

BOARD OF ZONING APPEALS**STAFF REPORT****TUESDAY, NOVEMBER 28, 2023**

CASE NO: BZA 23-0008
PROJECT NAME: OPEN BIBLE SIGN VARIANCE
PROJECT ADDRESS: 4990 OLD TROY PIKE, RIVERSIDE, OH 45424
PARCEL ID: I39 00802 9001
APPLICANT/PROPERTY INFO: RAYMOND VIERS, 4990 OLD TROY PIKE, RIVERSIDE, OH 45424
OWNER/PROPERTY INFO: DAYTON FIRST CHURCH OF OPEN BIBLE
4990 OLD TROY PIKE, RIVERSIDE, OH 45424
ZONING DISTRICT: R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT
CURRENT USE: PLACE OF WORSHIP

REQUEST:

A variance from UDO Section 1115.09(G)(1) to allow an increase in the permitted sign area for an electronic message center of a nonconforming sign.

LOCATION	REQUIREMENT	REQUEST	VARIANCE %
FRONT YARD (SIGN FACE AREA)	12 SF. MAX	28 SF. INCREASE	233.3% INCREASE

CASE SUMMARY/BACKGROUND:

The subject site is on the east side of Old Troy Pike, right on the City line. The 14.5 acre property has a single 2,758 sq. ft. building on the site. There is an existing ground sign along Old Troy Pike. The applicant is proposing to replace it with a programmable LED technology or an electronic message center (EMC). The existing sign is nonconforming in a residential zoning district. The voluntary removal of the nonconforming sign means the new sign must comply with the current zoning regulations. The proposed EMC sign exceeds the permitted sign area for an LED sign, and a variance is required to permit the new sign.

INTERESTED PARTY COMMENTS:

Staff has not received any calls from adjacent property owners or other interested parties.

STAFF REVIEW/FINDINGS:

Staff finds that the requested variance to allow an increase in the *maximum sign face area* is not adequately justified and does not meet the standards for approval. Staff recommends **denial** of the requested variance, because:

- This is a substantial variance.
- The requested variance will alter the character of the immediate area.
- The current design of the proposed sign is **not** the minimum necessary to afford relief to the applicant.
- The spirit and intent behind the zoning code would **not** be observed.

The question before the Board of Zoning Appeals is:

- **Does the proposal meet the standards for granting the request variance established in Section 1105.15?**

In order to answer this question, the Board of Zoning Appeals should consider:

- the conditions upon which an application for the variance(s) is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises, differentiating it from other lots in the same district,
- variance(s) would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the variance(s).
- information in the staff report (standards for approval, attachments, etc.) for each requested variance, and
- testimony and/or evidence provided at the public hearing which directly relates to the variance request.

ATTACHMENTS:

- Zoning Map
- Aerial Map
- Site Plan
- Justification Statement Page
- Supplemental Information

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A VARIANCE FROM SECTION 1115.09(G):

The following factors shall be considered by the BZA in determining whether practical difficulty exists sufficient to warrant a variance to increase the maximum sign face area; 1115.09(G)(2)(b).

1. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;

Yes, there could still be a beneficial use of the property without the variance.

2. Whether the variance is substantial;

Yes, the applicant is requesting a 233.3% increase in sign face area. This is a substantial variance.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Yes, the essential character of this portion of Old Troy Pike (Riverside) would be altered should the variance request be granted. There are no other electronic message centers in the immediate area in Riverside and the property is adjacent to residential property.

4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);

No, the delivery of governmental services will not be adversely affected.

