

**WESTFIELD TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
December 4, 2008
Township Sign Variance Request-6699 Buffham Rd.**

Chairman Schmidt called the public hearing of the Westfield Township Board of Zoning Appeals to order at 7:30 p.m. All Permanent Board members were present.

MINUTES

Mr. Micklas made a motion to approve the Board's September 23, 2008 meeting minutes and October 30, 2008 meeting minutes as amended with minor grammatical corrections. It was second by Mr. Oiler.

ROLL CALL-Oiler-yes, Daugherty-yes, Micklas-yes, Poe-yes, Schmidt-yes.

Secretary Ferencz stated she would make those corrections and the Board can sign those minutes at their next meeting accordingly.

TOWNSHIP SIGN VARIANCE REQUEST-6699 Buffham Rd.

Trustee Likley was sworn in. He stated he was before the Board this evening representing the Township Trustees on behalf of a variance request for a sign. The intent of the Board of Trustees was to put a message board out in front of the Township Municipal Complex to list meeting dates of the Trustees and various zoning boards. The existing sign out front was purchased when the building was constructed and the intent was to put the sign back up not to replace that sign. The message board is 6 ft. in height and the same width as the existing sign. Therefore, the variance request is for 7 ft. for the square footage and 3 ft. for the height. The sign will use changeable copy letters. Chair Schmidt stated for the record that all the Board members reviewed the proposed sign.

Mr. Oiler asked if the location of the sign was grandfathered since the original sign was erected he believed in 1996 and the measurement for placement was from the center of the road? (Secretary Ferencz had laid out a copy for the members of the 15 ft. easement recorded on the property for highway and utility easements.) Trustee Likley stated the document would support if the sign was grandfathered.

Chair Schmidt asked if Secretary Ferencz had heard back from any of the contiguous property owners. Secretary Ferencz stated she had not. ZI Harris was sworn in. He stated that he received a phone call from Wolfgang Buchroeder (6685 Buffham Rd.) who stated he had no issues with the sign.

Mr. Poe asked why there could not be (2) 3-ft. signs? Trustee Likley stated that only one sign is permitted so a variance would need to be requested.

Mr. Daugherty asked if there was an issue with the setback regarding the placement of the sign? Trustee Likley stated that when the original sign was erected it was out of the road right of way. The easements were expanded after the sign was located. All he did was pull out the existing posts and put in larger posts in the same location.

There was then discussion as to when the Townhall Municipal Complex was built. The plaque on the wall stated 2000.

Mr. Oiler asked Trustee Likley as a Township Trustee regarding the zoning regulations, do you believe the Township Trustees should hold themselves to a little bit of a higher standard in setting an example for the rest of the Township? Trustee Likley stated absolutely. The Trustees should abide by the rules just like everyone else. He added that if there was an issue or concern with the location of the sign, the posts could be moved and the sign relocated. However it was noted that if the sign was moved there could possibly be an issue with the visibility and parking. Mr. Oiler stated as he was driving here this evening the sign seemed to be in a good location as his headlights hit the sign and made it visible. Trustee Likley stated he too looked to make sure the sign was not an obstruction to traffic or ingress/egress. He added that he even looked at the potential addition of a fire station on Township property and the height of the sign and the location did not appear to be an issue for possible truck clearance or visibility.

Mr. Oiler then asked, if in the event The Township would build the fire station onto the side of the building would there be a request for signage such as what is being proposed this evening? Trustee Likley stated he would assume from the talks about such a project that one would not see much grass area from the existing drive area going east because of the needed access to the building and additional parking, so any signage to identify the fire station would probably be placed on the building itself.

Mr. Micklas stated per the code under Section 404 A. it stated, "Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure; B. Changing the lettering, graphic or information on a sign specifically approved as changeable copy sign, whether automatic or manual, and changing the face of any sign (provided such does not alter the dimensions of the sign)." He added that it appears that once the sign is torn down it should follow the regulations for a brand new sign. He added he did not have an issue as to where the sign is located but the Township should follow the rules that are established regarding the location.

