

RECORD OF PROCEEDINGS
MIAMI TOWNSHIP BOARD OF ZONING APPEALS

Minutes of

Meeting

BEAR GRAPHICS 800-326-8094 FORM NO. 10148

JANUARY 4, 2021

Held

20

The Miami Township Board of Zoning Appeals met in a virtual meeting for regular session on Monday, January 4, 2021 at 7:00 p.m.

Chair Todd Munro called the meeting to order.

The Pledge of Allegiance was given.

Upon roll call the following members were present: Wayne Loudermilk, Todd Munro, Steve Reece, Randy Merrill, and Tim Brandstetter. Also present: Alternate Board Member Greg Horn, Board Secretary Nicole Browder, and Township Planner Jeff Uckotter.

Trustee Mary Makley Wolff administered the oath of office to the Board for 2021.

Mr. Loudermilk made a motion to nominate Todd Munro as Chair of the Board for the 2021-2022 term, seconded by Mr. Brandstetter with all voting "YES".

Mr. Brandstetter made a motion to nominate Steve Reece as Vice Chair of the Board for 2021-2022 term, seconded by Mr. Merrill with all voting "YES".

Mr. Loudermilk made a motion to approve the minutes of the December 7, 2020 meeting, seconded by Mr. Merrill and the motion carried with all voting "YES".

Continued hearings: Case #973, Vanessa Stickel of Permit Solutions, applicant for the subject property owned by the McDonald's Corporation located at 1101 State Route 28, Parcel ID 182402A135, was called and the notice of hearing was read. Mr. Uckotter stated the applicant has requested a variance to allow for the installation of a second wall sign totaling 28.59 square feet. The total square feet for both proposed signs total 61.59 square feet. A variance is also requested to allow parking stall widths at nine feet to match existing parking stalls. He presented the staff report and gave a PowerPoint presentation that showed the location of the property, submitted plans, photos of the property and its surroundings.

Vanessa Stickel of Permit Solutions was sworn-in and gave a PowerPoint presentation to the Board explaining the application. She highlighted that McDonald's has been investing in modernizing its restaurant chain for its customers which include both interior and exterior. She noted that McDonald's Corporation is responsible for overseeing such renovations, and there is a franchise owner operating this location, although McDonald's is funding the improvements project. She stated some of the solutions suggested in regard to the monument sign options would be directly the sole responsibility of the franchise owner and beyond the scope of the McDonald's Corporation project.

Ms. Stickel shared with the Board photos of the older existing neon signage on the building and drive-through that is proposed to be replaced. She stated the plan is to remove all of the nonconforming, outdated signage and architectural elements. She explained that remaining would be the McDonald's wordmark above the entrances, the Playplace sign in the top left corner, and the arch sign on the drive-through side. She shared the calculation of the building length at 55.3 multiplied by 1.5 square feet equating to 82.5. She stated that the total proposed signage would have the wordmark at 33 square feet and the Playplace at 28.5 square feet, for roughly 61.5 square feet overall. She reviewed the drive-through elevation, noting half the size of the wordmark sign is allowed at 33 square feet equating an allowable size of 13.5. She stated the arch logo is about 14 square feet.

Ms. Stickel added that the site location is unique to the McDonald's brand. She shared that 66 out of 14,000 locations are part of a co-brand site that includes a Playplace. She stated that the code specifies the requirement of the multitenant building as having its own public entrance. She asserted that while McDonald's and Circle K do have entrances into the building, the site is actually a shared building with Circle K, and once inside the space is open with no separation between the two businesses. She noted the common areas along with restrooms are also shared. Photos of these areas were displayed for the Board to view.

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Ms. Stickel commented that McDonald's feels that their direct competition has the opportunity to advertise additional services offered by their businesses. She gave the examples of the Starbucks sign having a drive-through service; the Panera Bread has advertising of espresso, bakery and café; and Wendy's has advertisement of their tagline "Quality is Our Recipe". She stated that McDonald's is seeking relief to advertise their service of having a Playplace. She noted the exiting signage including the Playplace is a total of 108 square feet. The proposed replacement signage is 75.59 square feet for all signs for a total reduction of 32.41 square feet. She stated the reduction also includes updating the old, out-styled neon lighting and described the white and yellow softer lighting that would occur at night.

