

BOARD OF ZONING APPEALS
MINUTES
April 29, 2008

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas was held at 1:30 p.m., on April 29, 2008 in the Planning Department Director's Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, and Kansas.

The following board members were in attendance:
BICKLEY FOSTER, DWIGHT GREENLEE, JOSHUA BLICK arrives at 1:40pm, AND CHARLES YOUNG.

Board members absent:
STEVE ANTHIMIDES
JERRY HOGGATT

City of Wichita staff present:
HERB SHANER – Office of Central Inspection present.
SHARON DICKGRAFE– Law Department

The following Planning Department staff members were present:
JESS MCNEELY, Secretary.
DALE MILLER, Current Plans Supervisors
YOLANDA ARBERTHA, Recording Secretary

FOSTER We will start the BZA hearing at 1:37PM on January 29, 2008. The first thing on our agenda is to approve the minutes of 1/29/08.

GREENLEE I move that the minutes be approved.

Young Seconded

Motion carries 4-0 unanimously

FOSTER We will now hear case number BZA2008-10 a variance to permit a 145 foot wall sign for Wesley Medical Center. Jess will you ready to begin?

McNEELY Good Afternoon, I am Jess McNeely with the MAPD Planning staff. I am here to present BZA2008-10 a variance request to increase a wall sign from 32 square feet what would be allowed under the code to 145 square feet for the Wesley Trauma sign and to allow more than one wall sign per major user per building elevation. **BACKGROUND:** The applicant requests a variance to add an additional sign to a building elevation, and to increase the maximum size of a building sign from 32 to 145 square feet for the Trauma Center at the Wesley Medical Complex. The proposed sign faces west, towards Hillside, and identifies the new entrance to the Wesley Trauma Center; see the attached site plan and elevation. The proposed sign faces commercial and medical office uses across Hillside, the nearest residences are two streets and over 450 feet away. The proposed sign is not visible from these residences. In the GO General Office ("GO") zoning district, the Sign Code

restricts building signs to one per building elevation, and to a maximum of 32 square feet. Hospitals are a permitted land use in the GO zoning district.

This site received a number of variances for various reasons from the 1940s through the 1990s. The most recent variance on this site was granted in 2003, and was for a Central Avenue facing building sign of 190 square feet on a new building addition. Religious symbols on the hospital are exempt from the sign code. Property north of this site is also zoned GO and used for medical purposes. South of the site, across Central, is a commercial development with PUD zoning. East of the site is GO and LC Limited Commercial (“LC”) zoning with medical uses. West of the site, across Hillside, are commercially zoned restaurants, offices, and businesses.

ADJACENT ZONING AND LAND USE:

NORTH	GO	Medical uses
SOUTH	PUD	Retail, restaurant, hotel
EAST	GO	Medical uses
WEST	GC, LC	Restaurants, offices

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is staff’s opinion that this property is unique, as the proposed sign is for one business providing a variety of services, and located within a large medical center campus. Typically, such a large campus would house numerous businesses, and each business would be allowed separate signage with the likely square footage of the signage exceeding the square footage of signage requested by the applicant. The site is also unique given its location along Hillside, a heavily traveled arterial street with significant development pressures, and nearby commercial zoning with larger sign area allocations. The site is further unique in that this sign identifies the trauma center within the larger hospital, and the uniqueness of a trauma center would require easy identification.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance for an additional sign and increased sign area would not adversely affect the rights of adjacent property owners. The properties facing this site are zoned LC, and authorized larger signs than this site.

HARDSHIP: It is staff’s opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant, as the hospital trauma center needs its own building sign identification, and a 32 square foot sign may not be sufficiently visible on this multi-story building complex along an arterial street.

PUBLIC INTEREST: It is staff’s opinion that the requested variance for an additional sign and increased sign size would not adversely affect the public interest, as increased visibility of the trauma center location would serve in the community interest. The requested signage size is at an appropriate, legible scale relative to the larger building.

SPIRIT AND INTENT: It is staff’s opinion that granting the requested variance for increased sign size and height does not oppose the general spirit and intent of the Sign Code,

as the signage will make it easier to locate the hospital trauma center. The limitations within the Sign Code are not adequate for large medical complexes, particularly those along arterial streets. This variance request is consistent with variances previously approved for similar medical complexes and hospitals in the Wichita area.

