

Board of Zoning Appeals Agenda
June 22, 2021
City Hall

This meeting will also be conducted as a hybrid meeting in City Hall and also via videoconference on Zoom <https://us02web.zoom.us/j/82066975929> or by phone at 301-715-8592 (meeting number 8206697592)

7:00 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Open Board of Zoning Appeals Meeting / Swearing in of Witnesses
5. Guests and Residents
6. New Business

Agenda Item 1

Montgomery Presbyterian Church, 9994 Zig Zag Road, is requesting a variance to allow a new ground sign to have two sign faces totaling 48 square feet, where 25 square feet is the maximum allowed per Section 151.3011 of the Montgomery Zoning Code.

7. Other Business
8. Approval of Minutes
9. Adjournment

**CITY OF MONTGOMERY
BOARD OF ZONING APPEALS**

**Application for Variance: *Montgomery Presbyterian Church*
*9994 Zig Zag Road***

**June 22, 2021
Staff Report**

Applicant: Richard Parrish, Montgomery Presbyterian Church
Representative

Property Owner: Montgomery Presbyterian Church
9994 Zig Zag Road
Montgomery, Ohio 45242

Vicinity Map:



Nature of Request:

The applicant is requesting a variance to allow a sign to have two faces totaling 48 square feet where 25 square feet is the maximum allowed per Section 151.3011 of the Montgomery Zoning Code.

Zoning:

The property is zoned 'A' - Single Family Residential and currently used as a church. Churches are a conditionally permitted use in the District. The properties to the north, south, east and west are zoned 'A' - Single-Family Residential and consists of single-family dwellings.

Findings:

1. This variance request was previously approved by the Board of Zoning Appeals on August 27, 2019. However, the sign was not built within the required 12 months and the variance approval expired.
2. A v-shaped sign is currently located on the property. The existing sign is legal non-conforming in size, 48 square feet, which exceeds the maximum signage permitted of 25 square feet in accordance with Section 151.3011 of the Zoning Code. The existing sign also has an additional legal non-conformity, in that a portion of the sign is changeable copy, which is now prohibited in accordance with Section 151.3005 of the Zoning Code.
3. The proposed new sign will be in the same location as the existing sign; however, will not contain a changeable copy portion. The new sign will be identical on both sides with each sign face being 24 square feet, for a total of 48 square feet.
4. Section 151.3009(4) Computation of Sign Size in the Montgomery Zoning Code states:

“The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.”

While the sign does contain two identical faces, the two faces exceed the maximum distance of 42 inches apart in order to

measure only one face, and therefore, both faces are calculated in the signage total.

5. The church is located at the intersection of Zig Zag Road and Windzag Lane. The intersection is three legged and is stop controlled in all directions. The ingress/egress for the church is located on the east side of the intersection.
6. The proposed sign is 4.4' from the right of way, which exceeds the 2' minimum required per Section 151.3011 of the Zoning Code. The sign is proposed to be located 21.1' behind the curb of Windzag Lane.

Variance Considerations:

