

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, June 24, 2015 – 7:00 p.m.

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

Pledge of Allegiance.

Explanation of Procedures.

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

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

Hearing of Appeals:

A.	Case No.:	BZA2015-03 – Variance for additional wall signage – Article/Section 15.8.3(G)1.
	Location:	9870 Colerain Ave., Cincinnati, Ohio
	Applicant:	Anne Karns (Sign Dynamics)
	Owner:	Buddy's Carpet

Staff:

In the matter of the appeal of Anne Karns with Sign Dynamics on behalf of Buddy's Carpet for an area variance from Article 15, Sections 15.8.3(G)1 of the Zoning Resolution, related to wall signage in the B-2: General Business zoning district. The appellant applied for and was denied a zoning certificate for one additional wall sign on one elevation of the new Buddy's Flooring America retail location. The applicant proposes signage on the north elevation of the building which does not face a public or private street. The north elevation of the building does, however, face an entrance drive to the shopping center. Staff indicates that the previous tenant of Verizon Wireless did have signage installed on the north elevation. The applicant has already been approved for a wall sign facing Colerain Ave on the west elevation, however the additional signage proposed is located on the north elevation. The following staff findings were provided:

1. The variance requested is not substantial. The applicant proposes a sign that is 34.84 SF. If a variance were to be granted, the amount of wall signage would be in keeping with the 1SF per linear foot of building frontage.
2. The property in question would likely yield a reasonable return without the variance. The property is located approximately 91 feet away from the right-of-way and faces Colerain Avenue, making visibility to the roadway not an issue.
3. The owner's predicament could not feasibly be obviated by other means. Without the variance, the owner will not be able to install any signage on the north facade.
4. The variance would not adversely affect the delivery of governmental services.
5. The essential character of the neighborhood would not be negatively impacted by allowing the additional sign.
6. The owner was not aware of the sign regulations before they leased the space as the prior tenants (Verizon Wireless) had approved signage on both the north and west elevations.

7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that justice would be done by approving this variance.

Staff recommendation was approval.

Applicant: Jeffrey Beck owner of Sign Dynamics. His client would like to have a sign on the north elevation because his customers have been complaining that the multi-tenant sign and the KFC sign block the existing front entrance sign facing Colerain Ave. This has caused his customers to accidentally pass up the retail space. Mr. Beck understands that Verizon did not get a permit for their signage on the north elevation, and explains that if permitted by the zoning resolution, that wall sign could be as large as 60 SF. Mr. Beck explains that his proposed signage is half that.

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

Board Deliberation: Mr. Martin inquired that signage should be permitted on walls facing driveway entrances to shopping centers and raised the idea that staff should amend the zoning code to reflect that idea. He went along to say that he sees it as a public safety issue. Mr. Bartolt explained that the sign is needed for people traveling south on Colerain. Mr. Roberto explained that he passed the store without knowing and agreed with Mr. Martin that it could become a safety issue without it.

Board Action: Mr. Martin made a motion to approve the sign as proposed, 2nd by Mr. Price.

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

B.	Case No.:	BZA2015-04 – Variance for additional wall signage – Article/Section 15.8.3(G)1.
	Location:	8403 Colerain Ave., Cincinnati, Ohio
	Applicant:	Emily Bamonte (Holthaus Signs)
	Owner:	AT&T

Staff: The applicant has applied for and was denied a zoning certificate for two additional wall signs on two separate elevations for the new AT&T retail location. We are discussing the south and west facades of this location at 8403 Colerain Avenue. The applicant proposes additional signage on the south and west elevation of the building which do not face a public or private street. The south elevation of the building does, however, face an entrance drive to the shopping center that is heavily trafficked and serves as a main entry for the shopping center. The west-facing facade also acts as the proper point of entry for the retail establishment. The applicant has already been approved for a wall sign facing Colerain Ave on the east elevation. The building in question is a two tenant building located across Colerain Avenue from the Ronald Reagan Highway ramp. The applicant is located in the southern end of this building. The following staff findings were provided:

Staff Findings:

1. The variance requested for signage is not substantial. The applicant proposes a sign that is 39.78 SF. If a variance were to be granted, the amount of wall signage would be in keeping with the 1SF per linear foot of building frontage.

2. The property in question would not likely yield a reasonable return without the variance for signage, specifically on the west elevation. The property abuts Colerain Avenue, however the point of entry for customers is off of the west elevation facing the parking and shopping center.
3. The owner's predicament could not feasibly be obviated by other means. Without the variance, the owner will not be able to install wall signage on either facade.
4. The variance would not adversely affect the delivery of governmental services.
5. The essential character of the neighborhood would not be negatively impacted by allowing the additional signage.
6. The owner was not aware of the sign regulations before they leased the space as the prior tenants (RadioShack) had approved signage on both the south and west elevations.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that justice would be done by approving this variance for additional signage to be installed on the west elevation.

Staff recommendation was approval.

Applicant: Charlie Holthaus who represents Holthaus Signs, 817 Ridgeway Avenue. Applicant explains that the west facing side of the building is their main entrance and expressed that it is necessary to have signage there. The applicant goes on to explain that there is a pylon sign that blocks the previously approved sign on the east facing side along Colerain Avenue.

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

Board Deliberation: Mr. Martin expressed the need once more that the zoning resolution should be amended to allow for signage to be placed on building facades facing driveway entrances. The question was raised by Mr. Price as to why a temporary sign was denied to the applicant by the owners of the shopping center. The applicant explained that there was not enough space on the pylon sign and all the tenant spaces were already spoken for at that point.

