

**BOARD OF ZONING APPEALS  
STAFF REPORT****TUESDAY, OCTOBER 24, 2023**

**CASE NO:** BZA 23-0007  
**PROJECT NAME:** 1320 WOODMAN SIGN VARIANCE  
**PROJECT ADDRESS:** 1320 WOODMAN DRIVE, RIVERSIDE, OHIO 45432  
**PARCEL ID:** I39101502 0012  
**APPLICANT/PROPERTY INFO:** JEFF KOLACZKOWSKI, 1320 WOODMAN DRIVE, RIVERSIDE, OHIO 45432  
**OWNER/PROPERTY INFO:** RIVERSIDE PROFESSIONAL BUILDING LLC,  
1320 WOODMAN DRIVE, RIVERSIDE, OH 45432  
**ZONING DISTRICT:** B-1 NEIGHBORHOOD BUSINESS DISTRICT  
**CURRENT USE:** OFFICE BUILDING

**REQUEST:**

A variance from UDO Section 1115.09(G)(1) to allow an increase in the sign face area for an electronic message center.

LOCATION	REQUIREMENT	REQUEST	VARIANCE %
FRONT YARD (SIGN FACE AREA)	12 SF. MAX	38 SF. INCREASE	316.67% INCREASE

**CASE SUMMARY/BACKGROUND:**

The subject site is south of the Linden Avenue/Woodman Drive intersection. The 0.99 acre property has a single 24,400 sq. ft. office building on the site. There is an existing 50 sq. ft. ground sign along Woodman Drive. The applicant is proposing to use the sign's existing hardware and replace it with a programmable LED technology or an electronic message center (EMC). The proposed EMC exceeds the permitted sign area, and a variance is required.

**INTERESTED PARTY COMMENTS:**

Staff has not received any calls from adjacent property owners or other interested parties.

**STAFF REVIEW/FINDINGS:**

Staff finds that the requested variance to allow an increase in the *maximum sign face area* is not adequately justified and does not meet the standards for approval. Staff recommends **denial** of the requested variance, because:

- This is a substantial variance.
- The requested variance will alter the character of the Woodman South corridor.
- The current design of the proposed sign is **not** the minimum necessary to afford relief to the applicant. An entirely new sign could be designed to meet the sign code requirements.
- The spirit and intent behind the zoning code would **not** be observed.

The question before the Board of Zoning Appeals is:

- **Does the proposal meet the standards for granting the request variance established in Section 1105.15?**

In order to answer this question, the Board of Zoning Appeals should consider:

- the conditions upon which an application for the variance(s) is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises, differentiating it from other lots in the same district,
- variance(s) would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the variance(s).
- information in the staff report (standards for approval, attachments, etc.) for each requested variance, and
- testimony and/or evidence provided at the public hearing which directly relates to the variance request.

**ATTACHMENTS:**

- Zoning Map
- Aerial Map
- Site Plan
- Justification Statement Page
- Supplemental Information

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR A VARIANCE FROM SECTION 1115.09(G):**

The following factors shall be considered by the BZA in determining whether practical difficulty exists sufficient to warrant a variance to increase the maximum sign face area; 1115.09(G)(2)(b).

**1. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;**

Yes, there could still be a beneficial use of the property without the variance.

**2. Whether the variance is substantial;**

Yes, the applicant is requesting a 316.67% increase in sign face area. This is a substantial variance.

**3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;**

Yes, the essential character of the Woodman South corridor would be altered should the variance request be granted. There are no other electronic message centers of this size in the immediate area. The closest LED signage is at 1336 Woodman Drive and it meets the 12 sq. ft. requirement.

**4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);**

Yes, the delivery of governmental services could be impacted. An increase in traffic accidents and emergency calls may take place should drivers be distracted by the proposed signage.

