

# City of Defiance Planning Commission

March 20, 2023, Meeting Minutes

**ATTENDANCE:**

Name	Title	Yes	No
Jen Clady Rosebrook*	Defiance City Planning Commission Chairman	X	
Steve Hoffman Jr.*	Defiance City Planning Commission Vice-Chairman	X	
Drew Shindler *	Defiance City Planning Commission Member	X	
Gary Butler*	Defiance City Planning Commission Member	X	
Mike Adams*	Defiance City Planning Commission Member <i>(Representative from Parks Board)</i>	X	
Mike McCann*	Defiance City Mayor	X	
Ryan Mack*	Defiance City Administrator <i>(Representative to Defiance Reinvestment Area Committee)</i>		X
Melinda Sprow	Defiance City Engineer	X	
Rex Robison	Defiance City Zoning Commissioner	X	
Niki O. Warncke	Defiance City Planning Commission Clerk		X
Sean O'Donnell	Defiance City Law Director	X	
Connie Seimet	Defiance City Planning Commission Secretary	X	

\* Voting Members of Committee

**OTHERS PRESENT (as noted on "sign in" sheet):**

Name	Company	Address	Phone No.
Allen Stumbo	n/a	139 E. Sessions	419-956-2552
Tom Thomas	n/a	129 E. Sessions	734-231-6139
Trish Speiser	Dark Horse Social Club	29231 CO RD 424. Def.	419-789-3111
Mark Speiser	Dark Horse	29231 CO RD 424. Def.	419-782-8307
Bill Duerk-did not sign in			
Todd Helberg-did not sign in	Crescent News		
Brad Mangas -did not sign in			

Chairman Jen Clady Rosebrook called the meeting to order at 4:30 p.m. with a quorum present.

**ADMINISTRATIVE ITEMS:**

- Mr. Shindler made a motion to approve the February 21, 2023, Planning Commission Meeting Minutes; Mr. Hoffman seconded the motion. The motion carried unanimously.
- Clerk's Report: None.

**PLANNING ITEMS:**

**ITEM 1:**

**PROJECT LOCATION:**

**APPLICANT:**

**VARIANCE REQUEST**

651 CLINTON STREET, DEFIANCE, OH 43512

RIVERVIEW LAND MANAGEMENT, LLC, 29231 COUNTY ROAD 424, DEFIANCE, OH 43512

*Description:* Parcel B011009000600 is located in Bouten et al, Block 8, Lot 11 City of Defiance, Defiance Township, Defiance County, OH. Applicant is currently in violation of the Sign Code. Applicant previously

hung one sign on each side of their building without getting a sign permit. The signs do not meet the mounting height or sign area requirements and exceed the maximum size of lettering allowable on signage in the Central Business District. The applicant has not removed the signs and is requesting variances to allow for the signs to remain.

- Variance requested to exceed the maximum allowable mounting height of 14' above the pavement per the *City of Defiance Planning and Zoning Code*, Chapter 1179.07.D.1.

- Variance requested to exceed the maximum allowable height of letters, 16", per *City of Defiance Planning and Zoning Code*, Chapter 1179.07.D.3.

- Variance requested to exceed the maximum allowable sign area per the *City of Defiance Planning and Zoning Code*, Chapter 1179.07.D.5.

Chairman Clady Rosebrook read the item to all.

NOTE: Ms. Warncke had submitted a Public Hearing Meeting Notice to be published in *The Crescent News* and Public Hearing Meeting Notices were mailed to all property owners within 200' of this item location.

Ms. Trish Speiser, owner, was present. Chairman Clady Rosebrook wanted to know if there was history with this variance regarding sign codes. Mr. Robison explained there is a City sign code for the downtown central business district code, as well as the regular sign code; the sign is to be mounted at a specific height and be a specific dimension. Mr. Robison said the mounting was to be between 10-14 feet (the number "10" was a number missing from the first variance requested item – should have been "mounting height of 10-14' above the pavement"). Mr. Robison thought the mounting is probably 6 feet now. Ms. Speiser said she had applied for two sign permits before (for the front of the building) and she said the signs on the side of the building are temporary. Ms. Speiser said she wanted everyone to know that she didn't ignore the sign code. Mr. Robison said the signs are too big, the area is too large (letters are too large should not be more than 16" tall), a number of many little items come into play. Mr. Robison said the sign looks nice but doesn't meet City code. Mr. Butler wanted to know if it was a permanent sign. Ms. Speiser said it was not a permanent sign; she said the hours may be changing, it was cheaper to get two signs. Ms. Speiser

Mr. Adams wanted to confirm the sign is three times the size it should be. Ms. Speiser said it is 14' x 14'. Mr. Adams commented the lettering seems to be over 16". Ms. Speiser did not know what the size of the letters were. Mr. Adams questioned the size area. Mr. Robison said it should not be over 3' in height. Ms. Speiser said it was difficult to get proper signage for downtown and with the building being located on the Clinton Street Extension and not a typical street it is hard to get the building noticed. Mr. Adams suggested a sign on a fence or a free standing sign. Ms. Speiser wanted to know if a mural would be allowed. Mr. Robison said a mural does not have words on it and when words are added it becomes a sign (per our previous Law Director).

