

City of Defiance Planning Commission

April 17, 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.
James K. Weaner	Weaner, Hill, Weber & Stanley	401 Wayne Avenue	419-782-3010
Aaron Keller	n/a	344 Northwood Drive, Defiance	419-576-2505
Josh Mast		340 Northwood	419-782-1320
Pat & Tom Sanford	n/a	912 Holgate Ave.	419-782-0521
Trish Speiser	The Dark Horse Social Club	29231 Co Rd 424 Def	419-789-3111

Vice Chairman Hoffman called the meeting to order at 4:30 p.m. with a quorum present.

ADMINISTRATIVE ITEMS:

- Mayor McCann made a motion to approve the March 20, 2023, Planning Commission Meeting Minutes; Mr. Shindler seconded the motion. The motion carried unanimously.
- Clerk's Report: None.

PLANNING ITEMS:

ITEM 1:

PROJECT LOCATION:
APPLICANT:

VARIANCE REQUEST

344 NORTHWOOD DRIVE, DEFIANCE, OH 43512
 AARON KELLER, 344 NORTHWOOD DRIVE, DEFIANCE, OH 43512
Description: Parcel I020141A04800 is located in Riverdale Heights Extension 2, Lot 165, City of Defiance, Noble Township, Defiance County, OH. Applicant would like to construct a 1912 square foot accessory structure. The maximum allowable is 720 square feet.
 -Variance requested to allow an accessory use in excess of 720 s.f. per *City of Defiance Planning and Zoning Code*, Chapter 1169.10.B.7.

Vice Chairman Hoffman 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.

Mr. Aaron Keller, owner, was present. Mr. Keller would like to put up a garage with a pool room in it (would not contain bedrooms or living area). Mr. Mack said he and Mr. Robison visited the site and wanted to know where the garage would be located on the property. Mr. Keller indicated in the rear yard (no trees would be removed). All viewed the site plan on the screens. Mr. Robison said there is a 10' Toledo Edison easement on the east side property. Mr. Keller said he is aware of the easement.

Mayor McCann asked if he would be within 7' of the property line. Mr. Keller said he would be.

- Mr. Shindler made a motion to approve the Variance requested to allow an accessory use in excess of 720 s.f.; seconded by Mayor McCann. All members voting aye, the motion was approved.

ITEM 2: VARIANCE REQUEST (tabled from 3.20.2023 meeting)
PROJECT LOCATION: 651 CLINTON STREET, DEFIANCE, OH 43512
APPLICANT: 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 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.

Vice Chairman Hoffman read the item to all.

Mayor McCann mentioned the variance request for the height of the sign from the ground was approved at the last meeting.

Ms. Warncke said the letters were measured, after the last meeting, and they are under 16" but the picture of the horse is not. Mr. O'Donnell said the maximum height of the letters only (not the horse) should be within 16". Mayor McCann wanted to know if the request should be withdrawn, since the letters are in compliance. Ms. Speiser stated she will withdraw the **variance requested to exceed the maximum allowable height of letters, 16"**.

Ms. Speiser wanted to restate the purpose of the sign code on page 198 of the Planning and Zoning code in the first section which she read. Ms. Speiser feels that last sentence applies to her situation and she did not read it that way last month "uniformly enforced without regard to the content of any advertising message or the identity of the proponent of the message". Ms. Speiser

said she put up the sign prior to studying the code and if she calculates the frontage of her property (which is 66') she can have up to an 11 1/2 'x 11 1/2' sign with the signs being on the side of her building which she feels is undersize for the size of the signs. Ms. Speiser said she was not trying to not get a permit, as she has gotten two sign permits in the past and followed the rules. Mayor McCann wanted to know if she asked anyone with the City in regards to the Code and if she was interpreting it correctly. Ms. Speiser said she spoke with Keller to find out if they did anything special for their sign and they told her not to their knowledge. Ms. Speiser said her business was very busy at that time and she was totally focused on getting the signs put up. Ms. Speiser referenced the "Defiance High School Marketing Handbook Ten Points of Advertising". Ms. Speiser said her and her husband took a risk on this business as an investment in the downtown, with their own money without any grants. Ms. Speiser said she had to get her message out since so many didn't know about her business as a "social club"; many thought it was a private club and she wanted to use the sign to tell people it was not or private club but "social" as being people gathering there. Ms. Speiser feels customers and delivery drivers can find her now since the sign has been in place. Ms. Speiser said the building is very old (built 1868) and is on the national historic registry. Ms. Speiser also showed the board old pictures of buildings downtown with signage painted on them.

