

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Roger O. Freytag, Zoning Administrator ROF
SUBJECT: Variance for Big Boy Statue and In and Out signs.
DATE: January 11, 1988
MEETING: January 17, 1989

BZA 88-20

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for the Big Boy Statue to be placed at 50' off the right-of-way and the directional signs be allowed at 10' off the right-of-way.

BACKGROUND

A request for Variance has been received from Russell I Sturgill, Attorney, Perrysburg, Ohio on behalf of B.P.L. Corporation, Perrysburg, Ohio to allow the placement of a Frisch's Big Boy Statue 50' from the Scott Street right-of-way and to install in and out signs at the front driveways. The Variance shall be to Section 151.40(C)(1) of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located at the former Rax Restaurant, 1465 North Scott Street in a "I-1" Enclosed Industrial District.

The Enclosed Industrial District requires a 60' front yard setback.

Concerning the in and out signs, I have done some research into the past to make a ruling on this case.

The other examples we have are in a different district (PB) which puts it in a slightly different situation. The results are as follows:

BZA 11-77 - McDonald's (before present code) approved request to have signs within the 20' setbacks.

BZA 7-79 - Empire Restaurant denial of request to have these signs within the 20' setback.

BZA 6-80 - Wendy's Restaurant denial of request to have these signs within the 20' setback.

After reviewing this request, I would recommend in favor of the Big Boy Statue at 50' off the right-of-way because for that use as a restaurant, it is good advertisement and doesn't cause any problems.

I would recommend in favor of granting a Variance to the in and out signs at 10' off the right-of-way. These signs move the traffic and makes a clearer understanding of what the traffic pattern should be when there is a driveup window. I believe these signs increase the safety of those people using the facility. The widening of Scott Street will not affect these signs at 10' off the right-of-way.

If you would like to stop by to further review the BZA Meetings of the past, please stop by the office and I will get them out for you.

After reviewing the request, I would recommend the Variance for the Following reasons:

- (a) There is an extraordinary circumstance that applies to this property in that the signs will be located in different district then other restaurants on that street.
- (b) That such a Variance is necessary for the enjoyment of a property right permitted with the approval of a Variance even though it is not often a request in an Enclosed Industrial District.
- (c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity or district.
- (d) That the granting of such Variance will not alter the land use characteristics of the vicinity or diminish the value of adjacent land or increase the congestion in the public streets.

ROF:skw