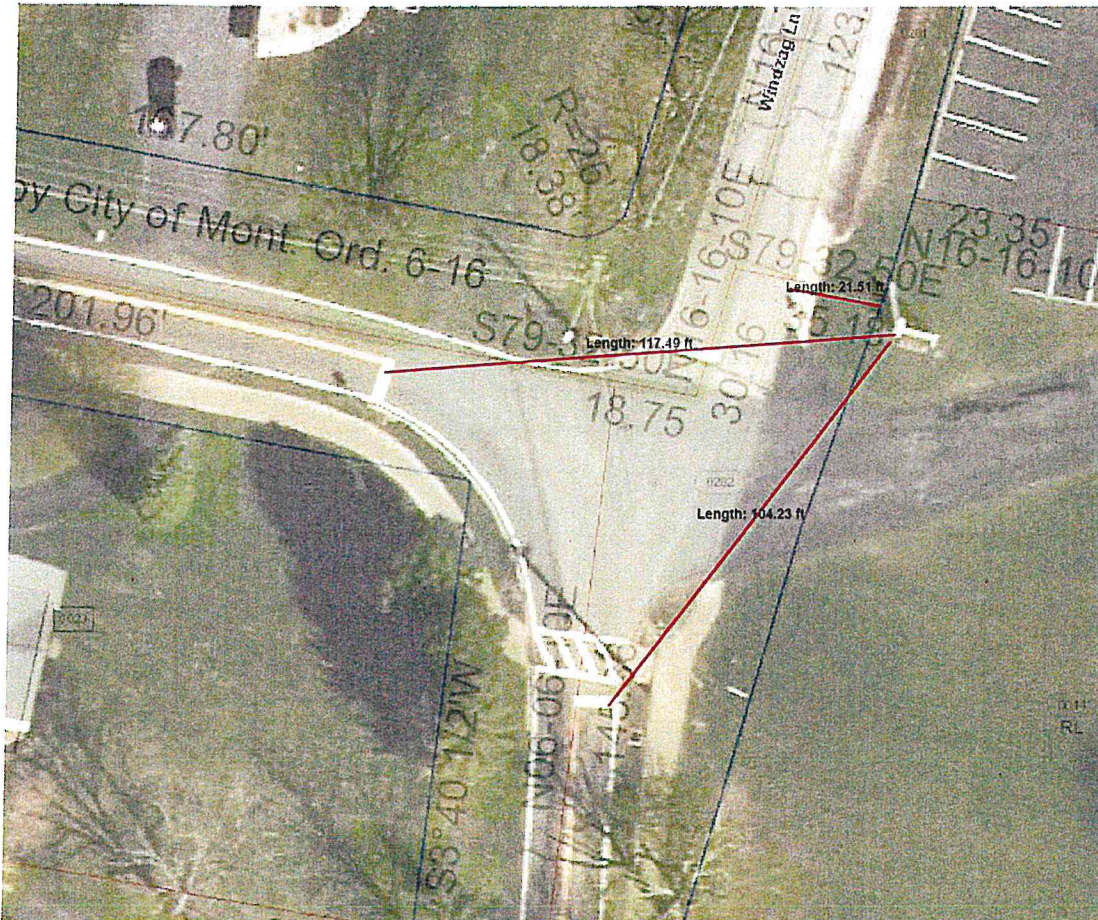
Section 150.2010 (d) outlines the criteria for the consideration of dimensional variances:

1. *Are there special conditions and circumstances which are peculiar to the land or structure involved, which are not applicable generally to other lands or structures in the same zoning district?*

The driveway for the church is located at the intersection of Windzag Lane and a 90-degree bend of Zig Zag Road, which limits the placement of a sign. The angle of the v-shaped sign allows for visibility from both stop signs at the bend on Zig Zag Road, with one sign face angled towards vehicular traffic at each stop sign. The right-of-way in this location is 60' in width.

2. *Will the property yield a reasonable rate of return if the variance is not granted?*

Staff believes that the property may not yield a reasonable rate of return if the variance is not granted. Visibility for one 25 square foot sign in compliance with the Code would be poor due to the unique configuration of the intersection, the location of the stop bars at the intersections and the large setback from the back of curb.



3. *Is the amount of the variance substantial? Is it the minimum amount needed?*

While the amount of the variance being requested is substantial, 92% more square footage, Staff is of the opinion that this is the minimum amount needed in order to have visibility at all legs of the intersection.

4. *Will the character of the neighborhood be substantially altered? Would adjoining properties suffer substantial detriment as a result of the variance?*

Staff does not believe that the character of the surrounding neighborhood would be substantially altered by granting the variance. The church has had a similar sign in place for a significant amount of time without any concern from neighboring properties. Furthermore, the proposed sign design would reduce a non-conformity by eliminating the changeable copy.

5. *Would this variance adversely affect the delivery of government services?*

Government services would not be affected by granting the variance.

6. *Did the owner purchase the property with the knowledge of the zoning restriction?*

The owner has owned the property since the 1960's, prior to our current zoning regulations and only became aware of the regulations when inquiring about replacing the existing sign.

7. *Do special conditions or circumstances exist as a result of the actions of the owner?*

No special conditions or circumstances exist as a result of the actions of the owner.

8. *Can the property owner's predicament be feasibly obviated through some other method than a variance?*

The applicant could erect a new sign in compliance with the Zoning Code; however, a sign in compliance with the Code would have poor visibility from all legs of the intersection. The only other option is for the applicant is to continue with the existing legal non-conforming sign. Staff believes some amount of variance is necessary to provide full vehicular visibility at the intersection.

9. *Would the spirit and intent behind this zoning requirement be observed and substantial justice done by granting the variance?*

The intent of the maximum 25 square foot signage requirement is to allow for an appropriate amount of signage, while ensuring compatibility with residential properties. Staff believes that the spirit and intent behind the zoning requirement would be observed and substantial justice done by allowing two sign faces of 24 square feet at the angle of the current sign in order to allow for visibility from all roadways. The Zoning Code does allow for a v-shaped sign to be considered one sign if the two faces are less than 42" apart and when both faces are not visible at the same time. While both sign faces are visible from Zig Zag Road, both faces are not legible to motorists and reducing the angle would reduce visibility.

