

## **COLERAIN TOWNSHIP BOARD OF ZONING APPEALS**

Regular Meeting Minutes  
4200 Springdale Road - Cincinnati, Ohio 45251  
**Wednesday, March 22, 2017 – 6:30 p.m.**

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

Mr. Ron Roberto was sworn in by Scott Sollman to serve as a Board of Zoning Appeals Board Member.

Mr. Mark Schupp was sworn in by Scott Sollman to serve as a Board of Zoning Appeals Alternate.

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

Alternate Mr. Hill was seated to fill in for Ms. Wilson.

Election of Officers:

A motion was made by Mr. Bartolt and seconded by Mr. Hill to elect Mr. Roberto for Chairman.

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

Pledge of Allegiance

The Explanation of Procedures was presented by Mr. Roberto.

Hearing of Appeals:

A. Case No.: BZA2017-03 – Variance request from Section 15.12.2 requires that signs lose their non-conforming status when relocated or the structure is altered in any way. Section 15.8.2(C) allows for only one ground mounted sign per parcel in the B-1 zoning district. Section 15.8.2(B) requires a minimum setback of 10 feet from the right-of-way for all signs. Section 15.8.2(C)(2) restricts the height of a ground sign to 6 feet and the proposed height is 22'2" tall. Section 15.5.4 requires landscaping surrounding the sign equal in size to the area of the proposed sign.

Location: 2510 W Galbraith Rd.

Applicant/Owner: Holthaus Signs representing GRA Properties LLC

Swearing in: Mr. Roberto swore in the appellants, attorneys and all speakers in the cases. Ms. LeCount summarized the appeal request. The subject property is located at the north-west corner of W. Galbraith Rd. and Pippin Rd. and contains a retail strip center with three tenant spaces. The building was constructed under previous zoning requirements. The B-1 district carries more restrictive sign standards than the B-2 General Business District since B-1 district is less intensive and tends to be more integrated into surrounding residential neighborhoods. The Hamilton County Engineer is in the process of upgrading and widening the intersection of Galbraith and Pippin Roads. To accommodate the widening, Hamilton County has purchased additional right-of-way and one of the non-conforming pylon signs near the intersection must be removed. The total sign area of the existing sign is 68 square feet and there is no size information on the second "Cricket" sign on the site. The size of a free standing sign in the B-1 district is capped at 70 square feet. Ms. LeCount showed photos of the subject property and adjacent properties. Some of the neighboring signs are non-conforming and some conforming. The proposed sign is about three feet from the right-of-way and the minimum is ten. There is a substantial amount of wall signs on the building. The request is for five variances. The key variance would be to allow a second sign on the site. If that variance is not approved, the other variance requests are irrelevant. The requests are:

Sign Landscaping: Section 15.5.4 requires landscaping surrounding the sign equal in size to the area of the proposed sign. No landscaping is proposed on the plan.

Number of freestanding signs allowed: Section 15.8.2(C) allows for only one ground mounted sign per parcel in the B-1 zoning district. The site contains one additional ground mounted sign plus a non-conforming billboard sign.

Setback from the right-of-way: Section 15.8.2(B) requires a minimum setback of 10 feet from the right-of-way for all signs. The proposed sign appears to have about a 3 foot setback.

Sign Height: Section 15.8.2(C)(2) restricts the height of a ground sign to 6 feet and the proposed height is 22'2" tall.

Staff findings are:

1. The sign variance requested is substantial since the zoning resolution encourages the elimination of non-conforming signs and encourages restrictions on the number, setback, height and landscaping 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 the replacement of other non-conforming signs in a non-conforming manner if requested by similar properties.
5. The granting of the variance request would result in a larger amount of signage for the subject property than other surrounding properties.
6. Approval of the sign variances 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 the sign regulations. The property owner would still have the continued use of the other non-conforming signs on the property.

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 broader community, staff finds that substantial justice would be done by not granting the variances for replacement of the non-conforming sign.

Mr. Roberto opened the public hearing.

Mr. Roger Gallenbeck, having been sworn, stated that he is the property owner. He presented property information to the BZA members for review. All of the current signs were on the property at the time he purchased it in 1990. He wants to keep the existing sign and move it three feet back. The Pit Stop business has competition from surrounding businesses and he needs the sign to advertise the business. He is losing three parking spaces and has no choice since the County is taking the property.

Robert Kelly, legal counsel for Mr. Gallenbeck, having been sworn, noted that the removal of the sign is required by Hamilton County who made the suggestion that the sign be moved back by three feet. It was not until the application was filed with the Township that they realized that there is a problem. They are ok with the installation of some shrubs around the sign.

BZA asked if staff were part of the negotiation between the applicant and Hamilton County regarding the setback. Staff said that the existing staff was not a part of the conversation, however the former Economic Development Director discussed the sign location but does not have the authority to waive zoning provisions.

Matthew Tiesort, having been sworn, said that he is against the granting of the variance and is support of the staff recommendation.

With no further public comments, a motion was made by Mr. Reininger and seconded by Mr. Price to close the public hearing. The motion passed unanimously.

