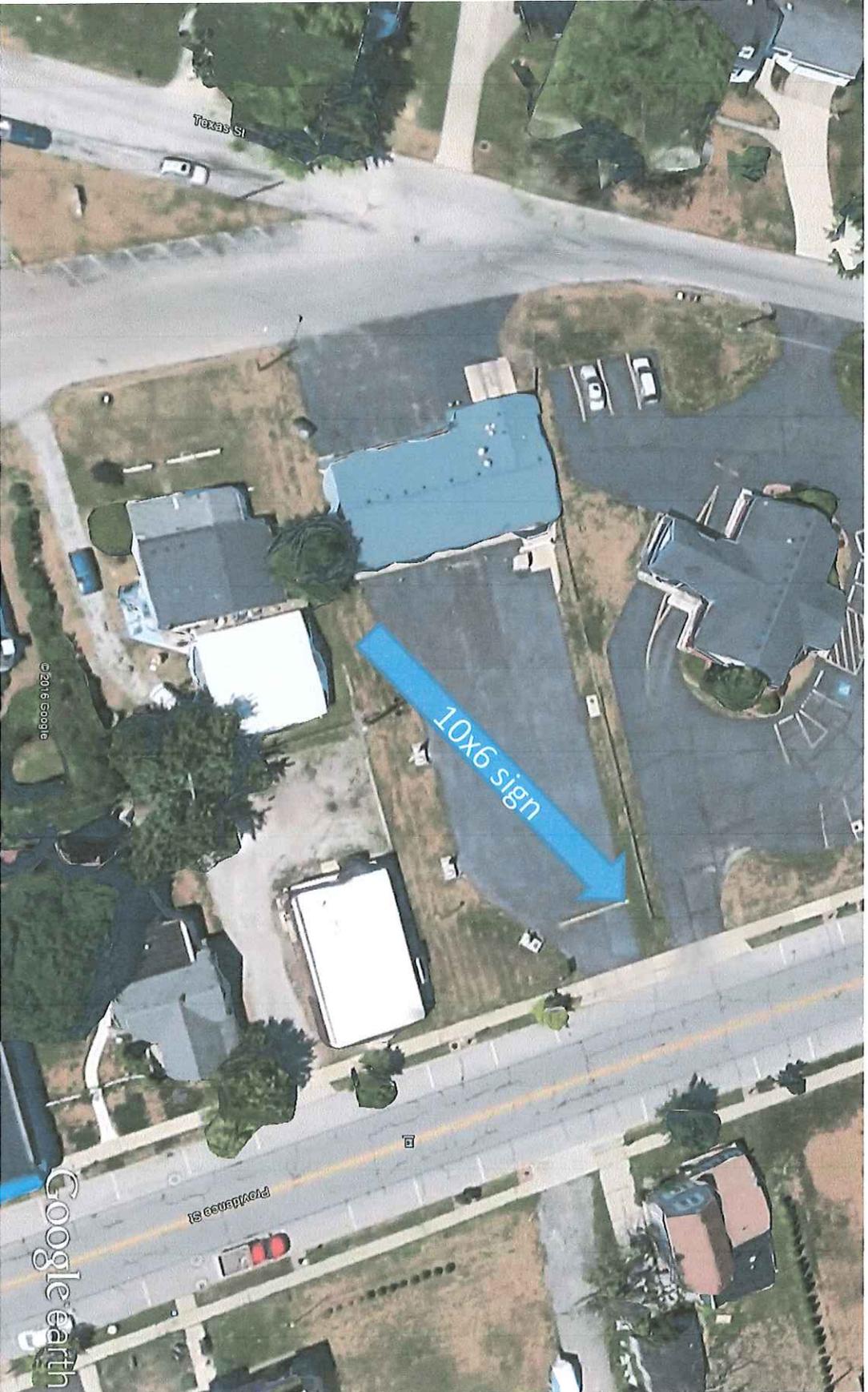
1. Allow owner to procure an oval sign 10' x 6' for Northeast area of stone wall per the Edge Company's artist rendition at 6616 Providence. Sign will be double sided. This will require a waiver / appeal to current Village of Whitehouse rules and regulations Sections 1259.03, and sub-sections (A) (4) for the following 4 adjustments:

1. Allow exception to additional 30 sq feet of additional signage to a total of 126 sq' to match the artist rendition per the grant request
2. Allow setback of ^{15'}~~10'~~ from street pavement to incorporate item 1 above *QAK*
3. Allow waiver to sign size restriction in reference to setback/also part of artist rendition
4. Allow General Sud's to have 2 street signs, as the one has been there for several years, and is not a deterrent to the landscape, and remains well kept.