**5. Whether the property owner purchased the property with knowledge of the zoning restriction;**

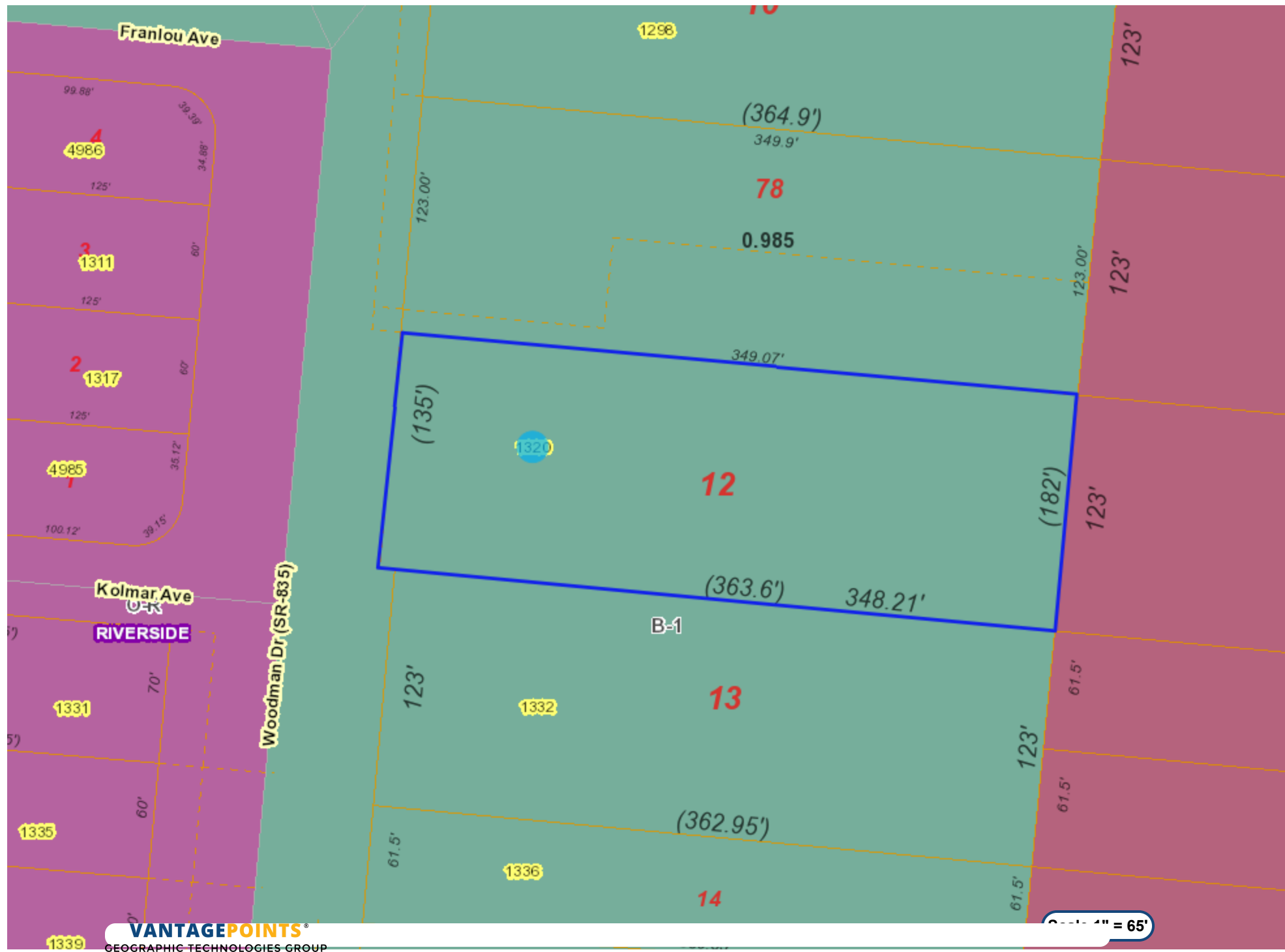
No, the property owner purchased the property prior to the current zoning regulations. The applicant has applied for the variance prior to start of the project.

**6. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;**

Yes, the applicant can replace the existing sign with code compliant signage or propose a design with a reduced variance request.

**7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

No, the applicant's proposed sign face size does not support the spirit and intent behind the zoning code. The sign code was adopted to protect the public by reducing driver distraction from overly large electronic message centers. Additionally, the applicant has other methods available to them to address their need for sign upgrades outside of the variance.