RECOMMENDATION: It is staff's opinion that the requested variance for an additional sign and size increase is appropriate. Should the Board determine that conditions necessary to the granting of the variance exist, then the Secretary recommends that the variance to permit an increase in the maximum size of a building sign from 32 square feet to 145 square feet, and to allow more than one sign per major user per building elevation be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

The applicant is present to answer questions. Are there any questions of staff?

FOSTER Jess, I would like for you to go back to the drawing that show the south side of the hospital building.

McNEELY The Site drawing?

FOSTER No, the actual picture of the building.

McNEELY Oh, one of the photographs?

FOSTER Yeah, the end of the building, keep going, one more photograph. It's not on that area right?

McNEELY The agent for the applicant is here and you can clarify with him. But the requested sign will be an addition to this corner to this building as represented in the elevation drawing that you saw.

FOSTER Do you have a picture to that part of the building?

McNEELY As I understand it, that part of the building does not yet exist.

FOSTER I think we need to pin down exactly where the sign will be place. As I have one arrow on the west side, on the east side and this one is on the north side. The one that the applicant draw is on the west side, I need to know is that the south end of the building?

McNEELY This would be the southwest corner of the overall complex. But this elevation, we are looking at would face due south. It is where the trauma or

emergency entrance is, at the southwest corner of the complex, and this elevation we see here would be facing due south. It will be facing Walgreens.

FOSTER Is it actually facing south or is it facing at an angle?

MCNEELY It is facing due south. There is a portion of the building that is shown in the site plan that has a 45 degree angle to it but as I understand it. What we are looking at here, this sign is facing due south.

STIFF You have the trauma center sign which is about 50 yards north on the west side. So, this will be built on the due south?

MCNEELY Yes.

STIFF It will be brick?

MCNEELY Yes, as represented here.

STIFF What height will it be?

MCNEELY It will be on the third story of this building. I do not know the exact height. It will be within the third story of this building.

STIFF Makes sense to me.

FOSTER Any other questions from the members? We will call on the applicant. Is the applicant here?

SCOTT HEFNER with Wesley Medical Center.

FOSTER What would you like to say about it?

HEFNER This is the exact elevation of the sign. It is within the third story here. This would be the 90 yard elevation. They will be having surgery behind this wall here.

FOSTER If I was approaching that building following that sign where would I find the entrance?

HEFNER There is additional signage that is not all capture here, but originally there is a canopy here. There are two additional entrances at the south for trauma entrance or emergency entrance. There is additional signage below bringing them into the main emergency entrance.

FOSTER Is that were the emergency center use to be?

HEFNER That's where the emergency center is, right?

BLICK The yellow that is on the map right there. There is a little box inside of that is that where the sign is going to be? Basically on the south side in that little shaded box area?

HEFNER Correct, that is where the penthouse addition and the sign will be on the bottom of that rectangle which is south.

FOSTER Do we have any questions for the applicant? Have you had a chance to look at the three conditions in the staff report. Do you have a problem with them?

HEFNER No sir.

FOSTER Is there anyone else here to speak on this case?

JIM ATHERTON with TriMark sign, are there any questions about the sign?

FOSTER Is this a lighted sign?

ATHERTON Yes, this sign will be lighted.

BLICK Is it internally lighted as opposed to the external lighting? Does the white on the outside of it glow and the Red is a solid color?

ATHERTON Like a halo.

BLICK It is like a halo.

FOSTER Yolanda did you get that even though he is not at the microphone.

ARBERTHA Yes.

FOSTER This building has quite a few signs I am glad this is on the south side. Are there any discussions for the members? Jess do we need to clean up any of the wording here in order of the direction?

MCNEELY No, in the staff report we referred to what the sign would be facing and the sign would be facing commercial zoning and commercial development either to the west or to the south. It faces due south but the resolution prepared for you do not make any directional references so there is no cleaning up to do.

FOSTER Do we hear a motion?

GREENLEE Mr. Chairman, I move that the board accept the finding of fact as set forth in the secretary's report that all five conditions set out in 2.12.590 B as necessary for the granting of a variance have been found to exist and that the variance be granted subject to the conditions set out in the secretary report.

BLICK Seconded

Motion carries unanimously 5-0

FOSTER Next we will hear case BZA2008-11, This is for the Galichia heart Hospital to increase size of a wall monument and directional signs. Jess are you ready?