10. Would granting this variance confer on the applicant any special privilege that is denied to other structures in this district?

Staff does not believe that granting this variance would provide the applicant with any special privilege that is denied to other structures in the district.

Staff Comments/Recommendation

Staff is of the opinion that granting the variance to allow for two sign faces totaling 48 square feet on a single free standing sign set at an angle is appropriate due to the unique configuration of the intersection, the location of the stop bars, the setback of the sign from the back of curb and the ingress/egress location for the church property. The angle of the proposed sign will allow for vehicular traffic visibility of one single side along both bend of Zig Zag Road. Due to the location of the sign and existing vegetation, the sign is difficult to see from Windzag Lane. Staff also believes that the proposed sign would reduce a non-conformity by eliminating the changeable copy portion of the existing sign.

Staff recommends placing a condition that the sign be in substantial compliance with plans submitted 7/31/19.

Granting a variance to allow the applicant to have 48 total square feet of signage 25 square feet is required could be justified by criteria #1 - 10.



CITY OF
MONTGOMERY
 A CHARMING PAST. A GLOWING FUTURE.

APPLICATION FORM

Meeting (Circle): Board of Zoning Appeals Planning Commission Landmarks Commission

Project Address (Location): 9994 Zig Zag Montgomery 45242

Project Name (if applicable): New Sign

Auditors Parcel Number: 0014, 0015

Gross Acres: 0.6221 Lots/Units _____ Commercial Square Footage N/A

Additional Information: _____

PROPERTY OWNER(S) Montgomery Presbyterian Church Contact Richard Parrish

Address 9994 Zig Zag Rd Phone: _____

City Montgomery State OH Zip 45242

E-mail address m.p.c. office @ m.p.c.hurch.net

APPLICANT _____ Contact _____

Address _____ Phone: _____

City _____ State _____ Zip _____

E-mail address _____

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature

Richard Parrish

FOR DEPARTMENT USE ONLY

Print Name

Richard Parrish

Date 5/20/21

| |
|----------------|
| Meeting Date: |
| Total Fee: |
| Date Received: |
| Received By: |

Consideration for Approval of Dimensional Variances

The following criteria will be used, along with other testimony provided at the public hearing to determine whether a practical difficulty exists that warrants a variance from the Zoning Code. Applicants should be prepared to respond to these issues.

1. Whether special conditions and circumstances exist which are peculiar to the land or structure and which are not applicable to other lands or structures in the same zoning district. Examples are narrowness, shallowness or steepness of the lot, or adjacency to non-conforming uses.

GIVEN UNUSUAL INTERSECTION AT CHURCH PROPERTY AND LARGE R.O.W. REQUESTING VARIANCE FOR SETBACK OF SIGN AND VARIANCE FOR 2 FACED SIGN, NOT BACK TO BACK

2. Will the property yield a reasonable rate of return if the variance is not granted?

N/A

3. Is the variance substantial? Is it the minimum necessary?

MINIMUM IN KEEPING WITH EXISTING CONDITIONS

4. Will the character of the neighborhood be substantially altered?

NO, IMPROVEMENT OF EX SIGN CONDITION, COMPLIANCE WITH MONTGOMERY SIGN CODE

5. Would this variance adversely affect the delivery of government services?

NO

6. Did the owner purchase the property with the knowledge of the zoning restraint?

N/A

7. Whether special conditions exist as a result of the actions of the owner?

NO

8. Whether the owner's predicament can be feasibly obviated through some other method?

NO

VARIAN

① 151.301

SETBACK 4' VS 2'

