

May 16, 2016

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member
Mr. Steve Scholtz - Alternate

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Monday, May 16, 2016.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

Members Present: Mr. Scheve, Mr. Leugers, Mr. Eichmann, Mr. Heidel, Mr. LaBarbara and Mr. Scholtz

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann swore in all those providing testimony.

Mr. Eichmann explained what a variance and conditional use are and the process by which the Board of Zoning Appeals makes decisions on those requests.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve April 18, 2016 meeting minutes.

Mr. Eichmann asked for any corrections to the April 18, 2016 meeting minutes. No response.

Mr. Scheve made a motion to approve the April 18, 2016 meeting minutes.

Mr. Heidel seconded.

Mr. LaBarbara called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Item 6. – Old Business

SYCB160005
Site Enhancement Services
8240 Montgomery Road
Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case SYCB160005.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

SYCB160006
Bottom Line Land
6th Avenue (600-0011-1508-00)
Variance

Mr. Holbert presented the resolution denying the variance request for Case SYCB160006.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

SYCB160007
Larry Randolph
11969 5th Avenue
Variance

Mr. Holbert presented the resolution approving the variance request for Case SYCB160007.

Mr. Scheve asked if there had been a condition about the applicant finishing the fence.

Ms. Gunderson read the portion of the minutes in which Mr. Scheve stated the applicant should be permitted to finish the fence per staff review.

Mr. Holbert said staff would review the fence plans when the applicant applies for a zoning certificate, therefore, it is not necessary to include that as a condition.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – NEA
Mr. Eichmann - NEA
Mr. Heidel – AYE
Mr. LaBarbara – AYE

SYCB160008
Chance Truemper
7167 E. Kemper Road
Variance

Mr. Holbert presented the resolution approving the variance request for Case SYCB160008.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

SYCB160009
Chance Truemper
7225 E. Kemper Road
Variance

Mr. Holbert presented the resolution approving the variance request for Case SYCB160009.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Mr. Eichmann explained the process by which the public hearing would proceed.

Item 7. – New Business

SYCB160010
Trinity Community Church
3850 E. Galbraith Road
Variance

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert showed the existing conditions on the property including the existing sign. Mr. Holbert noted the property is in a primarily residential area. Mr. Holbert stated the applicant is requesting a new monument sign including an electronic message board.

The Board asked questions of Mr. Holbert.

Mr. Leugers asked if the sign would be compliant without electronic message board.

Mr. Holbert answered yes.

Mr. Eichmann asked for traffic information.

Mr. Holbert pointed out the locations of the stop signs noting each intersection around the sign does have stop signs.

Mr. Eichmann asked if the applicant was present and wished to speak.

The applicant, Scott Wardell, one of the Trinity Community church Trustees, of 6411 Donjoy Dr., Cincinnati, OH 45242, addressed the Board. Mr. Wardell said the Church is

attempting to show the community that they are interested in upgrading and investing in community. The technology upgrade would help the community to be informed of their programming. He pointed out the existing sign is in need of repair and the cost of repair would be very close to the cost of replacement. He stated the electronic message would be monochromatic red lettering on gray with maximum four lines of text.

Mr. Scheve asked how often the church has events they'd like to publicize.

Mr. Wardell said the church is growing and has community involvement events at least a couple times a month, noting some events also tie in with Deer Park High School. He said it is a time commitment to manually change the message on the sign.

Mr. Scheve asked how frequently the message is changed.

Mr. Wardell answered on average every other week.

Mr. Eichmann asked if the Church had considered an alternative to the electronic message board that would be in compliance with Zoning Resolution.

Mr. Wardell said the alternative would be to repair the sign, however, the goal is to bring the sign in line with 21st century.

Mr. Eichmann noted the message board at an intersection may be dangerous because of the lighting and particularly disruptive in a residential area.

Mr. Wardell said the church is not interested in being flashy or attention getting, but interested in informing the community.

Mr. Eichmann again expressed concern about safety.

Mr. Wardell said the church certainly has no intention of causing any safety issues.

Mr. Heidel asked if the sign would be on 24 hours a day, seven days a week.

Mr. Wardell said the church has not decided on the details but would be willing to entertain some kind of a schedule if that is helpful.

Mr. LaBarbara asked how often the sign would be changed.

Mr. Wardell said they would be inclined to update sign once a week, noting the technology does provide the capability to schedule messages on the sign for months out.