Ms. Stickel next noted that Circle K is the tenant of McDonald's. She stated McDonald's does not feel it would be a detriment to Circle K to grant the variance. She stated Circle K has signage on the gas pump canopy, the building and monument sign which provides equal advertising opportunity for their brand.

In conclusion of the signage presentation, Ms. Stickel shared that McDonald's feels it is important to have the Playplace sign on the building as a direct indicator for life safety services to alert there is a Playplace inside with the possibility of children and families inside which would allow responders to quickly identify this when arriving on-scene.

Next, Ms. Stickel presented on the variance for the nine-foot width parking stalls. She stated the existing parking stall width has become nonconforming over time. She stated that the scope of the work on the project is limited to ensuring the site meets ADA compliance for accessibility for the community and its customers. She stated that McDonald's feels that the financial impact to restripe the parking lot to meet the width dimensions would impact the ROI for McDonald's and the owner/operator, as well a financial impact on the Circle K tenant who is not renovating. She added that the higher width would reduce the parking by four spaces.

Mr. Uckotter emphasized that the Township is in agreement with the parking stall variance request, and he counterpointed Ms. Stickel's comparisons to other single-occupancy businesses noting this was multi-occupancy and challenged her interpretation of the zoning code. He noted the existing signage while approved by zoning permit, did not meet the sign resolution of 1996. He stated that an option obviate the advertisement of the Playplace sign would be to reface the existing sign or build a new monument sign. He highlighted that cost is not a hardship factor for consideration.

Mr. Reece commented that this may be similar to previous situations where a nonconforming use was voluntarily removed, and the new construction is required to conform with the new zoning codes.

Mr. Uckotter read the staff recommendation to approve the nine-foot wide parking stall width variance and to deny the second McDonald's wall sign which faces State Route 28.

The open portion of Case #973 was closed, and the Board held discussion, including lack of hardship proven.

Mr. Brandstetter made a motion to approve the nine foot parking stall width variance, seconded by Mr. Loudermilk with all voting "YES".

Mr. Merrill made a motion to allow the McDonald's and Playplace signage as shown, seconded by Mr. Loudermilk and the motion failed upon the following roll call vote:

YES	Randy Merrill	(1)
NO	Wayne Loudermilk, Todd Munro, Steve Reece, Tim Brandstetter	(4)

CASE#973 ~ PARKING VARIANCE REQUEST APPROVED.
 SIGNAGE VARIANCE REQUEST DENIED.

Public hearings: Case #975, Michael Howell of Satco, Inc., applicant for the subject property located at 457 Wards Corner Road, Loveland, Ohio 45140, Parcel IDs 182518B085 and

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182518B046, was called and the notice of hearing was read. Mr. Uckotter stated the applicant has requested variances to allow a 35-foot tall structure (15 to 35 feet), an accessory structure to be sited 9.3 feet from the rear property line (75 to 9.3 feet), and to forgo the ten-foot rear screening requirement for the proposed accessory structure.

Mr. Uckotter presented the staff report and gave a PowerPoint presentation that provided the rationale and analysis for the location of the burn building on the subject property, submitted plans, photos of the subject property and its surroundings. He stated that as the purpose of the building is to test air cargo containers with fire, from the staff report he referenced that the Miami Township Fire Department has worked directly with Satco to ensure that appropriate fire mitigation steps will be present to ensure safety.

Following the presentation, Chair Munro inquired whether there was concern from adjoining neighbors. Mr. Uckotter did not report any concern and added that under prior due diligence, the project has been extensively reviewed by the Miami Township Fire Department and the Clermont County Building Department.

Member, Mr. Randy Merrill inquired about the rating of the walls related to the proposed building materials. Mr. Uckotter noted that Satco would discuss this element later in the meeting.

Applicant Michael Howell, 7535 Linwood Drive, Blanchester, Ohio was present and sworn-in. He stated he was representing Satco Inc. located at 457 Wards Corner Road, Loveland, Ohio 45140.

