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CITY OF GAHANNA

BOARD OF ZONING AND BUILDING APPEALS

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IN RE:

BZA-0002-2014 :
Speedway LLC :
376 Agler Road :

- - -

Thursday Evening Session
October 2, 2014
6:30 p.m.
200 South Hamilton Road
Gahanna, Ohio

- - -

BEFORE:

Board Members:

Ben Winkler, Chair
Timothy W. Pack
Debra Mecozzi
Donald W. Jensen

Non-Board Members:

Shane Ewald, City Attorney
Jayme Maxwell, Clerk
Michael Blackford

1 CHAIRMAN WINKLER: The October 2, 2014
2 meeting of the City of Gahanna Board of Zoning and
3 Building Appeals is now in session. The board will
4 proceed to the Pledge of Allegiance.

5 (Pledge of Allegiance.)

6 CHAIRMAN WINKLER: The clerk will call
7 the roll.

8 MS. MAXWELL: Adjoua. (No response.)
9 Jensen.

10 BOARD MEMBER JENSEN: Here.

11 MS. MAXWELL: Mecozzi.

12 BOARD MEMBER MECOZZI: Here.

13 MS. MAXWELL: Pack.

14 BOARD MEMBER PACK: Here.

15 MS. MAXWELL: Winkler.

16 CHAIRMAN WINKLER: Here.

17 The chair would like any person who
18 plans to give testimony tonight to approach the
19 podium to be sworn in all at once.

20 (Witnesses sworn.)

21 CHAIRMAN WINKLER: The board is convened
22 today to hear appeal BZA-0002-2014, an appeal to
23 the decision of the Planning Commission for denial
24 of a variance to Section 1165.04(a)(2) to retrofit

1 the existing price signs with LED panels for the
2 property located at 376 Agler Road.

3 The appellant, Speedway LLC, by and
4 through its agent, John Saranzak. Is Mr. Saranzak
5 here tonight?

6 MR. SARANZAK: Here.

7 CHAIRMAN WINKLER: This hearing, sir, is
8 generally conducted according Rule 6111 of the
9 rules of procedure of the board, which states that
10 the hearing shall be opened with the appellant,
11 that is, the person appealing being allowed
12 15 minutes; and the appellee, that is the opponent,
13 15 minutes.

14 Is any anyone tonight speaking against
15 the granting of the appeal? Is there any
16 representative of the Planning Commission here
17 tonight?

18 Under the circumstances, I think we will
19 omit the 15 minutes for appellee and proceed to
20 five minutes for staff comments, if there are any
21 staff here tonight who wish to comment; five
22 minutes for any public comment, if there is any
23 public comment; following that, if necessary, the
24 appellant will have five minutes for

1 cross-examination, and then the members of the
2 board will ask questions as they see fit.

3 Mr. Saranzak, are you ready to proceed?

4 MR. SARANZAK: Yes, I am.

5 CHAIRMAN WINKLER: If you would approach
6 the podium and state your name and address.

7 MR. SARANZAK: Sure. My name is John
8 Saranzak, Speedway Construction, 500 Speedway
9 Drive, Enon, Ohio.

10 CHAIRMAN WINKLER: Go ahead.

11 MR. SARANZAK: I don't need five
12 minutes. All I wanted to say is that Speedway -- I
13 am with the construction side of it. We are going
14 to be doing interior remodeling and also retrofit
15 the price signs with the LED price panels. Same
16 can, pull out the plastic numbers so the store
17 doesn't have to smack them and have them fall. The
18 lights, the intensity conforms. They are not
19 blinking lights. They are just -- they say no-lead
20 and diesel prices is all it says.

21 The actual intensity of the lights, you
22 know, brighten during the day and decrease in the
23 evening. So you have -- there is no obnoxious -- I
24 call it "Eat at Joe's" type flashing Christmas

1 light-type thing. Nothing like that. It is that
2 simple.

3 I guess I am here to answer questions on
4 that, but, basically, that is all I have for these
5 LED panels. I am sure you have gone through the
6 stuff that we have submitted.