Board Action: Motion by Mr. Martin to approve, 2nd by Mr. Reininger.

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

C.	Case No.:	BZA2015-05 – Area Variance for accessory structure – Article/Section 10.2.1(A), 10.2.1(C), 10.2.3(B).
	Location:	3130 W Kemper Rd., Cincinnati, Ohio
	Applicant:	Paul Ahr
	Owner:	Paul Ahr

Staff: In the matter of the appeal of Paul Ahr for an area variance from Article 10, Sections 10.2.1(A), 10.2.1(C), and 10.2.3(B) of the Zoning Resolution, related to the size, height, and location of accessory structures in residential districts. The applicant proposes to construct a new 38'W X 60'L X 19'H pole barn on his lot. The applicant was originally granted a variance by the Colerain Township Board of Zoning Appeals in 2006 to construct a 30'W X 60'L X 18'H pole barn in the front yard. The structure was never built and the zoning certificate expired on December 20, 2007. This is a residential flag lot that measures 2.2 acres and is located two properties back from the street. If approved, the structure would again be located in the front yard, 20' from the southern property line and 15' from the eastern property line. Currently, the footprint of the principle structure is approximately 2,080 SF. The proposed pole

barn would exceed that square footage by 200 SF. The proposed structure would be located on the lowest lying area of the property and is buffered by a substantial tree line to the south and would only be visible to the neighbor to the east of the existing property. The proposed structure would meet setback requirements but would be partially located in the front yard. The applicant wishes to use this structure to store his equipment for his contracting business and to reduce visual clutter. The following staff findings were provided

Staff Findings:

1. The variance requested is substantial. The proposed building would be larger than the footprint of the principle structure, taller than the allotted 15', and located in the front yard.
2. The property in question would likely yield a reasonable return without the variance.
3. The character of the neighborhood would not be substantially altered by the issuance of the variance, as the proposed pole barn would be screened from view by the existing tree lines.
4. Approval of the variance would not affect the delivery of government services.
5. It is unclear whether the owner purchased the property with knowledge of the zoning restriction however, the owner was aware that a variance would be necessary following the prior variance request made in November of 2006.
6. The subject property is surrounded by vegetation and is backed by hilly terrain. The suggested placement of the structure is due to those constraints. Therefore, the owner's predicament could not be resolved by another means.
7. The placement of the proposed structure is such that it is at the lowest point on the property between the primary structure and a screening line of trees to the front of the property providing substantial sight barriers from most neighboring properties.
8. The height and sizing requests are made to allow for a large enough structure to enclose large equipment and provide relief from visual clutter on the property.
9. The exterior of the accessory structure is proposed to be of vinyl siding and stone to match the primary structure on the property as well as to maintain the aesthetic nature of the existing neighborhood.
10. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by granting this variance.

Staff recommendation was approval.

Applicant: Paul Ahr, 3130 W. Kemper. Explained that the neighbor who would be visually impacted by the proposed structure is his brother.

Public Comment: Bernie, was sworn in at beginning of meeting but did not give address. Expressed concern with the wording of the staff report and questioned why staff recommended approval. He explains that the application should have been for a use variance rather than an area variance. He goes on to reflect his concern with the staff report stating the words, "staff finds that substantial justice would be done by granting this variance." He strongly disagreed with that statement and goes on to say that the proposed structure may create a problem for our fire department due to the type of equipment the applicant stated he would store in the structure. He claims that the applicant would be running a business and that the parcel is not zoned for that. He elaborates on the fact that the parcel is not a business site, nor a construction site, nor a commercial site, but a residential site and should not be permitted in a residential district.

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

Board Deliberation: Mr. Martin began the board deliberation by stating that he disagreed with most of what Bernie spoke of, however agreed with his conclusions. He stated that there is in fact, a need for a use variance. Mr. Martin goes on to state that the applicant is asking for a home occupation and thus, would need a separate variance for. Per the zoning resolution, box trucks are not a permitted vehicle in a residential neighborhood. Additionally, he explains to the applicant that he would need another variance at a minimum under Section 10.2 but also under 10.3 for home occupations of the zoning code. Mr. Martin explains to Mr. Ahr that his justification statement states that the structure would provide space for maintenance of his vehicles. Mr. Martin raises the concern that the applicant is in clear violation of Section 13.7.1 and encouraged staff to send a zoning officer out to the applicant's property for his violations. Mr. Martin cannot support this and believes this sets a bad example for the township. Mr. Reininger also believes that the applicant is conducting a business in a residential district and does not support the proposed structure.

Board Action: Motion by Mr. Martin to deny, 2nd by Mr. Bartolt.

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

Unfinished Business: None.

Approval of Minutes: Motion by Mr. Martin to approve minutes of May 27, 2015 meeting, 2nd by Mr. Reininger. Roll call: Mr. Bartolt – aye, Mr. Martin – aye, Mr. Price – abstain, Mr. Roberto – aye, Mr. Reininger – aye.

Administrative Matters: None.

Adjournment.

Respectfully Submitted:

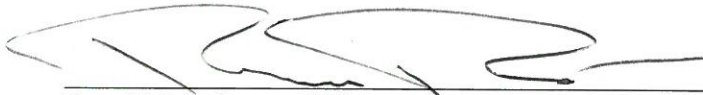
Julia K. Brodsky, Land Use Planner

Secretary:



Timothy A. Price, Secretary

Accepted by:



Ronald J. Roberto, Chairman