Mr. Daugherty stated he agreed that the sign should be in conformance with all aspects of the code. He asked the zoning inspector if a new permit would need to be issued for this sign? ZI Harris stated because the size of the sign was being changed a new permit should be written and issued.

Secretary Ferencz stated she and Mr. Evans looked at where the sign would need to be located to be in compliance and it would place the sign in the middle of the pavement.

Mr. Micklas asked if a setback variance would be appropriate? Mr. Daugherty stated yes unless the sign was going to be moved.

There was then questions as to how much of a variance needed to be granted to bring the sign into compliance. ZI Harris stated the sign is 25 ft. from the center of the road and the sign shall not be located less than ten (10) feet from the road right of way so that would mean a 15 ft. setback variance would need to be granted.

Mr. Oiler made a motion to grant a sign variance on behalf of the Westfield Township Trustees for the property located at 6699 Buffham Rd. (PP#041-15B-30-008). This is for a sign variance of Article IV 406A.1 from the maximum square footage of 12 sq. ft. in the RR District to a maximum square footage of 19 sq. ft.; and from the maximum height of a sign of 3 ft. to 6 ft. and a setback variance of 15 ft. The application will be marked as Appendix A and attached to the official minutes of this meeting. It was seconded by Mr. Poe.

ROLL CALL-Oiler-yes. I voted yes using Duncan Factors #3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The answer is no; and we even had a contiguous property owner state they had no issue with the sign; And Duncan Factor #4 Will the granting of the variance adversely affects the delivery of governmental services? The answer to that is no as well and would rather enhance the delivery of governmental services.

Poe-yes.

Daugherty-yes.

Micklas-yes. My concern was about the location of the sign and that all variances that the sign needed should be addressed so as not to set an example of impropriety on behalf of the Township.

Schmidt-yes.

MISC.

No update on the tentative joint meeting with Bill Thorne from the Pros. Office.

Mr. Micklas asked how long political signs were allowed to remain up in the Township? Trustee Likley stated that Villages and Cities can have ordinances that regulate the length of time such signs can be erected and have to be removed. Regarding Townships, it has been the legal opinion of the Pros. Office that these signs are protected under the first amendment and cannot be regulated for duration. Secretary Ferencz stated she had a handout from the zoning conference she went to on November 14th addressing such signage and she could make copies for the board members.

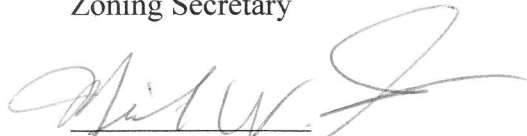
The conversation then focused on a political sign located in close proximity to the Townhall complex. The sign appears to be permanent as it is made out of plywood and mounted on posts. The question was raised that this appears to be a permanent sign and should have to at least meet the size and setback requirements for a permanent sign in the

RR District and potentially a permit required. Trustee Likley asked ZI Harris to follow up with the Pros. Office as to how this should be handled.

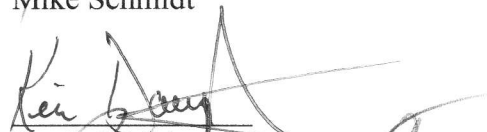
Having no further business before the Board, Mr. Oiler made a motion to adjourn the meeting. It was second by Mr. Daugherty. All members were in favor. The meeting was officially adjourned at 8:21 p.m.

Respectfully Submitted,

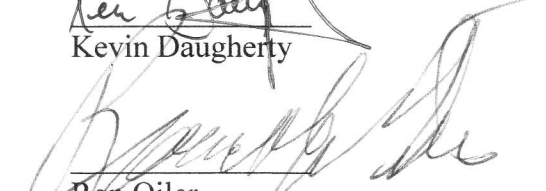
Kim Ferencz
Zoning Secretary




Mike Schmidt



Kevin Daugherty



Ron Oiler



Tom Micklas

Jack Poe