



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, March 22, 2017 – 6:30 p.m.

1. Meeting called to order.
Oath of Office.
Election of Officers.
2. Pledge of Allegiance.
3. Explanation of Procedures. None.
4. Roll Call.
5. Swearing in: appellants, attorneys and all speakers in the cases. None
6. Hearing of Appeals:
 - A. Case No.: **BZA2017-03** – Variance request from Section 15.12.2 requires that signs lose their non-conforming status when relocated or the structure is altered in any way. Section 15.8.2(C) allows for only one ground mounted sign per parcel in the B-1 zoning district. Section 15.8.2(B) requires a minimum setback of 10 feet from the right-of-way for all signs. Section 15.8.2(C)(2) restricts the height of a ground sign to 6 feet and the proposed height is 22'2" tall. Section 15.5.4 requires landscaping surrounding the sign equal in size to the area of the proposed sign.

Location: 2510 W Galbraith Rd.

Applicant/Owner: Holthaus Signs representing GRA Properties LLC
 - B. Case No.: **BZA2017-04** – Variance request from Section 15.8.3(G) – allows for wall signs facing a public street or common access drive in a shopping center. The plan indicates a wall sign on the south side of the building which does not meet this requirement.

Location: 9890 Colerain Avenue

Applicant/Owner: Triumph Signs & Consulting, Inc. representing QSR7
7. Resolutions for Adoption: None.
8. Unfinished Business: None.
9. Approval of Minutes: January 24, 2017 meeting and February 22, 2017 meeting.
10. Next Meeting: April 26, 2017 meeting.
11. Administrative Matters: David Allor Workshop
12. Adjournment.

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 2017-03

Owner: GRA Properties LLC Applicant: Holthaus Signs
Property Address: 2510 W. Galbraith Rd.
City: Cincinnati State/Zip: OH 45239
Applicant Address: 817 Ridgeway Ave
City: Cincinnati State Zip: OH 45229
Phone: 513-861-0060

Auditor's Book-Page-Parcel Number: 510 -- 0061 -- 0006

Zoning Classification: _____

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:	<u>350 OK 1677</u>
	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: Togel L. Hellerbeck
Signature of Applicant (if not the Owner): Emily Baronti

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COLERAIN ZONING

Justification of Variance statement:

1. Describe the variance requested, referring to the specific relevant sections of the Zoning Resolution (as indicated in the Refusal letter or Violation letter).

The requested variance is for the allowance of an existing sign to move approximately 5'-2" north east on the property to allow for a road widening project. The letter of refusal states in Section 15.12.2 requires that the signs that signs lose their non-confirming status when relocated or the structure is altered in anyway. Section 15.8.2 (c) allows for only one ground mounted sign per parcel in the B-1 zoning district. The site also contains one additional ground mounted sign plus a non-confirming billboard sign.

The refusal letter also sites that according to Section 15.8.2 (B) requires a minimum setback of 10 feet from the right-of-way for all signs. The proposed sign appears to be a three foot setback. Section 15.8.2(c)(2) restricts the height of a ground sign to six feet and the proposed height is 22'-2" tall. Section 15.5.4 requires landscaping surrounding the sign equal in size to the area of the proposed sign. No landscaping is proposed on the plan.

2. Affirm that the use requested is permitted in the zoning district where the property is located.

The use requested is taking the existing sign, and moving it approximately 5'2" for a road widening project. The sign will sit in exact same orientation at the exact same height, the only change is the location for the road widening.

3. Describe how the variance is not contrary to the public interest.

The requested variance is not contrary to the public interest because the property is not changing any cosmetic look, other than moving the location of the existing sign approx. 5'2" northeast on the property to allow for a road widening project.

4. Describe how a literal enforcement of the zoning resolution would result in unnecessary hardship. Describe the specific hardship(s) related to special conditions unique to the individual property for which a variance is being requested.

As stated above, the request is to simply move the sign approximately 5'2" north east of the existing ground sign, and is done so to remain out of the right of way of new curb lane, as well as retain as many parking spaces as possible, as the business is going to lose three spaces already as proposed. This move will already lose view ability as proposed.

Moving the sign further or adding landscape will add to the already existing hardship of loss of view at the four-way stop at Galbraith and Pippin. The sign will remain the exact same height and orientation it currently sits, just in a new location for the road widening project.

Literal enforcement of the zoning resolution would cause this business to lose its sign; a great hardship to the business and tenants. Per an agreement with Hamilton County, the owner of the sign was able to retain it, while selling the property it sat on, with the intent to relocate the sign just outside of the right of way. This refusal by Colerain Township will cause the owner of the sign to remove the sign without being able to reinstall it for use.