5. Whether the property owner purchased the property with knowledge of the zoning restriction;

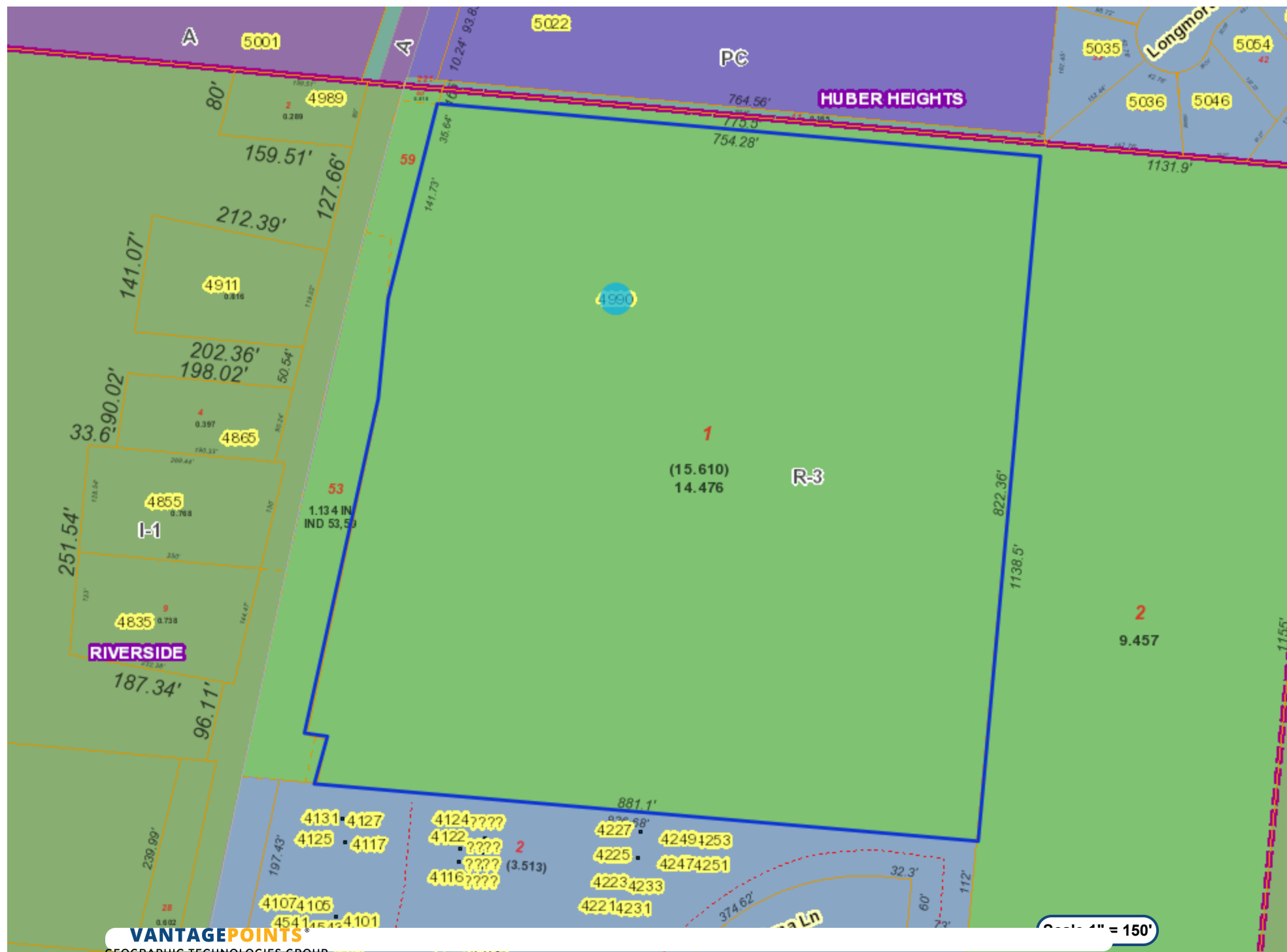
No, the property owner purchased the property prior to the current zoning regulations. The applicant has applied for the variance prior to start of the project.

