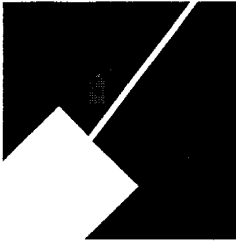


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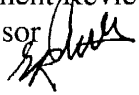


MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
Item # /
3/03/05

DATE: February 25, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review
Carlton Gilbert, Zoning Supervisor
FROM: Greg Russ, Zoning Coordinator 
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To increase the membership of the Sign Review Board from 3 to 5 and to transfer authority to approve sign variances from the Sign Review Board to the Department of Permitting Services.

TEXT AMENDMENT: No. 05-03
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Praisner
INTRODUCED DATE: February 1, 2005

PLANNING BOARD REVIEW: March 3, 2005
PUBLIC HEARING: March 8, 2008; 7:30 p.m.

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

To increase the membership of the Sign Review Board from 3 to 5 and to transfer authority to approve sign variances from the Sign Review Board to the Department of Permitting Services.

BACKGROUND/ANALYSIS

The Committee Evaluation and Review Board (CERB) was constituted in 2002 pursuant to Montgomery County Code Section 2-146(b), with members appointed by the County Executive and confirmed by the County Council, to conduct a two-year comprehensive evaluation of Montgomery County's Boards, Committees and Commissions. In July 2004, the CERB final report stated that concerns had been raised that the Sign Review Board has made mistakes by granting variances in matters in which they should not be granted, and not granting variances in

matters in which they should be. As such, the CERB reported that the mission of the Sign Review Board is not clearly defined. A second issue relates to the small size of the Board (3 members) and how this has resulted in the cancellation of a number of meetings for failure to have a quorum.

As a result of these issues, the CERB recommended that the size of the Board be increased from 3 to 5 members and that authority for approving sign variances be transferred to the Department of Permitting Services (DPS), where approval of sign permits already occurs. The Sign Review Board will continue to advise the DPS on whether a sign complies with the Zoning Ordinance or needs a variance. Appeals from the Department would be to the Board of Appeals. The proposed language modifications are depicted in Attachment 1 of this report.

Clarification of the Planning Board's Role-Section 59-F-12. Sign Variances

Planning Board staff has been concerned with the frequency that sign variances have been granted where no consideration was taken of prior findings made by the Planning Board (at site plan approval). Proposed new Division 59-F-12 states that a variance decision by DPS must consider, among other things, any recommendation of the Planning Board or its technical staff. Staff believes that this language should be slightly modified to also reference consideration of Planning Board findings pursuant to Section 59-D-3 (Site Plan).

Staff's proposed text amendment language modification is as follows (double underlined):

DIVISION 59-F-12 Sign Variances.

- (a) The Director of Permitting Services, or the Director's designee, may:
 - (1) after a hearing, approve an application for a variance from the sign regulations of this Article if the Director find that:
 - (A) the strict application of the sign regulation results in a particular or unusual practical difficulty, exceptional or undue hardship, or significant economic burden on an applicant;
 - (B) the variance is the minimum reasonably necessary to overcome any exceptional conditions; and
 - (C) the variance can be granted without substantial impairment of the purpose of this Article. A variance decision must consider:
 - (i) the sign's size, shape, color, design elements, location, or cost;

- (ii) compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area; and*
- (iii) any recommendation of the Planning Board or its technical staff including findings made by the Planning Board pursuant to Section 59-D-3;*

RECOMMENDATION

The staff supports the proposed text amendment to increase the membership of the Sign Review Board from 3 to 5 and to transfer authority to approve sign variances from the Sign Review Board to the Department of Permitting Services. The proposed text amendment language as modified by staff is included as Attachment 1.

GR

Attachments

1. Proposed Text Amendment 05-03 (as modified by staff)