Mr. Eichmann asked if there was anyone present from the public who wished to speak.

Reverend Cathy Kaminski, Pastor of Trinity Community Church, of 9163 Congress Ct., West Chester, OH 45069, addressed the Board. Pastor Kaminski informed the Board the first service of the Trinity Community Church took place in 1951 at Amity School. She said the Church cares deeply about the Deer Park, Amberley and Dillonvale area and is striving to provide services for community. She described many uses of the facility by community members and groups. She said the sign would demonstrate how willing they are to celebrate the community, noting they would like to put finances and resources

into investment in the community. Pasto Kaminski said the sign would be not only convenient but show the community things going on in which they will be welcome to participate.

Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Heidel said he had questions about how the electronic sign would work noting the applicant did not provide enough detail.

Mr. Eichmann said he had concerns about the electronic message board in a primarily residential area.

Mr. Scholtz noted the text looks amber in color.

Mr. Wardell said Mr. Scholtz was referring to the photo of the sign approved for Good Shepherd Church. He said Trinity Community Church is using the same company that built and installed that sign.

Mr. Eichmann noted Good Shepherd is in a more commercial area.

Mr. Scholtz said the sign in the photo does not appear to be very bright and is not flashing.

Mr. Scheve remembered the Board had been divided in their vote on the Good Shepherd sign, which was an exception to the general consensus on these matters because it is retail area.

Mr. Holbert said the others that have been denied were in residential districts.

Mr. Leugers said he does not see a hardship or a practical difficulty.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to deny the variance request for Case SYCB160010.

Mr. Eichmann seconded.

Mr. LaBarbara called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann – AYE

Mr. Heidel – AYE

Mr. LaBarbara – AYE

SYCB160011

Leesman Engineering

7450 Keller Road

Conditional Use

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert noted the request is for Kenwood Terrace Care Center, an existing institutional

use in a residential district. He noted the property is pretty much surrounded by residential properties. The applicant proposes to widen the driveway and add retaining walls which would be partially in the front yard. He said the slope of the grade does create a bit of a challenge for the property. He pointed out there was a vehicle parked in the no parking fire lane when he was there, there is some deterioration of concrete steps and a dumpster which is not properly screened. Mr. Holbert said this project would be done in anticipation of an expansion later and would aid in squads getting in and out of the property during and after construction.

The Board asked questions of Mr. Holbert.

Mr. Scheve asked where the expansion would be.

Mr. Holbert showed the approximate location of the wall and the location of the driveway expansion.

Mr. Holbert said there is also a challenge because of the adjacent waterway.

Mr. Scheve asked if the need to expand the drive aisle is because of the future addition.

Mr. Holbert answered correct.

Mr. Scheve asked if Zoning Commission had already approved the addition.

Mr. Holbert answered no, saying this is the first step to get the property in a condition in which the Fire Chief believes squads can get in and out of the facility.

Mr. Holbert said the future addition will not increase occupancy, the intent is to add more private rooms with the construction of an additional building in the future. The submittal today before the board is the wider drive aisle.

Mr. Scheve asked what would happen if they don't move forward with expansion.

Mr. Eichmann noted the same safety issues would still exist.

Mr. Holbert pointed out there is really no other way to add another egress to the property because of the topography.

Mr. Eichmann asked if a squad could get through if a delivery truck were in the driveway.

Mr. Holbert answered yes. He noted if the Board approves the request, the Board should consider adding the conditions that the owner paint curb, enforce no parking in the fire lane, repair the concrete steps and properly screen the dumpster and keep the gate closed. He also said FDC pipe needs maintenance and should be cleaned and painted.

Mr. Eichmann asked about utility poles.

Mr. Holbert said the applicant is trying to avoid moving the poles.

Mr. Eichmann asked if the applicant was present and wished to speak.

Mr. LaBarbara said he understands the need for private rooms and said it is a narrow driveway it would be nice if it could be expanded.

The applicant, Tim Dwyer, of Leesman Engineering, 2720 Topichills Dr., Cincinnati, OH 45248, addressed the Board. Tim said access was the very first thing that came up with the Fire Department when they began discussions with the Township about the possible expansion of the facility. He stated the nursing home is trying to avoid a second driveway because the neighbors were not happy with the idea of them clearing trees and building an additional drive. Mr. Dwyer said he met with Fire Chief Penny on site to

come up with another option. He said the intent is to remove a portion of the existing wall and expand to two lanes all the way to the back of the building. The expansion application is forthcoming, however, this project would need to be done before construction so that emergency vehicles can get through. He added a driveway to Miami would be very disruptive and is not a good option.