McNEELY Good afternoon I am Jess McNeely with MAPD Planning staff. I am here to present BZA2008-11. **BACKGROUND:** The applicant requests three sign code variances for the Galicha Medical Complex. The first would increase the permitted size of an existing ground sign from 32 to 120 square feet along Woodlawn on the south portion of the site; the base of this sign would have medical and emergency symbols, significantly increasing the size of this sign. The second variance would permit two additional building signs and increase the maximum size of those building signs from 32 to 47.5 and 105.5 square feet on the emergency portion of the complex; the signs would face west towards Woodlawn. The third variance would increase the size of unlit directional signs from 6 to 18 square feet throughout the medical complex. The site is zoned GO General Office (“GO”) which permits the hospital land use.

This site received three variances for signs between 2001 and 2006, and one administrative adjustment for a sign in 2006. The previous variances permitted the increased size of ground and building signs on the main hospital, they permitted an additional ground sign for the emergency room, and they permitted backlighting and increased projection of an identification sign. With the addition of emergency and chest pain centers to this site, the applicant has indicated that a medical accreditation agency recommended an increase in the size and visibility of emergency signs on the site. The applicant also indicates that patients have complained about confusion on the site in finding the emergency services, located at the far southeast portion of the site. The applicant is attempting to comprehensively address the emergency services signage needs at this time, and may need more than the customary one year to place the signs.

Surrounding property to the south, east, and west is developed with single-family neighborhoods. North of the site is vacant or developed with other medical uses. Southwest of the site is a large office use. The proposed signage does not directly face any residences.

ADJACENT ZONING AND LAND USE:

NORTH	GO	Vacant, medical services
SOUTH	SF-5	Single-family residences
EAST	SF-5	Single-family residences
WEST	TF-3	Single-family residences

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is staff’s opinion that this property is unique, as the proposed signs are for emergency services within one medical complex providing a variety of services. A site this large could house numerous businesses, and each business would be allowed separate

signage with the likely square footage of the signage exceeding the square footage of signage requested by the applicant. The site is also unique given its location along Woodlawn, a heavily traveled arterial street with significant development pressures. The site is further unique in that the emergency portion of this complex is further from Woodlawn than the remaining complex, with the need for easy identification by those in a trauma situation.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for additional signs and increased sign area would not adversely affect the rights of adjacent property owners. No residences directly face any of the proposed signs. Residential back yards from which these signs could be visible are 160 feet or more from the site; and the applicant maintains a landscape buffer on the south property line of this site.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant, as the hospital emergency functions need their own ground and building signs for identification, and 32 square foot ground and building sign may not be sufficiently visible for this location, given the 700-foot distance from the arterial street.

PUBLIC INTEREST: It is staff's opinion that the requested variance for additional signs and increased sign size would not adversely affect the public interest, as increased visibility of the emergency services location would serve in the community interest. The requested signage size is at an appropriate, legible scale relative to the larger hospital complex.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for additional signs and increased sign size does not oppose the general spirit and intent of the Sign Code, as the signage will make it easier to locate the hospital emergency services. The limitations within the Sign Codes are not adequate for large medical complexes, particularly those along arterial streets. This variance request is consistent with variances previously approved for similar medical complexes and hospitals in the Wichita area.

RECOMMENDATION: It is staff's opinion that the requested variance for additional signs and increased sign size is appropriate. Should the Board determine that conditions necessary to the granting of the variance exist, the Secretary recommends that:

The variance to Section 24.04.193.1 of the Sign Code to increase the maximum size of a ground sign from 32 to 120 square feet; the variance to Section 24.04.193.3 to permit two additional building signs and to increase the maximum size of those building signs from 32 to 47.5 and 105.5 square feet; and the variance to section 24.04.190.1 of the Sign Code to increase the size of directional signs from 6 to 18 square feet be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within two years of the variance granting, unless such time period is extended by the BZA.

3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

FOSTER I noticed on this one that part of the conditions it has a two year timeline. The one we just heard has a 1 year timeline.

McNEELY The time limit, in order to have signage up, would normally be one year and that is a discretionary request there is no code requirement for time limits. We normally recommend one year so people have adequate time to get the sign up. In this case because Galichia is trying to comprehensively address the signage needs of their emergency and chest pain function, they would like some additional time in order to get these signs up. We feel this is appropriate request because they are addressing all of their signage issues for the emergency services and chest pain center comprehensively at one time. We prefer all to be addressed at one than sign by sign over the years. So we feel it is appropriated to grant a two- year time limit to get these done.

FOSTER Some people may wonder why there is a time limit on it. Part of the reason for it is the regulations may change during that time. When I came to work here actually I found that the regulations allowed a person to get a permit. It was good for 20 years and that was ridiculous. This is to prevent the sign code from being change along with not having all these permits out there that has not been enforced. Do we have other questions from members?