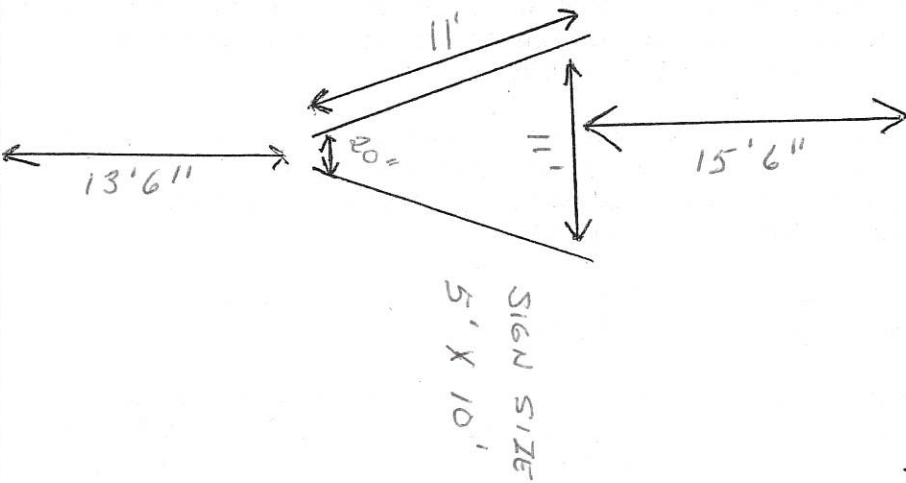
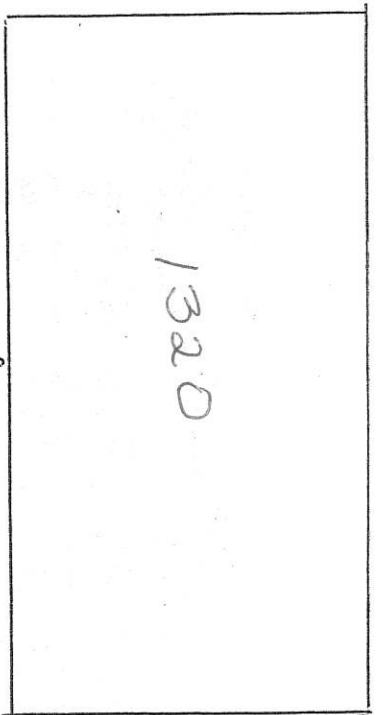
**VANTAGEPOINTS®**  
GEOGRAPHIC TECHNOLOGIES GROUP

Scale 1" = 65'

Powered by Esri

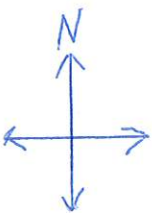
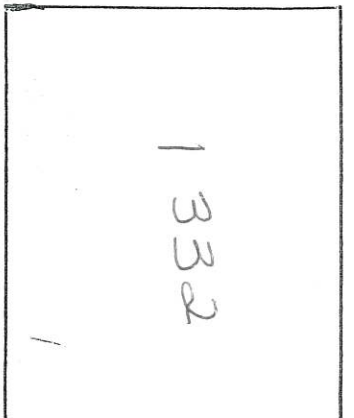


DRIVEWAY



Sidewalk

DRIVEWAY



WOODSMAN DRIVE



### **Variance Justification:**

In order to justify approval of any variance staff and/or the Board of Zoning Appeals considers the following criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. **Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance.**

**Response:** A new sign will improve enhanced public knowledge of services provided by the Wellness Card agency.

2. **Whether the variance is substantial.**

**Response:** There is currently an existing sign. The sign is old and does not reflect the high-quality services provided by the agency. The request is to replace the old sign with a new sign which utilizes current acceptable technology. The request is simply to replace the old 5x10 sign with a new sign that will not exceed the footprint of the existing sign. The new sign will enhance the appearance of the property and area by utilizing new LED technology which is industry standard and be scheduled to turn on at 6am and off at 9pm.

3. **Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.**

**Response:** The new sign will make the area more appealing, and the new sign will be consistent with existing signs displayed by other businesses in the area.

4. **Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage).**

**Response:** The new sign will utilize the existing posts and support brackets. There is no perceived need to make any alterations or impacts of utilities.

5. **Whether the property owner purchased the property with knowledge of the zoning restriction.**

**Response:** The existing owner is aware of zoning requirements for signage. This request is to update existing signage to modern LED signage.

6. **Whether the property owners' predicament feasibly can be obviated through some method other than a variance.**

**Response:** No, this request is to replace the old 5x10 sign with a new LED 5x10 sign. The existing sign support posts and brackets will be utilized to support the new LED sign.

