



COLERAIN TOWNSHIP
BOARD OF ZONING APPEALS
Regular Meeting
August 28, 2013 - 7:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, Ohio 45251

1. Meeting called to order.
2. Pledge of Allegiance.
3. Explanation of procedures.
4. Roll Call.
5. Swearing in: appellants, attorneys and all speakers in the cases.
6. Hearing of Appeals:
 - A. Case No.: BZA2013-0005
Subject Property: 8325 Colerain, Cincinnati, Ohio
Applicant: BV Colerain, LLC
Owner: Ida M. Capodagli
Application: Variance for lot split to create two .91 acre parcels – Article/Section 8.3.1, Table 8-2.
 - B. Case Nos.: BZA2013-0006 and BZA2013-0007
Subject Property: Hope Lutheran Church, 4695 Blue Rock, Cincinnati, Ohio
Applicant: G. Davis CCM
Owner: Hope Lutheran Church
Application: Case No. BZA2013-0006 - Variance for existing parking area less than 50 ft. from lot lines at a religious place of worship – Article/Section 7.4.10.
Application: Case No. BZA2013-0007 - Conditional Use for Religious Place of Worship – Article/Section 7.2.3.
 - C. Case No.: BZA2013-0008
Subject Property: 7266 Harrison, Cincinnati, Ohio
Applicant: Scott Smith
Owner: Tom Willingham and Dawn Green
Application: Variance for wall signage – Article/Section 15.8.3.

7. Resolutions for Adoption:
 - A. Case No.: BZA2013-0003
Subject Property: 2708 Barthas Pl., Cincinnati, Ohio
Applicant/Owner: JoMat Properties
Application: Variance for lot size – Article/Section 7.3.1, Table 7-2.
 - B. Case No.: BZA2013-0004
Subject Property: 3206 Redfern Ct., Cincinnati, Ohio
Applicant: Gold Point Construction (agent for owner)
Owner: Mark Timerding
Application: Variance for addition – Article/Section 7.3.1, Table 7-2 and 4.4.1(C) (2).
8. Unfinished Business: None.
9. Approval of Minutes: June 26 and July 24, 2013 meetings.
10. Administrative Matters: None.
11. Adjournment.



COLERAIN

EST. 1794

BUILDING, PLANNING & ZONING

4200 SPRINGDALE ROAD
COLERAIN TOWNSHIP, OHIO 45251

STAFF REPORT: BOARD OF ZONING APPEALS
AUGUST 2013

PREPARED BY: GEOFFREY G. MILZ, AICP

Appeal #2013-0005

8325 Colerain

Area Variance

In the matter of the appeal of Steven Adler on behalf of Ida Capodagli for an area variance from Article 8, Section 8.3.1 and Table 8-2 of the Zoning Resolution, related to minimum lot area, the applicant proposes to demolish the existing 12,348 SF building and subdivide the existing 1.82 acre lot into two lots of approximately 0.91 acres in a district that requires new lots to be a minimum of 1.0 acres. The resulting parcels would have a lot area deficiency of 0.09 acres (3,830 SF) on each newly created lot. The applicant proposes to construct a fast food restaurant on the newly created northern parcel and to market the newly created southern parcel for retail use. The property is located in a B-2 General Business District in which the proposed fast food restaurant and retail uses are permitted. The applicant reports that there is a contract of purchase contingent upon the receipt of a variance for lot area. Once a variance is granted, the applicant would be able to subdivide the land and submit plans for a zoning certificate for development on one or both new parcels.



Appeal #2013-0006

4695 Blue Rock

Area Variance

In the matter of the appeal of Greg Davis on behalf of Hope Lutheran Church for an area variance from Article 7, Section 7.4.10 of the Zoning Resolution, related to the setback requirements for certain uses and buildings associated with religious places of worship in residential districts, the applicant proposes to construct two additions to the existing church building. Hope Lutheran Church was constructed before religious places of worship were considered Conditional Uses in residential districts and before the requirements for 50' setbacks for all buildings, activity areas and parking areas were in effect. The church property, therefore, has elements that are non-conforming. No non-conforming use certificate has been issued for this property.

Following BZA case #BZA2013-0001 where a Non-Conforming Use Certificate was issued followed by an application for Conditional Use Approval, staff has elected to pursue a different path where the applicant applies for a variance from the setback requirements for Religious Places of Worship and then applies for Conditional Use Approval. The property is located in the R-5 Suburban – High Residential District in which the use is a conditional use.