Mayor McCann wanted to know what she would do if it would blow away. Ms. Speiser said she would probably have it only on one side – the north side; she said she views the sign as temporary to see how it looks. She said they received a lot of compliments on the signage, she said it looked like the old historic signage on the side of the buildings. She said the building is on the National Register and she is trying to get the signage on the building to look historic.

Mayor McCann said he likes the sign; it is visually appealing. Mayor McCann said there was not a permit for the signage. Ms. Speiser said she had gotten permits before. Mr. Shindler said he thinks the sign looks nice, however if this is allowed – how do we not allow others? Ms. Speiser said that is what a variance is for. The several members of the board said this is what regulations are for and they do not want to set a precedent. Mr. Robison said they are allowed 1.25 sf based off the frontage of the building so if the building is 30 foot they are allowed 45' of signage (not to exceed 45'). At this point we do not know the building or signage dimensions since a Zoning for Signage application was not submitted. Mayor McCann said there is a sign along St. Rt. 24, between Rt. 66 and Domersville Road for Clemens Mobile Welding (they had submitted a Sign Permit Application and received permission – due to the location of the building). Mayor McCann feels Ms. Speiser is saying that is why the sign is the size it is so people can see it. Ms. Speiser agreed. Mr. Butler wanted to know if these variances would be for this size only. Mayor McCann said these variances are for these signs only. Mr. Robison said we do allow replacement for existing “box” signs only. Ms. Speiser said the frame is there. Mr. O'Donnell asked if there will be changes to the sign. Ms. Speiser said it would not last forever (due to the type of material). Mayor McCann wanted to clarify – if the sign is changed and the size remain the same, that would be allowed – if these variances are approved. Mr. Robison said if the box is removed, they would not be allowed to put the signs back up. Mr. O'Donnell said our code does not allow billboard signs, there are some that are grandfathered in, however if they remove the billboard completely they can't put it back up (they can only change what is on the billboard). Mr. Adams said the business did not submit a Zoning for Signage Permit application however, now we need to focus on the variances. Ms. Speiser said she apologizes for not submitting a permit application. Mayor McCann said everyone agrees it is visually appealing, however in the future the signage may not be appealing. Mr. Adams said another business may go in and change it to something else which may not be appealing. Mr. O'Donnell said the signage would stay with the building and certain items on the signage may not be allowed. Mr. Adams said the sign would have to be changed to comply with the current signage requirements. Mr. O'Donnell said the criteria on page 50 - 165.08.D4 explains why would this variance be granted and another request not be granted.

Ms. Speiser said they have issues getting deliveries because of their address and where the building is located.

Mr. O'Donnell said we have Planning Commission for this reason (to discuss these types of issues). Mr. Adams feels the signage would not be detrimental to the district or adjacent properties; he thinks it is necessary for the communication of the signs message. Mayor McCann agrees with Mr. Adams; at one time the City logo was painted on the side of a building which was tasteful and he feels this signage is tasteful (even though it was not painted on the building).

Mr. Bill Duerk, 1905 State Service Road, said there is an area in the Code to grant temporary signs for 30 days and he doesn't know why a temporary sign permit was not granted. He feels it creates other issues for the sign code for other businesses.

Ms. Speiser said the cost to paint the sign on the building was \$4,000 vs. \$750 for the signs that are put up there now (the cost was \$600 for one sign and \$750 for two signs). Ms. Speiser would like a permanent sign on one side to help people find her business.

Mr. O'Donnell said the sign of the present dimensions will exceed the maximum height, sign area and maximum letters. Mr. O'Donnell wanted to know if they would keep the sign frame in place. Ms. Speiser said they would keep it in the same place with a new sign. Mr. Shindler wanted to know if it would be on both sides of the building. Ms. Speiser said she really only wanted it on the

north side of the building. Mayor McCann said you can't really see the sign on the south side as the trees at Triangle Park block it.

Mr. Butler asked about signs being allowed on the side of the buildings. Mr. Robison said that wasn't in the code any longer. Mr. Robison said he would rather see the business name only on the sign and put the hours on the window.

