

BOARD OF ZONING APPEALS MEETING
April 25, 2012 -7:00 p.m.
Meeting Place: 4200 Springdale Rd., Cincinnati, OH 45251
Minutes

Meeting called to order.

Pledge of Allegiance.

Explanation of procedures.

Roll Call: Present - Mr. Roberto, Mr. Mattingly, Mr. Price, Mr. Grubbs, Mr. Reininger. Also present: Mr. Reuter, legal counsel, Dr. Roschke and Mrs. Reno, staff and court reporter.

Swearing in: appellants, attorneys and all speakers in the cases.

Hearing of Appeals:

A. Case No.: BZA2012-05 - continued
Subject Property: YMCA 8920 Cheviot Rd., Cincinnati, Ohio
Applicant: ASI, Cincinnati
Owner: YMCA of Greater Cincinnati
Application: Variance for an electronic sign exceeding 6 ft. in height –
Article/Sections 15.8.3 and 15.8.1.

Dr. Roschke stated they are proposing a sign and provided picture of sign.

Ray Seigel, ASI, 394 Wards Corner Rd., Loveland, OH. Was asked by the YMCA to come up with specs for illumination. He contacted Daktronics, the company who manufactures the message center, and provided the illumination in foot candles. At 10 ft., the level is only 0.04 foot candles and at 25 ft. the level is 0.00. There will be no lights on homes. The sign has a photo sensor and it brightens during the day, but as the day grows cloudy and at night, it dims down. All of that is controllable. The overall sign can be turned off so there will be no illumination at night, which is cost effective for them. They can control the message for how many times per minute it repeats. Pictures of the other YMCA signs in the tri-state were shown. They've been very accommodating and for one of the signs they made it horizontal instead of vertical. Provided pictures and cited other illuminated message center signs in Colerain Township. Believe their request is not too far out of the realm.

Jim Hull, YMCA, 1105 Elm St., Cincinnati, OH. In 2010 the Y decided to rebrand and they're upgrading signs worldwide, and it is his responsibility to carry that out. They will comply with anything that the Township requires as far as turning sign off at certain times. The foot candles are very low and won't

get to Poole or Cheviot Rds. Respectfully requests approval of the sign. Thanked the Board for its time and attention.

Dick Semple, 4447 Woodtrail Ln., Cincinnati, OH. Township resident over 40 years. Has seen a lot of changes. Served on building committee for the branch and donated the current sign. There's nothing more important than the presence of the Clippard YMCA. Has created many opportunities for children, men and women, and also has expanded its services to helping seniors. He's still in the sign business and finds that message center signs creates an opportunity to change the message and provide information to the public. Information is not always available in mainstream media. Electronic sign gives immediate information. Doesn't see that the sign is an objection. If the Board has any other concerns about how it operates, he'd be glad to answer any questions.

Ray Siegel, spoke with Doug Heckle, and he told him that the message center be used by Colerain Township or as an overall community message board. Mr. Siegel said the other packet he provided is more detailed information on message centers.

Motion to Close
Public Input:

Motion by Mr. Mattingly, 2nd by Mr. Roberto. Motion carried.

Board Deliberation: Mr. Roberto had no questions. Mr. Mattingly asked staff about the other signs that were cited and Dr. Roschke said they were in place prior to 2006 when the current sign regulations were effective. Mr. Mattingly said his recollection is that all requests for digital signs have been objected and Dr. Roschke said yes; they're not permitted in Residential or B-1 Districts. Mr. Mattingly stated that no hardship is shown. Mr. Mattingly asked Mr. Reuter wouldn't it be advisable to change the Code since so many are coming before them. Mr. Price asked if it will be interior or exterior lit and what color bulbs. Mr. Siegel said it will be externally lit and the bulbs could be amber. Mr. Price said he drives by Northwest High School and the text is red. Mr. Grubbs asked what is the height of the signs at Springfield and Anderson Township and Mr. Siegel said the sign at Powell is the same and at M.E. Lyons it is 7' 10". Mr. Reininger asked how does the foot candle of the existing sign compare to the proposed and Mr. Siegel said that they're looking at only 0.04 foot candle. Mr. Reininger asked can they scale back the height. Mr. Hull said the Y is willing to accommodate Townships and rather have it vertical, they've done a horizontal sign. He said the Y logo has to be consistent. Mr. Reininger asked are there timelines and Mr. Hull said they'd like to be finished by the middle of this year for the centers in the Greater Cincinnati market. He said they're about 75 percent there. Mr. Price said currently it is externally lit and is on a timer and Mr. Siegel said they can put it on a timer. Mr. Price inquired if the