Mr. Scheve asked if there had been problems with squads getting through.

Mr. Dwyer stated the Fire Chief was concerned about delivery trucks blocking the drive aisle and parking. He noted the curb would be modified as well. He said the future expansion will allow for additional 50 parking stalls which would eliminate people stopping in the drive aisle.

Mr. Heidel asked if there would be more parking in back.

Mr. Dwyer answered yes, with the building addition.

Mr. Eichmann said it sounds like there could still be issues.

Mr. Dwyer said deliveries are staggered and he doesn't think they have a stacking problem per se.

Mr. Eichmann asked if there was concern about the utility poles.

Mr. Dwyer said the utilities would not be affected.

Mr. Eichmann asked if there was anyone present from the public who wished to speak. No response.

Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Eichmann reminded the Board conditional use has different standards for review than a variance application does.

Mr. Leugers said this is about life safety issue and valid points have been made by the applicant. He said he is in favor of it with the five conditions staff suggested.

Mr. Heidel agreed the widening of the drive aisle is needed.

Mr. Leugers reviewed the conditions noted in the staff presentation for clarity.

There was discussion about how to add enforcing the no parking fire lane as a condition.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve the variance request for Case SYCB160011 with the following conditions:

1. The owner must paint the curbs.
2. The owner must install no parking signs along the fire lane.
3. The dumpster must be properly screened.

4. The deteriorating concrete steps must be repaired.
5. The fire department connection pipe must be cleaned and painted.
6. The owner is to enforce no parking in the fire lane.
7. All the above to be approved by staff.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann – AYE

Mr. Heidel – AYE

Mr. LaBarbara – AYE

SYCB160012

Christopher Finney

7435 Kenwood Road

Variance

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert explained the Union Saving Bank on the property is permitted a one to one ratio for building signage. He said the applicant is requesting a 28.42 square feet building sign and a freestanding directional sign with the Union Savings Bank name on it. He noted the existing signs that Union Savings Bank already has on site. Mr. Holbert pointed out the bank has a tenant panel on an easement on the Trader Joe's pylon sign on Kenwood Road.

The Board asked questions of Mr. Holbert.

Mr. Scheve asked if the tenant panel on the Trader Joe's monument sign counted against them as far as their total square footage of signage permitted.

Mr. Holbert said it does not affect total building signage permitted.

The Board asked for clarification of the signs.

Mr. Holbert showed the signs the bank also has in the windows which are not regulated by zoning, although the business name is not permitted on the window signs. Mr. Holbert showed examples of surrounding businesses with buildings having only one building sign facing the primary access. Mr. Holbert explained Section 13-12.4(a) of the Zoning Resolution which regulates the building signage in the "E" Retail district. In this case, he said, the building signage is already at the maximum.

Mr. Eichmann asked how many locations of Union Savings Banks there are in Cincinnati.

Mr. Holbert deferred to the applicant.

Mr. Eichmann asked if there were any exceptions to this section of the zoning Resolution because of limited access due to the median on Kenwood Road.

Mr. Holbert answered no and used Jersey Mike's and Nadeau as examples, noting they each only have one building sign facing Kenwood Road. He said Union Savings Bank bought the building after the median was put in and if that's the reasoning the applicant

is using to justify the need for the variance then someone isn't doing their due diligence. Mr. Holbert pointed out Union Savings Bank already has more signage than anyone else on Kenwood Road except for Firestone.

Mr. Eichmann asked if the monument sign could be moved.

Mr. Holbert said yes, however, to meet the setback it could be moved left to right but not closer to Kenwood Road.

Mr. Eichmann asked if they could move it to the back as directional signage.

Mr. Holbert answered yes, they could move it to the back.

Mr. Eichmann asked if they reduced existing building sign if another sign could be added as of right.

Mr. Holbert said two signs would be permitted on the building as long as the total area of the two signs does not exceed the maximum square footage permitted.

Mr. Heidel asked if the monument sign could move to the Montgomery Road side.

Mr. Holbert answered no because the Township owns that property.

Mr. Eichmann asked if the applicant was present and wished to speak.

