

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

4200 Springdale Road - Cincinnati, OH 45251

January 23, 2013 - 6:00 p.m.

Meeting Called To Order: 6:00 p.m.

Scott Solomon, legal counsel, administered the oath of office to new members Robert Martin, Robert Bartolt and Trina Jackson.

Pledge of Allegiance.

Explanation of Procedures.

Roll Call. Present: Mr. Grubbs, Mr. Martin, Mr. Price, Mr. Reininger, Mr. Roberto. Also present: alternates Mr. Bartolt and Mrs. Jackson.

Swearing In: Appellants, attorneys and all speakers in the cases.

Election of Officers: Mr. Grubbs nominated Mr. Reininger as Chairman, 2nd by Mr. Price. Motion carried. Mr. Reininger nominated Mr. Grubbs as Vice Chairman, 2nd by Mr. Roberto. Motion carried. Mr. Grubbs nominated Mr. Roberto as Secretary, 2nd by Mr. Price. Motion carried.

Hearing of Appeals:

- A. Case No.: BZA2012-17
Subject Property: 6100 Blue Rock Rd., Cincinnati, Ohio
Applicant: John Kennedy
Owner: Paradise Resort, Inc.
Application: Conditional Use for Blue Rock Adventure Park
(replacing existing business with an active adventures park) – Article/Section 4.4.

Staff: Application is for conditional use for an active park in a district zoned R-2 Residential. To change from the existing nudist resort to active park, the following variances will be needed: Table 7.2 - maximum height, Article 7.4.1 - minimum setback and Article 12.10 - outdoor displays. The nudist resort has been there since the early 70's and is currently non-conforming. An aerial map of the site was provided; it is heavily wooded with a lake in the middle of the property. There are a number of campsites, RVs and 3 permanent cabins. There is a swimming pool to the right of the lake and a building for gatherings. The surrounding properties are zoned R-2 Residential. An application for a Conditional Use must go before the BZA for approval and must meet certain criteria. For active parks, the condition is that all structures or buildings shall be located a minimum setback of 100 ft. from property lines and they are requesting a 35 ft. setback for the structures that support zip lines. They are also requesting relief from the 3 story maximum height for the poles that support zip lines. Article 12.2.2 grants exemptions to the height requirements for certain types of structures and although zip lines towers are not listed, they are similar. The third variance they are requesting is for outdoor sales and storage. Article 12.10 identifies uses for which outdoor displays and sales are permitted. The nature of this

adventure park requires outdoor displays and the applicant suggests that they are similar. If approved, staff prepared the following conditions and variances for consideration:

1. The height variance applies only to zip line structures, all other structures must be consistent with the zoning resolution;
2. The setback variance applies only to zip line structures, all other structures must be built a minimum of 100 feet from any property line;
3. The minimum setback for the zip line structures be equal to the height of the zip line structures plus 10 feet (fall over zone);
4. Boundary fencing be installed on the northern and eastern boundaries;
5. The work comply in all other respects with all applicable codes and the Zoning Resolution;
6. No changes or modifications may be made without consent of the Board of Zoning Appeals.

Staff stated that in response to the community that stopped by the office to review the proposal, boundary fencing is recommended to be installed, particularly on the north side to prevent people from migrating from the site.

Applicant: John Kennedy. Their intent is to build an adventure park at 6100 Blue Rock Rd. They picture families and friends spending Saturdays zip lining and wall climbing. The park will provide excitement and challenge. Their vision for the property is for a collection of activities. In addition to zip lines, there will be an aquatic sports park which will have a series of inflatable obstacles in the lake. They will also provide canoe rental that will transfer people from their park to Heritage Park. There will be a campground where people can spend weekends, hiking, zip lining and swimming in the lake. There will be no long term camping or RV storage. They will also have special events at Halloween, Christmas and a mud run. The park will be beneficial to the community and provide about 25 full time jobs.

Public Input:

Joe Vogerl, 6329 Blue Rock. Has lived on Blue Rock for 81 years. It's a good quiet neighborhood. Expressed concern about the number of people the park will bring in and loud intercom system at night. When nudist colony has events, they can hear the bands and if this goes on 5 or 6 days per week it will ruin the neighborhood.