5. Affirm that the need for a variance is not a result of the applicant's or owner's actions.

The need for a variance is a direct result of the Hamilton County project known as HAM-CR90-0.60, a road improvement project. The sign owner's need to relocate the sign was influenced by the former Colerain

Township Assistant Administrator and Director of Development, Frank A. Birkenhauer. Mr. Birkenhauer was approached during the valuation process for this project by Appraiser Jack York to investigate potential relocation of the sign caused by the project. It had been discussed that, if chosen by the property owner, the existing sign could be relocated immediately behind the new right-of-way line. The stipulation being that the existing signs are continued to be used, and that no new signage will be implemented. Mr. Birkenauer had previously confirmed with Mr. York that it was the policy of the Colerain Township Zoning Department to allow provisions to avoid compliance, setbacks, and size requirements in the existing Zoning Code. Frank Birkenhauer, now the current Administrator for Green Township, Ohio, was contacted again by Appraiser Jack York after Colerain Township's notice of refusal, to recall their previous discussion. At that time, Mr. Birkenhauer provided concurrence by email to the Appraiser, Jack York, that it was consistent with his understanding of the agreement on the sign location for the road improvements.

Should this Hamilton County project not have taken place, and part of the previous Colerain Township Administration not have given guidance regarding Zoning, this variance would never have been requested.

Emily Bamonte 1/9/17
(Emily Bamonte, Hothaus Signs)

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COLERAIN ZONING

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COLERAIN ZONING

PAVEMENT LEGEND

PIPPIN ROAD SALVAGE PAVEMENT

- ITEM 254 - PAVEMENT PLANING, ASPHALT CONCRETE
- ITEM 407 - TACK COAT
- ITEM 442 - VARIABLE DEPTH ASPHALT CONCRETE
- ITEM 442 - $1\frac{1}{4}$ " ASPHALT CONCRETE INTERMEDIATE COURSE, 19 MM, TYPE B (448)
- ITEM 407 - TACK COAT FOR INTERMEDIATE COURSE
- ITEM 442 - $1\frac{1}{2}$ " ASPHALT CONCRETE SURFACE COURSE, 12.5 MM, TYPE B (448)

PIPPIN ROAD FULL DEPTH PAVEMENT

- ITEM 301 - 9" ASPHALT CONCRETE BASE COURSE
- ITEM 407 - TACK COAT
- ITEM 442 - $1\frac{1}{4}$ " ASPHALT CONCRETE INTERMEDIATE COURSE, 19 MM, TYPE B (448)
- ITEM 407 - TACK COAT FOR INTERMEDIATE COURSE
- ITEM 442 - $1\frac{1}{2}$ " ASPHALT CONCRETE SURFACE COURSE, 12.5 MM, TYPE B (448)

