

AV06-171121

**Dianna Haskett  
12426 Kinsman Rd.  
Newbury, OH 44065**

**owner: Bieber, DVM, Rosron LLC  
dba: Cricket Ridge Animal Hospital  
site: 11423 Kinsman Rd. Newbury**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 7:50 p.m. on November 21, 2017 with board members Mary Lee Brezina, Ed Meyers, Karen Endres and Chris Yaecker present. All in attendance who wished to speak at this hearing were duly sworn and asked when testifying to state their name and confirm being sworn in. Mr. Tomsic said the BZA procedures would be followed and that the hearing was being recorded. He verified that notices were advertised and mailed. He read the applicants variance request.

Lori Bieber, DVM, owner of Cricket Ridge Animal Hospital (CRAH), authorizes Dianna Haskett owner of Designs by Dianna to act as her agent before the Newbury Board of Zoning Appeals to request 3 new signs per Art XII, Sec. 12.07A: 1) a 20.6 sq. ft. wall sign facing west, 2) a 52.9 sq. ft. wall sign facing north, only one 25 sq. ft. wall sign permitted & 3) a 33.75 sq. ft. ground pylon sign vs. 25 sq. ft. permitted on *parcel 23-136400 at 11423 Kinsman Rd. in the B-1 Commercial District.*

**Mr. Tomsic asked the applicant to state her case.**

**Dianna Haskett presente/d site drawings showing locations and sizes of the 3 sign variance requests. She said larger signs were needed for better visibility and that present zoning only allowed one wall sign and one pylon sign each with a 25 sq. ft. maximum.**

**Mike Joyce confirmed the 2 sign zoning (1 wall & 1 pylon) but acknowledged a 2<sup>nd</sup> west side wall sign was possible.**

**Ms. Haskett said the front north wall sign facing Elm Dr. was not visible to approaching traffic from either east or west.**

**Chris Yaecker asked about lighting of the ground sign. Ms. Endres said down lighting was okay but not up-lighting from the ground.**

**Mr. Tomsic asked what hours the signs would be lighted, would they be on a timer and asked if there would be lights in the parking lot.**

**Ms. Haskett said the lighted signs would be operational during normal business hours, on solar from dawn to dusk and be set so as “not to upset the neighbors” in the commercial strip with no light trespass/polution. The new lighting will be 85% more efficient than the old incandescent.**

**Ed Meyers said he could agree to 1 pylon sign of conforming 25 sq. ft. size and 1 conforming wall sign but questions the largest 2<sup>nd</sup> N wall sign.**

**Both Ms. Endres and Mr. Yaecker approved of the building renovations to date. Mr. Tomsic said he likes the designs of the signs but questions the oversize.**

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**Ms. Endres said the ground sign is more critical than the front wall sign facing Elm Dr. Ms. Haskett said the ground sign was essential for traffic from the east. Mr. Tomsic said that “signs are basically advertising”.**

**Ms. Endres asked about the location of the ground sign – Ms. Haskett said it would replace the existing ground sign, same distance from the road-right-of-way.**

**Ms. Endres said she felt the west side wall sign was okay but the front sign could be smaller. Mr. Tomsic agreed. Mr. Yaecker suggested the front wall sign be the same size as the west wall sign.**

**Mr. Meyers agreed that both wall sign would be conforming to the 25 sq. ft. maximum size restriction.**

**Mr. Joyce suggested the west wall sign be considered the primary (conforming) wall sign with the front wall sign requiring a variance for a secondary sign.**

**Ms. Brezina said she liked the 2 sided pylon sign visible to both east and west approaching traffic but felt the larger sign should not be permitted. She felt the BZA should continue to uphold the maximum 25 sq. ft. sign size e to avoid “sign congestion”. She said she felt the north wall sign facing Elm Dr. was not needed.**

**Ms. Endres acknowledged that the building location was at the intersection of Elm Dr. and Kinsman Rd. and should have a second sign. She agreed that the revised 25 sq. ft. pylon and west wall signs would be conforming, needing no variance. She also said the requested 2<sup>nd</sup> front wall sign should be the same 25 sq. ft. size and is then the only variance to be considered.**

**Mr. Tomsic agreed the pylon sign could be conforming but questioned the 10 ft. height but said “it would be great for visibility”. Discussion continued whether the code specified 8 or 10 feet as the maximum height – the latest code stated “8 feet”.**

**Ms. Haskett agreed to the size changes making the pylon sign conforming, removing that variance request.**

**Mr. Tomsic agreed that the west wall sign was also conforming leaving just the north wall sign for a 2<sup>nd</sup> wall sign & size variance – Ms. Haskett withdrew all but the variance request for the north wall sign.**

**Lou Tomsic announced that the applicant had amended their variance request leaving just the variance for the 2<sup>nd</sup> wall sign on the north building wall – the board agreed to accept this amendment. Mike Joyce suggested the sign size be reduced to conform to the 25 sq. ft. maximum allowed.**

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**As there were no members in the audience to comment or object, Lou Tomsic asked the board to consider the Findings of Fact:**

- a) The lot has value with or without the variance; but the business needs location signs,**
- b) The variance is not substantial – even though the number of wall signs allowed is doubled,**
- c) The neighborhood will be improved with the new business restoration,**
- d) There is no affect on delivery of government services,**
- e) Applicant says she was not aware of the zoning restrictions, only “needed advertising signs”,**
- f) The applicant’s predicament could not be obviated through some method other than a variance,**
- g) The spirit and intent could be observed by granting this sign variance at the intersection of Elm Dr. and Kinsman Rd. - there was no one in the audience to raise objections.**

**With no more comments from the board, Mr. Tomsic called for a vote.**

**Chris Yaecker moved to approve the variance as amended for a 2<sup>nd</sup> wall sign on the north building wall not to exceed 25 sq. ft., Karen Endres seconded the motion with voting as follows:**

<b>Chris Yaecker</b>	<b>yes</b>
<b>Karen Endres</b>	<b>yes</b>
<b>Ed Meyers</b>	<b>yes</b>
<b>Mary Lee Brezina</b>	<b>no</b>
<b>Lou Tomsic</b>	<b>yes</b>

**The board congratulated the applicants wishing them success in their new location.**

**Mr.Tomsic read to the Appellants and audience, “Within 30 days after service of the minutes granting your request, if someone wishes to challenge this decision through the court, he or she may. The required permit can be issued once all requirements regarding this application are satisfied, although if you plan construction it is recommended you wait the 30 days before proceeding. The challenge could reverse or negate our decision. At the time you receive your permit you must also comply with all other requirements of Newbury Township zoning”.**

**Lou Tomsic adjourned the BZA hearing at 8:45 p.m.**

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**Signatures of the Newbury Board of Zoning Appeals:**

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**Lou Tomsic, Jr., Chairman**

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**Chris Yaecker**

\_\_\_\_\_  
**Karen Endres**

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**Ed Meyers, V. Chairman**

\_\_\_\_\_  
**Mary Lee Brezina**

\_\_\_\_\_  
**Marge Hrabak, Sec'y BZA**  
Date: \_\_\_\_\_