Lynn Winterman, 6144 Blue Rock. Has lived there over 30 years. Agrees with previous comments. Has concerns with environmental problems and had meetings to discuss with nudist camp. Her family room has flooded. Campers dump in the ground. Doesn't think the current facility is able to handle bathrooms. Expressed concern over traffic flow. She talked to sheriff today and he seemed to think there should have been a traffic flow study done. The Township wanted to turn Blue Rock into a State highway, but it was turned down. As far as sight line for height of zip lines, it will give people clear view of surrounding homes. Understand that there were a number of break-ins after Heritage Park was built. It's a phenomenal plan, but not on this site. Talked to Hamilton County Planning Commission and was told for all construction they'd have to get an okay from

Building Dept. for buildings and equipment. It is a beautiful, wonderful, quiet neighborhood and an amusement park to make other people happy shouldn't be there. She took her kids camping. Egress/ingress issues will not benefit anyone.

Barb Kiefer, 6145 Blue Rock. Has lived there since 1970. Over the years traffic has increased and they now have noise from I-275. Park will add noise and affect property values. Traffic is 24 hours per day now and the ingress/egress is bad now and will get worse. Privacy of neighbors will no longer be. If they want an adventure park, move next to Kings Island. There are nice homes in the area and doesn't think it's needed.

Steve Wilhoit, 6093 Blue Rock. Lives across from the nudist colony. Traffic is minimal. Expressed concern over cars coming in and out and their lights shining into his home. With the campground, there will be partying and drinking. Has had problems with people coming out of nudist colony and driving into his yard. They turn around in his driveway all of the time now. Neighborhood is nice and quiet. Doesn't want problems the park will bring.

Glenn Egbert, 5850 Blue Rock. Questioned if everything will be moved 100 ft. from property line including the existing pads. Nudist camp was supposed to honor regulations, but they haven't lived up to their end. Questioned will workers live in mobile homes and if other people will live there. Asked is the driveway off of Church or Blue Rock. Asked how late at night will the park be lit up and how far out will the lights shine. Said a lot of people now live at the nudist camp.

Dan Kenney, 6359 Blue Rock. Has lived there for 55 years. Have to remember that there is an existing zoning that they all live with what and they want to change rules that the residents counted on government to maintain. Know that once someone moves in, they can do just about anything. The nudist colony was put in illegally in the 70's. They were told from the owner that it was a residential property and it was put in under the radar. It wasn't grandfathered in and he's not aware that it's ever been rezoned to make it legal. Would like to see no business there, but the nudist colony is quiet and they mind their own business. Asked Board to keep in mind that it's zoned residential and it's not fair to change the rules after someone has vested their whole life into their property. Expressed concern over noise, traffic and impact on water shed. Said if a fence is installed on 2 of the 4 sides, there are good neighbors that live on the other side of the property that wouldn't be protected. It's a beautiful idea, but doesn't think it belongs in this location; 35 acres is not enough. Asked Board to maintain zoning laws.

Harriet Backus, 6066 Blue Rock. Has lived there all her life and has invested a lot in her house. Lives 2 driveways from nudist colony; they don't bother her. Adventure park will make everyone miserable; campers will go on to surrounding properties.

Chris Waterman, 6146 Blue Rock. Property abuts the site. 22 year resident. It's quiet and private. Lives in a valley and you can hear everything; traffic will be bad. Where Blue Rock goes from 4 to 2 lanes, there have been 2 deaths. It will take away their quality of life. They like where they live and won't stay if it goes in.

Elaine Gauck, 6365 Blue Rock. Driveway is hard to get out of. Cited traffic from the ballpark in the summer time. People ignore street signs.

Roy Skaggs, 5963 Springdale. Familiar with nudist camp. The highway goes from 4 to 2 lanes. Signs would have to be installed. There is no sewer for campers and the tough driveway is another hazard. Expressed concern for extra noise, safety heights and the 200-300 cars per day going into the park.

Rick Gehring, 6326 Blue Rock. Eight years ago a new bridge was built because of increased traffic. Cited the subdivision abutting the site. Expressed concern over traffic and noise issued. Has lived there 26 years. Cited fire and safety emergencies. This will affect property values. There are million dollar homes on Blue Rock. He will get his taxes reduced and sell.

