

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, December 20, 2017 – 6:30 p.m.

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

Pledge of Allegiance was led by Mr. Roberto.

The Explanation of Procedures was presented by Mr. Roberto.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Price – absent, Mr. Reininger – aye, Mr. Roberto – aye.

Alternate Mark Shupp was seated to take the place of Mr. Price.

Also present were staff Jenna LeCount, Marty Kohler and Scott Sollmann.

The oath of office was administered by Scott Sollmann who noted that he had previously administered the oath to Sam Hill as an alternate to the Board of Zoning Appeals at his office since he was unable to attend tonight's meeting. Mr. Sollmann administered the oath of office for Bruce Gehring as an alternate member of Zoning Commission and Scott Taylor as a member of Zoning Commission. Ron Roberto was administered the oath as a member of the Board of Zoning Appeals.

Hearing of Appeals:

BZA2017-19– Request to table application for variance from Section 15.5.4, Section 15.8.3(D), Section 15.8.3(H)(8), Section 19.9.1(B), Section 15.9.1(C), 15.9.1(D), and 15.9.2(B).

Location: 8195 Colerain Avenue

Applicant/Owner: Bob Carpenter, Carpenter Sign Service / Thornton's Inc.

Ms. LeCount noted that this case was scheduled for a public hearing with notices sent to surrounding property owners. The property owners have a conflict and are unable to attend the meeting. They have requested that the matter be tabled and re-scheduled for the January 24, 2018 meeting.

With no discussion a motion was made by Mr. Reininger and seconded by Mr. Bartolt to table the case to the January 24, 2018 meeting.

Roll Call: Mr. Bartolt - aye, Mr. Shupp - aye, Mr. Reininger – aye, Mr. Bartolt - aye, Mr. Roberto – Aye. Motion Passed.

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

BZA2017-20 – Request for Conditional Use and variances for a shelter building and monument sign.

Location: 2900/2940 W. Galbraith Road

Applicant/Owner: Tim Clifford / St. Ann Church

Ms. LeCount said that this is a Conditional Use permit for a new pavilion building and monument sign with variance requests. The property was originally developed in the early 1960s with several later additions. The property contains a church and school. A Conditional Use Permit was approved by the BZA in 2008 for modular classrooms and an addition to the kitchen. Ms. LeCount showed maps noting the surrounding property uses and zoning. The property contains about 22.5 acres and it is zoned R-6. The sign request also includes the removal of an existing sign. There seemed to be some dimension errors on the plans submitted by the applicant and the intention is to request a two-foot setback variance from the west property line. The proposed building is proposed to be about 60 by 40 feet in size and mostly open with a maintenance room about 14 feet by 28 feet at the west end of the building. Total height is proposed to be about 17 feet measured to the peak of the roof. The required setback for the building is 50 feet which is the same if it were for church purposes or educational purposes. The purpose of the setback request is to eliminate the need for additional pavement from an existing driveway to connect to the building.

Ms. LeCount showed photos of the property and adjacent structures. There is some uncertainty if the pavilion is replacing an existing building or adjacent to existing buildings. Additional drawings of the exterior of the building were presented. The proposal is to not provide required buffering to the adjacent Groesbeck Park. Groesbeck Park is also non-conforming with regards to buffering and setbacks to the church property.

The second request is for a new monument sign. Only one sign is permitted per property and the proposal is for two. The sign to be removed is non-conforming with respect to setback. The proposed sign is eight feet in height and a maximum of six feet is allowed so the variance request is for an additional two feet in height. The sign proposed to remain meets current zoning for height, size and setback. Staff's recommendation is for denial of the variances since this is a second sign on the property. To clarify the design of the sign, it contains several separate sign faces but functions as a single sign so staff is interpreting that the signs on the brick base are all part of the overall sign. The Board may want to determine that it is three separate signs. Dimensions were not provided for the lettering of the sign on the base of the sign but based on

the overall dimensions staff estimates that they are about 1 foot in height and 12 feet long for a total of 62 square feet per side. There was a difference in the dimensions in the cover letter for the application and the dimensions on the drawing. Staff is basing their recommendation on the dimensions on the drawing.

