

OHIO
HUDSON

COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

REPORT

DATE June 12, 2015

TO: Board of Zoning and Building Appeals for
Meeting Date June 18, 2015

FROM: Kris A. McMaster, Associate Planner
Mark Richardson, Community Development Director

SUBJECT: **Appeals Docket 2015-06**

Application

Variance to allow a projecting sign for second story occupants.

Site

Address: 156 N. Main Street
District: 5 Village Core District- Historic District
Applicant: Kenneth M. Haneline
Owner: Hanna and Hanna

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	5	Retail Business/Historic District
South	5	Retail Business/Historic District
East	5	Business/Village Green/Historic District
West	5	Retail Business/Historic District

Comments

The subject of this hearing are variances for the following: 1] A request for a five (5) foot variance to the minimum requirement of 12 feet of ground floor frontage of a building for upper story occupants to have a projecting sign. The result would be a ground floor frontage of seven (7) feet. 2] A variance to the requirement "Upper Story Occupants" above the ground floor shall be permitted one permanent sign to be placed in a window of the occupant's space not to exceed 6 square feet or 25% of the area of the window the sign is located or whichever is smaller pursuant to Sections 1207.17(d)(1)(C), "Signs in Nonresidential Districts-Permitted Signs Attached to Buildings"; and Section 1207.17(d)(2)(A)(2), Building Signs-Upper Story Occupants", of the Land Development Code.

The subject property is located in District 5 in the City's Historic District. The property is surrounded to the north, south and west by retail business. To the east is business and the City of Hudson's Village Green. The original building was built about 1911. The applicant has indicated the owners purchased the building in 1978 and has been in the family since 1950. The request is to have a six (6) square foot projecting sign listing the five (5) tenants located on the second story of the building. The applicant has indicated the tenants are: Mary Catherine Haneline Studio, Creative Fingers, Youngstown Bridge Engineers, Ealy and Associates and Front Row Foundation. The second story tenants share an entrance foyer of 7' wide on the ground floor to the upper level. The submitted photograph of the building indicates the building width of 54'. The two businesses on the ground floor, Hudson Fine Art and Framing Co., 160 N. Main Street and Open Door Coffee Co., 164 N. Main Street, both have one projecting sign on the front elevation. A previous tenant located on the second floor, Hudson Area Chamber of Commerce that has relocated their business, had a non-conforming projecting sign that has been removed except for the brackets. Upper story occupants are permitted by code to have one permanent sign to be placed in a window of the occupant's space, not to exceed six (6) square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller. The applicant is requesting a 2' by 3' projecting sign to be located to the right of the entrance door on the street to clearly show where the entry is to the upper story businesses. The applicant has indicated the sign would be of high quality and would reflect the character of the Hudson business community on historical Main Street. Staff notes a sign plate of 2 square feet is permitted by code. The applicant has indicated the permitted size of 2 square feet allowed by code would not be enough space to list all the upper story tenants and that the view of the sign above the entrance door from the street would be blocked by a city tree.

The following documents regarding the property are attached for your review:

1. **May 20, 2015**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Photographs**- Front of building and proposed signage.

Approval of the design of the sign from the Architectural and Historic Board of Review would be required prior to the issuance of a zoning certificate.

cc: BZBA 2015-06
Aimee Lane, Assistant City Solicitor
Kenneth M. Haneline
Hanna and Hanna
Keith Smith, Council Liaison
Attachments



Board of Zoning and Building Appeals Application

115 Executive Parkway, Suite 400 · Hudson, Ohio 44236-3004
(330) 342-1790 · (330) 656-1753 · Fax (330) 342-1722
www.hudson.oh.us

Please make check amount payable to "City of Hudson" for the amount of \$250.00

Pursuant to the City of Hudson Land Development Code, the undersigned hereby submits attached information and requests a hearing before the Board of Zoning and Building Appeals for the following purpose(s):

(Please Circle Request)

"VARIANCE"

"NONCONFORMING USE"

"APPEAL"

Property Address: 156 N. Main St. Hudson, Ohio 44236 Zoning District: 5

Explanation of Request and Justification:

We are requesting variance of 5 feet to the requirement of 12 feet for a ground floor occupant. we want to post a new double sided 6 sq. ft. projecting sign with a new support for a 2nd floor entrance to list the business occupants so their customers can locate the entrance to these businesses. The sign is consistent with the look and theme of First and Main.
For a variance: Code requires _____ setback/sq. ft./height. Request is for _____ setback/sq. ft./height.