Roger Petit, 6322 Blue Rock. His property adjoins the site. Opposes the park. Cited issues with traffic, garbage on the road and sewer issues.

Kim Okey, 6047 Blue Rock. Her back yard abuts the nudist colony. They have family gatherings. If they have zip lines, animals will disappear because of noise. With the canoe transport there will be buses going in and out of the site. The 25 jobs there will be isn't that beneficial. It's a good idea, but not in a neighborhood. During heavy rains, cited issues with flooding. Enjoys nature in the area that will be gone.

Staff read an email he received today date at 4:30 PM from Elizabeth Hassel, 6074 Orchard Hills. She expressed concern with the variances and because of the topography of the land, there will be a direct line of sight allowing patrons to view into their home. Cited the Code that stipulates that all structures be setback 100 ft. from property lines. Questioned if the hiking and biking trails would be permitted along property lines. Expressed concern with operating hours, outdoor concerts and lighting. Said the driveway crosses onto their property and there is no easement. Invited the Board to visit her home to view the site.

Motion to Close

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

Board Deliberation: Mr. Price stated that he has been to zip line parks and some towers are quite high and expressed concern for the privacy of neighbors and asked how will they address this issue. Mr. Kennedy said that it is in their best interest that no one can see into anyone's home as this would hurt their business, and the course and platforms will be designed to prevent this. Mr. Price asked have they worked with a designer and planner and Mr. Kennedy said yes. Mr. Price inquired about outdoor sales and asked will alcohol be sold. Mr. Kennedy said they are not considering it at this time. Mr. Price asked why will they be open until 1 AM and Mr. Kennedy said they will have special events that will run until midnight such as Halloween. Mr. Price inquired about the sewage facilities and Mr. Price said there is currently a septic system on the site and they will make sure that it satisfies the County Health District. Mr. Price asked have they talked to Hamilton County yet and Mr. Kennedy said no, but he spoke with the person who maintains it and was told that it's in good order. Mr. Price inquired about lighting and Mr. Kennedy said that for zip lining at night, the patrons will have glow sticks and that there will be no bright lights. Mr. Price asked what about for the camping facility and Mr. Kennedy said campers will have lanterns and there will be no high lighting. Mr. Roberto said that traffic seems to be one of the biggest concerns and asked how will they address the flow and regulation of traffic. Mr. Kennedy said that per Hamilton County, that strip of Blue Rock has been designated as a major arterial road and he has consulted with Chief Meloy and they will hire Colerain Township police officers to be on site at the park's expense to regulate traffic. Mr.