Mr. Brad Mangas, St. Rt. 281, commented that he feels the signs looks tasteful, however he feels a sign that would stick out from the side of the building would get more attention. He is not against the business; however, he feels the sign should be changed.

Mr. Shindler wanted to know when the sign code will be updated. Mayor McCann said it will be at least a year before the sign code is updated.

Ms. Speiser said she wanted a perpendicular sign initially, however she knew that was against the code. Ms. Speiser said the signs on the side of the building are historically accurate.

Discussion ensued about other sign codes in other areas – overall Defiance is more flexible with their sign code.

Ms. Speiser said this sign makes the building special and interesting. Ms. Speiser said 40% of her clientele are from outside the City and they need to find her business, which is another reason why she had the signs put up.

Mr. O'Donnell advised to not issue a temporary sign permit, as Ms. Speiser did not apply for a temporary sign.

Mr. Butler wanted to know if she will keep that size of the sign. Ms. Speiser said a smaller sign would not be as effective. Mr. Butler wanted to know if they could put up a smaller sign when this one breaks down. Ms. Speiser wanted to keep that size of the sign as it is unique.

Discussion ensued regarding the size of the sign and the letters. With Ms. Speiser not submitting Zoning for Signage Application the size of the signs and the letters are not known.

- Mayor McCann made the motion to approve the Variance requested to exceed the maximum allowable mounting height of 10-14' above the pavement; seconded by Mr. Adams. All members voting aye, the motion was approved.
- Mayor McCann made the motion to **Let It Lie** regarding the Variance requested to exceed the maximum allowable height of letters of 16", seconded by Mr. Butler. All members voting aye, the motion to **Let It Lie** was approved.
- Mr. Adams made an initial motion to approve the Variance requested to exceed the maximum allowable sign area, however he withdrew his initial motion and made another motion to **Let It Lie** regarding the Variance requested to exceed the maximum allowable sign area, seconded by Mr. Hoffman. All members voting aye, the motion to **Let It Lie** was approved.

ITEM 2: ALLEY VACATION REQUEST  
PROJECT LOCATION: 129-139 EAST SESSIONS AVENUE, DEFIANCE, OH 43512  
APPLICANT: TOM THOMAS, 129 EAST SESSIONS AVENUE, DEFIANCE, OH 43512  
*Description:* The alley between 129 and 139 East Sessions Avenue, located in Holgate's Addition between Lot 6 and part of Lots 1 & 2, City of Defiance, Noble Township, Defiance County, OH. Applicant is

requesting this alley be vacated. Alley runs north to south up to the east-west alley crossing.

Chairman Clady Rosebrook read the item to all.

Mr. Tom Thomas (owner of 129 E. Sessions) and Mr. Allen Stumbo (owner of 139 E. Sessions) were present. Mr. Thomas is asking for the alley to be vacated due to the amount of traffic using the alley and the way the traffic affects the condition of the alley. Mr. Shindler wants to know how they would block the alley. Mr. Thomas was thinking of using a concrete pillar and block it at the end of the alley between the two houses at 129 and 139 E. Sessions.

Ms. Sprow said there are no public utilities in the alley. Ms. Sprow said both applicants use the alley as their driveway. Mr. Thomas confirmed that both property owners use the alley to access their properties.

Ms. Sprow recommends they get a Shared Access and Maintenance Agreement. Mr. O'Donnell said they property owners will need to check into a survey to find out if the alley will be split 50/50.

Mr. O'Donnell commented the earliest the Alley Vacation request may go to City Council would be on March 28, 2023. Mayor McCann said they will need the Shared Access and Maintenance Agreement in place before it goes to City Council. Mayor McCann said City Council will have to have three readings of the request before they vote on it and the legislation will be effective 30 days after that date.

- Mr. Shindler made the motion to approve the Alley Vacation Request with the Shared Access and Maintenance Agreement and recommend to City Council; seconded by Mr. Adams. All members voting aye, the motion was approved.

**OPPORTUNITY FOR PUBLIC INPUT AND DISCUSSION OF TOPICS:**

- None.

**ADJOURNMENT OF MEETING:**

A motion was made by Mr. Hoffman, seconded by Mr. Butler to adjourn the meeting at 5:29 p.m. All members voting aye, the motion passed and the meeting was adjourned.

Minutes respectfully submitted by,

*Connie M. Seimet*

Planning Commission Secretary

  
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**Niki O. Warncke**  
Planning Commission Clerk

  
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**Jen Clady Rosebrook**  
Planning Commission Chairman