

Board of Zoning Appeals Meeting
January 23, 2014
ZA-13-13, ZA-01-14

Members/Attendance:	X	Hank Grover
	X	Jim Burgham
	X	Holly Grant
	X	Michael Johnston
	X	Ricky Morrison
Also in attendance:	X	Bob Monus, Zoning Inspector
	X	Michele Richards, Recording Secretary

Hank Grover called the meeting to order at 7:00 p.m. Hank recognized alternate board member, Frank Prusak, who is seated in the audience. Frank is an alternate on the Board of Appeals as well as the Zone Commission.

1st Order of Business:

Reorganization of the Board.

Holly Grant made a motion to nominate Jim Burgham as Chair of the Committee. Ricky Morrison seconded the motion.

Voting:

Yes	Holly Grant
Yes	Ricky Morrison
Yes	Hank Grover
Yes	Mike Johnston
Abstain	Jim Burgham

Motion carried.

Holly Grant made a motion to nominate Michael Johnston as Vice Chair of the Committee. Jim Burgham seconded the motion.

Voting:

Yes	Holly Grant
Yes	Jim Burgham
Yes	Ricky Morrison
Yes	Hank Grover
Abstain	Mike Johnston

Motion carried.

2nd Order of Business:

Jim Burgham stated that the second order of business is to approve the minutes from the meeting held on December 12, 2013. Hank Grover made a motion to approve the minutes from the December 12, 2013 meeting. Mike Johnston seconded the motion.

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Voting:

Yes	Hank Grover
Yes	Mike Johnston
Yes	Holly Grant
Yes	Jim Burgham

Motion carried.

3rd Order of Business:

Case #ZA-13-13 – A variance request by Anna Doss of East Point Place, represented by Frank Marzullo of Signtronix to obtain relief from sign regulations for a building mounted and a pedestal sign. The property is owned by Robert Halstead and is located at 8828 Youngstown Pittsburgh Road, known as parcel number 35-071-0-005.00-0, Lot 1. Parcel is located in Poland Township, Poland, Ohio, in an (OF) Office zoned district.

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Permission Letter from Owner
5. Warranty Deed
6. County Map
7. Property Description
8. Site Plan
9. Print of Sign

Frank Marzullo
Signtronix

Marzullo stated that Signtronix is a sixty (60) year old manufacturer of custom outdoor lighted signage and LED message centers. The signs are manufactured in Torrance, California. The clarification on the lighted sign it is twenty-eight (28) inches by seventy-two (72) inches wide, not feet. The sign on the side of the building will be a panel replacement and not an LED sign. Marzullo stated that brightness of the sign seems to be a concern. The brightness, as well as the speed of the message, can be controlled. He stated that he does a lot of work for PennDot and they have found that LED signs are a safer means of communication to drivers and amber is the most effective color. All signs are UL and ETL approved.

Jim Burgham asked if anyone would like to speak in favor of the request. No one responds. Burgham asked if anyone would like to speak against the request. No one responds.

Jim Burgham asked Monus if there are any restriction on signs that change, such as time and temperature. Monus stated that LED signs in gas stations are permitted. Gas prices can be changed daily and are controlled through a switch. The concern in this case is with the message sign and that the current zoning regulation limits the message on the sign. He stated there are no regulations as far as the brightness of the sign. If the Board does allow the sign, there should be restrictions such as reduced lighting at night and limitations on the message.

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Jim Burgham stated he has no issue with the LED lighting but does have a concern with a “flashing” sign and there should be limits on how often it changes and also reducing the brightness at night.

Ricky Morrison stated he is concerned that if this variance is granted, then other businesses will also want this type of sign and there are no regulations for it.

Jim Burgham suggested that since you cannot control the non-LED brightness, you can request that the brightness of the LED portion of the light not exceed the brightness of the top half of the sign (non-LED portion). Marzullo stated that he installed an LED sign at a church in the Pittsburgh area and the community ordinance required that it be shut off at 9:00 p.m. Holly Grant asked the hours of operation for East Point Place. Marzullo replied he did not know.