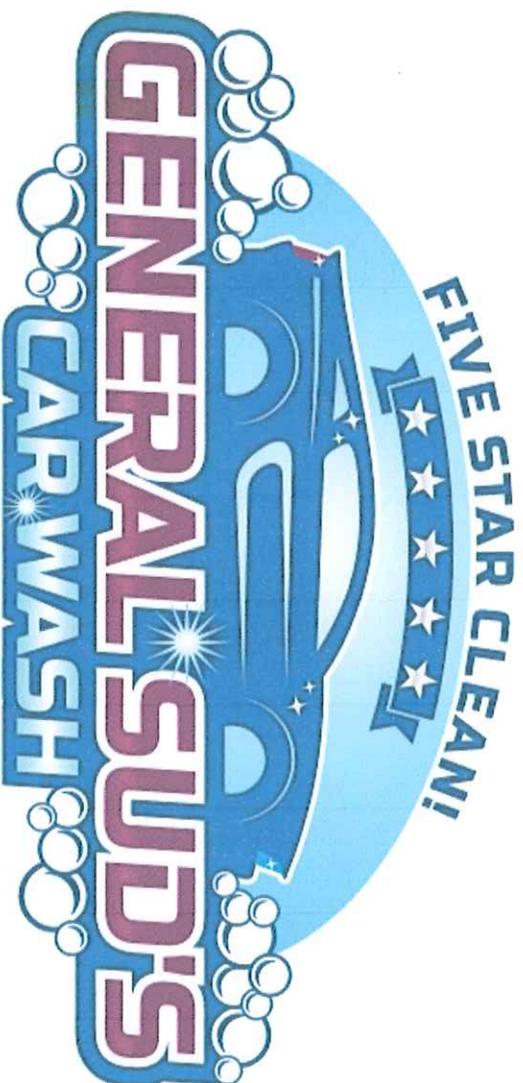
Proposal (continued)

1. Sign will have LED backlighting
2. 10x6 Sign will have standard General Sud's logo per art depiction





6616 Providence St: General Sud's Ltd



Automatic and Self Serve Bays

10x6 oval sign on NE nook of stone

- Current signs total 66 sq feet combined
- $10 \times 6 = 60$ sq feet...would put Gen Sud's 30 sq' over the max allowed. Request variance per in order to enhance entrance to village.

A handwritten signature in black ink, appearing to read "O. W. W.", located at the bottom of the page.



April 17, 2019

General Suds
Attn: Doug McMahon
5754 Whitehouse Spencer Rd
Whitehouse, OH 43571

Re: Sign Request at 6616 Providence Street

Dear Mr. McMahon

I have reviewed the preliminary drawing requesting a permit for construction of a new sign at 6616 Providence St. in the Village of Whitehouse.

Section 1259.03 of the Whitehouse Zoning Code states that any business may utilize any combination of signs, provided that ninety-six (96) square feet total is not exceeded. Your request is for one hundred twenty-six (126) square feet of signage.

Section 1259.03(A)(4) of the Whitehouse Zoning Code states that ground and freestanding signs shall not exceed a total sign area of fifteen (15) square feet when the sign is located fifteen (15) feet from the curb or edge of street pavement. For each additional foot of set back from the curb or edge of street pavement, an additional three (3) square feet of sign area will be permitted. For the size of the sign you are requesting, it would need to be thirty (30) feet from the curb or edge of street pavement. The exact location of how far your sign request is from the curb was not indicated on the drawing but appears to be less than thirty (30) feet.

Section 1259.04 (A)(4) of the Whitehouse Zoning Code states that there shall not be more than one (1) ground mounted or freestanding signs for each principal business. Your request would have two (2) ground mounted or freestanding signs.

Therefore, I must deny your request for a zoning permit due to the requirements listed above. You may appeal my decision by filling out the Appeals Form and paying the \$100 filing fee to appear before the Board of Zoning Appeals. You will be requesting a 30 square foot variance for the total combination of signs, a variance for distance from the curb or edge of the street pavement, and a variance to allow two (2) ground mounted or freestanding signs at a principal business.



Providence Road Entrance - After

STONE WALL STREETSCAPE ENHANCEMENTS ■ Prepared for The Village of Whitehouse

PROJECT# 18191.0