Mr. Howell provided some background for the company stating that it is a 53-year old business in the development, manufacture, and assembly of cargo containers for cargo aircrafts. He shared that as technology continues to advance Satco is looking to develop containers that meet fire safety. He explained that lithium ion batteries are integrated into most technology products today and Satco is looking to develop a cargo container that can withstand a lithium battery fire for six plus hours. He shared that they are looking to build the testing facility in the Cincinnati location to allow for this research and development. He noted that it would also allow for other organizations such as fire department to use the facility for training as it will be a safe environment in which to do so.

Mr. Howell explained that the construction of the steel building and wall in relationship to the ignition point would require Satco to maintain at least a three-hour burn wall. He stated that it was also important to note that Satco worked with the Miami Township Fire Department and anytime research development activity would occur, the Fire Department would be engaged, already be on-site and in the role of overseeing this activity.

Mr. Howell continued that Satco would deploy technology that would extinguish the fire without anyone entering the building which would be at the command of the Fire Department, not Satco.

Mr. Merrill followed up with a question relating to the use group of the facility (a building code term). Mr. Merrill questioned whether the facility was considered a "Use Group H" – a high hazard building use. Mr. Howell responded that it would not be a high hazard use as the use will be for research and development. Mr. Howell then noted that the facility will be outfitted with air-scrubbing equipment so as not to vent noxious chemicals into the environment. Mr. Howell noted that the fire types would be "Class A" or "Class B" fires. Mr. Uckotter interjected that the proposed lists the building use group as "S-2 Low Hazard". A member of the project team, Michael Barnard of ML Barnard, 3229 Omni Drive, Cincinnati, Ohio was sworn-in by the Chair Munro. Mr. Barnard reaffirmed the three-hour wall rating and described how the wall would be constructed – the metal on the outside of the building is facade, and there would be sufficient insulating material within the inner sections of the wall. Mr. Barnard said that the facility would not be considered a high hazard building because materials are not being stored in the building. Mr. Merrill expressed his appreciation to Mr. Barnard's clarification, but expressed surprise that anything with fire is not an "H1" or "H2" building

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classification but added that the building classification was ultimately not the BZA's decision to make.

Chair Munro called for adjoining property owners or concerned citizens. There were no persons for comment.

Mr. Uckotter reported the staff recommendation of approval for the following variances:

1. A 65.7-foot reduction of the rear yard setback to a residential district (75 feet to 9.3 feet)
2. A variance to forego the ten-foot buffer along the rear property line (which adjoins the residential zoned property); and
3. A variance to approve the height of the accessory structure at 35 feet (15 feet to 35 feet), with the following conditions:
 1. The siting of the accessory structure is restricted to the approved plan in this BZA case; and,
 2. If the subject property (459 Wards Corner Road, Parcel ID 182518B085.) is consolidated with the other main Satco parcel 182518B046. (457 Wards Corner Road), or the undeveloped Satco owned Parcel 182518B065., the variance shall run with either parcel 182518B046., parcel 182518B065. or parcel 182518B085., whichever is assigned by the Clermont County Auditor in a future consolidation which incorporates the burning building.

Providing context for the second condition, if a consolidation occurs, Mr. Uckotter outlined the second condition which would identify sufficient parcel ID's, as variances run with addresses and parcel ID's. Also, given the discussion of the burn building construction and for the due diligence and record of the case, Mr. Uckotter identified a third potential condition that the proposed burn building comply with all applicable Clermont County building code and fire code regulations.

The open portion of Case #975 was closed, and the Board held discussion.

Vice Chair Reece made a motion to approve the variances in Case #975 with inclusion of the above-noted conditions. In addition to a third condition that building be constructed to all applicable Clermont County Building Department regulations. The motion was seconded by Mr. Loudermilk and the motion carried with all voting "YES."

CASE #975 ~ VARIANCE REQUEST APPROVED WITH CONDITIONS.