message can be made brighter at certain times and Mr. Siegel explained that it is all adjustable. He said that the external lights can have baffles so only the sign will be illuminated. Mr. Mattingly reiterated the dilemma this presents since the Board has consistently denied these variances because the community has decided what the standards are and they are not showing a hardship. Mr. Mattingly asked have they contacted the Zoning Commission to see if the code can be changed and Mr. Siegel said no, but they'd be happy to take this step. Mr. Mattingly asked have they had this anywhere else and Mr. Siegel said they've been able to comply and that they're not trying to thumb their noses at the Code, they're just trying to put up a sign like they have at all of the YMCAs. Mr. Reuter said that text amendments are initiated by either the Zoning Commission or the Trustees. Mr. Reuter said that this Board and the Township as a whole is behind the mission of the YMCA. Mr. Reuter said that the Code was intended to prevent bright lights, but technology has probably gotten ahead of the Code and that he'd raise the issue with the Trustees. Mr. Grubbs asked have they elected to have all signs rebranded throughout the area, Mr. Hull said the decision is made by the Y and those that have not been changed are smaller operations. Mr. Grubbs inquired how many signs have they been able to get and how many branches are there in Cincinnati. Mr. Hull said 4 and there are 10 branches. Mr. Price asked is part of the request for a sign higher than 6 ft. and are they willing to consider a lower sign. Mr. Grubbs asked if they went to a lower sign, would it be horizontal or vertical. Mr. Siegel because of brand guideline requirements, they would go with a horizontal sign. Mr. Roberto asked would that make the digital sign larger and Mr. Siegel said it will be same. Mr. Reininger asked could they make the sign with the intent of adding a message center later. Mr. Siegel said it would be difficult as the sign is built to have the message center added when it is manufactured, and if this were done, it would look like it was an addition. Mr. Siegel said it is a very expensive sign.

Board Action: Motion to deny by Mr. Grubbs, 2nd by Mr. Mattingly.
 Roll call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – nay, Mr. Grubbs – aye, Mr. Reininger – aye.

B. Case No.: BZA2012-06
 Subject Property: 3206 Redfern Ct., Cincinnati, Ohio
 Applicant: HC Design Group
 Owner: Mark A. Timerding
 Application: Variance for rear yard setback for room addition – Article/Section 7.3.1, Table 7-2.

Staff: Proposal is for rear room addition encroaching into rear setback by 6 ft. Zoning is R-6. Provided aerial view of site and picture of rear of house where addition will be. Also

provided pictures of front of house and cul-de-sac. The addition will be a downstairs bedroom for owner who is wheel chair bound. If approved, staff recommends the following conditions:

1. Addition shall be completed as shown on submitted plans;
2. Repairs shall be made to the siding on the west side of the house;
3. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
4. All proposed work must be completed within 12 months after journalization of BZA approval; and
5. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Applicant: Harry Holbert, 6235 Fay Ct., Loveland, OH 45140. When Mr. Timerding purchased the house, he did not have degenerative MS. This is an ADA issue. Provided pictures of front of house. The plan is to put in a new concrete sidewalk. Provided pictures of the back of the house. There is a single step which is increasingly a problem. Mr. Timerding has to have someone help him up the steps with a walker. The Code would allow a 10 ft. addition and the bathroom alone is that size. Provided picture of houses in the area, showing the approximate depth of the lots. Most of them have deeper lots than his client's lot and if his had the same depth, he could add an addition and be in compliance. His lot doesn't allow him to put in a practical room addition. They are proposing a 16' x 24' addition and they need a 6 ft. variance. Provided picture of the plan. There will be bedroom and an accessible bathroom, and will be a place for the resident to live the rest of his life. He had to work with the requirements set up by the ADA and the VA because he is a veteran. 4 ft. hallways and turning radius are all minimums for their guidelines. Mr. Timerding currently has to go up to the 2nd floor to use a bathroom and get to his bedroom. Provided the ADA and VA regulations and showed the areas of the addition that had to meet those requirements. This is not something the owner chose. He purchased the house and was later diagnosed with MS. The hardships are that the house is not parallel with the rear property line and the change in lifestyle since the owner was diagnosed with MS. His health will continue to decline until death. Also, there is no bath or bedroom on the main floor. Doesn't think it will set a precedence as this is a special needs case and there is not another lot similar to this. If not granted, the homeowner will need to move.

Motion to Close
Public Input:

Motion by Mr. Roberto, 2nd by Mr. Price. Motion carried.

Board Deliberation: Mr. Roberto asked who provided the dimensions and Mr. Holbert said a surveyor. Mr. Roberto asked how it was measured and Mr. Holbert said that standard surveying practices cause them to pull up perpendicular lines. Mr. Mattingly asked is it a variable variance between 3 and 6 ft. and Mr. Holbert said yes. Mr. Price and Mr. Grubbs had no questions. Mr. Reininger asked what is the difference between ADA and VA standards. Mr. Holbert said the VA has certain requirements that they've basically taken from the ADA and made them fit their clients, veterans. Mr. Holbert said they are similar, almost dead on. Mr. Reininger asked is VA a broader guideline and Mr. Holbert said ADA mostly deals with commercial projects, but there's not a code, like the Ohio Building Code, that addresses it for residential, so when they do a design, they have to pull those in and then the VA gives them guidelines to meet.