7. **Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

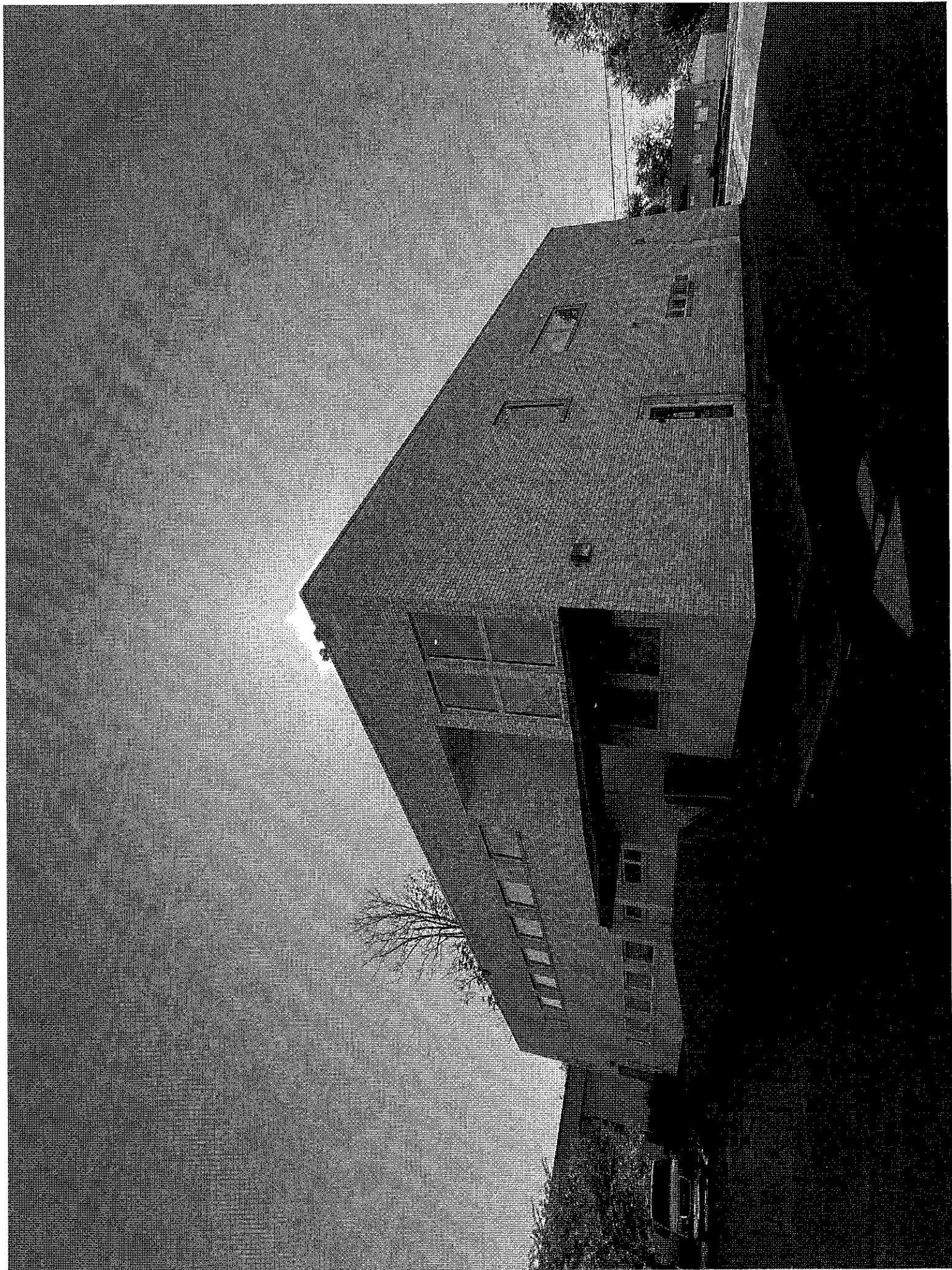
**Response:** This request is to utilize new signage LED technology. The footprint of the existing sign will not change when the new sign is placed.

**Wellness**  
**Woodman Primary Care**  
 CLINIC BASED  
 HEALTHCARE  
 New Client & Walk-In Welcome  
 Monday - Thursday  
 1327 Woodman Drive  
 937-223-1781  
 Community Care  
 Community Mental Health & Addiction