RESIDENTIAL DRIVE, CONCRETE

- ITEM 452 - 6" NON-REINFORCED CONCRETE PAVEMENT

COMMERICAL DRIVE, CONCRETE

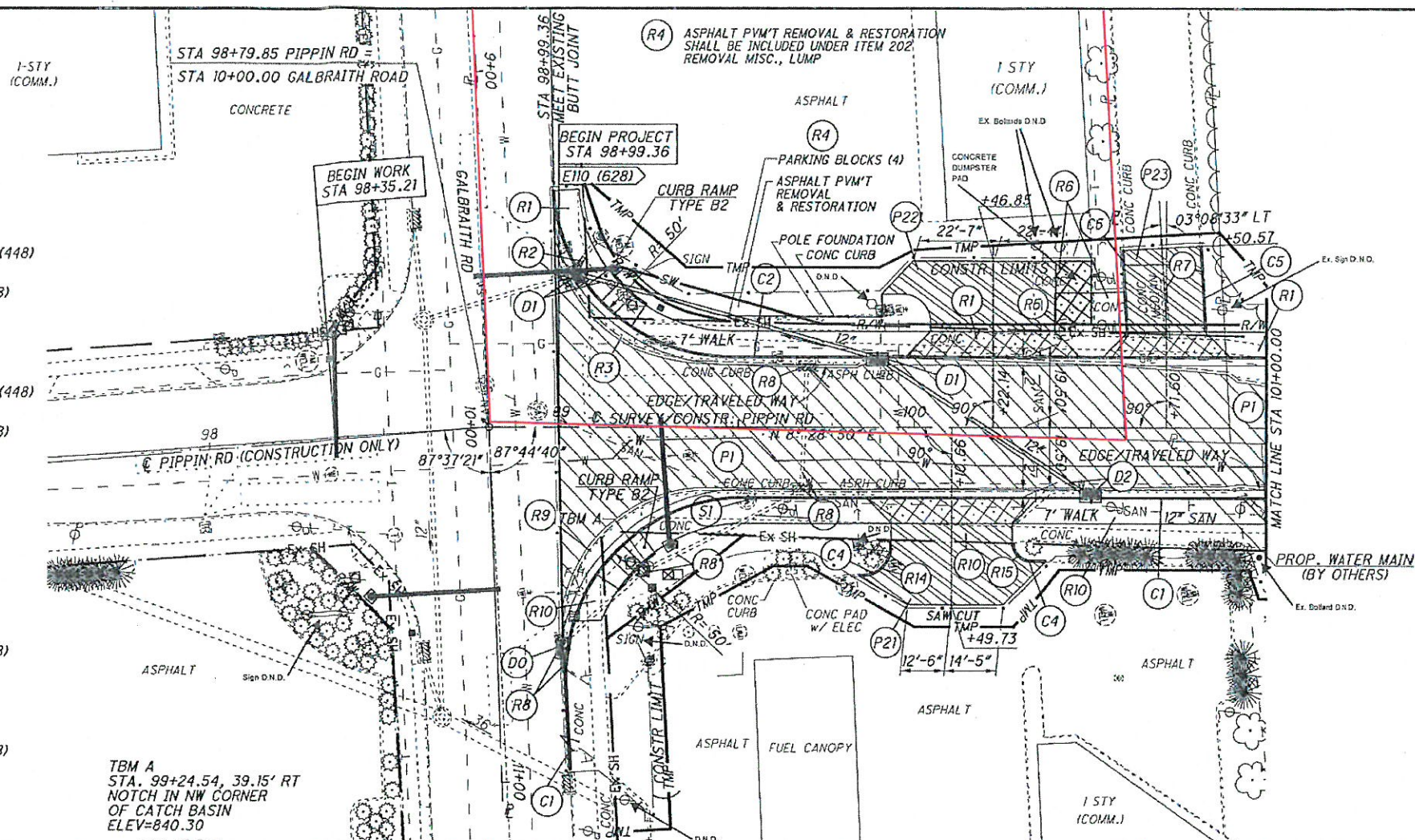
- ITEM 452 - 8" NON-REINFORCED CONCRETE PAVEMENT

RESIDENTIAL DRIVE, ASPHALT

- ITEM 301 - $3\frac{1}{2}$ " ASPHALT CONCRETE BASE COURSE
- ITEM 407 - TACK COAT
- ITEM 442 - $1\frac{1}{4}$ " ASPHALT CONCRETE SURFACE COURSE, 12.5 MM, TYPE B (448)

COMMERICAL DRIVE, ASPHALT

- ITEM 301 - 5" ASPHALT CONCRETE BASE COURSE
- ITEM 407 - TACK COAT
- ITEM 442 - $1\frac{1}{4}$ " ASPHALT CONCRETE SURFACE COURSE, 12.5 MM, TYPE B (448)



TBM A
STA. 99+24.54, 39.15' RT
NOTCH IN NW CORNER
OF CATCH BASIN
ELEV=840.30

855

850

845

840

835

830

825

820

98+00

838.36

839.16

839.20

99+00

841.75

841.88

844.32

100+00

845.38

845.65

845.66

101+00

839.20

840.54

841.88

843.21

844.55

845.30

845.65

845.87

845.90

855

850

845

840

835

830

825

820

GALBRAITH RD

PROPOSED GRADE

EX 12" STM

EXISTING GROUND

PROP 12" STM

+1.96 %

+0.60 %

-0.70 %

+99.36

EX 12" SAN

5/2/2016 JC added D.N.D. notes KLR
5/2/2016 JC removed saw cut note and
line added curb line to parallel
to R/W line near 99+75 LT KLR
7/13/15 JC added concrete pad near
100+50, 35' LT. KLR
7/13/15 JC Remove R11, R12, R13, C3,
curb note, saw cut note. KLR

