

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS
Regular Meeting
4200 Springdale Road, Cincinnati, Ohio 45251
August 28, 2013 - 7:00 p.m.

Meeting called to order: 7:00 p.m.

Pledge of Allegiance.

Explanation of procedures.

Roll Call. Present: Mr. Grubbs, Mr. Martin, Mr. Price, Mr. Reininger, Mr. Roberto.

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

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.

Staff: Site is located in SE quadrant of Township in B-2 Business District. Lot split could not be approved because 1 acre is required. Provided zoning citation history.

Applicant: Steven Adler, Lake Forest Dr., Cincinnati, OH 45242. The existing structure will be demolished and the parcel will be subdivided to create 2 parcels with approximately 0.91 acres each. A drive-thru restaurant and another future restaurant will be developed on the parcels. They have received a permit from ODOT which includes a new right in, right out driveway on Colerain Ave. and they have an easement agreement with the adjoining property for egress/ingress issues.

Public Input:

Frank Birkenhauer, Director of Development and Assistant Township Administrator, Colerain Township and member of Colerain Task Force. Prospective buyers have backed off because of the condition of the site. He has worked with the developers and adjacent property owners for this project. The plan concurs with the Colerain Corridor Plan. Two parcels will be consistent with the surrounding sites.

Dan Meloy, Chief of Police, Colerain Township. Provided crime history of the site, which included gun shots and prostitution. The site has been a constant burden to the residents who live to the rear of the site and the Police Dept.

Motion to close public input by Mr. Roberto, 2nd by Mr. Martin. Motion carried.

Board Deliberation: Question was raised if there would be sufficient parking for the proposed developments if the lot was subdivided. Staff stated that shared parking between tenants/parcels

is permitted. Question was raised if any part of the site was taken when Colerain Ave. was widened and it was confirmed that it was.

Board Action: Mr. Price made a motion to approve the variance as requested. Mr. Grubbs asked if it is appropriate to condition the variance on the cross easement and Mr. Barbier said yes. The motion was amended to include that condition and was 2nd by Mr. Grubbs.

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

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.

Staff: Site is located in R-5 Residential District. Applicant applied for a zoning certificate for an addition to the existing church and because the church doesn't have a nonconforming or conditional use certificate, the permit could not be issued. Since the existing parking area is located closer than 50 ft. to the property line, a variance for the parking is requested. If the variance is granted, the conditional use approval request will proceed.

Applicant: Greg Davis, 5733 W. Fork Rd., Cincinnati, OH. The church was built in 1998. The proposed addition was approved on the original plan, but the church could not proceed because of funds. The addition is for a fellowship hall and classrooms. They are not adding additional parking. The existing parking encroaches into the 50 ft. setback that the Code now requires for churches next to residences.

Motion to close public input by Mr. Price, 2nd by Mr. Grubbs.

Board Deliberation: Questions were raised about the granting of the variance for the existing parking lot. Staff stated that a variance will allow the church to receive a conditional use. Discussion followed regarding a nonconforming use versus a conditional use. Question was asked if the proposed expansion conforms with the Zoning Code and staff stated that the expansion meets all setbacks and uses. Staff said that anything they would want to do in the future would have to comply with the Code.

Board Action: Motion to grant variance for the existing parking lot with less than a 50 ft. setback from the property line by Mr. Roberto, 2nd by Mr. Price.

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

Board Action: Motion to grant conditional use for religious place of worship by Mr. Price, 2nd by Mr. Roberto.

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

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.

Staff: Site is located in B-2 Business District. Proposed wall sign is 5.5 ft. in height and 296.66 sq. ft. The Code allows a maximum height of 4 ft. and maximum area of 1 sq. ft. per linear foot of building frontage or 150 sq. ft., whichever is less. The building has 320 ft. of frontage.

Applicant: Scott Smith. The owners have gone to great expense for the development of the site. The existing building is positioned on an elevated site well above the roadway traffic which limits the visibility of any signage on the building, creating a hardship. Also, the building sets back far from the roadway.

Motion to close public input by Mr. Price, 2nd by Mr. Roberto. Motion carried.

Board Deliberation: Questions were raised if alternate signage, such as directional or entrance signs, would resolve the issue. The applicant stated that their intent is to do a tasteful sign on the building and because of the grade, they had concern that an entrance sign might create a hazard. Question was raised if the second floor would be sublet and if so, would additional signage be needed. Philip Hughe, general manager of Point Blank, said that currently there are no intentions to sub-lease the second floor. Question was asked how does this sign compare to signage on other large boxes where there is a lot of frontage. Staff advised the Board that for businesses that are located in planned districts, such as Northgate Mall, larger signs can be accommodated through the planned development process. The applicant was asked if they would be agreeable to a condition that would prohibit a freestanding sign on the site. Mr. Smith said that the owner is not present to answer that question, but as far as he knows there are no plans for such a sign. Mr. Barbieri advised the Board such a condition would be appropriate.

Board Action: Motion by Mr. Martin to approve the variance as requested with a condition that no free standing sign be allowed on the property without the permission of the Board of Zoning Appeals, 2nd by Mr. Roberto.

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

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.
Motion: deny.

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

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).
Motion: grant.

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

Unfinished Business: None.

Approval of Minutes: Motion by Mr. Martin to approve minutes of June 26, 2013 meeting as amended, 2nd by Mr. Price. Motion carried. Motion by Mr. Martin to approve minutes of July 24, 2013 meeting as amended, 2nd by Mr. Roberto. Motion carried.

Mr. Reininger requested that future minutes include only a summary of what transpired and not verbatim comments. He said that a transcript is being taken of the meeting as well as the video.

Administrative Matters: None.

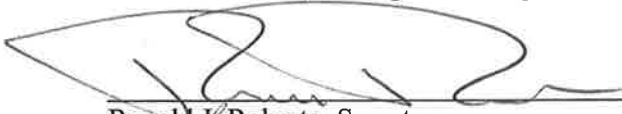
Adjournment: Motion to adjourn by Mr. Roberto at 8:28 p.m., 2nd by Mr. Martin. Motion carried.

Respectfully Submitted:



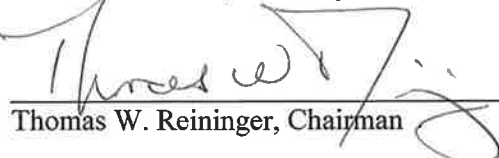
Rebecca J. Reno, Zoning Recording Secretary

Secretary:



Ronald J. Roberto, Secretary

Accepted by:



Thomas W. Reininger, Chairman