**DUNKIN' DONUTS**  
 COFFEE & MORE

**DUNKIN' DONUTS**  
 COFFEE & MORE

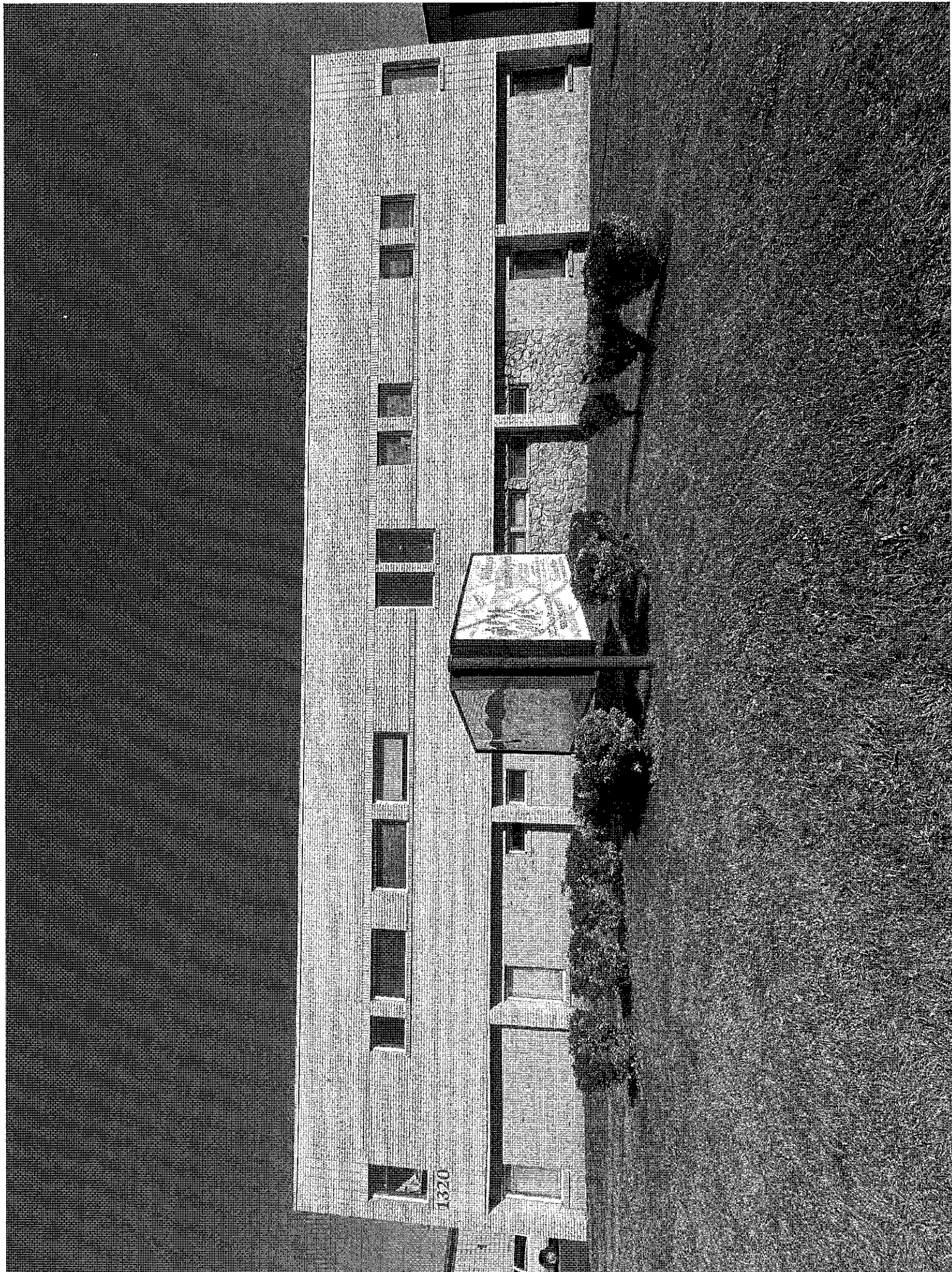
























1320

**DUNKIN' DONUTS**  
COFFEE & MORE

DIABETES? PAIN? ALLERGY? HIGH BLOOD PRESSURE? FEVER? FLU?

**Wellness**  
**Woodman Primary Care**  
CLINIC-BASED HEALTHCARE  
New Clients & Walk-Ins Welcome  
Monday-Thursday  
**CommuniKare**  
Community Mental Health & Addiction

1320 Woodman Drive  
937-223-1781

TREATMENT ROOMS









Mental & Behavioral Health

# Wellness

## Woodman Primary Care

CLINIC BASED  
HEALTHCARE

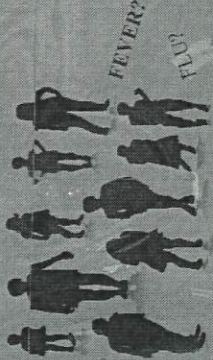
New Clients & Walk-Ins Welcome  
Monday-Thursday

CommuniKare

Community Mental Health



DIABETES?  
HIGH BLOOD PRESSURE?  
PHYSICALS?