PLAN AND PROFILE PIPPIN ROAD
STA 98+79.85 TO STA 101+00.00

HAM-CR 90-0.60

32
208

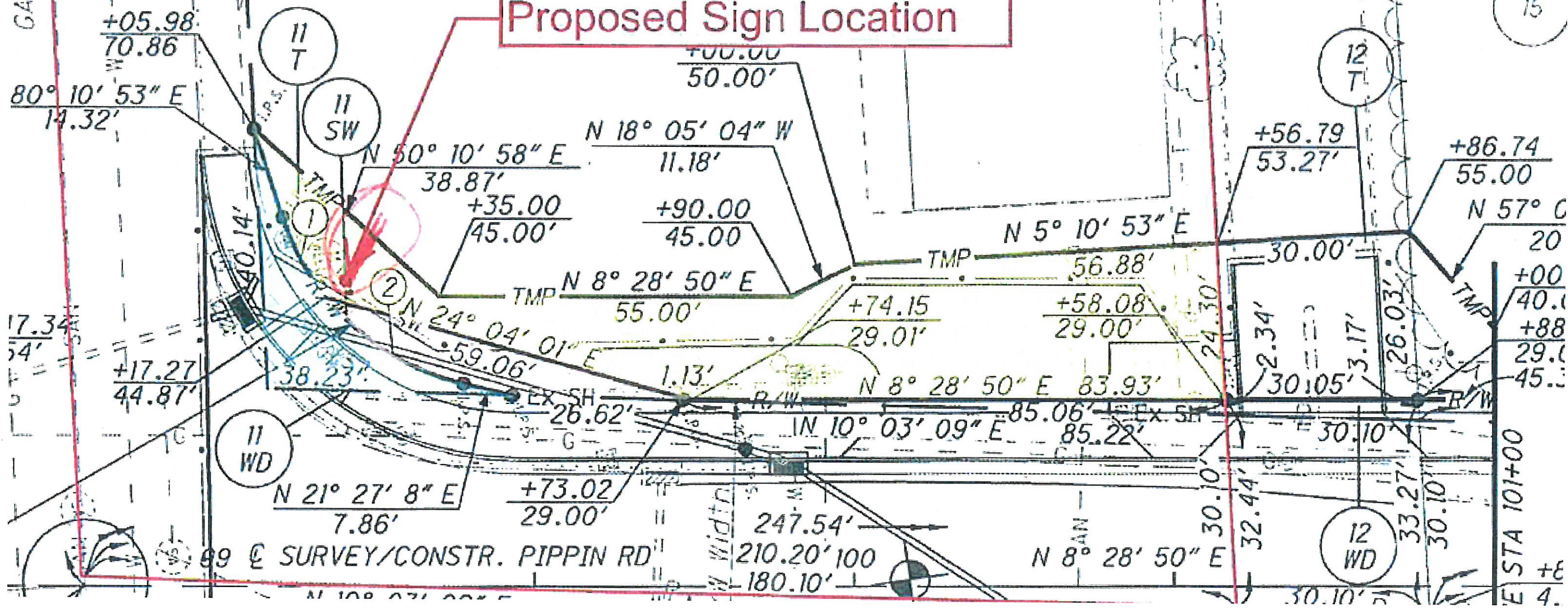
CALBRAITH RD

EX SH

N E

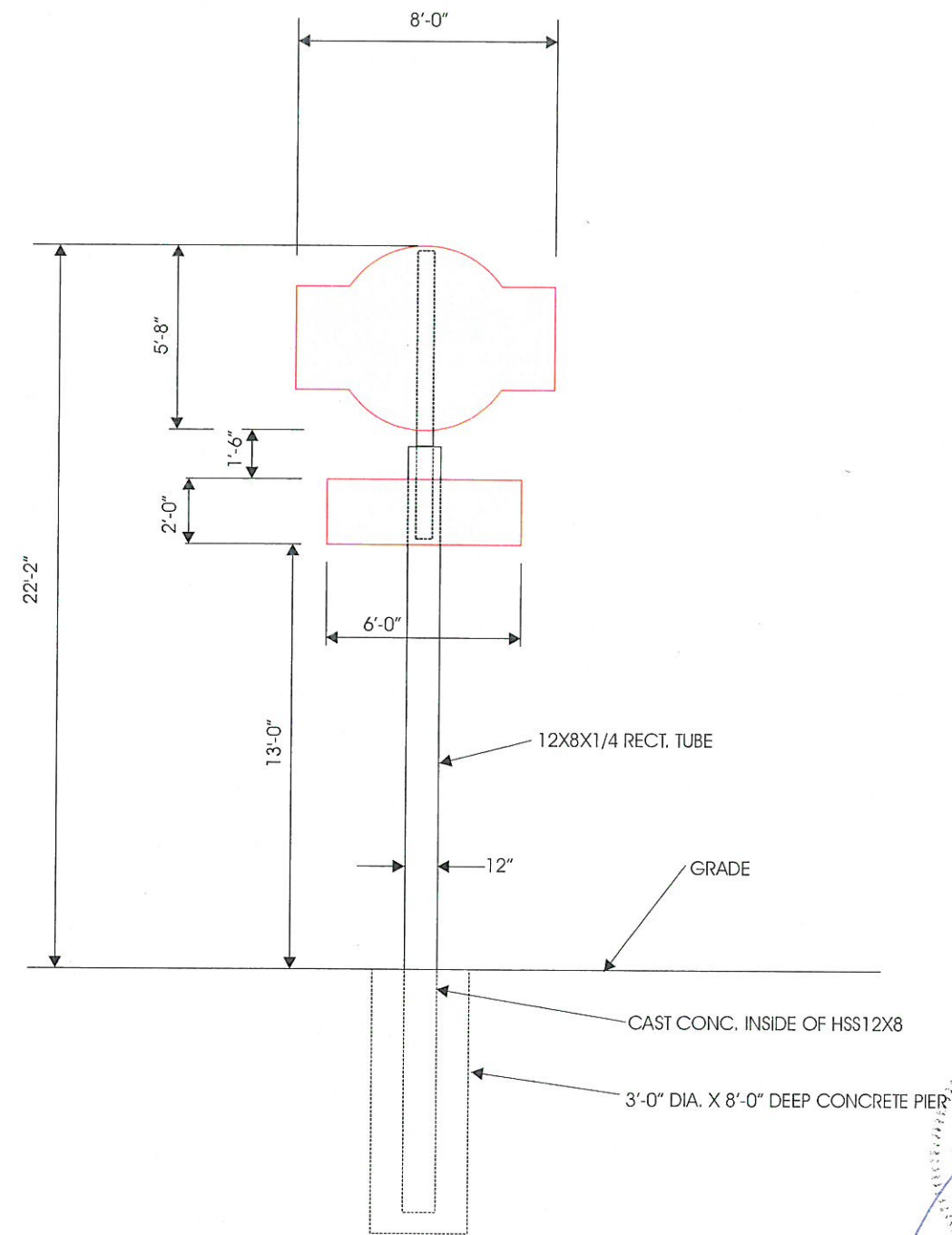
Proposed Sign Location

15

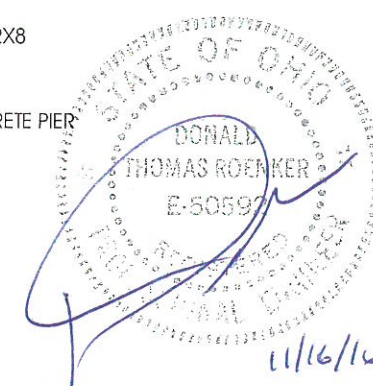




EXISTING SIGN ELEVATION
SCALE: NTS



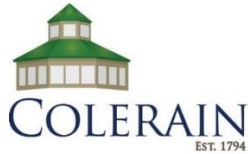
ELEVATION
SCALE: 3/16" = 1'-0"



DESIGN LOADS

2013 OHIO BUILDING CODE
BASIC WIND SPEED (3 SECOND GUST) = 115 MPH
WIND EXPOSURE 'C'
DESIGN WIND PRESSURE = 40.0 PSF
WIND LOADS CONTROL DESIGN OVER SEISMIC LOADS

		
SCALE: NOTED	APPROVED BY:	DRAWN BY: Rct
DATE: 11-5-16		REVISED:
SIGN RELOCATION		
PIT STOP PIPPIN & GALBRAITH. - CINCINNATI, OH		DRAWING NUMBER 74455-1



4200 Springdale Road
Colerain Township, OH 45251

Staff Report:	Board of Zoning Appeals
Case#	BZA2017-03
Variance Request:	Freestanding Sign Variances
Location:	2510 W. Galbraith Rd.
Meeting Date:	March 22, 2017
Prepared by:	Marty Kohler Senior Planner

Holthaus Signs representing property owner GRA Properties LLC has requested a variances from Section 15.3, Section 15.5.4, Section 15.8.2(B), Section 15.8.2(C)((1), and Section 15.12.2 of the Zoning Resolution in order to relocate an existing non-conforming pylon sign in a manner that is not consistent with current sign regulations.

Case History:

The subject property is located at the north-west corner of W. Galbraith Rd. and Pippin Rd. and contains a retail strip center with three tenant spaces. The building was constructed in about 1979 under previous zoning requirements. The property is zoned B-1 Neighborhood Business District which allows for a variety of retail, restaurant and service businesses. The B-1 district carries more restrictive sign standards than the B-2 General Business District since B-1 district is less intensive and tends to be more integrated into surrounding residential neighborhoods.

The property currently contains two non-conforming pylon signs and a large non-conforming billboard sign. The building also has multiple wall signs.

