

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, March 23, 2016 – 6:30 p.m.

Meeting called to order at 6:30 p.m.

Pledge of Allegiance.

Explanation of Procedures.

Roll Call. Present: Mr. Reininger, Mr. Bartolt, Mr. Martin, Mr. Price. Mr. Roberto recused himself at the previous meeting and was not in attendance due to being a member of the church. Ms. Pilson was seated and Mr. Martin acted as chairman.

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

Hearing of Appeals:

A. Case No.: BZA2016-02 – Conditional Use for Recreational Facility – Article/Section 7.2.3 and Variance Request for Parking Design & Space Requirements – Article/Section 13.3.2(B) (Continued from February 24, 2016 meeting)

Locations: 8650 & 8666 Cheviot Rd.

Applicant/Owner: Rick Blankenship on behalf of Friendship Baptist Church

Staff: This is a continuation of the case that was heard by the Board of Zoning Appeals at the February 24, 2016 meeting for a conditional use for a private recreational facility to include a proposed sand volleyball court and a basketball court in the R-5 residential zone. The applicant has added a variance request for parking requirements. Both properties are zoned R-5 with each property having a single family house on each. One of the suggestions made by staff to the applicant was to install a 6' privacy fence in order to separate the north and south adjacent properties to which the applicant agreed. There were concerns regarding the drainage from both of the courts and the wetland located on the rear of the adjacent property. The sand volleyball courts would absorb most of the water and have less runoff than the basketball court. The proposed basketball court would have water runoff but would be located further from the back property line.

One of the concerns that the Board expressed at the conclusion of the public hearing was that a variance would be needed for the reduction of required parking. According to the zoning resolution they would need 16 parking spaces and they currently can park 13 cars that can independently come and go without having to move cars around. There is a provision for shared parking or offsite parking in the zoning resolution that states "as long as the entrance of the parking lot is 500 feet apart". The driveway located at 8650 Cheviot Road to the driveway of the church is less than 500 feet apart and the high demand for parking is off peak time of the church. The applicant submitted a

lighting plan which matches the type of lighting plan that is called for in the zoning code, however, they are calling for 30 foot poles and the code allows only 24-foot-high poles as the maximum. The footcandles at the property line would have to be less than one. There was a question about restrooms at the last meeting and the applicant said that they will install restrooms in the existing detached garage on the 8650 Cheviot Road property and temporarily install portable restrooms until the renovation is complete. There was a question about storm water runoff and impact. Staff did some soil research and could not find anything regarding impervious soil types and feels that the net runoff will not likely be any greater than the pre-existing sheds that were on the property. The applicant proposed that their late hours of operation would be until 10 p.m. and provided the Board of Zoning Appeals a copy of their churches policy for youth ministry, but staff is not recommending to adopt or endorse their supervision policy.

Staff findings

- The use is a private recreation facility which is a Conditional Use in the R-5 zone.
- The use is in accordance with the objectives of the Colerain Township Comprehensive Plan and Zoning Resolution.
- The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- The use will not create excessive requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.

Staff Recommendation is Approval of the Conditional Use subject to the following conditions:

1. That outdoor recreation activities be restricted to between 10:00 am to 9:00 pm. (one hour earlier than requested)
2. That a six-foot-high privacy fence be constructed at the north and south property lines even with the back of the houses to the rear of the recreation courts.
3. That all parking of vehicles be restricted to the existing paved area.
4. That a lighting plan meeting the requirements of section 12.9.2 be submitted for staff review if the outdoor courts are to be lighted.
5. That any future additional outdoor recreational facilities be submitted to the Board of Zoning Appeals as a modification of the Conditional Use Permit.
6. That restrooms be available on-site during outdoor activities.

Board: The Board clarified that the application was for two proposed volleyball courts, not one and that the parking requirement would be 32 parking spaces not 16.

