

BOARD OF ZONING APPEALS MEETING
March 28, 2023
7:00 P.M.

I. CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:00pm

II. ROLL CALL

Members Present: Jeff Anderson, Dave Nienaber, Tom Hall, David Gleaves,
Carolyn Ghantous, Doug Stahlgren, Michelle Miller

Staff Present: Rich Ellison

III. PLEDGE OF ALLEGIANCE

IV. ORGANIZATION

Annual Elections (Chair, Vice Chair, Secretary)

Mr. Hall motioned to reelect Mr. Anderson as Chair, Ms. Ghantous seconded. A voice vote was taken and the motion was approved 7-0.

Mr. Nienaber motioned to elect Mr. Gleaves as Vice Chair, Ms. Ghantous seconded. A voice vote was taken and the motion was approved 7-0.

Mr. Nienaber motioned to reelect Mr. Hall as Secretary, Mr. Anderson seconded. A voice vote was taken and the motion was approved 7-0.

V. MINUTES OF REGULAR MEETING OF September 27, 2022

Voice vote taken and the minutes were approved with a 7-0 vote.

VI. CORRESPONDENCE - NONE

VII. REPORTS

Report on Council – Ms. Ghantous stated Council last met on March 15, 2023. There were four ordinances and a resolution. Between our last Board of Zoning Appeals Meeting and today there were several City Council Meetings, for which the recordings can be found on our City website if you'd like more information.

Report on Planning – Mr. Hall stated Planning Commission last met on March 7, 2023 for a Special Meeting. This was to conduct a Public Hearing on the Major Modification to the PUD at Costco, 1100 E Kemper Rd. That was approved unanimously and sent to Council.

VIII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

Chairman Anderson read the Chairman's Statement and one member of the audience, Ms. Brooke Alini, was sworn in.

IX. OLD BUSINESS - NONE

X. NEW BUSINESS

1. PUBLIC HEARING (Application #20230110)

SPRINGDALE-KEMPER RE LLC., Property Owner at 11745 Princeton Pike is requesting a variance to: (1) replace 2 Wall Signs (east and west elevations) and 3 Directional Signs (over drive thru), and; (2) add a Wall Sign (west elevation) in violation Zoning Code Section 153.459 (C) (2); which would only permit one Wall Sign (east elevation) and 3 Directional Signs (over drive thru).

Mr. Ellison, staff representative, gave an overview of the project.

Ms. Alini, Chase Bank representative, gave an overview, from the tenant's point of view, of why they feel the need the variances.

Ms. Ghantous asked for clarification.

Ms. Alini clarified that the signs are all the same size as what was existing except for the North sign, which is new, but will be an updated look.

Mr. Nienaber asked for clarification on the nomenclature and stated there should be no need for anything to face west because it would face PetSmart.

Ms. Alini addressed this statement.

Mr. Anderson noted there has recently been similar situations at the Arby's and Culvers, kitty-corner from this, in the Cassinelli Square Development where they had a similar out lot with a large parking lot and businesses to the rear and this board did approve similar signage on the wall for the same reason. Even though it is not a public right of way there is a lot of parking and traffic at businesses on that end. In the past we have granted those for reasonable wall signage, no ground signs. From his perspective it feels like the same situation as what is being described here.

Mr. Anderson stated if there are no other questions he is ready to accept a motion.

Ms. Miller asked to break this out into two different variances. One for the west sign and one for the north sign.

Mr. Ellison clarified why there would be a need for a variance for the western sign even though there was previously a sign there.

Mr. Stahlgren made a motion to grant a variance to property owner, SPRINGDALE-KEMPER RE LLC. 11745 Princeton Pk. also known as Chase Bank, regarding BZA Application 20230110. The applicant is requesting a variance from Springdale's Zoning Code section 153.459 (C) (2) which allows for one wall sign which has direct property frontage. In this case the east elevation and three directional signs over the drive thru. Specifically for the first variance the request is to replace the wall sign on the west elevation, note that currently the west elevation sign is non-conforming to the zoning code because it does not have direct public frontage. Mr. Hall seconded this motion. A vote was taken and this variance was granted 7-0.

Mr. Stahlgren made a motion to grant a variance to property owner, SPRINGDALE-KEMPER RE LLC. 11745 Princeton Pk. also known as Chase Bank, regarding BZA Application 20230110. The applicant is requesting a variance from Springdale's Zoning Code section 153.459 (C) (2) which allows for one wall sign which has direct property frontage. In this case the east elevation and three directional signs over the drive thru. Specifically for the second variance request the applicant is requesting to add a wall sign on the north elevation. The north elevation does not have direct property frontage. Ms. Ghantous seconded this motion. A vote was take and this variance was granted 6-1.

XI. DISCUSSION

Mr. Anderson stated City Council passed a Public Chronic Nuisance Property Ordinance in January. There was one part of that ordinance where BZA has some new responsibilities. There is a possibility that if someone requested an appeal to a Chronic Nuisance Property Violation they have the ability to request

an Administrative Hearing in BZA. That would be very similar to what happens with Administrative Variances if someone challenged the Building Department's interpretation of code they are allowed to come here and ask for an Administrative Hearing and then as a board we have the opportunity to say Administration is following the rules correctly or not. This would be an extension of that.

Ms. Miller asked if that is likely.

Mr. Anderson stated for the piece that BZA would be responsible for, at that point the property owner would have had to have a chronic unabated and uncorrected issue that they got written up for, either by Building, Health, Police, or Fire. They would be notified that that counted towards a nuisance count to them. Properties can get up to seven in a rolling calendar year depending on the units that they have. If it's a hotel it might be 20-30 violations before it is considered a chronic nuisance.

XII. ADJOURNMENT

Mr. Anderson moved to adjourn and Mr. Hall seconded.

Mr. Anderson stated we are adjourned.

Respectfully submitted,

April 25, 2022³ 
Chairman, Jeffrey Anderson

APRIL 25,, 2022³ 
Secretary, Tom Hall