

ZONING BOARD OF APPEALS
Special Meeting
Appeal #98-2
February 19, 1998

The Special Meeting of the Zoning Board of Appeals was called to order at 7:23 pm by Chairperson David Hinds. Also present for the board were Nancy Henige, Larry Peslak, and Richard Morefield. Seventeen (17) people were in the audience.

The Special Meeting was called to hear an appeal from Scott Rausch requesting a ruling on the status of a sign permit, an interpretation, and a variance concerning a billboard located at 12126 Dixie Highway, Section 28.

Chairperson David Hinds noted for the record that in regards to applicant's statements on the application, item #3: Mr. Rausch had not made an appeal to the ZBA at their October 20, 1997 meeting. He only addressed the board under public comment. Additionally, Mr. Rausch was not told to submit the facts to the next regular meeting of the ZBA in 1998; he was told to put the facts in writing and submit to the Township Office in October 1997. This was not done.

Motion by Hinds, supported by Peslak to not consider the appeal on the status of the sign permit and the interpretation because the appeal by Scott Rausch was not made within the 10 day limit required by the Township Zoning Ordinance, Section 1704 (3)(A). Motion carried 4-0.

Scott Rausch addressed the board concerning the billboard at 12126 Dixie Highway and requested a variance from the Township Zoning Ordinance, Section 503 (2)(G) requiring the billboard be erected at least 300 feet from any existing structure. Rausch proposed to move the billboard ten (10) feet and angle it so as not to block the adjacent Cinema Hollywood marquee.

Motion by Henige to grant a variance to move the billboard 25 feet and at an angle so as not to block the Cinema Hollywood marquee. Motion died for lack of support.

The board took comments from the public: The billboard is a traffic hazard because it blocks the view of the entrance to the theatre. Also, Rausch was aware of the proposed location of the marquee since he was involved in the variance process to place it.

The board considered the special conditions, one of which must be met to grant a variance. Any Difficulty or hardship was of an economic nature, so could not be considered. No exceptional circumstances or physical conditions warranted a variance. No substantial property right possessed by other properties was involved. It was noted that the building print Rausch presented to the ZBA was not the same print originally presented to the Township.

Motion by Hinds, supported by Morefield to deny the request for a variance because the appellant did not meet any of the special conditions for granting a variance required by Section 1704 (4)(E). Motion carried 3-1.

Yes: Hinds, Morefield, Peslak

No: Henige

Motion by Hinds, supported by Peslak to adjourn at 8:25 pm Motion carried 4-0.

Nancy Henige, Secretary