Kennedy said he also spoke with Chief Smith and Capt. Walsh regarding emergency vehicles and they're more than happy to have fire and EMS personnel on the site also at the park's expense. Mr. Kennedy said the mud race is a foot race and no vehicles will be involved. Mr. Roberto asked will they use the current access and Mr. Kennedy said yes and they will re-work the entrance to allow better visibility. Mr. Roberto inquired about noise. Mr. Kennedy said they want their customers have a good time, but they will not be operating concerts, machinery, and there will not be an intercom system; staff will use radios. Mr. Roberto asked about water shed and Mr. Kennedy said they have hired an engineer team to make sure there is no impact greater than it is today. Mr. Roberto asked about fencing. Mr. Kennedy said there's some fencing currently there and he doesn't know what barriers exist, but doesn't think anyone will wander into adjoining yards. He said to fence the entire property would be very expensive. He said if people are not trespassing now, he doesn't think it will be a problem with their park. He said there will be 2 guides with each group. Mr. Grubbs said that since his time ran out while speaking, asked if there was anything else Mr. Kennedy wished to speak. Mr. Kennedy said he wanted to talk about the traffic, but that has been discussed. Mr. Grubbs asked where does he envision the location of the zip line towers on the property and Mr. Kennedy said likely south of the lake and current clubhouse. Mr. Grubbs asked where does the 35 ft. setback come into play. Mr. Kennedy said it's a generic concern, but if you measure 100 ft. from the property lines there are 11 acres of land that can't be used, which makes this project unfeasible. Mr. Grubbs said it can be used for hiking, but not for structures. Mr. Grubbs asked staff is the setback a variance request. Mr. Milz explained that the criteria for the Conditional Use is that structures must be setback 100 ft. from property lines and the applicant is requesting a variance from that. Mr. Grubbs asked would the same standard of hardship then apply and Mr. Milz said yes. Mr. Grubbs explained that the Board is bound by certain standards and to grant a variance there must be a hardship and asked Mr. Kennedy what is the hardship that does not allow them to meet the 100 ft. setback. Mr. Kennedy said that 100 ft. doesn't allow them to design a course that is interesting and exciting park and customers will go elsewhere. Mr. Grubbs said the site has 35 acres and topography isn't an issue, so isn't the property just too small. Mr. Kennedy said he can't go forward with the project if he has to meet the 100 ft. setback. Mr. Grubbs said with respect to outdoor displays, he understands it could be needed for food and beverages, but he has a problem with granting a blanket exemption with no restrictions, so if approved, some parameters would have to be placed on it. Mr. Grubbs said he appreciates what Mr. Kennedy said that it is an arterial road, but it does have just 2 lanes and if the park is a great success, it would have to become a 3 or 4 lane road. Mr. Kennedy said it's not going to be like Kings Island; there would be about 16 customers per hour and reservations will be needed to zip line. Mr. Grubbs asked how does he envision folks entering the site from Blue Rock. Mr. Kennedy said it's a very long driveway into the site, so he if there is any kind of back up, it will be on that driveway, not on the road. Mr. Kennedy added that if any back up would likely only be during special events and reiterated the use of Colerain Township police officers. Mr. Grubbs said they intend to use the current driveway with modifications and Mr. Kennedy said that is correct. Mr. Grubbs asked if the road is wide enough for more than 1 car and Mr. Kennedy said he has passed cars on it and his only concern is with the exit, which they plan on re-working to allow for a better line of sight. Mr. Grubbs asked how many cars do they anticipate and how much parking is available. Mr. Kennedy said the most cars for special events would be 500 and they will park on the grassy area, but on a typical Saturday, there is a parking lot near the lodge and the average would probably be 20-25 cars at a time. Mr. Grubbs asked how long do they think a customer would stay on the site and Mr. Kennedy said 2-3 hours and added that the number of campsites will be reduced. Mr. Grubbs asked if approved, what is the time line. Mr. Kennedy said they will first bring in a team to analyze and

