

**Miami Township  
Board of Zoning Appeals  
Monday, February 4, 2019**

**Members of the Board of Zoning Appeals present:**

James Hamilton, Chairman  
Gregory Clatterbuck  
Fred Sinder  
John Broz

**Members of Miami Township Staff present:**

Kyle Hinkelman, Deputy Director  
Alex Carlson, Planner

**Others Present:**

Tommy Reed, 2328 Florence Ave

**GENERAL MEETING**

Mr. Hamilton called the meeting to order at 6:00 PM.

**Action on minutes from December 4, 2018**

Mr. Clatterbuck motioned to approve the minutes from December 4, 2018. Mr. Sinder seconded the motion and the vote was all ayes. The motion passed.

**THE OATH**

Mr. Hamilton administered the Oath of Truth to the following people:

Alex Carlson  
Tommy Reed

**NEW BUSINESS**

**1. Case # BZA 834-19 Variance – 2700 Miamisburg-Centerville Road**

Mr. Hamilton stated the variance case to be heard tonight was BZA #834-19 filed by Tommy Reed of Atlantic Sign Company.

Mr. Carlson came forward and confirmed that the application was properly filed, the legal requirements had been met, and all the surrounding property owners had been notified.

Mr. Carlson stated that the applicant is requesting a variance to install a sign that is larger than the maximum sign area permitted. He explained that the applicant has requested this variance noting that the store front is setback from the main roadway.

Mr. Carlson explained that many tenants at the Dayton Mall are setback from the roadway and do not have approval for additional sign square footage and further noted that the retailer would be included on the Dayton Mall pylon sign.

Mr. Carlson advised the board that the request is substantial and approving this variance would affect the existing character of the area.

Mr. Carlson added that staff does not predict the request would adversely affect delivery of government services, noted the owner of the property has been aware of the required standards, and the requirements in place in addition to the added pylon signage will obviate any lack of street visibility.

Mr. Clatterbuck asked if the mall has any internal policy on signage requirements and Mr. Carlson noted that each of the tenants at the mall are notified of township sign requirements by the mall owner, Washington Prime, who allows tenants to apply for variances.

Mr. Broz asked if there have been any variances granted for the mall in the past.

Mr. Carlson stated that JC Penny has a variance permitting a sign larger than 300 square feet but does not exceed the standard sign to façade length ratio.

Mr. Sinder asked if the Kirkland sign letters by comparison are larger than what is being proposed and Mr. Carlson explained how the sign requirements are calculated by total square footage not the size of the individual letters.

Mr. Hamilton asked if they pylon signage was being considered in this case and Mr. Carlson informed the board that the pylon signs were previously approved by the Zoning Commission.

Mr. Clatterbuck asked if the mall determines who goes on the pylon sign and Mr. Carlson confirmed.

Mr. Tommy Reed came forward and stated that his company has been hired by Ross Dress for Less to install signage and his client has requested he come before this board and ask for the larger signage. He noted he understands the requirements for signage at this site but would like to request on behalf of Ross Dress for Less the larger signage in order to increase visibility.

Mr. Clatterbuck asked if Ross Dress for Less was aware of the pylon space and Mr. Reed noted that they were.

Mr. Clatterbuck asked if the sign would be illuminated and Mr. Reed commented that it would be internally illuminated.

Mr. Sinder asked how the lighting of the proposed sign compared to Kirklands and Ulta at that location and Mr. Carlson noted they area both externally lit.

Mr. Hamilton asked if there was anyone else present to speak in reference to this case and there were none.

The Board discussed the case.

In each specific case, the Board of Zoning Appeals shall determine existence of a practical difficulty by considering the following factors:

- A. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Sinder	Clatterbuck	Hamilton	Broz	
Y	Y	Y	Y	

- B. The variance is substantial;

Sinder	Clatterbuck	Hamilton	Broz	
Y	Y	Y	Y	

- C. The essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer a substantial detriment as a result of the variance;

Sinder	Clatterbuck	Hamilton	Broz	
Y	Y	Y	Y	

- D. The variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

Sinder	Clatterbuck	Hamilton	Broz	
N	N	N	N	

- E. The property owner purchased the property with knowledge of the zoning restrictions;

Sinder	Clatterbuck	Hamilton	Broz	
Y	Y	Y	Y	

F. The property owner's predicament can feasibly be obviated through some other method than a variance;

Sinder	Clatterbuck	Hamilton	Broz	
Y	Y	Y	Y	

G. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Sinder	Clatterbuck	Hamilton	Broz	
N	N	N	N	

Mr. Broz stated that based on the findings of fact and the testimony presented that the Board of Zoning Appeals does not find existence of a practical difficulty and motioned to deny BZA #834-19.

Mr. Clatterbuck seconded the motion and the vote was all ayes. The motion passed.

**OTHER BUSINESS**

Mr. Hamilton nominated Mr. Broz to serve as the new Chair and Mr. Clatterbuck as the Vice Chair. Mr. Sinder seconded the motion and the vote was all ayes. The motion passed.

**WORK SESSION**

Mr. Clatterbuck made a motion to enter into a work session and Mr. Broz seconded the motion. The vote was all ayes and the motion passed.

During the work session the Board discussed the following topics:


1. Variances
2. Appeals to the Court of Common Pleas
3. The process of deliberation
4. The process of issuing a formal motion on a case.
5. The process of continuing a case and requesting additional information.
6. The process of making a formal motion on a case.

Mr. Clatterbuck made a motion to end the work session and go into regular session and Mr. Hamilton seconded the motion. The vote was all ayes and the motion passed.

**ADJOURN**

Mr. Clatterbuck made a motion to adjourn the meeting at 7:55 p.m., Mr. Hamilton seconded the motion, and the vote was all ayes. The motion was passed and the meeting was adjourned.

Respectfully Submitted,  
Nicole Kessel, Recording Secretary



\_\_\_\_\_  
Chairperson

3-4-19  
\_\_\_\_\_  
Date