Current Proposal

The Hamilton County Engineer is in the process of upgrading and widening the intersection of Galbraith and Pippin Roads. To accommodate the widening, Hamilton County has purchased additional right-of-way and one of the non-conforming pylon signs near the intersection must be removed. According to Hamilton County Engineer's documents the property owner was not compensated for the value of the sign. The applicant proposes to re-install the existing sign further back from the current location but not in conformance with zoning standards.

Zoning Regulations:

(note: while the existing sign to be relocated individually meets the size requirements for the B-1 zone, cumulatively all freestanding signs combined would exceed the maximum size restrictions, however the applicant was not cited for this since it is also covered by the excessive number of signs.)

Nonconforming Signs: Section 15.3 requires compliance with the sign regulations for signs erected, placed or maintained within the Township. Section 15.12.2 requires that signs lose their non-conforming status when relocated or the structure is altered in any way. Non-conforming signs are eliminated over time for a variety of reasons including

traffic accidents, storm damage, physical deterioration, prolonged vacancy of the property, redevelopment of the site, and road widening projects.

Sign Landscaping: Section 15.5.4 requires landscaping surrounding the sign equal in size to the area of the proposed sign. No landscaping is proposed on the plan.

Number of freestanding signs allowed: Section 15.8.2(C) allows for only one ground mounted sign per parcel in the B-1 zoning district. The site contains one additional ground mounted sign plus a non-conforming billboard sign.

Setback from the right-of-way: Section 15.8.2(B) requires a minimum setback of 10 feet from the right-of-way for all signs. The proposed sign appears to have about a 3 foot setback.

Sign Height: Section 15.8.2(C)(2) restricts the height of a ground sign to 6 feet and the proposed height is 22'2" tall.

Staff Findings:

1. The sign variance requested is substantial since the zoning resolution encourages the elimination of non-conforming signs and encourages restrictions on the number, setback, height and landscaping of signs.
2. The granting of the variances would result in an increase in the overall sign area allowed for the property.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for the replacement of other non-conforming signs in a non-conforming manner if requested by similar properties.
5. The granting of the variance request would result in a larger amount of signage for the subject property than other surrounding properties.
6. Approval of the sign variances would not affect the delivery of government services.
7. There are no unusual topographic or site configuration issues related to this property which would prevent the reasonable application of the sign regulations. The property owner would still have the continued use of the other non-conforming signs on the property.
8. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by not granting the variances for replacement of the non-conforming sign.

Staff Recommendation: DENIAL OF ALL SIGN VARIANCE REQUESTS.

**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 2017-04

Owner: QSR7 Applicant: Triumph Signs + Consulting

Property Address: 9890 Colerain Ave

City: Cincinnati State/Zip: OH 45251

Applicant Address: 480 Milford Parkway

City: Milford State Zip OH 45150

Phone: 513-576-8090

Auditor's Book-Page-Parcel Number: **510** -- 0111 -- 0278

Zoning Classification: B-2

Appeal to (check one): Refusal to issue Zoning Certificate X 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:	<u>350</u>
	Legal Notice:	<u>30</u>
	Mailing/adjacent Property Owners:	<u>2.50</u> \$
	Total Amount Paid:	400.50 <u>382.50</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.

11.47
393.97

Signature of Property Owner:

Signature of Applicant (if not the Owner): Elizabeth Thieme

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COLERAIN ZONING



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

February 6, 2017

Justification of Variance Statement

Referring to Section 15.8.3 (G) pertaining to wall signage on the south elevation of the building, Tim Hortons at 9890 Colerain Ave is requesting relief for the proposed exterior, LED illuminated, 19.25 square foot wall sign on a non-street frontage elevation. The proposed sign will be located on the south elevation of the tower.

The proposal is re-distributing the square foot allowance for the two street elevations (west and north) into three elevations (west, north and south) in order to gain exposure during morning traffic going toward I-275. 80% of the restaurant's business is between 6:00am and 10:00am. Illuminated wall signs in zone B-2 may be permitted at a ratio of 1.0 sqft per linear foot of building frontage and a maximum of 150 sqft. Our total street frontage is 100 lft. and currently the building consists of 53.51 sqft of wall signage. With the proposed, the total square footage is 72.76.

This sign poses no disturbance to the public interest and is not in the vicinity of a residential area. The proposed sign is visually appealing and adds symmetry to the tower of the new building enhancing the aesthetics of the area.

Tim's is experiencing a hardship due to lack of exposure to the morning traffic pattern heading to I-275. Morning traffic exposure is crucial to the success of the business. Having a sign on the south elevation will increase exposure and prevent sudden traffic maneuvers, such as abrupt lane changes due to lack of building identification.