Dr. Roschke said if approved, the conditions are standard, but when she visited the site, she saw the siding coming off the house and added that as a condition. Mr. Holbert said the whole house will be resided and a new roof installed, but they're waiting to see if they get this addition.

Board Action: Motion to approve by Mr. Mattingly, 2nd by Mr. Roberto.

Roll call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

C. Case No.: BZA2012-07
Subject Property: 10509 Pippin Rd., Cincinnati, Ohio
Applicant: Paula Bussard
Owner: New Hope Ministries
Application: Conditional Use for a café at a place of worship – Article/Section 7.2.3, Table 7-1.

Staff: The application is for a conditional use and not as a variance. The use is allowed in the area subject to conditions and approval by the BZA. A previous conditional use was issued, however, they've made changes so they're here to re-propose. It is a ministry outreach in the form of a café and gathering place and is immediately adjacent to the church. It is located in the R-6 District next to the Lake Gloria property. The house was carved out of that site when Lake Gloria was being sold. Provided photographs of exterior of house and rear yard. They are proposing a walking path from the church, so there would be no parking at the house. Pictures of the inside of the house and the neighborhood were provided. If approved, following conditions were recommended:

1. Any requests for additional signage must be approved by the Board of Zoning Appeals
2. Full plans for the renovations, including the path connecting

- the building to the parking lot on the property at 10461 shall be approved by the Zoning office prior to beginning work;
3. An adequate parking plan shall be worked out and approved by the Zoning office prior to beginning work;
 4. Any further expansion of use of the multi-purpose building beyond uses related to the current owner's mission and programs must be approved by the Board of Zoning Appeals;
 5. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
 6. All proposed work must be completed within 12 months after journalization of BZA approval; and
 7. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Paula Bussard. Early in 2006 they were called to pastor Pleasant Run Baptist Church and shortly after they came, their desire and passion was to get to know the people in the Township. She asked Dr. Roschke what are the 3 greatest needs in the Township and Dr. Roschke said a large banquet facility, financial training for families and a safe place for students to go after school. They can help with financial training for families. Their dream has been to upgrade the house and turn it into a community center. Money has been an obstacle, but they were awarded a grant for \$25,000 and will turn the home into a café that will offer award winning pizza and homemade desserts. The facilities will be utilized by the public on the 1st floor. The garage will be converted to a food service center. The garage will have limited seating and they expect it will accommodate 7-9. There will be an ADA ramp. The small bedroom will be used for students and the current living room will seat about 18-20 people. The kitchen area will be gutted and there will be a countertop with electrical outlets and it will be a study nook. They have a great relationship with Northwest High School. In addition to being a place where students can hang out, there will be plenty of opportunities for people. They will continue to offer the Dave Ramsey Financial seminars. They will provide emotional health training. That is the plan and dream for the café.

Public Input: Robert McKay, 2649 Merriway, member of church. It is important for youth to have a place to go. Many parents cannot pick their kids up for a couple of hours after school. This will provide place to study and fellowship.

Motion to Close Public Input: Motion by Mr. Roberto, 2nd by Mr. Price. Motion carried.

Board Deliberation: Mr. Roberto had no questions. Mr. Mattingly asked do they intend to put up a sign and she said they're considering it, but it will be compliance with the Code.

Mr. Mattingly asked if all of the parking will be at church and Mrs. Bussard said they are creating a path/walkway from the church to the house. Mr. Mattingly inquired about a driveway gate and Mrs. Bussard said parking at the house will be used for ADA. She said they're in discussion with bank that is holding the property for Lake Gloria about using the parking lot at Lake Gloria on the south end and they may attempt to purchase it. Mr. Mattingly said they're going to have a hard time keeping people out of the parking lot and asked how will they control it. Mrs. Bussard said they're counting on Lake Gloria, but in the event it's sold and they're unable to purchase it, will they put up a sign. Mr. Mattingly asked will they accept a condition that the parking will be worked out. Mr. Mattingly asked how many patrons are they planning and what is headcount. Mrs. Bussard said she will meet with the Fire Dept. to get their final ruling and it will probably be 30-35. She said it will be a hopping place and they will have 4 full time food service employees. Mr. Mattingly asked what will the hours be and Mrs. Bussard said probably from 11 to 1 and from dinner until 9 and closed on Sunday. Mr. Mattingly asked can you live with the conditions and Mrs. Bussard said yes. Mr. Price asked how many cars can fit in the driveway and Mrs. Bussard said 4. Mr. Price asked would they consider putting up handicap signs and she said yes. Mr. Price inquired about what they will serve and Mrs. Bussard said pizza and homemade soups and breads. Mr. Grubbs asked Dr. Roschke is it a conditional use because it is a church and she said yes. Mr. Grubbs said he has a hard time seeing what the difference is between this and a restaurant. Mrs. Bussard said they are non-profit and they're restricted to the uses of funds and they can only be used for ministry purposes. Mr. Grubbs said it will be a multi-purpose building with food service aspect, study room. Mrs. Bussard said it's not unlike a Panera where there is a community room. Mr. Grubbs said it's open to the public, not for members of the church only and Mrs. Bussard said yes. and study and open to the public, not for members of the church only. Mr. Reininger had no questions.