Ms. Speiser feels she is being singled out, as she is not trying to set a precedent with so many other buildings on the north side that she feels are in violation of the sign code. Mr. Adams said there are sign standards for various districts and Ms. Speiser is located in the Central Business District. Ms. Speiser noted code chapter 1179.02 and read the code to all and that she feels it does not specifically reference an area; she feels the same sign code applies to every area after she reviewed all the codes and the reference to Central Business District and College Overlay. Ms. Speiser did not read the code prior to the last Planning Commission meeting. Ms. Speiser said a small business owner should not have to hire an attorney when she wants to just put up a sign. Ms. Speiser said there are businesses in other areas that have more signs up than hers. Ms. Speiser feels the code is big and cumbersome and allows for what she has done, even though it may have been done in the wrong order, allows for a meeting like this and "vigorous debate" to discuss a variance.

Mr. Adams wanted to know if the vinyl signs are approved and become faded and worn, who will be the one to determine when the sign will be replaced, either by code or the business owner. Mr. Adams feels a permanent painted sign would last longer on the building (he is aware of the cost). Mr. Adams feels the sign code is confusing as well, however a new sign code is being reviewed (referencing Mayor McCann at the last meeting). Ms. Speiser said it is more cost effective to keep the current signage up and replace that as needed rather than to paint a sign on her building (as it would cost \$4,000 to have a sign painted on the side of her building).

Mr. O'Donnell noted that code chapter 1179.10 references maintenance standards and the property owner must maintain the signage and take down as necessary.

Mayor McCann said code page 210-D-4 the maximum sign height shall be 2.5 feet; the purposed sign is 14' tall. Ms. Speiser said she received a message from the City stating her sign was 13.6' and 13.3'. Mr. Robison said code 1179 maximum wall canopy projection sign area references 1.5 sf for frontage for the signage. Mayor McCann said the Central Business district sign computation on page 210 is what is being referenced. Ms. Speiser thought she was in compliance with the current sign code, she was not looking at the Central Business District Sign Code. Mayor McCann said Ms. Speiser should only reference code section page 210-D-5. Ms. Speiser said the 2.5' sign would not benefit her business. Mayor McCann explained the definition of a sign and wanted to know if the current sign be considered anything other than a sign and it was decided it

could not be. Mayor McCann said everyone loves the sign and what the business is doing in our downtown, however we do not want to set a precedent with the signage. Ms. Speiser feels the signage out north sets a precedent. Mayor McCann said we are focusing on her sign (and not reviewing other signage). Mr. Adams wanted to know if there was someone who checks a complaint of a business being in violation of the sign code. Mr. Robison said he does that. Mr. Butler noted that we can only discuss the current signage not those in the past. Ms. Speiser said there are businesses in the strip malls that cover their entire windows with coverage and she thought they can only cover 25% of their windows; she feels this is a violation of the sign code. Mr. O'Donnell said it matters when the signs were installed as the new code became effective in December of 2014. Ms. Speiser said all the businesses were there after that time. Mayor McCann said the Zoning Commissioner and the City Administrator will have to review the sign code.

- Mayor McCann made the motion to **Deny** the Variance requested to exceed the maximum allowable sign area, seconded by Mr. Hoffman. All members voting aye, the motion to **Deny** was approved.

Mayor McCann said Ms. Speiser can appeal to the Common Pleas Court within the next thirty days, after that time (if she does not appeal) the sign must be removed.

OPPORTUNITY FOR PUBLIC INPUT AND DISCUSSION OF TOPICS:

- None.

ADJOURNMENT OF MEETING:

A motion was made by Mr. Shindler, seconded by Mr. Adams to adjourn the meeting at 5:13 p.m. All members voting aye, the motion passed and the meeting was adjourned.

Minutes respectfully submitted by,

Connie M. Seimet

Planning Commission Secretary


Niki O. Warncke
Planning Commission Clerk


Jen Clady Rosebrook
Planning Commission Chairman