Jacob Baun
8495 Youngstown Pittsburgh Road

Baun stated he lives less than a quarter mile from the building and they close at 10:00 p.m.

Burgham stated the two issues of concern are the brightness and the scrolling or flashing of the sign. Holly Grant stated she agrees but she is not sure if this Board should regulate that or the Zoning Commission should.

After further discussion, the following motion was made.

Motion

Holly Grant made a motion in Case ZA-13-13 to permit the sign in the location as indicated on the paperwork submitted. The sign shall be seventy-two (72) inches wide. The top portion shall be seventy-two (72) inches wide by twenty-eight (28) inches high. The LED portion shall be seventy-two (72) inches wide by twenty-four (24) inches high. This shall be granted based on the following conditions:

- 1. The lumens in the LED portion of the sign will match the brightness in the top half that is backlit between dusk and dawn.*
- 2. Each message on the LED portion shall be displayed for no less than one (1) hour and will remain a static message during the one (1) hour.*
- 3. If the Zoning Commission sets regulations regarding time and rotation on LED or other rotating signs, this sign shall conform to those regulations and not be grandfathered in regards to the rotation of the message.*

Mike Johnston seconded the motion.

Voting:

Yes Holly Grant
Yes Mike Johnston
Yes Hank Grover
Yes Ricky Morrison
Yes Jim Burgham

Motion carried.

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4th Order of Business:

Case #ZA-01-14 – A request by Jacob Baun, to obtain a conditional use permit to retain a wood burning furnace for property located at 8495 Youngstown Pittsburgh Road, known as parcel number #35-0-064-0-018.00-0, great lot 29. Parcel is located in Poland Township, Poland, Ohio, in a (R-1) Residential-1 zoned district.

Items included in packet submitted:

1. Application for Variance
2. Zoning Permit Denial Form
3. Letter of Intent
4. Warranty Deed
5. County Map
6. Zoning District Map
7. Property Description
8. Site Plan

Jacob Baun
8495 Youngstown Pittsburgh Road

Baun presented pictures of the outdoor wood burning furnace to the board members.

Hank Grover asked Monus when the regulation for wood burning furnaces became effective. Monus stated in 2006. Monus stated it became popular when the cost of fuel increased. Normally a wood burner is used intermittently, but in this case it is used as the main source to heat the home as well as heating the water. The Zoning Office has received complaints from neighbors about fumes and smoke in the air.

Jim Burgham asked if anyone would like to speak in favor of this request. No one responds. Burgham asked if anyone would like to speak against this request. No one responds.

Hank Grover stated that even though this furnace is being used in an R-1 area, it is not your typical R-1 area. The lots are deeper and there are not as many homes in the area. He does not see any issues with the use of this furnace and granting the conditional use.

Baun stated that the furnace is capable of using coal, but he does not use coal in it just fire wood. The furnace is the only heating source for his home. He does have a gas furnace but it is much more cost efficient to use the wood burner furnace.

Monus asked the Board if they are considering granting a conditional use in this case to keep in mind that Baun does not store the wood in front of the house. His property does not appear to be unorderly or messy.

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After further discussion, the following motion was made.

Motion

Hank Grover made a motion in Case ZA-01-14 with regard to Section 4.07 (f) Placement and Operation of Outdoor Burning Furnaces, to grant the conditional use permit with the placement of the furnace as it is situated at this time. Mike Johnston seconded the motion.

Voting:

Yes Hank Grover
Yes Mike Johnston
Yes Holly Grant
Yes Ricky Morrison
Yes Jim Burgham

Motion carried.

Meeting adjourned at 8:53 p.m.

Submitted by:

Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (6)
Zoning Commission (6)
J. Granitto (1)
File (1)