The applicant, Chris Finney, attorney for Union Savings, of 4270 Ivy Pointe Blvd., Cincinnati, OH 45245, addressed the Board. Mr. Finney said he is here for a variance and asked the Board to think creatively. He thanked Mr. Holbert for his presentation. Mr. Finney said signage is regulated to avoid overwhelming the Township with signs and clutter. He said Mr. Holbert was correct, Union Savings Bank bought the building after the median was put in. He said no doubt the Board has heard about the complaints from the businesses regarding the median. Mr. Finney said he understands the need for the median, but businesses are suffering because of it and the Board has the ability to alleviate this suffering. He noted the rear of the building has no signage and said when exiting Traders Joe's there is no signage visible, no clutter at all, no information there for someone to find his client. Mr. Finney stated a single directional sign there would not cause any problems for anyone.

Mr. Finney said his client already has three signs, however, those driving on Kenwood Road from I-71 cannot get there from Kenwood Road because of the median. People have to go up to Montgomery Road and get in from behind because of the median the Township constructed. He said if someone finds their way to the Trader Joe's lot and wonders where Union Savings Bank is, they cannot see it, noting many people think the building is still a PNC Bank. Mr. Finney stated people cannot find the Union Savings Bank from the back. He said this is a simple request for a variance to put two unobtrusive signs in the back of the building, one is proposed on the canopy of the drive thru, the second is in front of the ATM that directs people to park in the rear to go to Union Savings Bank.

Mr. Finney asked what purpose is there to follow Mr. Eichmann's suggestion to reduce the front sign size so that one may be added to the back. He said there is no reason to do that because there is nothing offensive in the back of the building.

Mr. Scheve asked if other businesses, such as Graeter's, had the same problem.

Mr. Scholtz said there is an access road behind Graeter's.

Mr. Finney pointed out a sign in the back would be unobtrusive because it could not be seen from Kenwood Road. He said the access roads are a newer idea and the sign code predates those. He stated access roads create new needs for directional signage from the rear which demonstrates a deficiency of the zoning code in that it doesn't have creativity to adapt to this change.

Mr. Finney said he is from Anderson Township showing a photo in Anderson where they created a rear access road and have a sign in the rear of the building so that people can find the businesses from the rear. He said the zoning codes did not envision that these kinds of signs would be useful or necessary.

Mr. Scheve asked why the PNC Bank ATM is on the Unions Savings Bank property.

Mr. Finney deferred to the applicant.

Ms. Debbie Tchorz, of Union Savings Bank, 8534 E. Kemper Road, Cincinnati, OH 45249, addressed the Board. Ms. Tchorz said Union Savings Bank is very practical and is in an industry of change. She stated buying a building that used to be another bank has not been a challenge for them in the past and they did not think the median would be a challenge. Ms. Tchorz stated it was a friendly purchase in which PNC bank negotiated the right to keep their ATM in that location until early 2018.

Ms. Tchorz said they are a community bank, a savings and lending type of financial institution. She explained their business model and what their bank has to offer. She noted their customers tend to be older and can see the bank from Kenwood Road but cannot find it once they pull in to Trader Joe's parking lot off Montgomery Road. She said they sometimes have customers circle several times trying to find them.

Ms. Tchorz said Union Savings Bank has 29 branches in the area. She noted the difference in deposits at this Kenwood branch compared to two other new branches recently opened, noting the Kenwood branch was much less. She said she had hoped businesses would be accommodated for the negative effect of the median.

Mr. Eichmann asked how the bank could be surprised by this when they knew there was no signage in the back. He noted the bank could reduce the size of the sign in the front and add one to the rear as of right. Mr. Eichmann stated he drove through Trader Joe's parking lot and doesn't think it would be possible to see a sign on the canopy from there.

Ms. Tchorz noted this is a unique problem that Union Savings Bank did not anticipate when they purchased the building at this location.

Mr. Eichmann said he is looking for a compromise and asked if she would consider that.

Rick Ziegelmeier, of Union Savings Bank, 8534 E. Kemper Road, Cincinnati, OH 45249, asked if Mr. Eichmann was suggesting removing the front building sign and putting up two smaller signs.

Mr. Eichmann said that is a possibility, that or moving the monument sign.

Mr. Ziegelmeyer said he thought the monument sign would be too low and he didn't think there would be enough room for it in the rear.

Mr. Finney noted one of the signs that was proposed was a directional sign next to the PNC ATM in the rear.

Mr. Holbert pointed out on CAGIS where a monument sign could be placed in the rear.

There was discussion regarding the possibility of a monument sign in the rear.