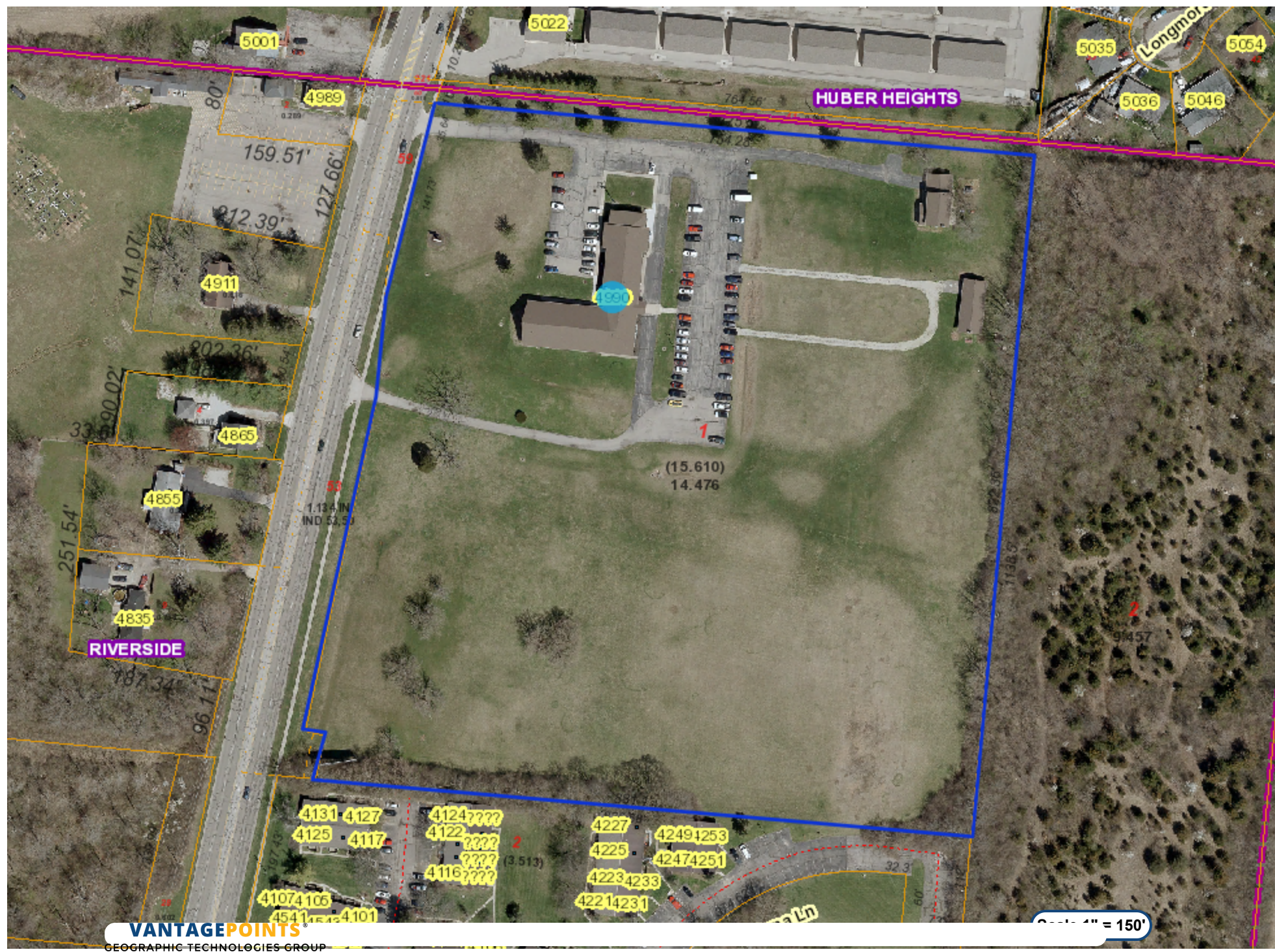
6. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

Yes, the nonconforming sign regulations would permit the applicant to reface the sign and use the existing hardware.

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

No, the applicant's proposed sign face does not support the spirit and intent behind the zoning code. Electronic message centers or LED signs are not permitted in residential districts. This site is zoned R-3 Medium Density Residential. This regulation is intended to limit the impact of these of signs on adjacent residential properties.