Staff findings for the Conditional Use are as follows:

1. The use is a conditional use, permitted with approval by the Board of Zoning Appeals, in the district where the subject lot is located;
2. The use is in accordance with the objectives of the Northbrook/Groesbeck area in the Colerain Township Comprehensive Plan and the Zoning Resolution;
3. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties if approved with reasonable restrictions to mitigate the more intensive use of the property including noise, outdoor lighting and parking, otherwise the use will serve the public convenience and welfare;
4. 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 Findings for the variance requests are as follows:

1. The sign variances requested are substantial since the zoning resolution encourages the elimination of non-conforming signs and encourages restrictions on the number, size, and height of signs. While the site is quite large and contains two separate Conditional Uses (Educational and Worship) staff's recommendation is based on the need for consistency for other similar situations. One monument sign could be shared to accommodate both uses. The building setback variance represents a four percent reduction from the minimum standard.
2. The granting of the sign variances would result in an increase in the overall sign area allowed for the property. The granting of the building setback variance would reduce the amount of open space at the perimeter of the site.
3. The property in question would likely yield a reasonable return without the variances.
4. The granting of the variances would probably not have a negative impact on neighboring property but would create a precedent to allow for the replacement of other non-conforming signs in a non-conforming manner if requested by similar properties. The granting of a setback variance would also create a precedent for other similar requests for reductions from the minimum setback requirements.
5. The granting of the variance requests would result in a larger amount of signage for the subject property than other surrounding properties and a reduced building setback from Groesbeck Park.
6. Approval of the sign variances and building setback variance would not affect the delivery of government services.
7. There are no unusual topographic or site configuration issues related to this property which would prevent the reasonable application of either the building setback requirements or the sign regulations.
8. 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

broadier community, staff finds that substantial justice would be done by not granting the variance for the building setback or for replacement of the non-conforming sign. Staff's recommendation is for approval of the expansion of the Conditional Use and denial of the variance requests.

Mr. Bartolt asked for a clarification regarding the permitted size of the sign. Ms. LeCount said that it is ½ square foot for every 1 lineal foot of lot frontage width and capped at 70 square feet. The size of the sign is not an issue.

Mr. Shupp asked about the height of the existing sign proposed for removal. Ms. LeCount said that it is 8 feet tall.

With no further questions for staff, Mr. Roberto open the public hearing. Tim Clifford, having been sworn, said that he represents St. Ann Church. He clarified that the proposed shelter building is to replace the existing modular classroom building which is near the rear driveway. He pointed to the location on the projection screen aerial photo. They no longer need the modular classroom. The intent of the location is to have the back doors of the pavilion building directly adjacent to the current pavement. They have hired a new architect to prepare the plans and make the corrections to the plans. Mr. Clifford asked if they met the 50 foot setback would they be ok. Ms. LeCount said that there would still be an issue with buffering of the building from the park. Mr. Clifford said that they could move the location of the building to meet the setback requirement and do an additional two feet of pavement.

Mr. Clifford said that they are still working on the design of the sign. The landscape wall could be eliminated if it is an issue. Mr. Roberto said that the bigger issue is having multiple sign on the property. Mr. Clifford said it was his understanding that the multiple uses on the property permitted multiple signs at the time they were installed. The current signs are grandfathered. The elimination of one sign and installation of a new sign causes the loss of the non-conforming status. That is the reason for the variance request. The more immediate project is the pavilion building.

With no further people to speak in favor or opposition to the proposal, a motion was made by Mr. Reininger and seconded by Ms. Wilson to close the public hearing.

Roll Call: Mr. Bartolt - aye, Mr. Shupp - aye, Mr. Reininger - aye, Mr. Bartolt - aye, Mr. Roberto - Aye. Motion Passed.