Case #976, Peter DeFour of Speedway, LLC, applicant for the subject property located at 1143 State Route 131, Parcel ID 182405C031 was called and the notice of hearing was read. Mr. Uckotter stated the applicant has requested variances to allow a gasoline canopy 44' from the centerline of State Route 131 (110' to 44') and to install a flat roof gasoline canopy. He presented the staff report and gave a PowerPoint presentation that showed the location of the property, submitted plans, photos of the property and its surroundings.

The representative for the applicant, Scott A. Weber, 13735 Stonehenge Court, Pickerington, Ohio, was sworn-in and explained the application. He stated that the canopy was leaning and in an emergency effort it was removed. He stated that if the canopy were to comply with the zoning setback it would be half as long as it is today. He stated Speedway would like to replace the canopy as it were and add masonry around the columns.

Mr. Uckotter read the staff recommendation to approve the variance to site the 103.66' x 35' flat roof gasoline canopy in its former location, 44 feet from the State Route 131 centerline with the following conditions:

1. All gasoline signage must comply with Chapter 24 of the MTZR – any signage shown in the submission was not a subject of the variance request.
2. Masonry must be provided on all the support posts as was represented by Speedway.

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3. The setback along Wolfpen Pleasant Hill Road must match the submitted plans, as reviewed by the BZA.

The open portion of Case #976 was closed, and the Board held discussion.

Mr. Loudermilk made a motion in Case #976 to approve as recommended by staff, including the staff conditions as presented, seconded by Mr. Reece and the motion carried unanimously with all voting "YES".

CASE#976 ~ VARIANCE REQUEST APPROVED WITH CONDITIONS.

Case #977, Greg Hoffer of Dualite Sales & Service, Inc., applicant for the subject property owned by Mike's Carwash located at 5800 Montclair Boulevard, Parcel ID 182513B250, was called and the notice of hearing was read. Mr. Uckötter stated the applicant has requested a variance to allow a monument sign face to consist of 100% electronic message sign. He presented the staff report and gave a PowerPoint presentation that showed the location of the property, submitted plans, photos of the property and its surroundings.

Applicant Greg Hoffer, Ironwood Way, West Chester, Ohio, was sworn-in and reviewed the application with the Board. Mike Dahm and Ty Dubay of Mike's Carwash were also sworn-in. Mr. Hoffer gave a PowerPoint presentation on the variance request application. He stated there is not currently an EMC on the site which allows them to advertise directly to their target market. He highlighted the EMC was important because there are a lot of impulse decisions that are made in the industry. He stated that EMC provides instant notifications of current promotions, specials and charity offerings on a given day. He next emphasized that many promotions and charity causes are specific to a time and day, which he noted could not be achieved with a billboard or static sign. He stated the EMC is a standard request for any Mike's Carwash location. He shared that higher sales are observed at locations with the full size EMC and stated the Eastgate location is outpacing the Milford location by 20 percent.

Mr. Hoffer detailed that the larger EMC face allows the message to be displayed in a clear and legible fashion than the half-face with the logo on top. He added this was safer for the motoring public to avoid the distraction of trying to read a smaller message. He shared examples of the simple messaging. He noted that there is no study to support that EMCs increase vehicle accidents.

Mr. Hoffer stated that the 50% EMC sign would cause additional work on the site. He noted if it has to be reconfigured, the existing base will have to be demolished. He stated the EMC sign is a standard size from Watchfire, the manufacturer. He noted the effort is to remain under the overall allowed square footage for signage. He added that the requested signage would not alter the essential character of the neighborhood. He reviewed the type of give-back charity events that are utilized on the EMC which boosts sales.

Ty Dubay, COO of Mike's Carwash, added that the request for the 100% EMC is not about advertising space or square footage and is really about speed of change. He explained that it would allow for adjustment of messaging to better suit the customer base, programs, and cause marketing events happening on a given day. He shared a big portion of their customer traffic is the impulse buy because they like the charity or cause promoted on the EMC. He highlighted that there are no moving images or flashing or animated images on the EMC proposed. He gave examples of real-time messaging related to current community events.

Mike Dahm, 100 Northeast Drive, Loveland, Ohio, added that Mr. Dubay summed it up with the ability to conduct the give-back offers they are known for. He cited examples of past charity program offerings. He stated that they really appreciate what the Township has done for them and would like to add the EMC to increase sales at this location.