GREENLEE Jess, The exit to the two monuments to the north does it mean anything?

McNEELY No, that does not mean anything that is identifying where the other two monuments are on the site. Those two spots have nothing to do with the application before you.

GREENLEY On the sign is being modified with the verbiage down below, are you saying that the monument will stay the same size except that the lower part would have the newer signage on it? Or are your saying that the monument would come out of there and a bigger monument be put in?

McNEELY This whole sign will change. I do not know whether the overall sign would increase or not. What we pointed out is that this monument sign is only a 32 foot sign because the only portion dedicated to signage is the very top. And what is being requested will utilize the entire monument as signage space.

GREENLEE What bothers me about this signage is that it does not say entrance.

FOSTER You may want to ask the applicant about that Mr. Greenlee.

BLICK Jess, what is the signage size on the other two signs?

MCNEELY I believe the other two signs are 96 square feet and they received variance in the past.

GREENLEE If this was another piece of property, would this not have a marquee identifying everything on it instead of individual signs?

MCNEELY There are many ways to accomplish signage and sign code is full of loopholes. Most development of this size would be under a CUP, the CUP would specify where on the property they could have multi-tenant signs. How big those multi-tenant signs could be as you are well aware. There are many of multi-tenant signs with hundredths of square feet that have several large boards on them. You are correct in that a site this size, this many acres, if it were developed commercially, it would be under a CUP Plan because anything 5 acres or larger is required to be under a Community Unit Plan and it would have multi-tenant signs. Under commercial zoning, you will be authorized much more square footage of sign space than under the General office zoning of which this property is under.

GREENLEE I remember when they ask for a variance on the sign there were some people in the neighborhood that were not happy with them because of a drainage problem. When the neighbors complained during a signage hearing about the problem, the issues been resolved?

MCNEELY I remember those issues as well. When the notification went out to all property owners within two hundred feet within this site, we have not had any calls on it. So, I assume that none of the neighbors are having a problem with the Galichia hospital site regarding drainage. I will point out that when we are dealing with one land use issues such as signage in this variance request, we really can not address any other things such as drainage because it has nothing to do with drainage. No one from the neighborhood called with any problems on the signage. We could not address any problems other than the signage issues at that meeting.

FOSTER Jess, I am looking at the first page. See that arrow on the first page? What is the area that has the roadway going into it that says LC? On the north end of the green area, what is that?

McNEELY Those are separate lots. You are seeing a drive that has been platted through here. You are seeing lines that reflect the plat for this area. When you look at this area north of Galichia, I believe only one lot of that platted area has been developed. The photograph that we showed north of this site, I believe only one lot is within that plat.

FOSTER Is this part of the same ownership?

McNEELY No, as far as we are concern it is under a separate ownership from the data we have available to us.

FOSTER These are laid out for commercial lots.

McNEELY Yes.

FOSTER Are there any other questions?

STIFF The directional signs will be from 6 to 18 feet so there are not going to be any in between?

McNEELY They have requested 18 square feet. You can see the dimension on there, it is 3 feet tall by 6 feet wide. The overall height is 4 feet. This is what they are requesting to be approved.

STIFF Do you have a variance on the wording on the building also?

MCNEELY The building already has building signage. It is one hospital and one owner. This is an issue that we get into often under general office zoning with the sign code. So, as of right now, they are not authorized additional building signs. So this would be two additional building signs even though this one to the right here is on a canopy it is still considered a building sign under our code. So, those two signs are additional signs that would not be permitted under the sign code. In addition to being additional signs that are not authorized, they are also requesting that the larger one be 105 square feet. The smaller one be 47 square feet. They are larger than what would have been authorized in general office zoning which would be 32 square feet. From looking at these and knowing the distance of this facility from Woodlawn, they are not that large in comparison to the building.

STIFF I have been through that building and you can not tell an emergency room is there.

McNEELY I think having this monument sign should help to direct all the emergency traffic to the southern side of the building.

FOSTER The sign over the canopy is that lighted.

McNEELY Yes, those are lighted.

BLICK This one right here where it says emergency entrance that is the existing sign right now?

McNEELY That is what's existing and that was considered a building identification sign or an I.D. sign as oppose to an building sign. With their increase size and desire to light the sign, we are now calling it a building sign. It does quite increased in size. What is being requested is a significant increase in size.

BLICK Will that be lighted as well?

McNEELY Yes.

FOSTER Any other questions of staff? I will call on the applicant.