This variance is not a result of any actions. The objective of this request is to create exposure on the south elevation and awareness to critical morning traffic.

Very Respectfully,

Elizabeth Thieme

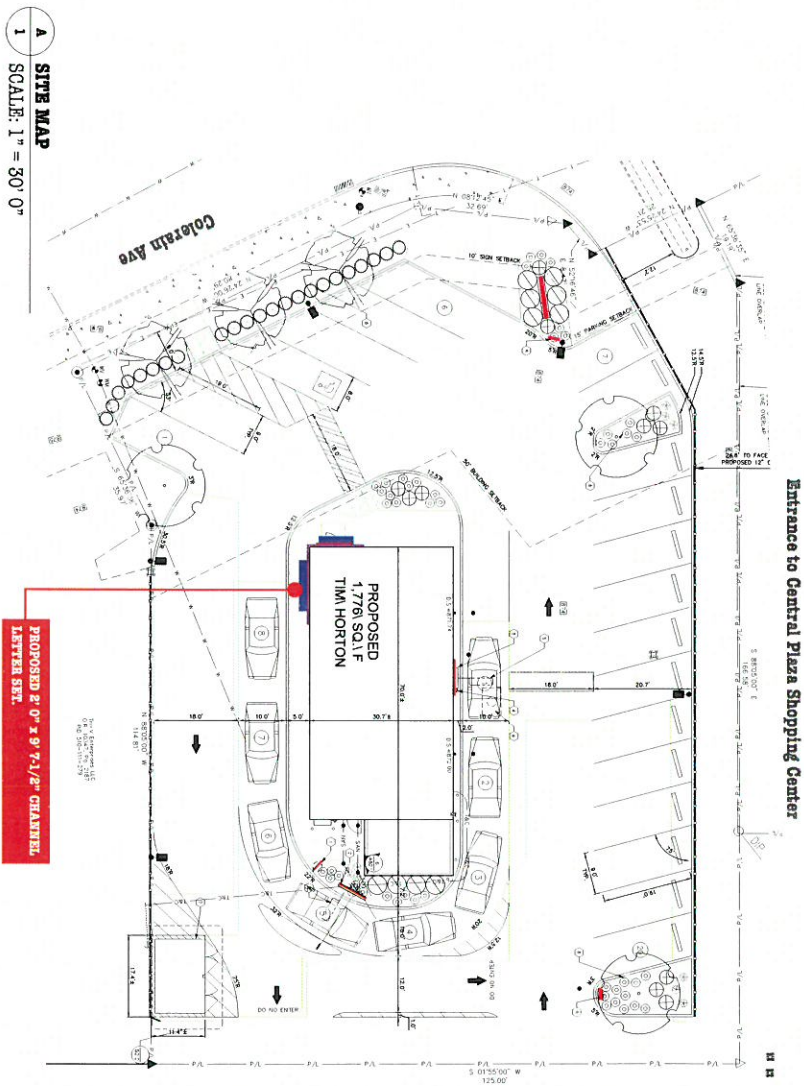
National Account Executive

TRIUMPH SIGNS & CONSULTING, INC.

480 Milford Pkwy., Milford, OH 45150

Office: 513.576.8090 x23 | Mobile: 513.265.4819

email: ethieme@triumphsigns.com

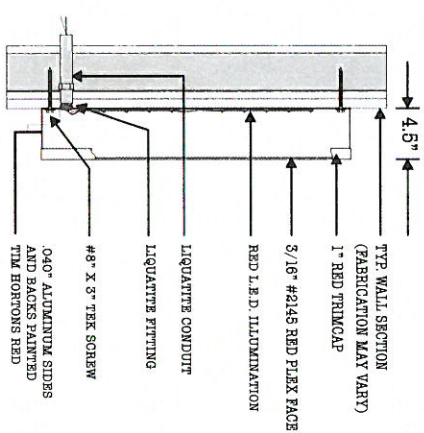


480 Milford Parkway • Milford, OH 45150 • Phone 513-576-8090 • Fax 513-576-8095

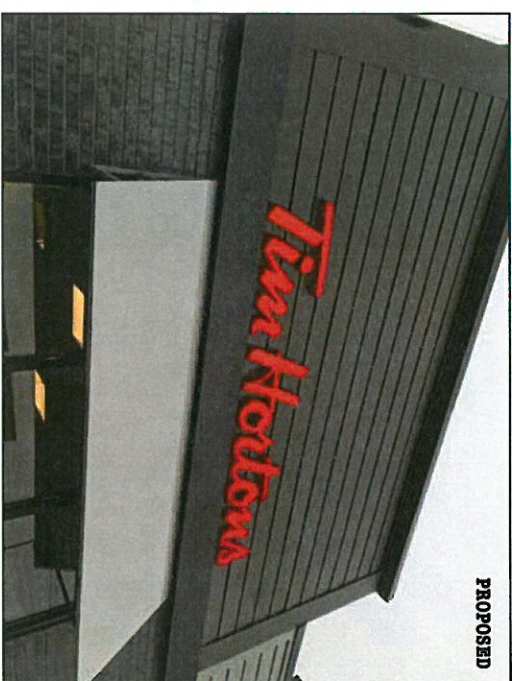
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Tim Hortons | SITE MAP

