



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, October 26, 2016 – 6:30 p.m.

Meeting called to order.

Pledge of Allegiance.

Explanation of Procedures.

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

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

Hearing of Appeals:

A. Case No.: BZA 2016-13 – Variance request for a variance from the minimum side yard setback requirement for an attached garage addition. Article 7.3.1

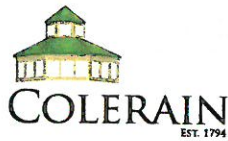
Location: 4800 Stone Mill Road

Applicant/Owner: Jeffery Newby

Staff: This case was presented in July for a variance for a setback for an accessory structure and the proposal was for a garage to be located 15' from the right-of-way. The front yard setback for an accessory structure is based on the setback of the house and in this case it is 90 feet. The variance request was for a 65' setback. After discussion and the public hearing, the applicant has presented a different option that would still require a variance. The previous proposal was for a two car garage plus workshop to be located in the front yard setback. Some of the justifications that were being used were the topography and other factors within the site. The minimum setback is 50' from the right-of-way and the proposed location did not fall within that setback. The owner is now proposing to attach the structure to the house and by a roof structure and by building codes this is defined as being an attached structure. As part of the principal dwelling unit there are different standards for the setback requirements. The front yard setback is 50 feet and the side yard setback is 25-foot requirement on a parcel that contains a septic system. The proposed garage is at an angle which protrudes into the side yard setback five feet. The applicant has provided architecture renderings for the proposed structure that will have a second floor loft and used as usable space. The new addition will be built into the hillside.

Staff findings:

1. The setback variance requested is substantial since the request is for a 20% reduction of the side yard setback.
2. The granting of the variance would grant a consideration that is not available to other property owners in the neighborhood.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for other additions within the required minimum side yards if requested by neighboring properties.
5. Approval of the setback variance would not affect the delivery of government services.



6. While there are some topographic challenges with this site, there are similar topographic conditions in the surrounding area. There are no unusual topographic or site configuration issues related to this property which would prevent the reasonable application of the setback regulations.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by not granting the variance for an addition extending into the minimum required side yard.

Staff recommendation is Denial of the variance as proposed.

Applicant: Jeff Newby, 4800 Stone Mill Rd., explained that after his last appearance that the Board had directed him to look at the site and to think about trying to attach the garage and to provide architectural drawings of the building to be constructed. After looking at the location, Mr. Newby felt that the attached garage fits more naturally on the left side rather than the right and is requesting the variance for the side yard setback due to the garage overflowing into the side yard.

Mr. Roberto opened the public hearing.

A Motion was made to close the public hearing by Mr. Martin, 2nd by Mr. Bartolt.

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

Board: The Board asked Staff if the proposed plan meets the requirements in Section 10.2.1(D) of the Zoning Resolution. Staff answered that the breezeway would need to be enclosed in order for the structure to be considered attached. Staff also explained that with the relocation of the building that the accessory structure meets the front and side yard setback. The Board stated that there would need to be two variances since the building isn't technically attached and Staff explained that since the building is detached there would only need to be one variance due to the side yard setback requirement being met. The Board feels that there is a hardship due to the topography of the applicant's property. The Board is pleased with the applicant's proposal due to suggestions made by the Board. The Board would prefer the applicant enclose the breezeway and feels it would be easier to grant a variance if the structure was attached. The Board asked the applicant how they felt about enclosing the breezeway and the applicant answered that due to the hill he would have to walk up the hill to get around his house. The Board explained to the applicant that they would be more inclined to grant the variance if they were to enclose the breezeway and the applicant agreed that they would.

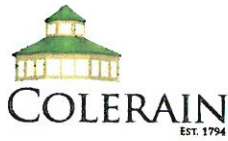
A Motion was made to grant the side yard variance with the assumption that the applicant would enclose the breezeway by Mr. Martin, 2nd by Mr. Reininger.

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

B. Case No.: BZA2016-21 – Variance from section 15.8.2(D)(2) for a wall sign exceeding the maximum size height requirements and section 18.8.2(D)(1) for a wall sign exceeding the overall size requirements.

Location: 12190 East Miami River Rd.

Applicant/Owner: Terry R. Blosser representing Fairfield Church of the Nazarene.



Staff: Fairfield church is a conditional use and approved by the Board of Zoning Appeals as a conditional use in a residential district. The church is eligible to have wall mounted signs on the building at a size equal to 1 sq. ft. for every foot of wall length of an enclosed building on a street facing façade. The building faces U.S. 27 and East Miami River Road. The applicant is wanting to add a wall sign on the façade that faces U.S. 27 and the applicant is requesting a variance for the wall sign size and height. The proposal is to add the 250.56"x 58.75" sign on the gable that is visible to U.S. 27. The calculation for the wall sign was based on the bottom enclosed portion of the building. The applicant has one monument sign on East Miami River Road that is not visible on U.S. 27.

