

RESOLUTION

DENYING

APPEAL NO. 2020-03

WHEREAS, Holthaus Signs, 817 Ridgeway Avenue, Cincinnati, OH 45229, appellant, on February 7, 2020 filed Appeal No. 2020-03 under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 321.4-1 of said Resolution as applied to the property located at 11924 Montgomery Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on February 7, 2020, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the installation of an additional wall sign on the western façade of the building; and

WHEREAS, said Zoning Inspector, on February 7, 2020, 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 June 1, 2020, 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 321.4-1 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 appellant is requesting variance approval to construct an additional thirty-two (32) square-foot illuminated wall sign above the main entrance of the Donatos restaurant; 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 Old Dominion Drive; and

WHEREAS, according to further testimony offered at the public hearing, only one wall sign is permitted on either side of the building. The appellant chose to install the existing thirty-two (32) square-foot sign over the northern façade of the building since it faces Montgomery Road. However, since the sign is located above the service entrance customers are entering the wrong door; and

WHEREAS, according to further testimony offered at the public hearing, the purpose of the additional sign is to improve visibility to northbound traffic on Montgomery Road and direct customers to the front door; and

WHEREAS, according to further testimony offered at the public hearing, the existing thirty-two (32) square foot sign and the proposed identical thirty-two (32) square-foot sign would not exceed the permitted maximum building sign area of one hundred twenty-nine (129) square feet; and

WHEREAS, according to further testimony offered at the public hearing, the restaurant has a ground mounted sign on Montgomery Road that should be sufficient identification; and

WHEREAS, according to further testimony offered at the public hearing, an additional wall sign may set a precedent for other businesses; 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 321.4-1 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 321.4-1 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 321.4-1 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 1st day of JUNE 2020.

DENIED: JUNE 1, 2020

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

Luanne C. Felter
Zoning Secretary

Jennifer Harlow, Board Chairperson