Good afternoon Members of the Board of Zoning, my name is STEVE HARRIS with Galichia hospital. We struggle with getting patient around the campus. The emergency room is not ideally located or visibility purposes. We have for many days have more than 80 patients trying to find the emergency room. About 45,000 people a month trying to make their way around the campus. When you are driving a family member in a medical distress or if you are in distress yourself, we sometimes do not look as carefully as we should. We are most appreciative of your consideration of this request. We think it is important for the thousand of people we see each month. Also, we are in the final stages of getting accredited as a chest pain center.

FOSTER Have you met with the neighborhood on this?

HARRIS We have not met with the neighborhood. Although, through the City we have notified our neighbors and we did not receive any complaints. I have not received any complaints from neighbors in the last two years that I have been there. The drainage retention has been successfully resolved with a retention pond.

FOSTER The sign that is proposed in the front. Will E.R. and chest pain center be the only message on it? You have emergency entrance in the front now. Are you not going to have that anymore?

HARRIS I think that is a good question. I am a layman as well. I think the feeling of the signage professional is some type of multi-media approached. The monument sign is 12 inches higher than what we have now. However, we have directional signage, the sign that says emergency sign on the building, the canopy sign that says chest pain center, it was their professional opinion that this was the best way to direct a distress person to the proper location on our campus. I will defer this to Mr. Bankston if he would like to add something to this.

FOSTER I do not see entrance on there anywhere.

HARRIS Jess if you will click back to the signage on the first monument,

McNEELY To the existing signage?

HARRIS I will defer to the expert with Mike with Tri-mark.

Good afternoon Board; I am Michael Bankston with Tri-Mark signworks. My experience with Galichia has been very positive over the past 8 – 10 years. This has been a group effort to come up with ideas and solutions between both organizations. This campus is large and has two main entrances. What we are trying to accomplish is getting directional signage at the other drive as

well so you will know to turn at that first drive where the clinics are as opposed to driving around to the back and wondering around. The other is this big red sign, we do have an arrow currently on that sign pointing inland that says emergency entrance. We are coming to you with the increase size and the bottom base portion of the sign is going to stay the same size and we are going to paint it red and add the universal symbols. Also we are going to internally illuminate it and have it face light as well. At night, you are going to see red background and not just white copy. Once we get people in that drive the directional signs will be larger, 6 square feet is fine if you only have one line of copy but as the medical center has grown. They have asked me to add other services that we just can not get on the signs right now. So we need additional square footage. If you will that is the method and we are going to change the style of the illumination, bright read at night. You will see it much more clearly at night, it will be more of a beacon and it will give you, this is where I turn then the directional signs will lead to the back and the bigger signs will be seen after they make that turn.

FOSTER The emergency entrance you are talking about is that sign 700 feet away up near Woodlawn right?

BANKSTON Yes sir.

FOSTER What is up near Woodlawn that says entrance or direction?

BANKSTON The red sign that you see is what we are using to point people into the medical center but you do not have anything there that says entrance right?

BANKSTON No sir.

FOSTER Where is it?

BANKSTON It will be right after you turn.

FOSTER Entering the driveway or something near the ground?

FOSTER Greenlee, do you think your wife will be able to find the entrance with this sign?

GREENLEE I am not a sign expert. I think a white arrowhead or something on the bottom there would help me. Surgery Center

YOUNG Jess, can you go back to the front where it shows the current sign and then the directional sign. If you have current patients that can not read that sign and you are taking away an arrow and you have two other signs along Woodlawn. I think when you go from that to your new sign. I would agree with the board, on the new one I would put an arrow on that sign.

FOSTER We are not into the wording per se but we are trying to react as citizens and pass that along to you. The question to us is do you have a hardship? It is one of the five criteria. You are eliminating you large entrance sign right?

ARBERTHA On the bottom portion of the base, what is going to place on it? Also on the top portion of the sign, what is going to be on that section? I need clarification.

BANKSTON What we are suggesting, the bottom portion is called the pole cover, it will be painted red with the universal symbols attached. The top portion which says emergency entrance is going to go away. The new graphic will be added that will say ER chest pain center.

BLICK How far is the hedgerow in correlations to the signage?

BANKSTON The hedgerow is there. Northbound as you travel, it does not stand out as well as the southbound lanes but it is visible and readily visible. One of the things we are doing is making the color red stand out more. Before, we used beige to stay consistent with the monument colors. They look extra dark right now because of a recent rain so the base looks extra dark.

GREENLEE I think that is a two headed sign meaning to be seen on both sides.