Mr. Scheve said he can see the need for the sign in the rear; however, it seems possible to reduce the signage somewhere else and add signs in the back.

Discussion ensued about a possible compromise.

Mr. Leugers suggested it would be a compromise to allow the directional sign proposed with the Union Savings Bank on it.

Mr. Ziegelmeyer asked if the bank could take channel letters down from the front and put two smaller signs back up.

Mr. Holbert answered yes.

Mr. Leugers suggested doing that and granting the variance for directional sign only as a compromise.

Mr. Ziegelmeyer noted Union Savings Bank is the only business not on the Trader Joe's pylon sign on the Montgomery Road side.

Mr. Holbert said the bank has an agreement to be on the Trader Joe's sign on Kenwood Road which has nothing to do with the Township.

Mr. Ziegelmeyer said it would relieve confusion to add the bank's name to the Montgomery Road sign.

Mr. Holbert said the Township owns that property and has chosen not to sign application as the owner.

The Board discussed Mr. Leugers suggestion.

Mr. Joe Enzweiler, of United Maier Sign Company, 1030 Straight St., Cincinnati, OH 45214, noted the directional sign would not be illuminated.

Mr. Eichmann asked if the building sign would be illuminated.

Mr. Holbert said a retail district does have illuminated signs it is not a problem for building signs to be illuminated.

Mr. Scheve asked if the bank could reduce the size of the monument sign and add a sign to the building in rear without a variance.

Mr. Holbert said the building and freestanding signs are two separate sections of code.

Mr. Holbert clarified the signage the bank could have as of right, noting they could have two building signs provided they do not exceed maximum square footage. Mr. Holbert stated it is important to be consistent so as not to give one business an advantage.

There was discussion regarding whether the proposed sign on the canopy would be visible to drivers in the rear anyway.

Mr. Scheve suggested a five minute recess for the applicant and owners to discuss their options.

There was a five minute recess.

Mr. Finney said Mr. Enzweiler said the proposed canopy sign is roughly 30 square feet. He agrees that it would be better for it to be higher. Mr. Finney proposed reducing the front sign by 15 square feet as a compromise and the 30 square feet sign on the rear, which would be half the original request for building signage. He said the bank would like to keep the directional sign in the proposal as well.

Mr. Eichmann asked the reason for not reducing the front by the 30 square feet so that the building signs are compliant with the zoning resolution.

Mr. Finney said that is not necessary because the code doesn't make any sense when dealing with a rear entrance. He stated there is no harm in keeping the sign on the front as is and adding a sign in the rear, reiterating they are offering a compromise by proposing to reduce the front sign by 15 square feet.

Mr. Scheve asked Mr. Enzweiler how small the sign on the front could be and still serve its purpose.

Mr. Enzweiler said you must take into account the closeness of the building to the road and the angle at which those driving by would view it.

Mr. Scheve suggested making the sign smaller and shifting it to the side a bit either way.

Discussion ensued about possible compromises.

Mr. Scheve asked if the front sign would still be useful if cut back by 30 square feet to accommodate for the rear sign.

Mr. Enzweiler said the larger the sign the better for the front of the building.

Mr. Ziegelmeyer asked for clarification on what the bank could do as of right.

Mr. Holbert clarified.

More discussion ensued about possible options including potential locations for monument signs in the rear.

Mr. Scheve noted the PNC sign on the ATM could cause confusion but will be removed in 2018.

Mr. Ziegelmeyer said the monument sign is important on Kenwood Road because it advertises their rates. He stated if it were moved to the back those on Kenwood would not see it.

Mr. Finney said he is frustrated that after an hour of talking about this his argument has been forgotten. He says the rear entrance should be recognized as a unique situation. He said a compromise had been suggested and he would like the Board to vote on that.

Mr. Finney said the compromise proposed by the applicant is a total of 97 square feet in building signs plus the directional signage in the rear next to the ATM.

Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Eichmann entertained a motion.

Mr. Eichmann made a motion to approve the variance request for Case SYCB160012 with 97 square feet of building signage split between the front and rear elevations, and the directional sign as proposed.

Mr. Scheve seconded.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann – AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, June 20, 2016.

Item 9. – Communications and Miscellaneous Business

No report.

Item 10. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn.

Mr. Heidel seconded.

Vote: All Aye.

The meeting adjourned at 9:25 P.M.

Minutes recorded by: Beth Gunderson, Planning & Zoning Assistant