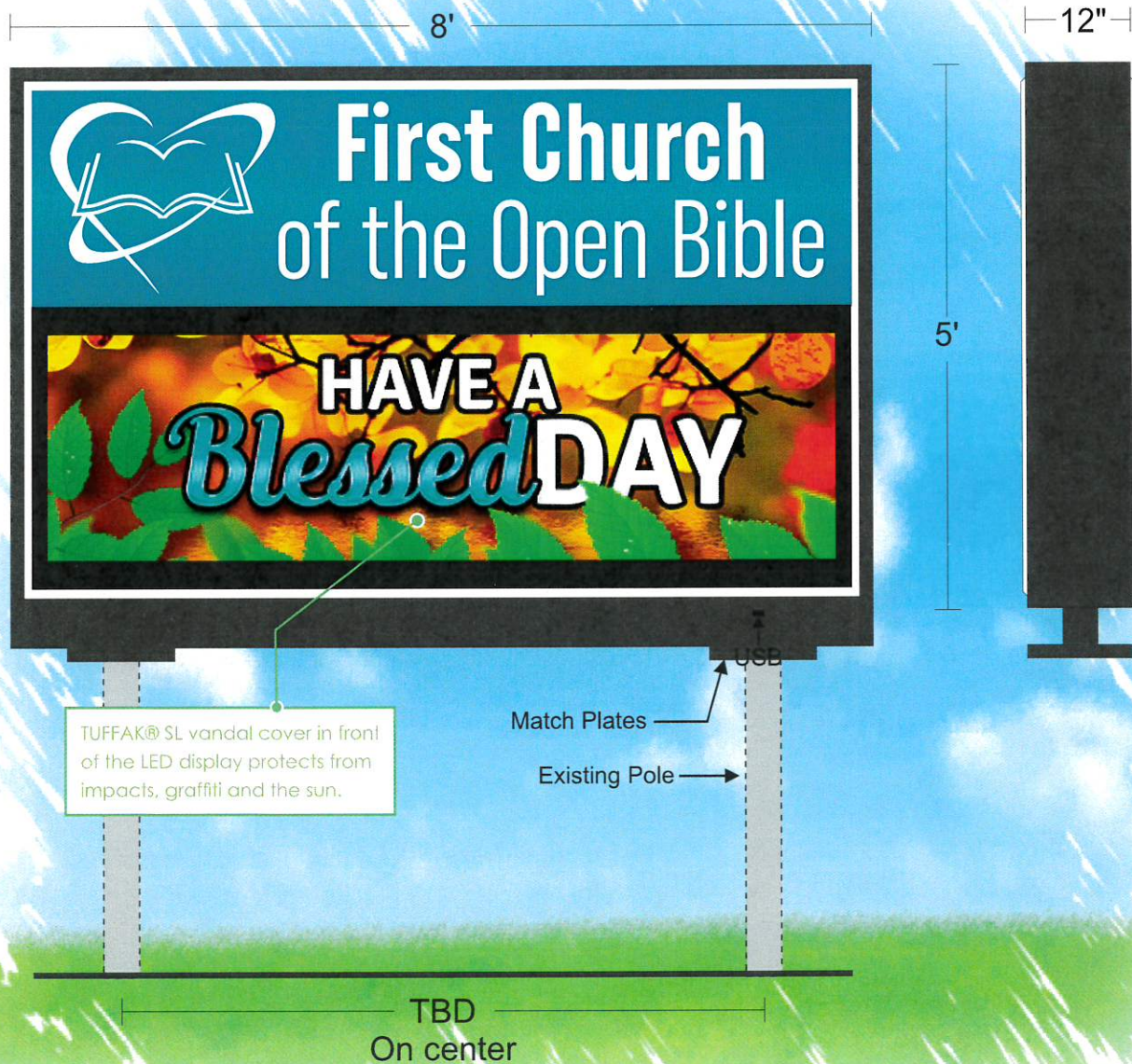


Google Earth Pro

feet
meters

100 500

Google earth



Stewart Signs
ONE SIGN. ONE COMPANY
1-800-237-3928 stewartsigns.com

TekStar Color 10.66mm 60x210
Cabinet Size: 5'x8'
Sk: 1026786-1 Cust: 1442449
9/29/2023 F/cLane PROPOSAL
Scale: 5/8"=1' Cabinet Color: Spartan Bronze

Signature _____
Date _____

Please confirm that all lettering, colors and graphics are correct before signing. Changes to artwork after signature is received will incur a \$200 art change fee.



This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. *Original design, do not duplicate.*

Variance Justification:

In order to justify approval of any variance staff and/or the Board of Zoning Appeals considers the following criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

- 1. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance.**

Replacement of sign will allow clearer messaging and community awareness.