design the zip line and hopefully be open for Memorial Day. He said they have a 3-5 year plan for all of the activities, adding that they are a small family business. Mr. Grubbs asked what is the vision for Halloween and Mr. Kennedy said there will be a daytime event for small children and a haunted house at night for older kids and adults. Mr. Grubbs asked will the haunted houses be temporary and Mr. Kennedy said that depends on what is allowed by the Fire Dept. Mr. Grubbs inquired about the setback for the aerial adventure park apparatus and Mr. Kennedy said it would be the same as for the zip lines. Mr. Grubbs said as far as noise issues, would he be agreeable to a condition that there be no amplified sound and Mr. Kennedy said there will be no concerts and he'd have to think about it. Mr. Grubbs said it sounds like Mr. Kennedy has been told that the septic system is acceptable for the day to day operation, but what about for special events. Mr. Kennedy said they would use porta-potties for special events. Mr. Grubbs asked staff if camping pads can be in the setback and Mr. Milz said it depends on what the pads are. Mr. Milz read the definition of a structure and an impervious concrete pad would be a structure, so would not be permitted, but his understanding is that the camping area will be a dirt clearing where a tent can be pitched. Mr. Kennedy said the goal of the business is not camping and there may be some RV hookups, but he has no interest in continuing the sites that abut property lines and has no intention of having someone camp next to a property line. Mr. Grubbs asked do they intend to have anyone living on property and Mr. Kennedy said eventually a custodian and they plan on re-purposing the 2 mobile homes as office or use for other things with no intention to live there. Mr. Grubbs questioned the zip line lighting and asked how does someone get to the top of a platform. Mr. Kennedy explained that the intent is for the first platform to be at ground level and zip into the first tower and son on. Another possible way is they would build a staircase up to platform. Mr. Grubbs asked when it is dark how do they see. Mr. Kennedy said there might be foot lighting, adding that they do not intend to hang a light from the platforms. Mr. Grubbs said you don't expect to throw off light beyond that structure and Mr. Kennedy said that is correct. Mr. Martin thanked the applicant for the presentation and said he fully accepts what staff says about the definition of Conditional Uses, however, we have to start with the Township's plan for this area. The Comp Plan designated this area as Rural North and specifically talks about keeping it rural. The Zoning Resolution states that Conditional Uses cannot infringe on neighboring parties. Mr. Martin said the site plan is deficient in all areas and doesn't have septic or lighting analyses. It is hard to believe an insurance company will allow a tower that may require emergency access without illumination. Since the 100 ft. setback requirement cannot be met, it is reason to believe this isn't the property for this project. They not only need a Conditional Use approval, but also variances. The Board has to be satisfied that neighbors will not be injured and that it's not a use that requires a variance. Asking for a Conditional Use and variances is an indication that this is not the right spot for this project. Mr. Martin said the site plan doesn't show where towers will be located and they're asking for a variance for the height. If he were one of the neighbors he'd want to know exactly the height and where the towers will be located as this will have a direct impact on the neighbors. Mr. Kennedy said he cannot say exactly where the towers will be located. Mr. Martin also cited lack of a signage design and asked is there going to be a sign and Mr. Kennedy said yes. Mr. Kennedy said as a small businessman, everything described would cost him \$50,000 in the hopes that the plan will be approved and he's not in a position to do this. Mr. Martin said in his opinion it's a lot of burden to place on this Board to go along with his requests on faith and said there's no assurance that the septic system will be taken care. Mr. Kennedy said he objected to this comment and Mr. Martin cited the number of potential customers and Mr. Kennedy said they'd have porta-potties. Mr. Martin asked where will they be located and Mr. Kennedy said they'd be 100 ft. away from property lines and said he doesn't understand why this is an issue. Mr. Martin said he'd want to know

how many and placement of the porta-potties, citing that the one thing specific in his plan is 462 parking spaces, however, he previously stated that there would be 500 cars and asked where will the other 38 cars go. Mr. Kennedy said he's unsure of the number of cars and added that there's parking on the side of property that exists today. Mr. Martin said he doesn't see how a plan can be approved without specifications. Mr. Kennedy said they're approving the use, not the plan. Mr. Martin said in his opinion, the Board has to be satisfied that neighbors will not be injured. Mr. Milz said this is fairly common; this is a conceptual approval and the question is does the use meet the criteria of the Zoning Resolution. Mr. Milz said the next step would be a zoning permit application and in that review process, required parking spaces would be addressed. He said that the septic system along with a number of other approvals would be required before Hamilton County would issue a building permit. Mr. Martin said he has difficulty approving a plan in concept without detailed traffic and lighting analyses as these will most impact the neighbors. Mr. Milz said if the applicant was asking for zone change, these things would come into play and there would be a preliminary development plan to be reviewed. Mr. Milz said this is a larger scale Conditional Use request than the Board typically sees, so they haven't run into this problem. Mr. Martin said the Board has to be guided by Article 4.4.3 which talks about injuring neighbors and based upon what is presented, he's not convinced at all that what is being proposed will not injure the neighbors. Mr. Reininger said to clarify what the applicant is requesting, they are looking for relief from the 100 ft. setback requirement, outdoor displays/storage and height. Mr. Milz said these are the 3 variances requested as well as approval of the Conditional Use. Mr. Reininger referenced one of the Duncan factors which states that the essential character of a neighborhood would not be substantially altered or adjoining properties would not suffer substantially and asked is this one of the criteria the Board follows and Mr. Milz said yes. Mr. Grubbs said his understanding is that the 3 variance requests are critical and without these, the applicant will not make this request and Mr. Kennedy said that is correct. Mr. Roberto stated that there was not a tower at the zip line park he visited and Mr. Kennedy said the zip lines were probably in trees.

Board Action: Motion to deny Conditional Use and variances by Mr. Martin, 2nd by Mr. Price.