The applicant's proposed additions do not exacerbate any of the existing deficiencies related to parking areas nor do they impinge on any of the required setbacks for the R-5 High-Suburban Residential District. Once the variance is granted the Board will be able to consider the issuance of a Conditional Use Approval.

Appeal #2013-0007
Conditional Use Approval

4695 Blue Rock

In the matter of the appeal of Greg Davis on behalf of Hope Lutheran Church for a Conditional Use Approval of an existing religious place of worship, the applicant proposes to construct two additions to the existing church building totaling 3,300 SF. The church is operating from its current location and there is no record of complaints. No significant negative neighborhood impacts are anticipated in association with the approval of the conditional use for the continued operation or expansion of the Church.

Once the Conditional Use Approval is granted, the applicant may reapply for a zoning certificate.

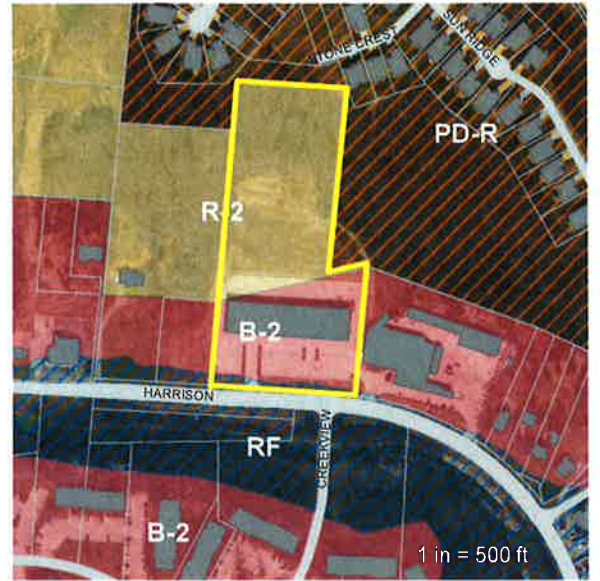


Appeal #2013-0008
Area Variance

7266 Harrison

In the matter of the appeal of Scott Smith on behalf of Tom Willingham and Dawn Green for an area variance from Article 15, Section 15.8.3, related to the size and area of signage, the applicant proposes to use wall signage in excess of the maximum area and the maximum height. The applicant proposes a wall sign that is 5.5' in height and 296.66 SF, where the maximum height is 4', and the maximum area is 1SF per linear foot of building frontage or 150 SF, whichever is less. The building has 320' of building frontage and was vacant for an extended period of time before the new owners purchased the property.

The building is located in a B-2 General Business District. Once a variance is granted the applicant may reapply for a zoning certificate for the wall sign.



APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2013-0005

Owner: IDA M. COPODKGLI Applicant: BV COLERAIN LLC
Property Address: 8325 COLERAIN AVENUE
City: CINCINNATI State/Zip: OHIO 45239
Applicant Address: 4695 LOVE FOREST DRIVE - SUITE 100
City: CINCINNATI State Zip OHIO 45242
Phone: 513-322-6306

Auditor's Book-Page-Parcel Number: 510 -- 0090 -- 0021 - 00

Zoning Classification: B-2

Appeal to (check one): Refusal to issue Zoning Certificate _____ Citation for Violation _____

Required Documents:

- Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies**.
- Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies**.
- Names and addresses of adjacent property owners (use County Auditor's records) - **2 copies**.
- Plat showing adjacent property owners - **2 copies**.
- Fees.

Office use only:	Appeal Fee:	_____
	Legal Notice:	_____
	Mailing/adjacent Property Owners:	_____
	Total Amount Paid:	<u>275⁰⁰</u>

An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.

Signature of Property Owner:

Signature of Applicant (if not the Owner):

[Signature]
STEVEN G. ADWEL, AGENT FOR
BV COLERAIN LLC,
(over)

Justification of Variance
8325 Colerain Avenue

A real estate investment and development group have a contract to purchase the existing retail center located at 8325 Colerain Avenue. According to the Hamilton County Auditor's website, the site is 1.820 +/- acres with a 5,956 +/- SF building. This site is in the B-2, General Business district, based on our interpretation of the Colerain Township Zoning Map.