Applicant: Rick Blankenship, speaking on behalf of the church. Mr. Blankenship feels that the offsite parking of the church is a reasonable request since it's less than 300 feet away and the members can use the sidewalk as means to the property. Mr. Blankenship stated that the impervious surface from the pre-existing sheds should be equal to the new basketball court and states that the sand volleyball courts would not increase or decrease the drainage of water. Mr. Blankenship states that all their events will be supervised and they would like to request the 10 p.m. curfew because they feel that it is a reasonable time once activities start around 6 p.m.

Public Input:

Bob Enderle, co-owner of 8682 Cheviot Road, opposes the plan. He has concerns about the property being rezoned as a recreational facility and feels it should stay residential. He is concerned about privacy, lighting, increasing traffic, foot traffic, sewer lines, water drainage, resale value and the eco-system.

Trudy Enderle, co-owner of 8682 Cheviot Road, agrees with Bob Enderlee and is opposed to the plan.

Roland Johnson, 5200 Race Road, Green Township, is the Vice President of the Land Conservancy of Hamilton County. The Enderle property is to the North of and immediately abuts a conservation easement that was developed 10 years ago for the purpose of preserving her property. This easement consists of 3.5 acres that is a wetland and also a water retention facility. This organization currently holds four conservation easements within Colerain Township. The nature of the conservation easement is that it is stewarded by their organization in perpetuity that this property will not be treated inconsistent with the conservation easement and is recorded in the Hamilton County Recorder's office and is legally binding.

Linda Agar, 8639 Cheviot, is selling her home and concerned about the impact of her sale and increased traffic. She is also concerned with the lighting of the courts since her bedroom is on the 2nd floor of a two story house.

A motion was made to close public input by Mr. Reininger, 2nd by Mr. Bartolt.

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

Board Deliberation: The Board asked what the distance would be from the new construction and the wetland. Mr. Johnson answered that there is an underground aquifer that carries water back into the wetland and stated that the wetland is approximately 200 feet back from where the new construction will take place. The Board accepted and reviewed the documents that Mr. Johnson provided and asked him his opinion as to the impact the courts will have in regards to the wetland. Mr. Johnson believes that the impervious surface of the basketball court and the jumping on the ground from the volleyball court will affect the underground aquifer.

The Board asked Mr. Blankenship about the lighting requirements and told him the poles can only be 24 feet high at the maximum and expressed concerns with the lighting plan that was submitted. The Board asked Mr. Blankenship if the lights would be turned off at the cutoff time. Mr. Blankenship stated that they had not thought about that but would abide to the board's suggestion. The board asked Mr. Blankenship if there were plans to put bleachers on the property and Mr. Blankenship said that bleachers have not been discussed. The Board expressed concern over the number of parking spaces there would be at this property since the requirement would be 32 spaces for two volleyball courts. The Board is concerned about the restrooms and is not inclined to approve this request due to the fact that the applicant does not have a full master plan with the intentions of this property.

Board Action: A Motion was made to Disapprove case BZA2016-02 by Mr. Bartolt, 2nd by Mr. Price.

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

Resolutions for Adoption: None.

Unfinished Business: None.

Motion to approve February 24, 2016 meeting minutes as amended by Mr. Reininger, 2nd by Mr. Bartolt.

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

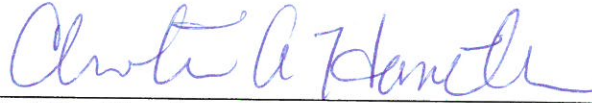
Next Meeting: May 25, 2016 meeting.

Administrative Matters: The board asked if we were looking for alternate members. Staff answered that we are looking for alternates.

A Motion was made to adjourn the meeting at 7:42 p.m. by Mr. Reininger, 2nd by Mr. Price.

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

Respectfully Submitted:



Christina Hamilton, Planning Administrative Specialist

Secretary:



Robert Bartolt, Secretary

Accepted by:



Ronald J. Roberto, Chairman