② 151.301

ONE FACE BACK TO BACK

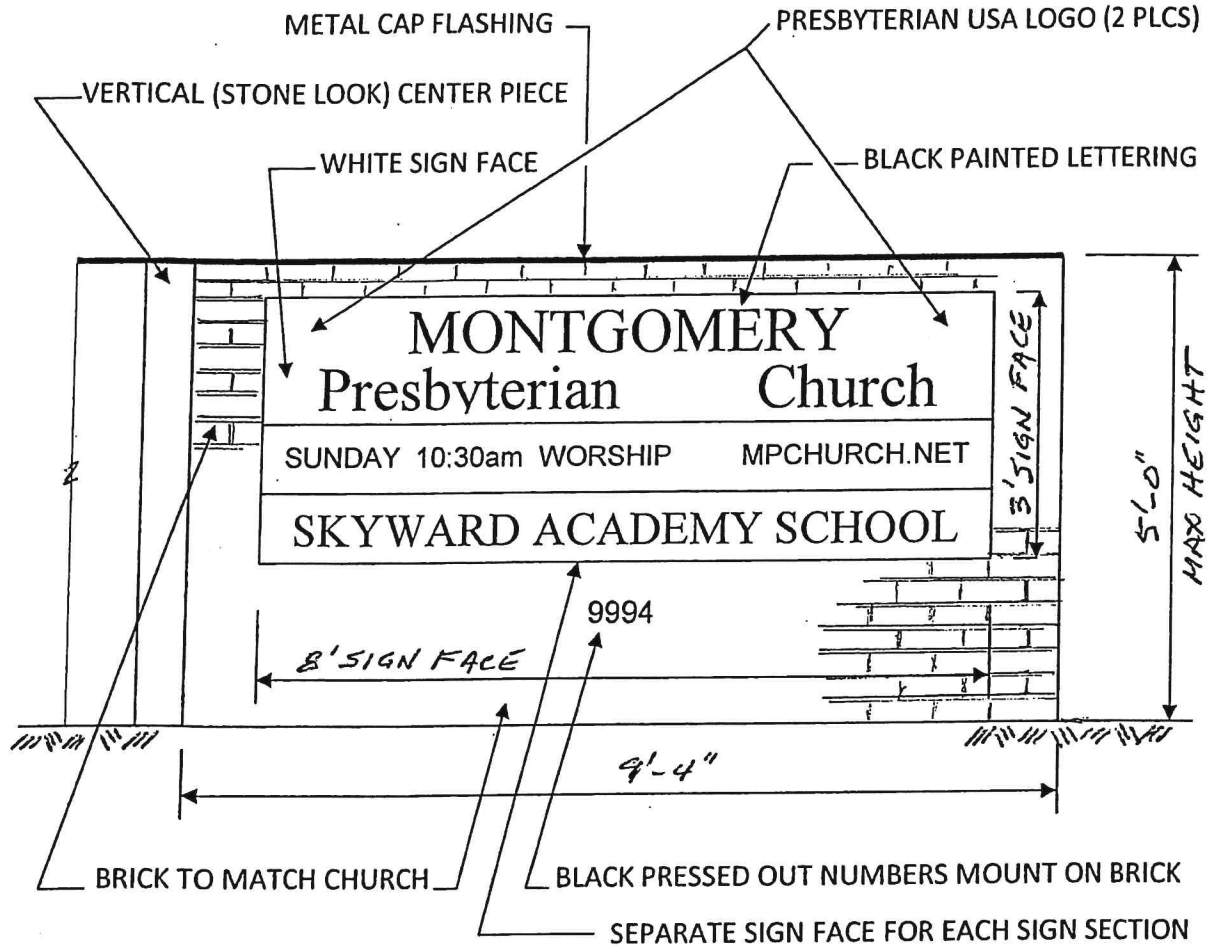
9. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

YES, REASONABLE SETBACK FOR SIGN AND
SIGN WILL BE VISIBLE BOTH DIRECTIONS ON
ZIG ZAG RD

10. Would granting the variance confer on the applicant any special privilege that is denied to other properties in this district?

NO, MOST SIGNS IN CITY ARE VISIBLE IN EITHER
DIRECTION ON MAIN ACCESS ROAD

Proposed Montgomery Presbyterian Church Sign, 9994 Zig Zag Rd, Montgomery, OH 45242



NOTE: SEE SITE PLAN FOR LOCATION OF V-SHAPED SIGN WITH 2 SIGN FACES TO MATCH

ALSO NOTE: NEW V-SHAPED SIGN ORIENTATION TO MATCH EXISTING SIGN ORIENTATION



CONSENT OF OWNER(S) TO INSPECT PREMISES

To: City of Montgomery Board of Zoning Appeals Members and Staff
City Hall
10101 Montgomery Road
Montgomery, Ohio 45242

Re: Review Subject Site

Dear Members and Staff:

As owner(s) of the property located at 9994 Zig Zag Rd, we hereby grant permission to Members of the Board of Zoning Appeals and City of Montgomery Staff to enter the property for visual inspection of the exterior premises. The purpose of said inspection is to review the existing conditions of the subject site as they relate to the application as filed to the Board of Zoning Appeals.