- 2. Whether the variance is substantial.**

Variance is substantial in regard to our ability to communicate with community.

- 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.**

Variance would not alter or be a detriment to the community.

- 4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage).**

Variance would have no adverse affect to government services.

- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.**

Current owners installed sign when there were no zoning restrictions.

- 6. Whether the property owners' predicament feasibly can be obviated through some method other than a variance.**

Need variance approval due to display aspects of the new sign. Currently grandfathered in zoning laws with current sign.

- 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

Awarding the variance would be a benefit to the community and not cause any issues for current residence in the area.



Current
Sign
Dimensions

Date: October 9, 2003

To: First Church of The Open Bible
4990 Old Troy Pike
Riverside, Ohio 45404

Attn: Shawn Ryne

Please find below the cost on the signage we've been discussing.

Quantity	Description	Cost
1	7' x 10' double-faced internally illuminated sign with a poly-carb face, vinyl copy and 3 to 4 lines of changeable letters and track. Sign to be mounted on steel pole with aluminum pole cover. (Per sketch.)	\$8900

Electric

Electric to be at the sign site

Permits

Kap Signs Inc., to obtain sign permit

Installation

Sign to be installed by Kap Signs Inc
Existing brick base to be removed by church.

First Church of the Open Bible

4990 Old Troy Pike, Riverside Ohio 45414

Current Sign Pictures Below 11.2.2023









VOLTS 120
AMPS 8.6
DATE 11/21/03
USE WIRE RATED
AT 600 VOLTS
KAP SIGNS. INC.



Prepared for

First Church of the Open Bible
4990 Troy Pike
Dayton, OH 45424

Prepared by

Colin Lane
clane@stewartsigns.com
1.888.237.3928

DESCRIPTION

PRICE

Double Sided Full Color TekStar Outdoor LED Sign

\$25,273.00

LED display integrated inside of an aluminum sign cabinet with solar-grade polycarbonate vandal cover to protect from impacts, vandalism and the sun.

LED display

- 10.66mm full color at 60 pixels high by 210 pixels wide (12,600 total pixels per side)
- Active display area 2'1" x 7'4" (15.4 square feet per side)
- 1 to 7 rows of text and use your own images and video clips
- Entire sign UL Listed and FCC Part 15 compliant

[See full display capabilities](#)

Communication method

Communication provided by cellular modem and LIFETIME Cell Connect data plan.

[See full specifications](#)

Sign structure and faces

- Double sided 5' x 8' sign cabinet with 12" deep extruded aluminum
- TCI® industrial powder coat finish, color: Spartan Bronze
- Graphics digitally printed on 3M™ vinyl and adhered to inside of sign face
- Internal illumination with LED lamps
- TUFFAK® SL pan-formed faces removable via internal retainers
- Double matchplate mount
- Mount on-center dimension: 3', Overall sign height: 5'
- Minimum wind load rating: 120mph, exposure B
- Lifetime warranty on structure & faces, including vandalism (see warranty for info)

Electrical specifications

- One 20 amp circuit, 120 volts; Max draw: 10.3 amps

Software

SignCommand.com Cloud-based LED Sign Software FREE for the lifetime of the product.

Included

Control your sign from anywhere using any device. No monthly fees. [Learn more.](#)

Freight

- Shipping of sign from factory to location

Included

Special instructions

10-month interest free payment plan is available:

- No Credit Check
- No Pre-payment Penalty
- Only 25% required for down payment (or finance up to a maximum of \$15,000)

Total: \$25,273.00

+ any applicable sales tax

Payment terms: 50% Down, Balance due 10 days after shipment

Installation Not Included

- Installation services available upon request

Customer is responsible for checking with local zoning/planning departments to comply with any code pertaining to signage



1115.09 - Sign standards.