7 CHAIRMAN WINKLER: Thank you very much,
8 Mr. Saranzak. Does anyone else wish to speak on
9 this matter, members of the public, members of the
10 staff, or the city?

11 State your name and address.

12 MR. BLACKFORD: Michael Blackford, 1133
13 Black Gold Place here in Gahanna. I am a staff
14 representative. I am the deputy director of the
15 planning and development department. I was a staff
16 reviewer on these applications, as well as at the
17 two Planning Commission hearings and Planning
18 Commission workshop.

19 I would be happy to answer any questions
20 that you may have about this particular request.
21 The staff is in favor of the zoning variance.
22 There are similar variances that have been granted
23 for gas stations for similar price panels. So for
24 consistency, we are recommending approval of this

1 request. I will be happy to answer questions.

2 Thank you.

3 CHAIRMAN WINKLER: Thank you. At this
4 time we will proceed to questions from the board,
5 unless for some reason Mr. Saranzak wishes to make
6 a response to the city's statement.

7 MR. SARANZAK: I have no response.

8 CHAIRMAN WINKLER: Ms. Mecozzi, do you
9 have any questions?

10 BOARD MEMBER MECOZZI: I defer.

11 CHAIRMAN WINKLER: Mr. Pack.

12 BOARD MEMBER PACK: Mr. Saranzak, how
13 long have you been in your capacity with Speedway,
14 the construction end of Speedway? Would you mind
15 stepping up so we can hear you.

16 MR. SARANZAK: Sure. I have been with
17 Speedway for 33 years, the construction side of it
18 for six.

19 BOARD MEMBER PACK: Is your territory
20 primarily central Ohio?

21 MR. SARANZAK: Yes, it is.

22 BOARD MEMBER PACK: In your opinion, why
23 did the Planning Commission deny the variance on
24 the LED sign?

1 MR. SARANZAK: It caught me off guard
2 also, except that they were looking for a ground-
3 mount type sign or some other type of item.

4 BOARD MEMBER PACK: Did they make
5 reference to something called a monument sign?

6 MR. SARANZAK: I would have to go back
7 in my notes. I never heard of the monument-type
8 sign. Ground mount is what I heard. They
9 mentioned ground-mount sign.

10 BOARD MEMBER PACK: Okay. A couple of
11 my questions, I am going to be referencing some
12 things that I had our deputy clerk of council make
13 some copies, and I want you to have these as well,
14 because those essentially form the basis of my
15 questions, because I got the impression that when
16 they were referencing maybe ground-based signs,
17 what they were insinuating was something called a
18 monument LED sign.

19 Now, one of these signs, this one in
20 particular was at a Speedway very close to here,
21 about three or four miles away, on the street of
22 the intersection of Stelzer and McCutcheon. Is it
23 possible that you were involved in that signage?

24 MR. SARANZAK: No. Not this one, sir.

1 Sorry.

2 BOARD MEMBER PACK: The current signage
3 at the Speedway that we are essentially here
4 talking about tonight is simply a pole signage,
5 isn't it?

6 MR. SARANZAK: Yes. It is the one that
7 has been there for some time, retrofitting, no
8 changes to the sign.

9 BOARD MEMBER PACK: I was interested by,
10 one of the reasons you had made reference in the
11 reasons why you thought the appeal should be
12 granted was that the same signage, let's see,
13 basically, the sign complies with Ordinance
14 1165.10, illumination of signs. And the
15 variance -- in other words, I think what you are
16 saying is that it doesn't need a variance, but I
17 think you understand that it needs a variance by
18 virtue of the fact that it is required because you
19 want to put an LED sign up.

20 MR. SARANZAK: Correct. Right.

21 BOARD MEMBER PACK: Were you familiar
22 with the West Gahanna study? Did anybody in the
23 city in your discussions with the Planning
24 Commission ever make reference to the West Gahanna

1 study?

2 MR. SARANZAK: I heard that there was a
3 study. I did not see anything about the study
4 prior to me coming in for the variance for the LED
5 lights.

6 BOARD MEMBER PACK: Did they reference
7 it inside the public hearings of the Planning
8 Commission?

9 MR. SARANZAK: I would have to go back
10 to the notes. I don't remember. I did receive a
11 copy on this go-round that I had the opportunity to
12 read.