Property Owner(s) Signature Richard Parrish

Print Name Richard Parrish, Chairman B&G for MPC

Date 5/20/21

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Bob Saul

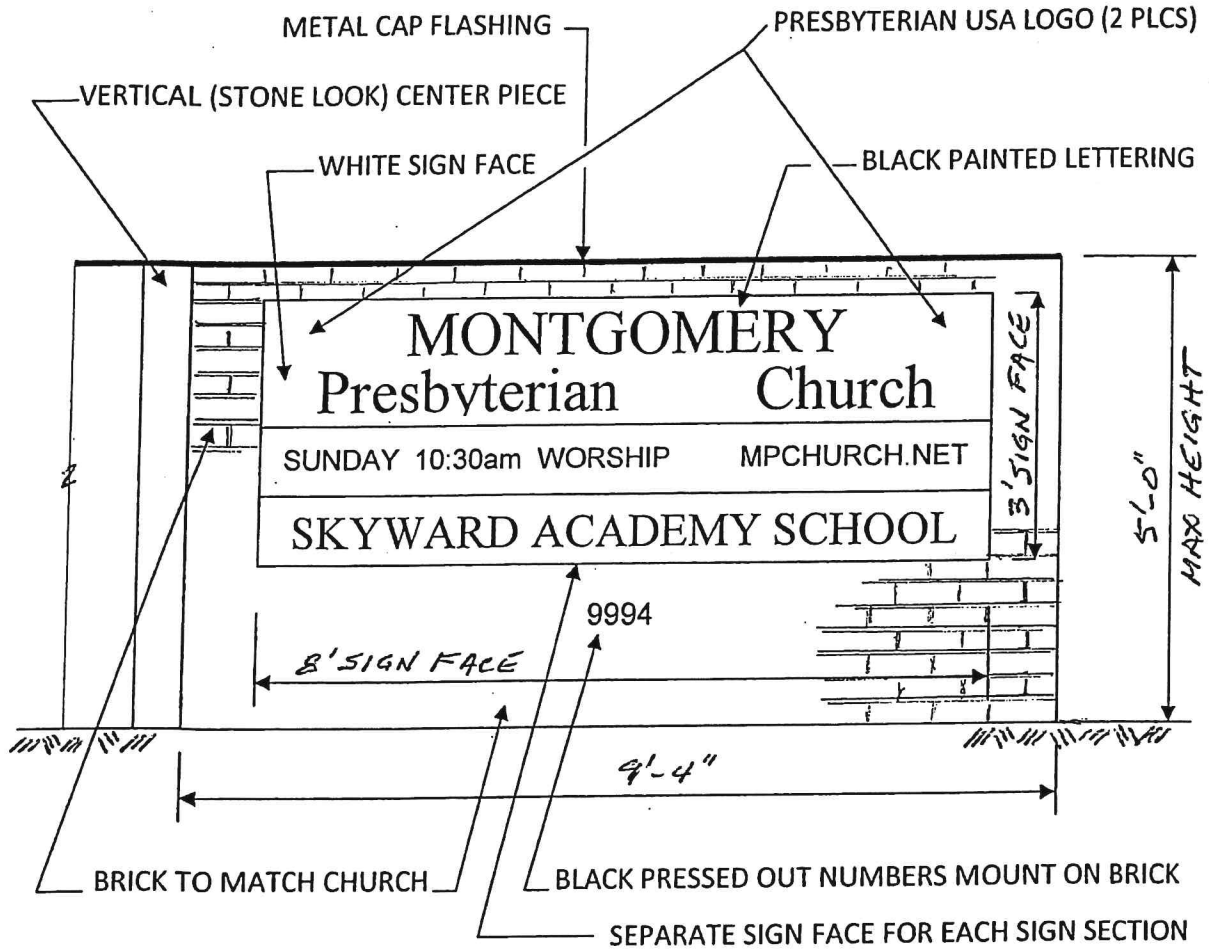
Steve Uckotter

Richard White

Peter Fossett

Jade Stewart

Proposed Montgomery Presbyterian Church Sign, 9994 Zig Zag Rd, Montgomery, OH 45242