Staff findings:

1. The sign variances requested are substantial since the zoning resolution encourages restrictions on the height and size of signs.
2. The granting of the variances would result in an increase in the overall sign area allowed for the property.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for more signs and taller signs if requested by neighboring properties. This is particularly important with the pending redevelopment of the adjacent property to the north of the site.
5. Approval of the sign variances would not affect the delivery of government services.
6. There are no unusual topographic or site configuration issues related to this property which would prevent the reasonable application of the sign regulations.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by not granting the variance for additional free standing sign height. The flexibility for the placement of the wall sign would enhance visibility of the customer entrance on the south side of the building.

Staff recommendation is Denial of the sign variance for additional sign size and height. The applicant is allowed to have one free standing sign per road frontage and could add a monument sign within 10 feet of the right-of-way on U.S. 27 and 70 sq. ft. is allowed and could be an option to the applicant.

Applicant: Terry Blossner, 12190 E. Miami River Rd., understands that they could add a sign by the road but do not have electric and would be expensive to add the electric. Mr. Blossner explains that he is requesting a variance for 1 sq. ft. in height and is willing to stay within the 94.5 sq. ft. that is allowed. The distance from the church to the road is 600 sq. ft.

Mr. Roberto opened the public hearing.

Public Input: John Herman, 7500 E. Miami River Rd., owns the property next to the church and feels that the sign should be smaller but doesn't have a problem with the sign. Mr. Herman is concerned with the church developing on residential property and doesn't want his property value to go down.

Corrine Herman, 7592 E. Miami River Rd., would like to keep this land residential and is concerned with the future plans of the church.

A Motion was made to close the public hearing by Mr. Martin, 2nd by Mr. Bartolt.



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

Board: The Board asked Staff if the applicant would be able to add the monument sign in the future or if the applicant has to choose having a wall sign over a monument sign. Staff answered that the monument sign is entitled to them according to code and the applicant has the option to add a wall sign facing E. Miami River Rd. if they chose to do it in the future. The Board asked the applicant if the sign could be reduced to fit within the code. Mr. Blosser explained that they are trying to keep the sign visible due to the location of the church being 600 feet from the road and feels it is necessary to have the large sign. Mr. Blosser also stated that the church has no intention of changing the property to be anything other than a church. The Board clarified that the sign would be illuminated and the applicant agreed. The Board wanted to clear up that the applicant was only needing one variance and the applicant agreed that they only need the dimensional variance. The Board asked to see a picture of the revised sign and the applicant presented a copy of the requested sign and a building elevation into the record. The Board asked Mr. Blosser if the sign will be lighted and what the hours the sign would be lit. Mr. Blosser answered that the sign would be lit from dusk till dawn and match the rest of the lighting on the property. The Board asked how long the building had been in existence and the applicant answered they dedicated the building in 2007. The Board asked the applicant what the need for the sign is and Mr. Blosser said that you cannot see the sign but not the church on E. Miami River Rd. and you can see the church without a sign on U.S. 27 and should have been added before now. The Board brought up the variance that had been granted for a modular office and asked the applicant when construction for that project would begin. Mr. Blosser stated that the church was in the process of raising funds for the project and hopes to begin construction within the next five years. The Board asked Mr. Blosser what kind of sign he is requesting and Mr. Blosser answered that it is a hardcore metal on both sides with foam in the middle and ridged sides. The Board asked Staff if the applicant would be able to add signage on all future buildings and Staff answered that the zoning permit was obtained in 2007 and is now expired. Staff explained that the applicant would have to come back before the Board for that building and that signage could be addressed during that hearing. Staff also explained that the new signage is 96 sq. ft. and is over the 94.5 sq. ft. and that a variance would be needed and the applicant agreed to adjust the sign to stay within the code.

A Motion was made to Approve a Variance for the sign height to a maximum of 58” in height and on the condition that the dimension of the sign be within the 94.5 sq. ft. that is allowed by the Zoning Resolution by Mr. Martin, 2nd by Mr. Bartolt.

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

Resolutions for Adoption: None.

Unfinished Business: None.

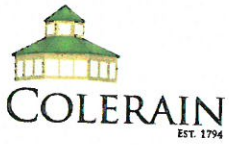
A Motion was made to Approve September 28, 2016 meeting minutes as amended by Mr. Martin, 2nd by Mr. Reininger.

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

Next Meeting: December 21, 2016 meeting.

Administrative Matters: Staff explained to the Board that this was the last meeting that Waycross will be recording our meetings and appreciates Jason and all of his hard work.

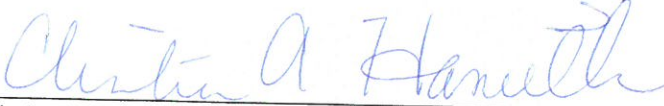
The meeting was adjourned at 7:37 p.m.




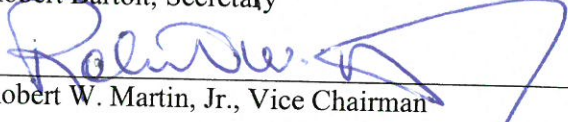
Respectfully Submitted:

Secretary:

Accepted by:


Christina Hamilton, Planning Administrative Specialist


Robert Bartolt, Secretary


Robert W. Martin, Jr., Vice Chairman

