



## **BOARD OF ZONING APPEALS MEETING MINUTES**

**April 19, 2022 at 6:30 PM in Council Chambers**

The meeting was called to order by Mr. Jaskiewicz at 6:31pm.

### **Roll call:**

Members present – Tom Jaskiewicz (Chair), Jim Eudaily, Nate Metzger, Curtis Hundley, Diana McCoy

Members absent –

Also present: Taylor Brill (Village Planner), Paul-Michael Lafayette (Solicitor)

### **APPROVAL OF MINUTES**

Mr. Jaskiewicz noted approval of the meeting minutes for November 23, 2021 was tabled at the previous meeting, due to lack of quorum to vote. Mr. Metzger motioned to approve the November 23rd minutes, seconded by Mr. Jaskiewicz. 3 yeas. Mr. Eudaily and Mr. Hundley abstained.

Mr. Eudaily motioned to approve the meeting minutes for January 18, 2022, seconded by Mr. Jaskiewicz. 4 yeas. Ms. McCoy abstained

### **APPROVAL OF RULES AND PROCEDURES**

Mr. Jaskiewicz asked the board if they had any comments. Hearing none he stated he would entertain a motion. Ms. McCoy motioned to approve the Rules and Procedure, seconded by Mr. Jaskiewicz. All yeas.

### **SWEARING IN OF SPEAKERS**

Mr. Lafayette swore in Doug Tailford.

### **COMMUNICATION**

Ms. Brill communicated to the board that there will need to be a meeting next month, because an application has already been filed for a variance. The variance will be for a reduction of the rear setback requirement in order to complete a lot split. She also told the board that work still continues to progress on the Zoning Code Re-write. Planning Commission will review the draft for a second time at their meeting this month. Council will have an informal review on May 4<sup>th</sup> at their work session.

### **PUBLIC COMMENT**

NONE

### **OLD BUSINESS**

None

## NEW BUSINESS

VAR-21-1; SR 161 (Parcel 04-00818.000) VARIANCE FROM SECTION 1199.05 PERMANENT SIGNS AND SECTION 1199.11 PROHIBITED SIGNS TO ALLOW FOR A PAINTED LETTER SIGN ON AN EXISTING SILO TO BE REFURBISHED IN CONJUNCTION WITH THE DARBY STATION COMMUNITY; APPLICANT: MI HOMES

Mr. Jaskiewicz asked if all the proper notices were set out. Ms. Brill confirmed. Mr. Jaskiewicz opened the public hearing and asked Ms. Brill to give a summary.

Ms. Brill stated that the property in question was located on SR 161, at the eastern most portion of the Plain City corporation limits. The property in question is part of the larger Darby Station Residential Development. The variance request is from section 1199.05 Permanent Signs and section 1199.11 Prohibited Signs to allow for a painted letter sign on an existing silo (to be refurbished). The proposal is much similar to the treatment to the Silo at the Darby Fields community. The silo is located on property owned by the seller that M/I Homes has in contract for continuation of the Darby Station development which M/I Homes will purchase in the next few years. For that reason it technically is considered not on the premises, although the area is part of the larger Darby Station approved zoning plan.

She stated the staff report noted comments on each of the criteria is section 1138.05(c)(3) and based on that staff recommends approval of the application as submitted.

Mr. Jaskiewicz asked Mr. Tailford if he had anything to add. He stated they will paint, cap, shorten the ladder, and seal the hole in the side. It would improve the aesthetics of the area and create an entry feature for the community and Plain City. Keeping the silo structure maintains the rural character of the area. The alternative would be to remove the structure.

Mr. Jaskiewicz asked who would maintain the structure in the future. It was confirmed to be the HOA. Ms. McCoy asked about the structural integrity of the structure. The applicant confirmed other than the hole in the side it appears structurally sound. The board asked how close the silo was to any homes to be built in the development. The applicant indicated a substantial distance was between the silo and the homes. It is mostly surrounded by the greenspace allotted for the development,

Mr. Eudaily suggested making an edit to the orientation to allow for "Plain City" and "Ohio" on separate lines. The applicant stated he was open to the change. Ms. McCoy commented on the overall size of the sign and stated it might be too large given the provisions in the zoning code. The board came to the consensus to leave the sign copy as proposed.

The board moved into deliberations based on section 1138.05(c)(3)(A)-(E) of the Zoning Code. Mr. Jaskiewicz believes that the proposed plan is not contrary to the public interest and is justified. Mr. Eudaily and Mr. Jaskiewicz both agreed refurbishing the silo would enhance the property, as nothing would be built on this portion of the property anyway. Mr. Jaskiewicz asked how large the total square footage would be. It was determined around 103 sqft. The code allows for 60 sqft. Mr. Eudaily stated that given the scale of the silo, to be able to read it from SR 161, it would need to be larger. The proposed scale seems appropriate. Mr. Jaskiewicz stated no member of the public was here to object. The character will be altered, but for the community benefit.

Mr. Tailford confirmed they were not aware this was on the Darby Station property, until after the zoning was passed. If they had they would have treated it as they did at Darby Fields. Mr. Jaskiewicz stated a variance was the only way to accommodate. If made smaller to comply with zoning standards, it would not be legible. Mr. Jaskiewicz stated the proposal was not overbearing in size and visual

appearance, and seemed to keep in mind the spirit of the ordinance. Mr. Eudaily agreed. Mr. Jaskiewicz confirmed it was out of need not profit.

The Board was presented with the findings of fact for VAR-22-1. The board provided a few corrections which were edited during the meeting. Mr. Metzger motioned to adopt the findings of fact, seconded by Mr. Hundley. All yeas.

Mr. Eudaily motioned to approve the variance application, as submitted. The motion was seconded by Mr. Jaskiewicz. All yeas.

## **DISCUSSION**

Mr. Metzger asked Ms. Brill if Council was still considering combining BZA and P&Z. Ms. Brill stated this was not something currently under discussion. She stated there is a potential that this could come up again during the review of the zoning code rewrite.

## **ADJOURNMENT**

Public hearing was closed and meeting was adjourned at 7:22pm.