BANKSTON Yes sir, it is double sided.

GREENLEE When you are going southbound on woodlawn

BANKSTON We will be using our directional sign. We will have a vinyl copy that will be reflective at night so when the headlights hit it, it will reflect to point people to the emergency room. So if you come in on the far side, we have to point to get them back to the south.

FOSTER Do you think you can find it now, Greenlee?

GREENLEE I think I could now.

HARRIS Thank you for your consideration.

BANKSTON Thank you.

FOSTER Is there anyone else here to speak on this matter. I will confine this to the board.

BLICK I would like to make a motion if no discussion. I move that the board accept the finding of fact as set forth in the secretary's report that all five conditions set out in 2.12.590 B as necessary for the granting of a variance have been found to exist and that the variance be granted subject to the conditions set out in the secretary report.

STIFF Seconded.

FOSTER I think we need more clarity on the medical signage regulation.
Any other comments?

STIFF I hope this helps out. Not only is it 700 feet away but it is not well visible because it is around a couple of corners and it makes this trickier. I hope it helps out because it is needed.

FOSTER Traffic moves along quickly along this street.

GREENLEE One thing the motion did not cover is the need for a two year timeline instead of the 1 year timeline.

McNEELY This is our recommended condition provided that the motion maker intends to be consistence with the staff recommended condition and it is covered.

FOSTER we call a motion all in favor say aye?

Motion carries unanimously 5-0.

FOSTER Next we will hear from Herb Shaner

Herb Shaner with OCI, I have three reports on things that have been finished. The church with Maple and Martinson, a sign variance on BZA2007-53, it is completed as planned.

FOSTER I remember asking about the traffic site triangle did we ever get a clarification and an update to the signage in correlation to the traffic site triangle?

McNEELY Traffic engineering is pretty busy that is something that we have addressed to the City traffic engineer. We have several issues that are under the sign code just as you mention on this last case as far as what a hospital is antequated under GO sign code. So the traffic site angle issue that needs to be address by the traffic engineer, is something that we have not resolved yet. I think our hope is that within the next year or so, we will do a comprehensive update to the sign code. The code enforcement and permitting agency OCI does not like to open up opportunity to change the code. When we do code changes, we have to have a public hearing and we bring in the representatives from the sign industries to have input on those codes.

FOSTER I am not certain I am on agreement with changing the codes.

SHANER BZA2004-93 was a variance to reduce parking requirement from 108 to 44 parking spaces on "GC" general and that was on the emergency center at 714 north Main. They do have their 44 parking spaces, the visitor stalls are labeled on this building as the site plan specified. They have their handicap parking done properly. There was an written agreement for the overflow parking. Next was 756 N Hiram that was Resolution 2007-48, they requested an encroachment to the side street yard setback back to their

garage that they had on the side of the house. Their permits were pulled and that job is finished and they are in compliance.

- BLICK Who makes certain our applications signs stays up?
- McNEELY The applicant.
- BLICK I wondered who put it up. Who manages to make certain the signs are up?
- McNEELY When I go out to view the property, I make certain the sign is up.
- BLICK Is it required to have the sign up?
- McNEELY It is required by policy.
- SHANER I am finished.
- FOSTER We have to be careful about the wording and I think we were helping the this applicant out.
- GREENLEE And is it accomplishing the purpose stated by applicant.
- FOSTER It may have done some good.
- McNEELY We have not have any cases filed for next month.
- BLICK I seen a couple of BZA cases come through the District Advisory Board, are we required to sustain our vote?
- McNEELY A variance that comes before you here will never go before a district advisory board. There could be other zoning items or administrative adjustments. I do not anticipate that while your on a District Advisory board will ever have a variance come before that board.
- FOSTER It may be a related.
- BLICK It may be a zone change with changes to parking.
- McNEELY Yes a related case.
- BLICK If it is combined should we be voting because of our pre-knowledge of the case?
- McNEELY You would not want to show prior to this public hearing a pre-judgment on the case before coming to this board and it hearing. My advice is nothing should be coming to you at a district advisory board. Should something like that come up you can always ask staff, because we have a legal staff.

FOSTER People think of variance when they can not get what they want.
FOSTER Are there any other questions?

STIFF When is the last time you heard an Adm Interpretation appeal?

McNEELY This board has not heard an appeal of Administration Interpretation in at least 3 years.

GREENLEE Move to adjourn

BLICK Seconded

FOSTER All in favor say aye?

MOTION CARRIES 5-0

Adjourns at 2:56pm