Mr. Shupp said that he is hearing a willingness of the applicant to combine the church and school signs into a single sign. Mr. Clifford said that he would need to have a conversation with the school to see if this would work for them. The digital reader board gives more flexibility for the sign message.

Mr. Bartolt asked what the major objective is for installing the new sign. Mr. Clifford said it is mainly for the digital reader board which gives more opportunity to change the message. The price is becoming more affordable for these signs. This could be used to promote community events. It is much easier than the current manual changing of the lettering. Mr. Bartolt said that

he would be willing to work with the variances if the applicant is willing to eliminate one of the signs. Mr. Clifford said that they could eliminate the landscape wall and lower the sign to meet the six feet in height requirement.

Mr. Reininger thanked Mr. Clifford for his willingness to reduce the height of the sign. He is also hearing that the variance for the shelter setback is also resolved if the building is moved two feet. He asked if there is a problem with meeting the buffering requirement for the shelter. Mr. Clifford said that they are willing to meet the buffering requirement. He mentioned that they may want to do a community garden in that area. Ms. LeCount pointed out that there is already dense vegetation along the property line and that there would not be much gain with tearing it out to plant evergreens as required by the code. Mr. Clifford noted that the gravel driveway at the rear of the property is planned to be removed and planted in grass.

Mr. Roberto said he thinks that he is hearing agreement that the variances for the multiple signs and height are being addressed. He would not consider the sign on the landscape wall as a separate sign. The setback variance is being addressed and the existing vegetation can remain to serve as a buffer. Ms. LeCount noted that the variance is to eliminate the requirement for evergreen plant material.

A motion was made by Mr. Reininger to approve the monument sign to fall within the parameters of the zoning code to be a single sign and not two signs and to approve the shelter building at a 50 foot setback and approve the variance to not require additional buffering materials. There was some discussion if it would be easier to do the shelter and the sign as separate motions, Mr. Reininger withdrew his initial motion and made a motion to approve the new monument sign on the condition that the existing signs be removed and that the height requirement be met. Ms. LeCount said that the motion should be to deny the variance request so that any sign design submitted would need to meet zoning requirements. Mr. Reininger withdrew his second motion.

Mr. Roberto made a motion to deny the variance requests for the sign on the basis that that applicant has expressed that they can meet the zoning requirements. The motion was seconded by Mr. Bartolt.

Roll Call: Mr. Bartolt - aye, Mr. Shupp - aye, Mr. Reininger - aye, Mr. Bartolt - aye, Mr. Roberto - Aye. Motion Passed.

A motion was made by Mr. Bartolt to approve the variance for the buffering requirement on the basis that the existing vegetation remain and deny the variance for the setback variance. The motion was seconded by Ms. Wilson.

Roll Call: Mr. Bartolt - aye, Mr. Shupp - aye, Mr. Reininger - aye, Mr. Bartolt - aye, Mr. Roberto - Aye. Motion Passed.

A motion was made by Ms. Wilson and seconded by Mr. Bartolt to approve that Conditional Use permit for the addition of the pavilion building.

Roll Call: Mr. Bartolt - aye, Mr. Shupp - aye, Mr. Reininger – aye, Mr. Bartolt - aye, Mr. Roberto – Aye. Motion Passed.

Administrative Matters: None

Unfinished Business: None

Approval of the minutes:

A motion was made by Mr. Reininger and seconded by Mr. Shupp to approve the minutes of the November 29, 2017 meeting as presented.

Roll Call: Mr. Bartolt - aye, Mr. Shupp - aye, Mr. Reininger – aye, Ms. Wilson - aye, Mr. Roberto – Aye. Motion Passed.


Next Meeting: January 24, 2018.

With no further business the meeting was adjourned by Mr. Roberto at 7:19 pm.

Respectfully Submitted:


Marty Kohler, Senior Planner

Secretary:


Timothy A. Price, Secretary

Accepted by:


Ronald J. Roberto, Chairman