- A. *Purpose.* The purpose of this sign section of the Ordinance is to:
1. Protect each person's Constitutional right to freedom of speech;
 2. Protect the public health, safety, convenience, comfort, prosperity, and general welfare;
 3. Show respect for citizens' need for self-expression;
 4. Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, while preventing blight, in order to meet the City of Riverside's expressed desire for quality development;
 5. Protect the public from a traffic safety concern by reducing driver distraction, addressing driver fatigue, impairment, judgment, error, risk taking, and traffic violations that could occur from the distraction of certain signs.
- B. *Objectives.* This section regulates the time, place, and manner in which signs are displayed to achieve the following:
1. *Primary Objectives.*
 - a. Permit noncommercial signs on any property within the City of Riverside;
 - b. Permit signs without unconstitutionally regulating the information conveyed by each sign;
 - c. Permit signs which do not create a potential hazard to the public safety;
 - d. Permit commercial signs appropriate to the land use and/or zoning classification of each property within the City of Riverside.
 2. *Secondary Objectives.*
 - a. To create a more aesthetically pleasing City of Riverside;
 - b. To eliminate visual clutter within the City of Riverside.
- C. *Prohibited Signs and Sign Characteristics.*
1. Any sign placed in any public right-of-way except publicly owned signs such as traffic control signs and directional signs.
 2. Any sign or part thereof which is erected within or above a public right-of-way shall be prohibited. This provision shall specifically apply to any sign conveying a commercial or noncommercial message including a political sign.
 3. Any sign erected at or near any intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the word "stop", "look", "danger", or other word phrase or symbol in such a manner as to interfere with, mislead, or confuse traffic shall be prohibited.
 4. Any sign mounted onto, above, or incorporated into, the roof of any building shall be prohibited unless otherwise specifically permitted by this Ordinance.
 5. Any lighter than air or inflatable sign situated on, attached or tethered to a premises, structure or vehicle shall be prohibited. A balloon measuring up to but not exceeding 24 inches in any dimension and is situated on, tethered or attached to the premises of a single family, two family, or three to four family dwelling unit shall be exempt provided said balloon is not displayed in conjunction with any other sign as defined by this UDO.

providing:

- A) Each sign shall have only one sign face.
 - B) The sign face area shall not exceed the maximum sign face area permitted by this Ordinance.
 - C) Each sign shall be incorporated into a fence, wall, or earth mound and the entire area shall be landscaped.
 - D) Written permission from the DPPM shall be required before a ground sign may be split. Plans for all signs including all fences, walls, or earth mounds and landscaping shall be submitted for approval.
- 2) The sign height shall not exceed six feet.
 - 3) The permitted sign area shall not exceed one square foot of sign area per ten linear feet of lot frontage and shall not exceed 32 square feet in sign face area or 64 square feet in sign area.
- c. *Temporary Signs.*
- 1) Temporary projecting and wall signs shall be prohibited.
 - 2) Temporary signs may be placed, for a period of time not to exceed 21 days maximum. At the expiration of the 21 day time period, the temporary sign must either be removed or replaced.
 - 3) The sign height shall not exceed six feet.
 - 4) The sign area shall not exceed one-half square foot of sign area per ten linear feet of lot frontage and the area of the sign face shall not exceed 12 square feet and the sign area shall not exceed 24 square feet.

G. *Signs Permitted for Business, Industrial, or Other Nonresidential Uses.*

1. *General Provisions.*

- a. No sign shall be located in such a manner as to be primarily viewed from residential property.
- b. Sign Illumination. No sign shall incorporate movement or the illusion of movement. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, or incorporate reflective materials which imitate or create the illusion of flashing or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance. Signs shall not be lighted in a manner which obstructs traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs for devices. These regulations shall not apply to holiday display lighting.
 - 1) A permanent sign may be illuminated.
 - 2) A permanent sign for a business, industrial, or nonresidential use where such use is located in a residential zoning district and the parcel where the use is situated does not have frontage to a thoroughfare street as defined by the Riverside Thoroughfare Plan shall not be internally illuminated.
 - 3) A temporary sign shall not be illuminated.

c. A sign may include an electronic message center subject to the following requirements:

- 1) The sign must be located in a nonresidential zoning district.
- 2) The electronic message center shall be limited to a maximum of 40 percent of the sign face area not to exceed 12 square feet in area.



Front of Subject Site



Adjacent Property Across Old Troy Pk



Residential Property Across Old Troy Pike



Sign Variance



Variance Area: View 1



Variance Area: View 2



View of Traffic Traveling East



View of Traffic Traveling West