Year Property Purchased: 1978 has been in the family since 1950

Section(s) of the Land Development Code applicable to this application:

- 1207.17(3)(4) projecting sign with less than 12' occupant footage
- 1207.(d)(1) number of signs attached to the building

The undersigned certify that the information provided to the Board in and with this application is true and accurate and consent to employees and/or agents of the City of Hudson entering upon the premises of this application for purposes of inspection and verification of information pertaining to the application, and if this application is approved, to verify conformance to requirements and conditions of such approval.

Applicant: Kenneth M. Haneline Property Owner: Hanna and Hanna

Address: 42 Fox Trace Ln. Hudson, Ohio Address: PO Box 457 Hudson, Ohio

Telephone: 440-821-2517 Telephone: 330-805-0370

Fax: _____ Fax: none

E-Mail khaneline@kwvlaborlaw.com E-Mail none

Applicant: state relationship (agent, attorney, contractor, other): attorney

Applicant Signature Kenneth M. Haneline Date: May 20, 2015

Property Owner Signature Hanna Date: 5/10/15 May 20, 2015

(Staff use only)

Application No./Docket No. 2015-06 Hearing Date 6-18-15

Date Received 5-20-15 Fee Paid 250⁰⁰ FEMA Floodplain Y N _____ (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)
Application Supplemental Information

Application for property located at: 156 N. Main St. Hudson, Ohio 44236

Variations from the terms of this Code shall not be granted by the BZBA unless the application for variance demonstrates the following: *“Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards.”*

In determining "practical difficulty," the **BZBA will consider the following factors:**

- 1) The property in question (will/will not) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance because: See attachment

 - 2) The variance is (substantial/insubstantial) because: See attachment

_____ol style="list-style-type: none;"> - a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)?
See attachment

- 3) Would the essential character of the neighborhood be substantially altered? Explain: _____
See attachment

 - a) Would adjoining properties be negatively impacted? _____
See attachment

 - b) Describe how the adjacent properties will not be affected: _____
See attachment

- 4) Will this request adversely affect public services (mail, water, sewer, safety services, etc.)? See attachment
- 5) Did the owner of the property purchase the property with the knowledge of the zoning restrictions? _____
See attachment
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: _____
See attachment
- 7) The spirit and intent behind the zoning requirement (would/would not) be observed and substantial justice (done/not done) by granting the variance because: _____
See attachment
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: _____
See attachment

 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: _____
See attachment

Signature: Bernard M. Hancock Date: May 20, 2015

1. The property in question will not yield a reasonable return and there cannot be a beneficial use of the property because:

Prospective business tenants are reluctant to rent office space without a projecting sign. These prospective tenants are typically service based professionals where their clients need to be able to conveniently locate the business. Currently, our tenants are complaining that their clients are having a difficult time locating their business.

For example, Mary Catherine Haneline Studio has been a tenant of ours for over four years. She provides art instruction, custom oil portraits and art education consulting. To promote her business she utilizes a window sign, social media, the Hudson Hub Times monthly, and has been a news story on the Hudson cable TV as one of the founders of the Art Hop. Despite this media coverage, Ms Haneline was greatly disappointed in a recent survey that the business owners along First and Main still did not know the location of her art studio. It is fair to assume that she has lost business because the entrance lacks a projecting sign.

2. The variance is insubstantial because:

Although the 156 address has 7 feet, the Saywell Building, one of the largest Main Street buildings has three separate addresses and sufficient ground frontage of 54 feet. Consequently, we need a 5 foot variance to the required 12 feet for the ground floor occupant to repost a third projecting sign without detracting or cluttering the quaintness of Main Street. See the attached elevation drawing. The total signs on the front of the building are two projecting signs and an empty bracket from several previous 2nd floor occupants. There is a projecting sign on the side of the building and a building sign on the back of the building. The current signs are all for Hudson Fine Art and Framing and Open Door Coffee.

A. Is the request the minimum amount necessary to make reasonable use of the property or structure?

In our opinion, the request is the minimum amount necessary to make reasonable use of the property.

3. Would the essential character of the neighborhood be substantially altered? Explain:

No. The proposed projecting sign is of high quality and appropriately reflects the character of the Hudson business community on historical Main St. We know the quality will be great because we are working with Dave Brent at Willowleaf Sign. The sign rendering is attached.

A. Would adjoining properties be negatively impacted?

We do not believe that adjoining properties will be negatively impacted.

B. Describe how the adjacent properties will not be affected:

It is a completely separate and only entrance for the second floor tenants. The next closest business sign is Grey Colt. There sign is 26 feet away and Hudson Fine Art and Framing, a Saywell building tenant. Consequently, we think there is more than enough adequate spacing (54 feet) for the additional sign without looking cluttered.