Board Action: Motion to approve by Mr. Price, 2nd by Mr. Mattingly with request that the motion be amended to include a condition to work out an adequate parking plan. Mr. Price agreed.

Roll call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – nay, Mr. Reininger – aye.

D. Case No.: BZA2012-08
 Subject Property: 10820 E. Miami River Rd., Cincinnati, Ohio
 Applicant/Owner: Roger and Terri Vaught
 Application: Variance for detached garage in front yard – Article/Section 10.2.1C.

Staff: This is a panhandle lot. Zoning is R-2. The way that panhandles are treated is that their front yard is behind the back yard of the area where they are carved from, so they still affront on that street. Provided picture of site plan with front yard marked. Showed location of existing leach fields. They don't have a lot of other room to play with. If approved, staff recommends following conditions:

1. Work shall be completed as shown on the submitted plans;
2. Exterior finish shall be residential in character, either the same as or complementary to the principal structure;
3. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
4. All proposed work must be completed within 12 months after journalization of BZA approval; and
5. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Applicant: Terri Vaught. She said it's pretty clear cut. If they went by the zoning regulation, they'd be on top of their leach field.

Public Input:

Todd Phipps, Morton Building. Here to support Terri and Roger and will answer any questions they have.

Darlene Reynolds was sworn in. 6318 Day Rd. They are neighbors. Their house is to the south of where they plan on putting the building. Have no objection. They'll be able to see it, but that is not a problem.

Motion to Close
Public Input:

Motion by Mr. Mattingly, 2nd by Mr. Price. Motion carried.

Board Deliberation: Mr. Roberto asked will the proposed building be a garage and Mrs. Vaught said yes. Mr. Roberto asked will there be a driveway and Mrs. Vaught said yes and it will be gravel. Mr. Phipps said there will be no electric; it is just for storage. Mr. Mattingly asked are the conditions acceptable and Mrs. Vaught said yes. Mr. Mattingly asked is the garage going where the gravel is and Mrs. Vaught said yes. Mr. Price and Mr. Grubbs had no questions. Mr. Reininger asked about gutters and Mr. Phipps said it will be downspouted away from the building. Mr. Reininger referenced the condition regarding appearance and Mr. Phipps said it will be hybrid metal with a sheet metal roof and the colors will compliment the house.

Board Action:

Motion to approve by Mr. Roberto, 2nd by Mr. Price.

Roll call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

Resolutions for Adoption:

A. Case No.: BZA2012-03
Subject Property: 6443 Springdale Rd., Cincinnati, Ohio
Applicant/Owner: Robert Schutte
Application: Variance for an accessory structure on a lot without a residence – Article/Section 10.2.1A.

Roll Call: Mr. Grubbs – aye, Mr. Mattingly – aye, Mr. Price - aye, Mr. Roberto – aye, Mr. Reininger – aye.

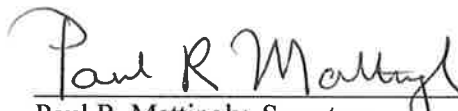
Unfinished Business: None

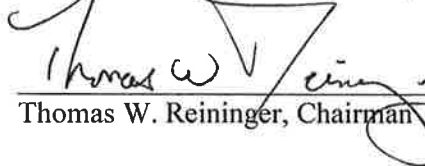
Approval of Minutes: Motion by Mr. Roberto to approve minutes of March 28, 2012 meeting, 2nd by Mr. Price. Motion carried.

Administrative Matters: Dr. Roschke stated that the code enforcement procedures have changed. She said that two weeks ago, due to budget cuts, the inspection staff and planner were laid off. Currently there is a single complaint line and email and e-gov alerts can still be used. Photographs are being taken by the Parks/Services Dept. and the Police Dept. is delivering citations. She said that so far it's working.

Adjournment: Motion to adjourn at 8:36 PM. Motion carried.

Respectfully Submitted: 
Rebecca J. Reno, Zoning Recording Secretary

Secretary: 
Paul R. Mattingly, Secretary

Accepted by: 
Thomas W. Reininger, Chairman