A
2
CUT AWAY
SCALE: NTS



- SIGN SPECIFICATIONS:**
- SINGLE SIDED WALL SIGN
 - INTERNALLY ILLUMINATED W/ RED LEDS
 - .040" ALUMINUM SIDES AND BACKS PAINTED RED
 - 3/16" #2415 RED PLEX CHANNEL, LETTER FACES
 - 1" RED TRIM CAP





Staff Report:	Board of Zoning Appeals
Case#	BZA2017-04
Variance Request:	Wall Sign Variance
Location:	9890 Colerain Ave.
Meeting Date:	March 22, 2017
Prepared by:	Marty Kohler Senior Planner

Triumph Signs and Consulting representing property owner QSR7 and River City Family LLC has requested a variance from Section 15.8.3(G) of the Zoning Resolution in order to place a wall sign on a non-frontage side of the building in a manner that is not consistent with current sign regulations.

Case History:

The subject property contains a Tim Horton's restaurant and is located on the east side of Colerain Ave. between Redskin Dr. and I-275. The site is adjacent to the south side of the main entry drive to the Central Plaza which is anchored by Hobby Lobby. The restaurant was completed in late 2016 and replaced a former Pizza Hut restaurant. The adjacent property to the south contains a Domino's Pizza.

The property is zoned B-2 General Business District which allows a variety of retail, restaurant and service businesses. Across Colerain Ave. to the west is the Stone Creek development which is zoned PD-B Planned Development Business and was approved by Zoning Commission and Township Trustees under the Development Plan approval process.

The subject property was developed with a sign package that included a wall sign on the front and north side of the building and a monument sign in the front yard. The existing signs conform to the Colerain Zoning Resolution.

Current Proposal

The owners of the Tim Horton's restaurant are seeking an additional 19.2 square foot wall sign on the south side of the building. Due to the lot configuration with respect to Colerain Ave. the building is at almost a 45 degree angle facing the street. The concern of the owner is that the sign on the front of the building is obscured from view from the northbound traffic on Colerain due to the angle of the building. Since the main entry of the restaurant is on the narrow side of the building, the main wall sign is located on that side.

Zoning Regulations:

Wall signs are permitted per section 15.8.3(G) at a ratio of one square foot of sign area for each lineal foot of building frontage. This section additionally allows for 0.5 square foot of sign area for each lineal foot of wall frontage on a major entry driveway to a shopping center.

The proposed sign is for a side of the building that is not eligible for the application of signs since it does not face the street or entry to the shopping center. The west front of the Tim

Horton's building is 31 feet wide and has a 19.2 square foot sign that is 11.8 square feet under the limit. The north side of the building is 70 feet long and has a 34.22 square foot sign that is 0.78 square feet under the limit. The current wall signs are a combined 12.58 square feet under the limit.

The site also contains a monument style sign. The maximum size of a monument sign is one half square foot in size for each lineal foot of street frontage for a maximum of 150 square feet. The existing sign is 31.3 square feet in size which is much smaller than the maximum due to the narrowness of the lot.

Staff Findings:

1. The sign variance requested is substantial since the zoning resolution does not permit wall signs on non-street facing sides of the building.
2. The granting of the variances would result in an increase in the overall sign area allowed for the property.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for the application of additional wall signs in excess of the maximum allowance if requested by similar properties.
5. The granting of the variance request would result in a larger amount of signage for the subject property than some other surrounding properties.
6. Approval of the sign variances would not affect the delivery of government services.
7. There are no unusual topographic or site configuration issues related to this property that would prevent the reasonable application of the sign regulations. The configuration of the lot at an angle to Colerain Avenue does tend to hide the front of the building from northbound traffic.
8. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by granting the variance as requested.

Staff Recommendation: APPROVAL OF THE WALL SIGN VARIANCE REQUEST FOR 19.2 SQUARE FEET OF SIGN AREA ON THE SOUTH SIDE OF THE BUILDING.