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

B. Case No.: BZA2012-18
 Subject Property: 11981 Pippin Rd., Cincinnati, Ohio
 Applicant/Owner: Beautiful Savior Evangelical Lutheran Church
 Application: Conditional Use for a Place of Worship – Article/Section 4.4.

Staff: The church has existed in this location since before the text amendment that made religious places of worship a Conditional Use in a residential district. The use is allowed to continue and exist today as a non-conforming use. The applicant met with staff and proposed to locate an LED sign, which is permitted in a residential district in approved Conditional Uses. In order for the applicant to get the electronic sign, the church has to get an approved Conditional Use, so this is a matter of formality. The issue before the Board is to grant a Conditional Use to the church. Provided aerial map of site. Zoning on property is R-6 Residential and the back half is located in R4 Residential district. They are a good neighbor in the community and wish to exercise their right to have an electronic sign.

Applicant: Tom Westra, pastor of the church. Rev. Westra asked are they getting approval for the 2 signs. Mr. Milz explained that as of right, they will be permitted to get the signs after they receive an approved Conditional Use. Rev. Westra said they have 2 existing signs that are in need of repair and they are choosing to replace them.

Motion to Close

Public Input: Motion by Mr. Martin, 2nd by Mr. Price. Motion carried.

Board Deliberation: Mr. Price asked if the signs will have moving text. Rev. Westra said they will have the ability to have changeable text and will comply with the regulations. Mr. Milz read the section of the Code pertaining to electronic signs. Mr. Price asked do they have the designs yet and Rev. Westra said yes and the sign contractor is available for questions. Mr. Price asked if there are any pictures of the new signs and Rev. Westra said only the drawings they submitted. Mr. Roberto had no questions. Mr. Grubbs asked staff have there been any uses with non-conforming uses that have existed and Mr. Milz said no. Mr. Reininger asked if the code regulations for electronics are acceptable and Rev. Westra said yes. Mr. Martin had no questions.

Board Action: Motion to approve by Mr. Price , 2nd by Mr. Grubbs.

Mr. Reininger said the signs are also approved.

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

C. Case No.: BZA2012-19
Subject Property: 5704 Squirrelsnest Ln., Cincinnati, Ohio
Applicant/Owner: Marcia Ferguson
Application: Requesting a variance for a 7 ft. fence/stone wall –
Article/Section 12.8.1.

Staff: Ms. Ferguson applied for permit for a 7 ft. fence which exceeds the maximum height of 6 ft. by 1 ft. Aerial map of site and zoning map were provided along with pictures of existing and proposed fencing. Subject and all surrounding properties are in R-2 Residential District. If approved, the following conditions were suggested:

1. The work comply in all other respects with all applicable codes and the Zoning Resolution.
2. No changes or modifications may be made without consent of the Board of Zoning Appeals

Applicant: Marcia Ferguson 5704 Squirrelsnest. She is hoping the Board will approve the additional foot for the safety of her dogs. The original fence was 4 ft. tall and 3 or 4 years ago, she had it professionally raised and 2 years ago she put lattice on the back and side which raised the fence to almost 8 ft. in an attempt to keep the dog in. The dog soon figured out that he could scale this fence. She went to her homeowner's association to see if she could put up a 6 ft. and they said no. A stone wall with fencing on the top was suggested. Her hope is that the stone wall will make her dog think he's trapped in. The existing fence is hideous and needs to be replaced and the new fence will also provide

safety for her dog. She explained that they have a deck that sits 2 ft. off the ground and one of the dogs is able to go from the ground to the deck and scale the fence. She doesn't think he'll be able to get over a 7 ft. fence.

Motion to Close

Public Input: Motion by Mr. Price, 2nd by Mr. Martin. Motion carried.