Mr. Uckötter stated the Township was very appreciative of Mike's Carwash and that he was also a patron. He stated the Township's contention is that the messaging could be done on an EMC sign that would comply with the current sign code. He then counterpointed that the sales being down at the location as presented was a fallacy and stated the Eastgate location is in the

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heart of Eastgate with State Route 32 running through which he eluded would automatically equal higher sales and noted the population was higher.

Additional debate was held between the applicant and Mr. Uckotter as to realized benefits to be achieved from a 100% digital signage versus a 50% digital sign.

Chair Munro called for concerned citizens or adjoining property owners present who wished to speak. No persons were in attendance to speak.

Mr. Uckotter read the staff recommendation to deny the variance request to allow for a 100% digital message sign face on the proposed retrofitted monument sign which would be 45.3 square feet on the sign face and 8'5" in sign height.

The open portion of Case #977 was closed, and the Board held discussion.

Mr. Brandstetter made a motion to deny the variance request in Case # 977, seconded by Mr. Loudermilk and the motion carried upon the following roll call vote:

YES	Wayne Loudermilk, Todd Munro, Randy Merrill, Tim Brandstetter (4)
NO	Steve Reece (1)

CASE#977 ~ VARIANCE REQUEST DENIED.

Case #978, Matt Ireton of K4 Architecture, applicant for the subject property owned by United Dairy Farmers located at 6401 Branch Hill Guinea Road, Loveland, Ohio 45140, Parcel ID 182517A145, was called and the notice of public hearing was read. Mr. Uckotter stated the applicant requested the following variances to allow: 1) a 94 square foot expansion of an existing accessory structure (car wash); 2) a proposed carwash expansion to be 104.45' from centerline of Branch Hill Guinea Road (110' to 104.45'); 3) a 17.02 square foot wall sign on an accessory structure (remodeled car wash); 4) an additional 279 square foot accessory structure proposed 41'8" forward of the existing rear line of the principal building; and 5) the existing fuel canopy will incur no structural change. A request to approve the existing fuel canopy setback of 91.11' from the centerline of Branch Hill Guinea Road (110' to 91.11').

Mr. Uckotter updated the Board that he had contact with United Dairy Farmers on December 31, 2020, and stated that while the report stands, there were late changes received from the applicant, which modified the variances being sought. The changes were as follows:

- the additional 16.7' x 25.3' addition was removed from consideration; therefore, this rendered setback variance request #2 moot.
- the additional 279 square foot accessory structure was removed from consideration (variance request #4).

He then reviewed the variance requests as modified and shown as follows were to be considered by the Board:

- 1) a 94 square foot expansion of an existing accessory structure (car wash)
- 2) ~~a proposed carwash expansion to be 104.45' from centerline of Branch Hill Guinea Road (110' to 104.45')~~
- 3) a 16.625 ~~17.02~~ square foot wall sign on an accessory structure (remodeled car wash)
- 4) ~~an additional 279 square foot accessory structure proposed 41'8" forward of the existing rear line of the principal building~~
- 5) the existing fuel canopy will incur no structural change. A request to approve the existing fuel canopy setback of 91.11' from the centerline of Branch Hill Guinea Road (110' to 91.11')

Mr. Uckotter continued with a presentation of the staff report and PowerPoint presentation that showed the location of the property, submitted plans, photos of the property and its surroundings.

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Applicant Tim Kling, Director of Real State for United Dairy Farmers, 3955 Montgomery Road, Cincinnati, Ohio 45212, was sworn-in and reviewed the application with the Board. He introduced as also being present John Lucas of K4 Architecture and Justin Stone of Carriage House Carwash. All were sworn-in by Chair Munro.

Mr. Kling informed the Board that demolition was underway, and construction is beginning to move forward for this project. He stated they would like to open the carwash at the same time as their project. He highlighted the importance of the addition being for the central vacuum system that will be utilized by the carwash. He stated the sign helps identify the carwash as a tenant. He commented the canopy setback was an item from the past to clean up and noted no changes to the canopy other than aesthetics.

