

RESOLUTION

DENYNG

APPEAL NO. 2022-09

WHEREAS, Justen Scalf, One Stop Signs, 2502 State Route 131, Goshen, OH, 45122, appellant, on December 5, 2022 filed Appeal No. 2022-09 under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 321.4 of said Resolution as applied to the property located at 9001 Fields Ertel Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on December 5, 2022, applied to the Symmes Township Zoning Inspector for a Zoning Certificate to allow a larger wall sign on the northern façade than permitted and to allow an additional wall sign on the western façade of the building where wall signs are not permitted; and

WHEREAS, said Zoning Inspector, on December 5, 2022, 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 January 9, 2023, 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 (with Subservient Retail) District; 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 the street; and

WHEREAS, according to testimony offered at the public hearing, the vacant White Castle building located at 9001 Fields Ertel Road will be demolished for a new Tire Discounters store. As part of the new construction, the appellant is requesting one hundred twenty-eight point sixty-six (128.66) square feet of signage for each of the western, northern and eastern facades of the new building. This is more than double the amount of permitted signage in the Zoning Resolution. Furthermore, no wall signage is permitted for the western façade because it does not face a street or shared access drive; and

WHEREAS, according to further testimony offered at the public hearing, in addition to the proposed wall signage the appellant is also proposing to reface the two (2) existing pole signs on the property. The sign located in front of the building is twenty-three (23) feet and eight (8) inches tall and contains ninety point thirty-two (90.32) square feet of signage. The other sign is located along the eastern property line and is ninety-seven feet in height (97) and contains two hundred twenty-one point seven (221.7) square feet of signage area; and

WHEREAS, according to further testimony offered at the public hearing, the appellant states that having signs on all three facades is a design signature of Tire Discounters and that these signs, in addition with the two (2) pole signs, will help improve identification; and

WHEREAS, according to further testimony offered at the public hearing, staff believes the two pole signs will provide adequate visibility and eliminate the need for bigger signage; and

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 determinations 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 Section 321.4 of the Zoning Resolution will not result in practical difficulties to the owners of the property in question; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby deny the requested 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, and

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 Board of Zoning Appeals in session this 9th day of January.

DENIED: JANUARY 9, 2023

Mr. Deutch - 'aye', Ms. Harlow – 'aye', Mr. Horvath – 'aye', Mr. Trick – 'aye' and Mr. Wolfe – 'aye'

Luanne C. Felter
Zoning Secretary

Ralph Wolfe, Board Chairperson