



Zoning Board of Appeals

March 3, 2016

I. CALL TO ORDER:

Board Chair Hammond called the meeting to order at 7:42 p.m.

II. ROLL CALL:

Tom Betsinger	Present	John Francis	Present
Tom Yakaitis	Present	Mildred McNeal-James	Present
Patrick Kelsey	Present	Butch Distajo	Present
Mike Hammond	Present		

Also present: Director of Community Development Richard Young; Village Attorney Laura Julien; Village Engineer Tim Paulson; Trustee Theresa Sperling, Executive Director of the Montgomery Economic Development Corporation Charlene Coulombe-Fiore and members of the audience.

III. APPROVAL OF MINUTES:

MOTION: Motion was made by Board Member Francis to approve the minutes of the February 4, 2016 Zoning Board of Appeals Meeting. Board Member McNeal-James seconded the motion.

Motion Passed 7-0.

Ayes: Francis, McNeal-James, Distajo, Betsinger, Yakaitis, Kelsey and Hammond

Nays: None.

IV. NEW BUSINESS:

- a) **ZBA 2016-007 V Continuation of a Public Hearing and Consideration of an Alternative Surfaces Setback Variance for JPC Tree Care LLC. Located at 1065 and 1079 Sard Avenue.**

Senior Planner Chipman stated that the Petitioner had withdrawn the variance request.

Board Chair Hammond closed the public hearing.

- b) **ZBA 2016-008 V Public Hearing and Consideration of a Sign Variance for Corporate Identification Solutions Located at 596 Montgomery Road.**

Senior Planner Chipman introduced the item and reviewed the staff report. It was staff's

opinion that the sign did not meet the requirements for granting a variance.

Auna Foote from Corporate Identification Solutions addressed the Zoning Board of Appeals stating that the alterations would be non-structural in nature. Ms. Foote continued in stating that the changes to the sign would consist of a face change that is allowed in the Zoning Ordinance.

Board member Kelsey asked what the change to the structure would be.

Senior Planner Chipman stated that due to the electronic cabinet changes that staff considered the proposal as an alteration.

Ms. Foote informed the Zoning Board of Appeals that the same electronic interface would be utilized, and that the new sign would be a face change.

Board Member McNeal-James expressed concerns with the sign complying with the vision of the Comprehensive Plan in regards to signage.

Board Chair Hammond opened the public hearing.

As there was no comments from the public, Board chair Hammond closed the public hearing.

1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; ***It is the Petitioner's opinion that the property would lose a level of advertising capabilities.***

It is staff's opinion that the sign could be constructed to comply with the maximum sizes allowed in the Zoning Ordinance, which would allow for the electronic price signage.

2) That the plight of the owner is due to unique circumstances; ***The Petitioner believes that their situation is unique due to the interpretation of the Zoning Ordinance.***

Staff believes that this is not a unique situation.

3) That the variation, if granted, will not alter the essential character of the locality; ***The Petitioner believes that the variance will not alter the essential character of the locality as the sign is already in existence and the alteration would not increase the size of the sign.***

Staff believes that allowing continued use of the sign will not alter the essential character of the area, however, allowing the sign to continue would not serve to progress the vision for the community that has been outlined in the Comprehensive Plan.

4) That the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out; ***The Petitioner does not believe that there are physical characteristics that bring a particular hardship.***

It is staff's opinion that there are no physical characteristics of the site that render a hardship for the Petitioner.

5) That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification. ***The Petitioner has indicated that they believe that the conditions of hardship are unique to their property due to the interpretation of the ordinance.***

It is staff's opinion that the conditions upon which the application is based would be applicable to other properties within the same zoning classification. Other properties in business districts contain non-conforming signs that would result in the same interpretation of the Zoning Ordinance.

6) That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property; ***The Petitioner has indicated that they believe that the ability to advertise on the property will be reduced.***

Staff believes that the sign would serve to promote advertising to the property.

7) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; ***The Petitioner has indicated that they believe that the proposed sign will be in harmony with the neighborhood.***

Staff believes that the variation should not cause detriment or injury.

8) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood." ***The Petitioner has indicated that they believe that the variance will not impair light, air and property values.***

Staff agrees with the Petitioner.

Discussion ensued regarding the height of the sign and the nature of the surrounding neighborhood.

MOTION: Motion was made by Board Member Yakaitis to deny ZBA 2016-008 V Corporate Identification Solutions Sign Variance. Board Member Distajo seconded the motion.

Motion Passed 7-0.

Ayes: Yakaitis, Kelsey, Hammond, Francis, McNeal-James, Distajo and Betsinger.

Nays: None.

V. OTHER BUSINESS:

No other business to report at this time.

VI. ADJOURNMENT:

Having no further business to discuss, the Zoning Board of Appeals was adjourned at 8:03 p.m. by Board Chair Hammond

Respectfully submitted,

A handwritten signature in cursive script that reads "Jerad Chipman".

Jerad Chipman, AICP
Senior Planner