13 BOARD MEMBER PACK: Would you say that
14 the trend now, if you build a new Speedway or you
15 update a Speedway, is the trend to go to
16 monument-based, or to put it back in the verbiage
17 of the Planning Commission, might be ground-based
18 signage?

19 MR. SARANZAK: It is not. Only if it is
20 required by code when they go into a new market and
21 stuff that they do this. For the gas side of the
22 business and that, they would like taller because
23 of the car visibility and being able to see it down
24 the street instead of at the intersection when they

1 are sitting.

2 They are trying to get it over the top
3 of the cars. So the height, basically, if you look
4 at most of our signs are going to be at the 10-foot
5 mark.

6 BOARD MEMBER PACK: Okay. Getting back
7 to the West Gahanna study. I can get you a copy.
8 This study goes back to about 1997. When reading
9 it, there was reference to the West Gahanna study
10 with the Planning Commission, and our gentleman
11 from the development department that is here
12 tonight on June 11, and he reviewed, it was a topic
13 of discussion with regard to the activeness of the
14 West Gahanna study at the time.

15 And I am curious to know, you know, if
16 you were brought into the discussion or not, and in
17 your original appeal for the original submittal to
18 the Planning Commission, trying to check the date
19 on that, was, I believe it says July 23, is the
20 paperwork that I have. And I am just trying to
21 find out if you knew there was discussion on the
22 West Gahanna study by the Planning Commission to
23 you at the time you were working with them also in
24 the workshop based on that study, if they were

1 trying to meet the standards of that study.

2 MR. SARANZAK: Like I mentioned before,
3 I got a copy of the study. You are referencing --
4 based on what I read, you are referencing the old.
5 This is the revised one too. It says 1997. There
6 is also a revised one. This is the one I read. I
7 didn't read the '97 one. I assumed this superceded
8 it. But it does say study.

9 Now, you mentioned, there was in general
10 passing when we first sat down to go over kind of
11 the process for Gahanna with myself and others that
12 they were studying the area for doing other things
13 for Gahanna, but in the meantime, I am still moving
14 forward in regard to the remodel for the Speedway
15 sign, and it is a study.

16 I assume study based on corporations, it
17 is still a study. There is nothing done. It
18 doesn't mean it is going to go through. It doesn't
19 mean it is going to be approved or which pieces are
20 going to be approved. I just didn't know.

21 BOARD MEMBER PACK: That is what I am
22 trying to find out.

23 MR. SARANZAK: The point that you are
24 asking, Mr. Pack, was the fact that was I aware of

1 a study. I was aware of a study.

2 BOARD MEMBER PACK: Through the Planning
3 Commission.

4 MR. SARANZAK: Through words. Nothing
5 in writing, nothing like I have now that I have
6 received.

7 BOARD MEMBER PACK: That was what I was
8 trying to reference. Because it was all in the
9 same time frame. And forgive me, I forget your
10 name.

11 MR. BLACKFORD: Michael Blackford.

12 BOARD MEMBER PACK: Michael, were you
13 present at that June 11 meeting with Planning
14 Commission?

15 MR. BLACKFORD: Yes, sir, I was.

16 BOARD MEMBER PACK: I appreciate your
17 time. I appreciate your being here tonight, and
18 for right now, I don't have any more questions.

19 MR. SARANZAK: Okay.

20 CHAIRMAN WINKLER: Mr. Jensen.

21 BOARD MEMBER JENSEN: Yes. I will ask
22 the city representative. So a pole sign with the
23 LED, does it meet code? Is it an approved type of
24 sign?

1 MR. BLACKFORD: It is my understanding
2 that it meets code. It is my understanding that it
3 does meet code and it did not need and variances to
4 be located where it is, size and so forth and
5 height.

6 BOARD MEMBER JENSEN: I saw in here a
7 mailing or request to neighbors. Were there any
8 protests or comments from any neighbors,
9 businesses, or any other people in the area at all?

10 MR. BLACKFORD: No, sir. We have not
11 received any feedback either positive or negative
12 from any of the surrounding properties.

