

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD DECEMBER 11, 2017**

The City of Germantown Board of Zoning Appeals met on December 11, 2017 at 7:00 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mr. Hutchinson, Mrs. Izor, Mr. Jones, Mr. Richter, and Mr. Treiber.

MEMBERS ABSENT:

There were no absent members.

ALSO PRESENT:

Also present were: Mr. Reed, Council Liaison; Mr. Betley, KAP Signs; and Mr. Brane, City Planner.

CONSIDER APPROVAL OF THE MINUTES OF THE AUGUST 14, 2017 BZA MEETING:

On a motion by Mr. Treiber, seconded by Mr. Richter, it was moved to approve the minutes of the August 14, 2017 meeting as written. On call of the roll: Mr. Richter, yes; Mr. Hutchinson, yes; Mrs. Izor, yes; Mr. Treiber, yes; and Mr. Jones, yes. Motion carried.

PUBLIC HEARINGS: VARIANCE APPLICATION 17-05

Mr. Jones said we have one case tonight, variance application# 17-05 made by KAP Sign for the property at 2323 Dayton-Germantown Pike within Triangle Station to appeal Section 1139.10 (a) Business Signs of the Planning and Zoning Code of the City of Germantown. If granted the variance would allow an attached wall sign that exceeds one square foot of area for each lineal foot of lot frontage. He asked the applicant to come forward and give a summary of their proposal.

Mr. Alex Betley of KAP Signs, 1608 Kuntz Rd., Dayton, Ohio said we are representing Dollar Tree who would like to have signage on their building that would be visible from the road. The building is on an angle, hard to see and set back a pretty good distance. Dollar Tree is proposing a sign that is slightly larger in size than what is normally allowed at that building so they can attract a customer base. They do not have a free-standing sign at the road, so their signage is necessary to let people know they are there.

Mr. Jones opened the public hearing at 7:04 p.m. and asked if there were anyone in the audience wishing to speak in favor of or in opposition to the proposal. Seeing none, Mr. Jones closed the public hearing at 7:05 p.m. and asked the board members if they has any questions or comments.

Mr. Hutchinson asked if a sign would be on the road. Mr. Betley said there is a spot on the Triangle Station shared sign which is very small.

Mr. Jones said my concern is not with the application so much, but with the difficulty presented by the zoning code. Planning Commission has made a number of recommendations which I believe council will be reviewing next month. The requirement of the formula that's used that permits a certain

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amount of wall signage is based on the frontage along the right of way which in practice is difficult because you have a multi-use building with multiple tenants and based on the formula, there is no logical way to actually calculate what's permitted based on street frontage. It has nothing to do with the space being used. When I look at the other businesses there, I don't think this sign is out of character. The other issue, and I can't speak for council, but I'm hoping this sign code is going to change soon and this will become a non-issue. In my opinion, all those things together, I don't have any concerns. It's not out of scale or character with the existing signs in that development.

Mrs. Izor asked if we knew the size of the letters because it seems, architecturally, it is out of scale. It seems like they are competing and the next guy will want a larger sign. Mr. Jones said if you look at the logo in conjunction with the architectural features, I don't see it out of character.

Mr. Brane said this is not a cabinet sign, it is acrylic channel cut letters individually mounted on a raceway which is a very expensive sign. Mr. Jones asked how far out the letter extended. Mr. Brane said 5 or 6 inches maybe. Mr. Betley said 5 ½ inches.

Mrs. Izor asked if this would be internally lit. Mr. Brane said yes.

Mr. Hutchinson said these are about 3 foot high letters and in looking at the businesses that are there, no one comes close except for the market and it's just the "M". What I don't want to see is if we let this one do this then everybody wants to have a great big sign out in front of their building. The two buildings that probably are not penalized where they are sitting is the Dollar Tree and the Market. Seeing the businesses in the back is extremely difficult. I think this sign goes a little bit overboard.

Mrs. Izor said Mr. Brane, you said the sign was slightly larger than what was required and I'm confused; if the sign is 4 inches bigger how is that really a monetary hardship on the business. How tall are these letters supposed to be that you need to expand their size? Mr. Brane said the way it's worded in the code: The variance is to allow the total area of the attached business sign to exceed one square foot of area for each linear foot of lot width. As Mr. Jones stated, it ties it to the lot; the proposed code ties the sign to the actual occupied building frontage. They thought we meant occupied building frontage and that's what they did their calculation on. They probably could have had a lot bigger sign than what they are applying for.

Mrs. Izor said I understand the rules are the rules. I think that signage is definitely out of control and I don't really think there is a direct correlation between the size of your sign and the business or monetary hardship it causes a business. I don't think anyone has presented any information that ties those two together. If we feel it is within reason, that's fine; I just think in general the signage out there is beyond reasonable scale.

Mr. Jones said if you look at some of the other business signs they probably have more total area than these cut out letters.

Mrs. Izor said my issue is not necessarily the size; it's just the development. Maybe we have some guidelines for all the businesses that go into that development so you don't have such a collage or mish-mash of signs and they all adhere to some sort of similar style.

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Mr. Brane said usually acrylic channel cut letters mounted on a raceway is something a private developer requires in their own development. I did forget to ask the owner of the development if he supports that but I would imagine he does. They have their own internal regulations that just requires it to be a nicer sign so I'm going to guess he was okay with the little bit of additional area. This was just one of those deals where I felt insufficiently comfortable to approve it administratively and feeling it should come to the board since you are more familiar with what you want as a city. I explained the confusion to the property owner and this is a stop gap to get us to the new code which I believe allows 1.25 square feet based on the occupied store frontage which is appropriate.

On a motion by Mr. Jones, seconded by Mr. Hutchinson, it was moved to approve variance application# 17-05 made by KAP Sign to allow a 102.08 square foot wall sign for the property located at 2323 Dayton-Germantown Pike. On call of the roll: Mr. Jones, yes; Mr. Hutchinson, yes; Mr. Treiber, no; Mr. Richter, yes; and Mrs. Izor, no. Motion carried.

BUSINESS:

Mr. Jones said what we are doing at Planning Commission is talking about different parts of the zoning code. The sign code was one of two proposals we wanted submitted to Council as a separate chapters, then we'll submit the rest of the chapters when we get done. The Signage Chapter, 1139, and then a new chapter I've been working on which is an adult entertainment ordinance that is based on the State of Ohio Attorney General model. The Signage goes before Council in January and I'm hoping we'll have less problems in the future. Mr. Brane said the Signage has had its first reading, the second reading will be at the first meeting in January, and then at the expiration of a 30-day period it will become effective.

ADJOURNMENT:

With no further business, the meeting was adjourned at 7:27 p.m.

Jeffrey Jones
Chairman, Board of Zoning Appeals

Keith A. Brane
City Planner