4. Will this request adversely affect public services (mail, water, sewer, safety services, etc.)?

No.

5. Did the owner of the property purchase the property with the knowledge of the zoning restrictions?

No. The Saywell family purchased the property in 1950 long before codification of the zoning ordinances. Harvey and John Hanna, part of the Saywell family, purchased the building from their father in 1978. There has always been a projecting sign at this entrance.

6. This situation cannot be feasible solved by means other than a variance. Explain:

There is insufficient property space for a ground sign. A sign plate or attached building sign will not function due to sign plate size restrictions. As shown in the attached photograph, a city tree will obstruct the view of a building sign and cannot be viewed from the north and south.

7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because:

The request is for a variance of 5 feet to the requirement of 12 feet for a ground floor occupant to repost one projecting sign on a significantly sized landmark building. Thus, outside of the projected sign request, the proposed sign otherwise satisfies all of the other zoning requirements and is consistent with the Western Reserve theme of the historical district. We believe that the variance, if granted, does provide substantial justice for the city's zoning ordinance regarding signage because the proposed sign is consistent with the Western Reserve historical theme prevailing on Main Street.

A. The circumstance was not caused by current owner. It was caused by:

There are two events contributing to the need for a variance. 1) It was caused by Hatties leaving the rented space and two separate tenants occupying that space with individual projecting signs creating a need for an additional projecting sign. 2) When the Hudson Chamber of Commerce moved out, the individual office space was rented in the old Chamber of Commerce space. The existing sign bracket that we are applying for a variance has been there for many years and was used by the Hudson Chamber of Commerce. Consequently, these two events created a need for a new additional projecting sign in the same location as the previous projecting sign for the building that list several 2nd floor businesses instead of one 2nd floor business.

B. List any special circumstances peculiar to the property/lot (i.e. exceptional irregularities, narrowness, shallowness or steepness) these circumstances are:

The building frontage, 156 N. Main St. is less than 12 feet and there is no other entrance to the 2nd floor tenant space. However, the total frontage of the Saywell building, 156, 160, 164 N. Main St., is approximately 54 feet. It can easily and aesthetically accommodate an additional projecting sign.

City of Hudson, OH



Owner Name	Hanna Harvey C Jr & John P	Legal Description	ADDN 55 BLK 20 LOT 6 W OF MAIN ST .390A
Site Address	156 N MAIN ST	Area	0.31
Parcel ID	3200462	Council Ward	Ward 1
Owner Address	PO BOX 674	Water Provider	City of Hudson
Owner City	HUDSON	Sewer Provider	City of Hudson
Owner State	OH	Electric Provider	City of Hudson
Owner ZIP	44236	Water Rate	NA
Phone	(330) 650-0621;(330) 653-9817; (330) 650-6566	Water Tap	NA

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 95 feet

54' Saywell Building with three separate entrances



Saywell Building sign
6 sq ft
Listing 2nd floor business
New Bracket
9' above walk
12' high

7' 2 nd Floor	23.5' Hudson Fine Art and Framing	23.5' Open door Coffee
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City Tree covering entrance





Willowleaf Studios
Willowleaf Studios
12591 Claridon Troy Rd.
Chardon, Ohio 44024

Estimate

Date	Estimate #
4/22/2015	420

Name / Address
SAYWELL BUILDING 156 N. Main Street Hudson, Ohio 44236

P.O. No.	Terms	Rep	Account #	Project	CUSTOMER

Item	Description	Qty	Rate	Total
Taxable Sales	24" x 36" x 2" double face hanging tenant sign. High Density Urethane panel sign w/ routed down background leaving raised borders, tenant panel areas and address oval. Oval around address is routed down and address numbers have a rounded face and finished with 23kt. gold leaf. Sign hangers run vertically through panel and are laminated between 1" sign panels for long term strength. Sign is primed and painted w/ 100% acrylic latex coatings for long durable finish.	1	1,000.00	1,000.00T
Taxable Sales	tenant panels are 4.5" x 21"x 1/8" painted polycetal panels w/ hp vinyl lettering applied. Panels are removable and are attached to the sign with stainless screws that screw into an embedded tap. cost per panel	1	38.00	38.00T
Taxable Sales	36" decorative metal scroll bracket primed and painted black.	1	135.00	135.00T
Taxable Sales	Installation	1	185.00	185.00T

Subtotal			\$1,358.00
Sales Tax (6.75%)			\$91.67
Total			\$1,449.67

Signature _____

Phone #	Fax #	E-mail
440-635-5130	440-635-0007	willowleaf@windstream.net