13 BOARD MEMBER JENSEN: That is all I
14 have.

15 CHAIRMAN WINKLER: Ms. Mecozzi.

16 BOARD MEMBER MECOZZI: Mr. Blackford,
17 thank you. You indicated in your earlier statement
18 that the staff was supportive of the request, and
19 one of the rationals for that was that there had
20 been similar approvals. Could you reference any of
21 those. Are they in the same section of the city?

22 MR. BLACKFORD: I think my tenure with
23 the city coincided fairly much when this was
24 submitted. I cannot recall if when we had face to

1 face, if the details of the West Gahanna study was
2 talked about. It was referenced in the
3 application, but part of our -- and Bonnie Gard,
4 the Planning and Zoning Administrator, can't be
5 here tonight. Part of our discussions was, looking
6 at this request, was that there are similar
7 requests for gas stations. Probably the closest
8 one is the UDF site down the road.

9 So there is -- I mean, that is a little
10 more visible, a little bit different type of sign,
11 but the request isn't for monument or -- the
12 variance request isn't for monument, as you
13 accurately stated. It is really for the LED
14 panels.

15 That is what we are trying to focus on,
16 was what is this variance for? It was really not
17 for a ground sign or a pole sign. It was for LED
18 panels.

19 BOARD MEMBER MECOZZI: Has the city
20 granted variances for pole-mounted LED signs?

21 MR. BLACKFORD: Yes, I believe so. We
22 did have a chance to talk about some of the
23 approvals, and I can't say with a hundred percent
24 certainty that they are pole signs; but we have

1 granted variances for LED panels for gas stations.

2 BOARD MEMBER MECOZZI: To your
3 knowledge, have any of those approvals been in the
4 West Gahanna area?

5 MR. BLACKFORD: Yes. The UDF site was.
6 This study, I believe 1997, we went through an
7 analysis of the study. It wasn't -- we didn't
8 revise the study as a result of that. So the study
9 as it was in 1997 is still in effect today.

10 It was really sort of an educational
11 component for the staff and the Planning
12 Commission. The UDF sign would have been subject
13 to the same criteria that they are as far as the
14 variance criteria and the West Gahanna study.

15 BOARD MEMBER MECOZZI: One further
16 question. When the staff made the
17 recommendation -- and I read the written materials
18 that you provided, is part of your -- the
19 information that you consider in making your
20 recommendation, do you include the criteria for a
21 variance in 1165.12, do you look at those four or
22 five criteria?

23 MR. BLACKFORD: Absolutely, yes.
24 Ms. Gard and myself both look at those criteria.

1 With sign variances of this nature, it is a little
2 bit less stringent criteria than other types of
3 variances, but certainly, that is what we are
4 looking for.

5 I don't want to speak for the attorney,
6 but variances usually aren't stand-alone. You look
7 at past approvals. Obviously, that does play a
8 part in our analysis of that.

9 BOARD MEMBER MECOZZI: Thank you.

10 CHAIRMAN WINKLER: Are there any other
11 questions from board members?

12 At this time, the chair will entertain
13 commentary from board members, if any.

14 Ms. Mecozzi.

15 BOARD MEMBER MECOZZI: Nothing.

16 CHAIRMAN WINKLER: Mr. Pack.

17 BOARD MEMBER PACK: Commentary with
18 regard to not part of discussion of the vote?

19 CHAIRMAN WINKLER: Your point
20 disposition.

21 BOARD MEMBER PACK: Okay. I am going to
22 vote to deny the appeal by virtue of the fact that
23 one of -- some couple things that I look at in an
24 appeal of this nature is it arbitrary and

1 capricious of the Planning Commission coming up
2 with an arbitrary thing that is not expected of
3 others.

4 And in the framework, them being
5 addressed with the June 11th update on the West
6 Gahanna study, and clearly the Speedway does fall
7 in this area of which they have, they are looking
8 at and trying to introduce higher standards, in the
9 study, this page under study recommendations for
10 Planning Commission, obviously, for them to follow
11 in future development with signage, it said more
12 stringent standards designed to encourage fewer and
13 less intrusive signs, limit the types of signs,
14 limit the number of signs, location of signs,
15 require comprehensive signage plan for all new
16 development, standards intended to be codified in
17 the code and in addition to current regulations.