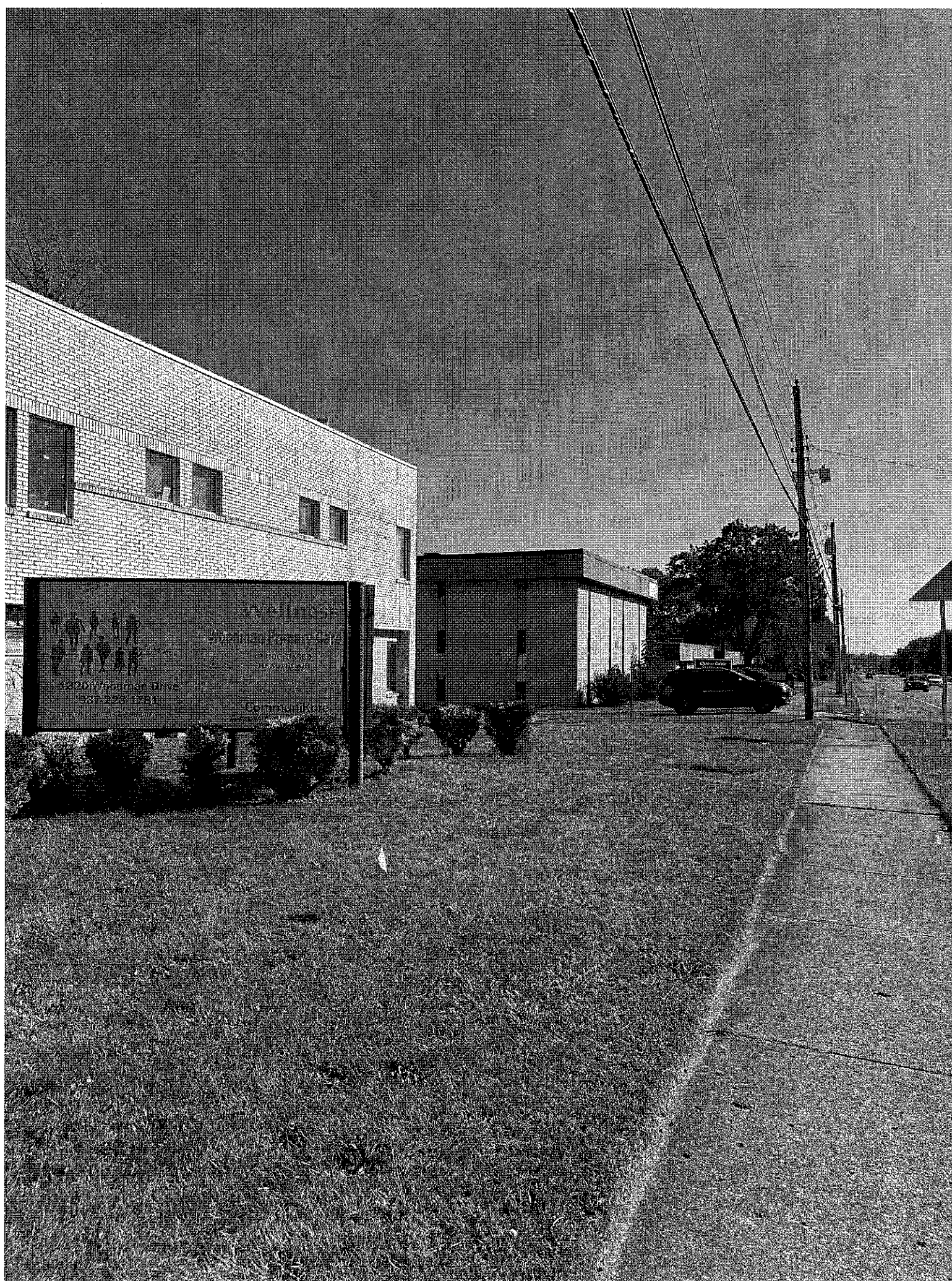
1320 Woodman Drive  
937-223-1781

TREATING ADULTS & CHILDREN

Clinton Coble  
937-256-1806

CleanSlate  
Medical Group









Front of Subject Site



Adjacent Property to the North



Adjacent Property Across Woodman Drive



Adjacent Property to the South



Variance Area: View 1



Variance Area: View 2





View of Traffic Traveling South



View of Traffic Traveling North