Chair Munro called for concerned citizens or adjoining property owners present who wished to speak. No persons were in attendance to speak.

Mr. Uckotter read the staff recommendation to approve the following variances:

- 1) a 94 square foot expansion of an existing accessory structure (car wash)
- 3) a 16.625 square foot wall sign on an accessory structure (remodeled car wash)
- 5) the existing fuel canopy will incur no structural change. A request to approve the existing fuel canopy setback of 91.11' from the centerline of Branch Hill Guinea Road (110' to 91.11')

He then reviewed a possible condition for the Board to consider with variance #3 to have the carwash sign face Branch Hill Guinea Road. The applicant noted their intent to place the sign on Branch Hill Guinea Road.

The open portion of Case #978 was closed, and the Board held discussion.

Mr. Merrill made a motion in Case#978, approval of staff recommendations for the following variances:

- 1) a 94 square foot expansion of an existing accessory structure (car wash);
- 3) a 16.625 square foot wall sign to face Branch Hill Guinea Road on an accessory structure (remodeled car wash); and
- 5) the existing fuel canopy will incur no structural change. A request to approve the existing fuel canopy setback of 91.11' from the centerline of Branch Hill Guinea Road (110' to 91.11').

The motion was seconded by Mr. Loudermilk and carried unanimously with all voting "YES".

CASE#978 ~ VARIANCE REQUEST APPROVED WITH CONDITIONS.

Case #979, Matt Ireton of K4 Architecture, applicant for the subject property owned by United Dairy Farmers located at 5615 Wolfpen Pleasant Hill Road, Parcel ID 182411A099, was called and the notice of public hearing was read. Mr. Uckotter stated the applicant has requested a variance to allow a second monument sign, consistent with B-2 General Business District sizing regulations. He presented the staff report and gave a PowerPoint presentation that showed the location of the property, submitted plans, photos of the property and its surroundings.

Applicant Tim Kling with United Dairy Farmers (UDF) reviewed the application with the Board. He shared that UDF recently closed on the seven acres in addition to their current .8 acres at the corner. He commented that while relocation of the store was considered, they have decided to move it off of the corner with the corner portion of the property to become a 'pocket park' and be maintained by UDF. He clarified there are no plans to develop the corner property.

Mr. Kling reported that the two access points at the intersection would be closed off and they

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are working with the Ohio Department of Transportation (ODOT). He stated that ODOT is in favor of the right-in, right-out onto Wolfpen-Pleasant Hill Road. He noted they will continue to work closely with ODOT on the turn lane into their property.

Mr. Kling highlighted the importance of the second sign to reach customers traveling State Route 131 and stated there would be future lot development behind the new store. He further explained plans for the road access points for the existing and future development.

Mr. Kling clarified that the new store would be built and then the existing store would be demolished as well as the underground tanks, with a landscape plan to be installed as the final step.

Chair Munro called for concerned citizens or adjoining property owners present who wished to speak. No persons were in attendance to speak.

Mr. Uckotter read the staff recommendation to allow for a second monument sign, as proposed, with the follow conditions:

1. The second monument sign is only applicable if the proposed plan is implemented (the tearing down of the old store, the implementation of the green space in its place, and the implementation of the new UDF convenience store and gas station).

The open portion of Case #979 was closed, and the Board held discussion.

Mr. Brandstetter added that while relocating does provide better and safer access for residents, he does see it as a hardship to be located away from State Route 131 which is his reason to support granting the variance.

Mr. Reece made a motion in Case #979 to approve the second monument sign as implemented in the proposed site plan, and once the new building is built the old building would be tore down with greenspace in its place, seconded by Mr. Brandstetter and carried unanimously with all voting "YES".

CASE#979 ~ VARIANCE REQUEST APPROVED WITH CONDITIONS.


New business: No new applications were presented to the Board.

With no further business to come before the Board the meeting was adjourned. The next regularly scheduled meeting will be held on Monday, February 1, 2021 at 7:00 p.m.

Respectfully submitted,



Nicole Browder, Secretary


 Todd Munro, Chair

Sound reference

cc: Board of Zoning Appeals Members BZA
 File