The site is highly visible and close to both the Galbraith and Cross County intersections on Colerain Avenue. In our opinion, the existing building has outlived its useful life, is extremely close to the road and does not appear to match the newer developments in the area.

The current development strategy is to remove the existing building and create two (2) each .91 +/- acre parcels, subject to the Colerain Township BZA review and approval. When the lot-split is approved, the plan is to develop the northern most parcel into a new fast food restaurant with a drive-through that should open up the site and be more compatible with the new McDonalds next door. The southern parcel would be marketed for a similar retail user compatible with the B-2 zoning criteria.

The new development would leave green space behind the proposed restaurant and parking field to continue the buffer for the residential neighbors on Georgianna Drive.

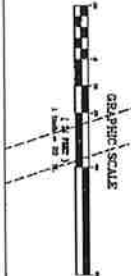
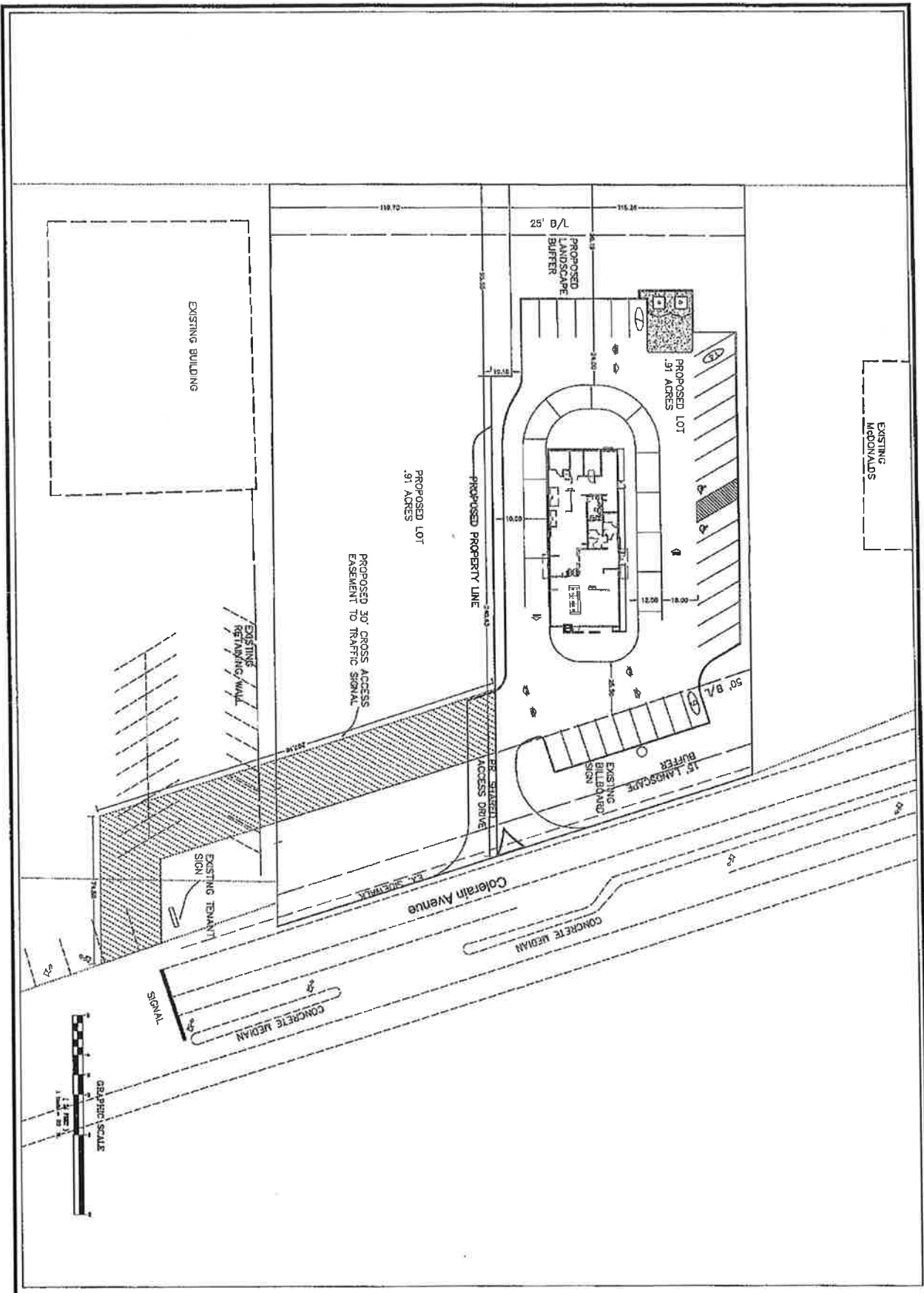
The attached proposed site plan shows a right in, right out driveway on Colerain Avenue, which both parcels (once the lot-split is approved) would use in addition to the easement across the front of this property to the neighboring property to the south to allow access to the existing traffic signal.

