

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS
4200 Springdale Road - Cincinnati, Ohio 45251
Regular Meeting
Wednesday, February 26, 2014 - 7:00 p.m.

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

Scott Solomon administered the oath of office to Robert J. Bartolt.

Motion to elect Mr. Martin as Secretary by Mr. Reininger, 2nd by Mr. Roberto. Motion carried.
Motion to elect Mr. Roberto as Vice Chairman by Mr. Reininger, 2nd by Mr. Martin. Motion carried.
Motion to elect Mr. Reininger as Chairman by Mr. Roberto, 2nd by Mr. Price. Motion carried.

Pledge of Allegiance

Explanation of procedures.

Roll call. Present: Mr. Bartolt, Mr. Martin, Mr. Price, Mr. Roberto, Mr. Reininger.

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

Hearing of Appeals:

A.	Case No.:	BZA2014-01
	Subject Property:	Aldi, 9490 Colerain, Cincinnati, Ohio
	Application:	Variance for wall signage – Article/Section 15.8.3 (G).
	Applicant:	Branham Sign Co.
	Owner:	Hauck Holdings Colerain LLC

Staff: Aldi grocery store applied for a zoning certificate for wall signage at their new store on Colerain Ave., however, it could not be issued because of the height. The zoning is PD-B. Aerial view of site and surrounding zoning was provided. The maximum height for wall signs is 4 ft. The building has a setback from the right of way of approximately 285 ft. The proposed sign would not be contrary to the purpose of Article 15. It is a badge type sign and the total sq. ft. proposed is less than the 150 sq. ft. maximum permitted on this portion of the building. The proposed sign meets all other aspects of the Resolution. It is aesthetically pleasing. The sign would not benefit the community if made smaller because of the characteristics of this particular building and its location on this particular parcel. The proposed sign does not adversely affect the delivery of government services. Staff finds that substantial justice would be done by granting this variance.

Applicant: Stanley W. Young III, Branham, 1 Cypress, Reynoldsburg, Ohio. Thanked the Board for the opportunity to review the request. From aesthetic standpoint, the amount of signage is dramatically less than what is permitted overall. The only issue is the height of the proposed sign. If the sign were reduced it would be a very small logo and would be unreadable from the distance of 285 ft. from the right of way. With each new store, they look at the site and come up with a graphics package that is useable and readable.

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

Board Deliberation: Concern was expressed that there is nothing unique about the property that would allow this variance. The new Aldi store in Aurora was cited which has a setback greater than this store, but has a 4 ft. tall sign. Mr. Young said that he has not reviewed the site in Aurora, however, to have a 4 ft. badge sign at this site, given the width of the building, it would not be balanced or readable. Concern was expressed that although it looks good on the footprint, it exceeds the constraints of the Zoning Code. Question was raised if they are going to have a sign on the entrance pylon sign and Mr. Young said yes. Mr. Young said that the Aldi's logo is their trademark and they are remarketing and remodeling their existing stores so that they are all consistent. Question was raised if all new Aldi stores get this size sign and Mr. Young said it depends on each store front and added that most Aldi stores are free standing and have signage on more than one side. Mr. Young said when you have a building of this size with a tower, the sign needs to be sized so that it looks balanced and can be readable. Mr. Young reiterated that it does not exceed the overall 150 sq. ft. that is allowed. Mr. Milz said that the building is old with an outdated façade and they are proposing to update it with parapet walls and an arch. He said that when there is a practical difficulty, an applicant may come before the Board of Appeals and request a variance. Mr. Milz cited the Duncan factors and the criteria in the Zoning Resolution for variances. Mr. Milz asked the Board to allow him to demonstrate that a 4 ft. tall sign, at a distance of 285 ft., is illegible. He said that when seen in a broader context, the Board can decide whether or not it is an appropriate amount of signage. Question was raised if the ordinance should be changed if a 4 ft. tall sign isn't sufficient. Discussion followed on the number of cases that come before the Board and Mr. Milz stated that for the most part, he doesn't encourage anyone to come before the Board when he knows that it won't go through. He said that the Resolution is working for 99 percent of the permits applied for. Mr. Milz said that it is his professional opinion that this variance makes sense. Mr. Reininger stated that the overall signage is less than the sq. ft. that is permitted. Mr. Young pointed out on the screen what a 4 ft. sign would look like on the existing building.

Board Action: Motion by Mr. Roberto approve the wall signage as recommended by staff, 2nd by Mr. Bartolt.

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

Resolutions for Adoption:

A.	Case Nos.:	BZA2013-0014 and BZA2013-0015
	Subject Property:	Christ Lutheran Church, 3301 Compton Rd., Cincinnati, Ohio
	Applicant/Owner:	Christ Lutheran Church
	Application:	BZA2013-0014 – Variance for existing church parsonage less than 50 ft. from lot line at a religious place of worship – Article/Section 7.4.10 (A). BZA2013-0015 – Conditional Use for Religious Place of Worship – Article/Section 7.2.3, Table 7-1.

BZA2013-14 – Motion: grant.

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

BZA2013-15 – Motion: grant.

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

Unfinished Business: None.

Approval of Minutes: Motion by Mr. Roberto to approve minutes of the January 22, 2014 meeting, 2nd by Mr. Price. Motion carried.

Administrative Matters: Mr. Milz provided the Board with the regulations and process for the Vacant Building Maintenance License. He said that persons in control of properties are required to get a license and in order for the license to be issued there is a fee and a building maintenance inspection. Section 7 of the order deals with appeals and states that any person affected may request and be granted a hearing by the Board of Zoning Appeals. The Board will have the ability to hear reasons why the person in control of the property believes the order doesn't apply to them. He said that if the person in control can demonstrate that the property is being redeveloped or if it has an active MLS, the zoning administrator can issue a waiver for up to 2 years. The fee is intended to give owners an incentive to fix up vacant buildings. Mr. Milz said that with vacant buildings, when the owner leaves and there is a transition between owners, the ownership is cloudy, so the order allows the Township to go after the person in control, which can be the mortgagee. The order doesn't include barns and free standing structures; these would be referred to the Building Dept. if found to be unsafe.

Mr. Milz said the only item on the agenda for the meeting next month will be the journalization of the resolution for the case heard tonight and asked if the meeting time could be changed from 7 p.m. to 6 p.m. The Board agreed that the meeting time for the March 26, 2014 meeting will be 6:00 p.m.

Mr. Martin asked for an update on the violations he had inquired about. Mr. Milz said the information can be found on the dashboard on the Township's website and another resource is the benchmarking presentation recently given at a Trustees meeting. Mr. Milz said that last year there were approximately 1,133 citations. He explained the citation process which can end up in court for prosecution through our law director if there is no compliance. Mr. Milz said that last week, 105 sign citations were issued on Colerain Ave. and we're already getting some voluntary compliance. Mr. Milz explained that the code enforcement officer will work more hours for the Police Dept. in the winter when violations are less and in the spring through summer will work more hours for the Planning & Zoning Dept. Mr. Milz said the Township is sharing services, while still providing the highest quality of service. Mr. Milz encouraged Board members that if they see anything that is out of compliance to go to our website and register the violation.

Adjournment: Motion to adjourn by Mr. Roberto, 2nd by Mr. Price at 7:50 p.m. Motion carried.

Respectfully Submitted:



Rebecca J. Reno, Zoning Recording Secretary

Secretary:



Robert W. Martin, Jr., Secretary

Accepted by:



Thomas W. Reininger, Chairman