18 So, clearly, in my opinion, the Planning
19 Commission, at least for the members that voted to
20 deny your variance, they were operating a template
21 based on the West Gahanna study, and if you look at
22 that intersection of Stygler, Tim Horton's has a
23 ground-based monument sign. CVS has a ground-based
24 monument sign.

1 The Speedway at that intersection, of
2 course, has the vertical poles with the panels on
3 top. So I drove around. I drove about an hour and
4 half just driving around, and I looked at your
5 convenience stations that sell gas and Speedways,
6 Get-go.

7 To me, the trend, obviously, is to go to
8 more the ground-based monument-type signage. And I
9 believe reading the commentary and verbiage in the
10 notes, that was what the members of the Planning
11 Commission were looking for to stay in compliance
12 with that West Gahanna study, of which they were
13 referencing, obviously thinking about.

14 The signage needs a variance per your
15 request, and I don't think it was improper nor
16 inappropriate for them to say we will grant your
17 variance by virtue of the fact that we want to also
18 comply with the West Gahanna study, a little higher
19 standards for the signage.

20 So I didn't see any, that, you know,
21 members of the Planning Commission, we have members
22 put on there by the executive administration.

23 We have representatives who are put on
24 there by our legislature, our City Council, and

1 they meet, they have standards, directions that
2 they try and update the city with, and that
3 clearly, my opinion, just like you are trying to
4 update your location for Speedway by the cooler in
5 the back, the signage, I think they are trying to
6 stay within the template of updating that
7 intersection as well as West Gahanna by virtue of
8 the study.

9 So I don't think their decision was out
10 of line. I don't think it was arbitrary and
11 capricious. Those are my comments.

12 CHAIRMAN WINKLER: Thank you, Mr. Pack.
13 Mr. Jensen.

14 BOARD MEMBER JENSEN: Well, I will be
15 voting to approve, allow the appeal because, number
16 one, it meets code. The neighbors in the area have
17 not been making any comments or complaints or
18 whatever.

19 As Mr. Saranzak said earlier, and I
20 would agree, a study is just a study. It does not
21 allow or mandate or anything. I don't believe that
22 we are here to set standards or set the way the
23 city looks. We are here to uphold and deal with
24 the appeals as they are set by the code, city

1 nice if somebody from the Planning Commission would
2 have been here to argue the point as to why they
3 felt that they would deny it, I guess, as well. I
4 am disappointed that there wasn't a representative
5 from the Planning Commission.

6 CHAIRMAN WINKLER: At this time the
7 chair will entertain a motion to grant the appeal
8 BZA-0002-2014.

9 BOARD MEMBER JENSEN: I move to grant
10 the appeal.

11 BOARD MEMBER PACK: I second.

12 CHAIRMAN WINKLER: At this time, the
13 board will proceed to a vote. The clerk will call
14 the roll.

15 MS. MAXWELL: Jensen.

16 BOARD MEMBER JENSEN: Yes.

17 MS. MAXWELL: Pack.

18 BOARD MEMBER PACK: No.

19 MS. MAXWELL: Mecozzi.

20 BOARD MEMBER MECOZZI: Yes.

21 MS. MAXWELL: Winkler.

22 CHAIRMAN WINKLER: Yes.

23 The appeal is granted. Is there any
24 further business pending before the board tonight?

1 MS. MAXWELL: I have none.

2 CHAIRMAN WINKLER: At this time the
3 chair will entertain a motion to adjourn.

4 BOARD MEMBER PACK: Mr. Chairman, I make
5 a motion to adjourn.

6 CHAIRMAN WINKLER: This hearing is
7 adjourned.

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CERTIFICATE

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I do hereby certify that the foregoing is a true, correct, and complete transcript of the proceedings in this matter on October 2, 2014, taken by me and transcribed from my stenographic notes.

Celeste C. Dawley, RPR
Registered Professional
Court Reporter