NOTE: SEE SITE PLAN FOR LOCATION OF V-SHAPED SIGN WITH 2 SIGN FACES TO MATCH

ALSO NOTE: NEW V-SHAPED SIGN ORIENTATION TO MATCH EXISTING SIGN ORIENTATION

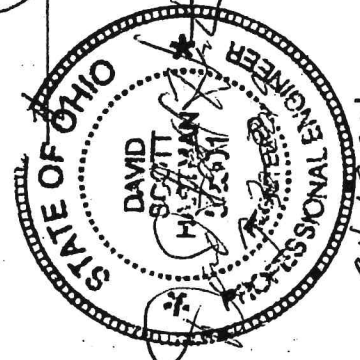
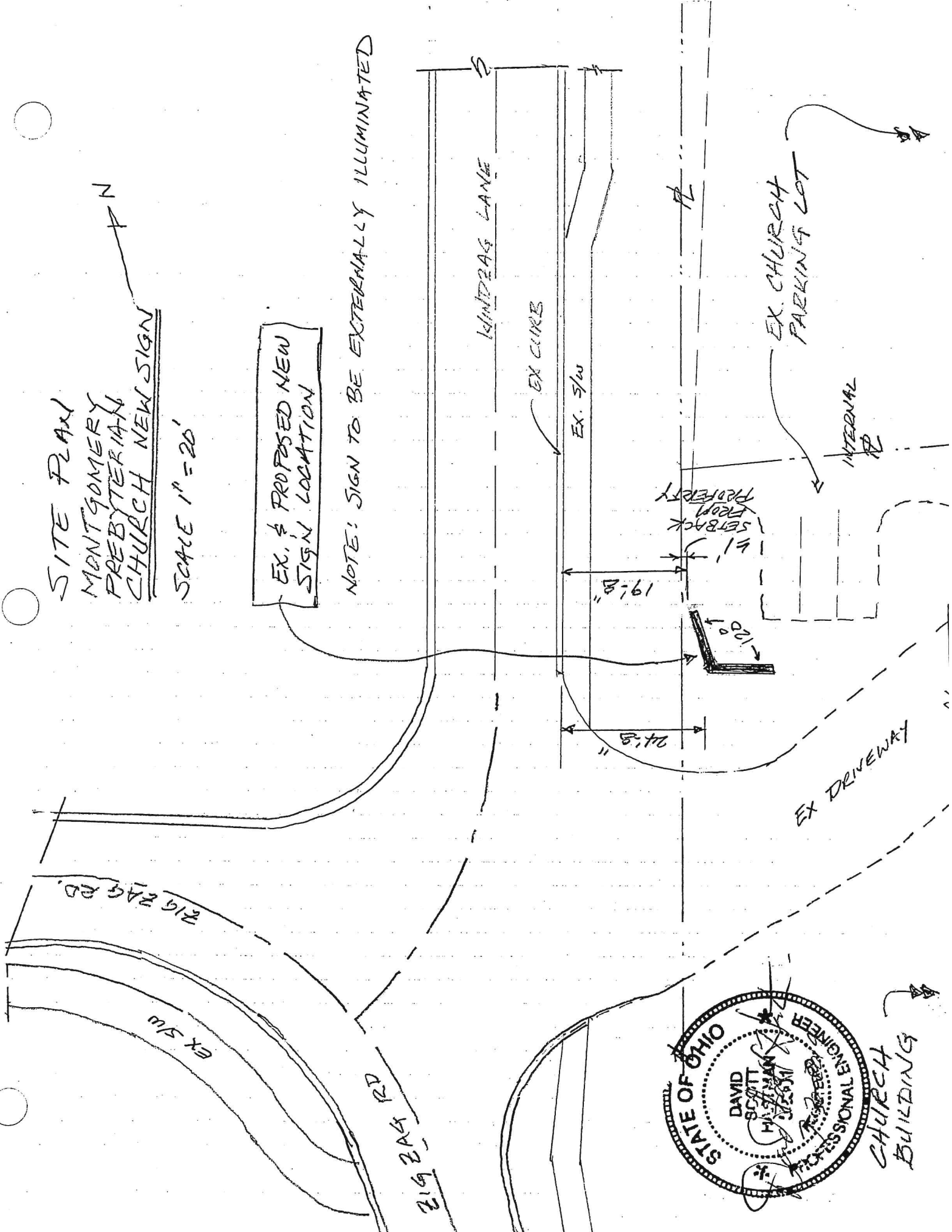
SITE PLAN
MONTGOMERY
PREBYTERIAN
CHURCH NEW SIGN

SCALE 1" = 20'



EX. & PROPOSED NEW SIGN LOCATION

NOTE: SIGN TO BE EXTERNALLY ILLUMINATED



CHURCH BUILDING