Should the lot split not receive the approval of the Colerain Township BZA, then the purchaser will be forced to void the contract and not pursue the development of this site.

We greatly appreciate the time and consideration of the Colerain Township BZA and look forward to the approval of the application for appeal.



Steven G. Adler,
Agent for BV Colerain, LLC



SITE PLAN
 623 COLERAIN AVE. COLERAIN TWP.
 HAMILTON COUNTY, OHIO

DATE: 04/18/2013
 TIME: 1:25 PM
 SHEET NO. C-1



EVANS ENGINEERING
 4240 AIRPORT ROAD, SUITE 108
 CINCINNATI, OHIO 45220
 (513) 281-2148
 (513) 281-2173 FAX
 ATTN: JONATHAN R. EVANS, P.E.

REVISONS	
DATE	BY NO. & DESCRIPTION
4/18/2013	RE PRELIMINARY SITE PLAN

**APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS**

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2013-0006

Owner: Hope Lutheran Church Applicant: Greg Davis/Jessica Kartye

Property Address: 4695 Blue Rock Road

City: Cincinnati State/Zip: OH 45247

Applicant Address: 5733 West Fork Road

City: Cincinnati State Zip OH 45247

Phone: 513-598-4460

Auditor's Book-Page-Parcel Number: 510 -- 0204 -- 0055

Zoning Classification: R-5

Appeal to (check one): Refusal to issue Zoning Certificate Citation for Violation

Required Documents:

- Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.**
- Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies.**
- Names and addresses of adjacent property owners (use County Auditor's records) - **2 copies.**
- Plat showing adjacent property owners - **2 copies.**
- Fees.

RECEIVED
JUL 23 2013
COLERAIN ZONING

Office use only:	Appeal Fee:	_____
	Legal Notice:	_____
	Mailing/adjacent Property Owners:	_____
	Total Amount Paid:	_____

*An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.*

Signature of Property Owner: _____

Signature of Applicant (if not the Owner): _____

Jessica Kartye

Justification of Variance

Hope Lutheran Church

1. The variance requested is from variance 7.4.10, in which we are requesting to have a parking lot within 50 feet of the lot line.
2. According to Section 7.2.5 and Table 7-1, religious places of worship are conditional uses in the zoning district.
3. The variance is not contrary to the public because the building is already existing.
4. The literal enforcement of the zoning resolution would result in unnecessary hardship because the parking for the project is already built.
5. The need for the variance is because the zoning law changed after the building had been operating.

APPLICATION FOR CONDITIONAL USE
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

Application number: BZA 2013-1007

Owner: Hope Lutheran Church Applicant: G. Davis CCM/Jessica Kartye

Property Address: 4695 Blue Rock Road

City: Cincinnati State/Zip: OH 45247

Applicant Address: 5733 West Fork Road

City: Cincinnati State Zip: OH 45247

Phone: 513-598-4460

Auditor's Book-Page-Parcel Number: 510 -- 0204 -- 0055

Zoning Classification: R-5 Use Requested: Religious Place of Worship

Required Documents (8 copies of each document unless noted):

- Signed, typewritten *Justification of Conditional Use* statement addressing the items listed on the reverse of this page.
- If any variance to yard, building size, or parking is desired, include a signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page.
- Site Plan (surveyor/engineer's seal may be required).
- Landscape Plan.
- Lighting Plans.
- Names and addresses of adjacent Property Owners (use County Auditor's records) – **2 copies**.
- Plat showing adjacent Property Owners – **2 copies**.
- Fees.