Board Deliberation: Mr. Price asked what kind of dogs does she have and Ms. Ferguson said this particular dog is a boxer, she has 5 dogs, one of them is a Jack Russell and they are all rescues. Mr. Price asked the reason the wall will be 3 ft. instead of 4 ft. and Ms. Ferguson said it was recommended by the contractor and also the association said the back yard has to be visible. Mr. Price asked will the entire fence be the same height and she said yes, on 3 sides. Mr. Roberto asked are the pictures provided representative of what is going to be installed and Ms. Ferguson yes. Mr. Grubbs inquired about the location of the fence and Mrs. Ferguson said pretty much only in the immediate back yard on the private drive side. Mr. Grubbs asked what is the topography and she said flat. Mr. Martin said he understands her concern as he's a rescue dog owner, but is concerned about the precedent this would set and what will prevent someone from coming in and saying they have the same problem with a dog. He has a 6 ft. fence on his property and doesn't know a dog that could jump that fence. Mr. Martin asked what's to prevent the dog from scaling this type of fence and Ms. Ferguson said because it is aluminum. Mr. Martin said he doesn't see the justification and doesn't see her being any different than any other dog owner and thinks there are other things she could do. Mr. Reininger asked has she considered an electric fence and she said there are lots of deer in the area and she doesn't believe in shock treatment. She said that with electric fences, often a dog will go out and not return because they know they will be shocked. Mr. Reininger asked is the eco stone a cement product and she said it's pre-fab cement product that looks like stone; but made in sections. Mr. Reininger asked are the line posts cemented in and she said yes, in footers, 12 to 18 inches below ground. Mr. Price said he understands her concern with electric fences. He has talked to shelters and his property abuts has neighbor's fence and he couldn't keep his dog in, so he installed an overhead zip line for the dog. Mr. Price said that several animal shelters have suggested you can get a prison fence that has a curve coming into your property and has she thought of something like that. Ms. Ferguson said no, but their association has strict guidelines for fences, a chain link isn't permitted, so she doesn't think it would be approved. Ms. Ferguson said another reason the association is okay with the proposed fence is because her house is the first one entering the neighborhood and although you can't see the fence coming into the neighbor because every lot is wooded, you can see it when you're leaving neighborhood and the fence will beautify the neighborhood.

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

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

Ms. Ferguson asked when can she get a permit and Mr. Milz said next month the resolution will be journalized and she can pick up her permit at that time.

Resolutions for Adoption:

- A. Case No.: BZA2012-14
Subject Property: 8536 Colerain Ave., Cincinnati, Ohio

Applicant/Owner: Northgate Chrysler Dodge Jeep
Application: Requesting a variance for wall signage –
Article/Section 15.8.3(G).

Roll Call: Mr. Grubbs – aye, Mr. Price – aye, Mr. Reininger – aye.

B. Case No.: BZA2012-15
Subject Property: 6194 Day Rd., Cincinnati, Ohio
Applicant: Chris Herth
Owner: Karla Herbert
Application: Requesting a variance for a pole building –
Article/Section 10.2.1(A)(3)(8).

Roll Call: Mr. Grubbs – aye, Mr. Price – aye, Mr. Reininger – aye.

C. Case No.: BZA2012-16
Subject Property: 7074 Harrison Ave., Cincinnati, Ohio
Applicant: David Metz
Owner: 7074 Harrison Ave. LLC
Application: Requesting a variance for wall signage –
Article/Section 15.8.3(G).

Roll Call: Mr. Grubbs – aye, Mr. Price – aye, Mr. Reininger – aye.

Unfinished Business: None.

Approval of Minutes: Motion to approve minutes of December 19, 2012 meeting by Mr. Price, 2nd by Mr. Grubbs. Motion carried.

Administrative Matters: Staff advised the Board that the Trustees have changed meeting times to 6 p.m., however, after hearing the Board's concerns, he spoke with administration and the start time for zoning board meetings will be 7 p.m.


Adjournment: Meeting adjourned by motion at 8:15 p.m. Motion carried.

Respectfully Submitted:



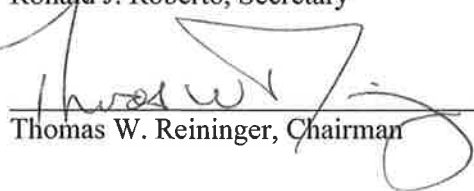
Rebecca J. Reno, Zoning Recording Secretary

Secretary:



Ronald J. Roberto, Secretary

Accepted by:



Thomas W. Reininger, Chairman