

RESOLUTION  
GRANTING  
APPEAL NO. 2021-02

WHEREAS, Atlantic Sign Company, 2328 Florence Avenue, Cincinnati, OH 45206, appellant, on April 5, 2021 filed Appeal No. 2021-02 under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Sections 321.1-1, 321.1-3 and 321.4 of said Resolution as applied to the property located at 12156 Montgomery Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on April 5, 2021, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for an additional wall sign, a freestanding pylon sign with more height than permitted and directional signage with more sign area than permitted; and

WHEREAS, said Zoning Inspector, on April 5, 2021, acting upon said application and the plats and plans submitted, refused to issue said Certificate, her reasons being based upon the maps and regulations of the Zoning Resolution; and

WHEREAS, a public hearing was held on said appeal on May 3, 2021, notice of such hearing was given by first class mail to parties in interest and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of said hearing in accordance with Section 303.15 of the Ohio Revised Code; and

WHEREAS, Section 41 et seq. of the Zoning Resolution and the Symmes Township District Maps designate said premises to be in the "E" Residence district; and

WHEREAS, Section 321.1-1 provides, in relevant part, that a maximum sign area of any freestanding directional sign shall be four (4) square feet per side (maximum two (2) sides); and

WHEREAS, Section 321.1-2 provides, in relevant part, that no freestanding ground mounted sign shall exceed ten (10) feet in height from the finished grade level; and

WHEREAS, Section 321.4 provides, in relevant part, that any property or business shall be permitted one point five (1.5) square feet of building sign surface area for each linear foot of building frontage (façade) facing the public street on which the principal access is located. For other building frontages, signs may not exceed point seventy-five (.75) square feet of sign surface area for each linear foot of building frontage facing a public street; and

WHEREAS, according to testimony offered at the public hearing, the appellant is proposing to raze the existing commercial building on the property and construct a new Thornton's gas station on the site; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the southeast corner of the intersection of Montgomery Road and Fields Ertel Road; and

WHEREAS, according to further testimony offered at the public hearing, as part of the development the appellant is proposing to erect one wall sign on the northwestern façade of the building facing Fields Ertel Road and one wall sign on the northeastern gas canopy façade facing Fields Ertel Road. Both of these signs are permitted within the Zoning Resolution; and

WHEREAS, according to further testimony offered at the public hearing, the appellant would like to erect an additional seventeen (17) square foot wall sign on the southern façade of the building to help customers see the station from all angles of the intersection. Under the Zoning Resolution, signs are prohibited on this façade since this façade does not front a public street. However, the façade does face an entrance drive into the adjacent shopping center and could improve visibility for motorists travelling northwest along Montgomery Road; and

WHEREAS, according to further testimony offered at the public hearing, the appellant is proposing to construct a twenty (20) foot high pole sign on the northeast corner of the site for visibility. However, all such signs are required to be ground mounted and shall not exceed ten (10) feet in height from the finished grade level which should be sufficient for customers to navigate to their site;

WHEREAS, according to further testimony offered at the public hearing, the appellant is proposing to install three (3) six (6) square-foot directional signs on site instead of the required four (4) square foot directional signs. However, the reduction in size would still allow for adequate visibility;

WHEREAS, according to further testimony offered at the public hearing, it is likely that the pole signs in this area were constructed before Symmes Township adopted zoning in 1996. The Montgomery Road corridor has been transitioning to smaller signage in past several years;

WHEREAS, Section 184.6, empowers this Board to permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to irregular shape of the lot, topographic or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare; and

WHEREAS, Section 185 provides, in exercising the above-mentioned powers, the Board may reverse or affirm, wholly, or partly, or may modify the order requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken; and

WHEREAS, it is the consensus of this Board, after careful consideration of all the facts, testimony, and evidence submitted, that the literal enforcement of the strict application of Sections 321.1-1, 321.1-3 and 321.4 of the Zoning Resolution for the wall sign portion of this request will result in practical difficulties to the owners of the property in question; and

WHEREAS, the variation, in accordance with the following conditions, will not seriously affect any adjoining property owners or the general welfare;

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby grant a variance from the requirements of Section 321.4 of the Zoning Resolution in accordance with the authority granted in Section 184.6. Furthermore, the decision of the Zoning Inspector to deny the issuance of a zoning certificate for the reason that the application failed to comply with Section 321.4 of the Zoning Resolution is affirmed, but in accordance with the authority of Section 185, the Board of Zoning Appeals, having granted a variance as stated above, hereby determines that a zoning certificate may be issued to the applicant consistent with the terms set forth in the Resolution; and

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That, the wall sign proposed for the southern façade of the gas station building shall be permitted but shall not exceed seventeen (17) square feet of sign surface area;
2. That, the proposed building sign shall be constructed and located exactly as shown on the plats and plans submitted to this Board;
3. That, the proposed building sign shall comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
4. That, the Zoning Certificate and Building Permit, if required, for the building sign shall be obtained within sixty (90) days and all work be completed within one (1) year from

the date of adoption of this Resolution;

5. That, the proposed building sign shall not be relocated or enlarged without the approval of this Board;
6. That, the proposed building sign shall be maintained in a satisfactory condition at all times;

BE IT FURTHER RESOLVED, that all plats, plans, applications and other data submitted be and are hereby made a part of this Resolution.

ADOPTED at a regularly scheduled meeting of the Symmes Township Board of Zoning Appeals in session this 3rd day of May 2021.

Mr. Fowler – ‘aye’, Mr. Horvath – ‘aye’, Ms. Harlow – ‘nay’, Mr. Havill ‘aye’ and Mr. Wolfe – ‘aye’

APPROVED: MAY 3, 2021

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Luanne C. Felter  
Township Zoning Inspector

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Byron Fowler, Board Chairperson