Office use only:	Appeal Fee:	_____
	Legal Notice:	_____
	Mailing/adjacent Property Owners:	_____
	Total Amount Paid:	_____

*An application for conditional use will not be accepted until and unless all of the above requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the application.*

Signature of Property Owner:

Signature of Applicant (if not the Owner): Jessica Kartye

(over)

Justification of Conditional Use

Hope Lutheran Church

1. The use requested is listed as a conditional use for the zoning district under Table 7.1 and section 7.4.10.
2. We are proposing an addition to both East and West sides of the already existing building. The hours of operation, delivery schedules, and typical day to day activities will not change. The addition to one side of the building will increase the number of children allowed in the daycare facility located in the church. The addition on the other side will expand the Fellowship Hall.
3. We are proposing an addition to the already existing building on the East and West sides. We are also requesting a variance to have a parking lot within 50 feet of the lot line.
4. The surrounding properties will not be impacted due to the fact that the business is already operational.
5. The use of this facility will not create excessive requirements at public cost and will not be detrimental to the economic welfare of the community.

**APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS**

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2013-1008

Owner: TOM WILLINGHAM AND DAWN GREEN Applicant: Scott Smith

Property Address: 7266 HARRISON, AVE

City: Colerain Twshp State/Zip: OHIO 45247

Applicant Address: 15700 COUNTY ROAD L

City: WAUKEON State Zip OH 43567

Phone: 419-344-5660

Auditor's Book-Page-Parcel Number: 510 -- 360 -- 1

Zoning Classification: BZ

Appeal to (check one): Refusal to issue Zoning Certificate Citation for Violation

- Required Documents:
- Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.**
 - Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies.**
 - Names and addresses of adjacent property owners (use County Auditor's records) - **2 copies.**
 - Plat showing adjacent property owners - **2 copies.**
 - Fees.

Office use only:	Appeal Fee:	_____
	Legal Notice:	_____
	Mailing/adjacent Property Owners:	_____
	Total Amount Paid:	<u>450⁰⁰</u>

*An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.*

Signature of Property Owner: _____

Signature of Applicant (if not the Owner): Scott Smith

(over)

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JUL 25 2013

COLERAIN ZONING



Colerain Township
Board of Zoning Appeals
4200 Springdale Road
Cincinnati, OH 45251

July 23, 2013

Board Members,

As agent on behalf of Point Blank West Range & Gunshop 7266 Harrison Avenue Colerain Township, OH 45247, I wish to seek relief for the zoning code limitations on building signage for maximum letter height of 48" (section 15.8.3 G 2) and maximum square footage of 150 square feet (section 15.8.3 G 3) requesting a 1'-6" variance in maximum letter height and 147 square foot variance in total maximum sign area.

Point Blank ownership is in the process of developing the long dormant commercial building at this site into a retail shop that includes various indoor ranges and classroom training facilities which is in compliance with zoning resolutions for use at this location. The site circumstances and utilization of the extremely large building as a single use are unique in comparison to other typical businesses in the township and are factors in the hardship circumstances unique to this site. As this is an existing site with established infrastructure and development, our request for variance is not the result of the actions of Point Blank or myself as the applicant.

The building has 320' of frontage and is positioned on an elevated site well above the traffic roadway requiring the signage to be placed on an upper building band to be visible from the roadway. The limited visibility and considerable setback of the existing building create a visibility and practicality hardship for the owners to identify and promote their business name and brand to the primary mobile market traveling Harrison Avenue which is a critical element for new businesses to succeed. The curvature of the roadway further limits the visibility of the building signage as will vehicle parking on the elevated lot surface which will vary on volume and vehicle heights.

Lesser sized lettering within the square footage allowances essentially gets lost on the overall building expanse and limits the effectiveness for Point Blank in identifying and promoting a new business in a new market region.

Point blank is striving to promote synergy in their brand which is being developed in the Cincinnati market which includes the "target" logo that is larger than the accompanying text. This single larger element becomes the height of an all-encompassing rectangle per code that includes considerable blank space above and below the overall text that is included in the square footage calculations. Striving to remain consistent in brand designs, common with most successful businesses, is limited by a measurement process that creates a hardship for this business in maximizing sign area calculation to which many other brands would not be susceptible.

The signage as proposed would not be detrimental to adjacent property values nor present any threat to vehicle or pedestrian traffic and would to the contrary likely be a recognizable benefit to both circumstances.

Thank you for your time and consideration in reviewing this request and related materials as presented.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott D. Smith", written in a cursive style with a large loop at the end.

Scott D. Smith
Scott Consulting Inc.