BZA asked the applicant what impact the ten foot setback would have on the number of parking spaces. Mr. Gallenbeck said he did not know but thought that he would lose five or six parking spaces. He noted that he does not own the signs but they are owned by the tenants of the retail center. On further consideration he noted that the signs were on the property when he purchased it and he may own it.

BZA asked about the conversation with the former Economic Development Director. Mr. Gallenbeck said that he did not have a conversation but it may have taken place with Holthaus Signs who is the contractor for the sign relocation. BZA suggested a location for the sign in a single parking space to reduce the loss of parking. Staff did not review the parking requirement for the retail center. Mr. Gallenbeck said that the cost of relocation would be about \$8,000 to \$10,000 and the cost for a new sign with electronic board would be about \$20,000 and \$30,000. BZA asked why the sign was not part of the compensation for the right-of-way for the road



widening process. Mr. Gallenbeck said that he was only compensated for the land and that if he loses the sign he would be "out of luck" and could possibly lose a tenant. BZA asked if the sign message for the "Pit Stop" could be merged onto the same sign for the "Cricket" store. Mr. Gallenbeck said he wants the sign to be on the corner. The BZA asked if the existing sign could be shortened to six feet. Mr. Gallenbeck indicated that he would need more information from the sign contractor.

Since the applicant needs more time to confer with the sign contractor on additional options, a motion was made by Mr. Price and seconded by Mr. Hill to table the matter to the May BZA meeting.

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

B. Case No.: BZA2017-04 – Variance request from Section 15.8.3(G) – allows for wall signs facing a public street or common access drive in a shopping center. The plan indicates a wall sign on the south side of the building which does not meet this requirement.

Location: 9890 Colerain Avenue

Applicant/Owner: Triumph Signs & Consulting, Inc. representing QSR7

Ms. LeCount summarized the request. The BZA reviewed and approved some variances with respect to the redevelopment of the site about a year ago. Also the Zoning Commission is currently considering changes to the sign regulations to allow for additional wall signs on buildings. The applicant is seeking an additional 19.2 square feet of wall sign on the south side of the building. They currently have 19.2 square feet of signs on the front of the building and 34.22 square feet on the north side of the building. Due to the lot configuration with respect to Colerain Ave. the building is at almost a 45 degree angle facing the street. The wall sign is difficult to see from northbound traffic.

Ms. LeCount showed photos of the subject property and surrounding properties. This is a B-2 district and the property across Colerain to the west is a planned district. Wall signs are permitted per section 15.8.3(G) at a ratio of one square foot of sign area for each lineal foot of building frontage. This section additionally allows for 0.5 square foot of sign area for each lineal foot of wall frontage on a major entry driveway to a shopping center.

#### Staff Findings:

1. The sign variance requested is substantial since the zoning resolution does not permit wall signs on non-street facing sides of the building.
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 the application of additional wall signs in excess of the maximum allowance if requested by similar properties.

5. The granting of the variance request would result in a larger amount of signage for the subject property than some other surrounding properties.
6. Approval of the sign variances would not affect the delivery of government services.
7. There are no unusual topographic or site configuration issues related to this property that would prevent the reasonable application of the sign regulations. The configuration of the lot at an angle to Colerain Avenue does tend to hide the front of the building from northbound traffic.
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 broader community, staff finds that substantial justice would be done by granting the variance as requested.

Staff recommendation is for approval of the wall sign variance for 19.2 square feet of sign area on the south side of the building.

BZA asked if the Zoning Commission approved a change in the regulations that would allow additional wall signs on the property, would a variance still be necessary. Ms. LeCount said that staff could approve the sign without a variance. Since the amendment process is lengthy, staff suggests responding to request at hand.

Mr. Roberto opened the public hearing.

Elizabeth Dean, having been sworn, is with Triumph Signs and she noted that this location is not doing well with morning traffic due to visibility from northbound traffic.

Marty Rittenhaus, having been sworn, said that the restaurant opened in January and that they initially attached a sign on the south side of the building in error. They corrected the error. Tim Horton's is a good corporate citizen and neighbor. They would appreciate approval of the variance.

With no further public comments, a motion was made by Mr. Hill and seconded by Mr. Price to close the public hearing. The motion passed unanimously.

The BZA asked about the size of the monument sign. Joe Smallwood said that the sign could have been bigger but they were reusing an existing sign pole. They would prefer the sign on the building. The BZA commented that people would get familiar with the location and not need additional signs. Mr. Smallwood said that they depend on a certain amount of impulse buying. The wall sign would give more advance notice of the building and make the turn into the shopping center easier. The BZA noted the amount of temporary signs and Mr. Rittenhaus said that he would remove them. They are new to Cincinnati and need to build brand awareness.

With no further discussion an motion was made by Mr. Bartolt and seconded by Mr. Price to approve the variance as requested.

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

A motion was made by Mr. Price and seconded by Mr. Bartolt to approve the Minutes of the January 25, 2017 meeting.

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

A motion was made by Mr. Reininger and seconded by Mr. Bartolt to approve the Minutes of the February 22, 2017 meeting.

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

Unfinished Business: None.

Next Meeting: April 26, 2017 meeting.


Administrative Matters: None.

With no further business the meeting was adjourned by Mr. Roberto.

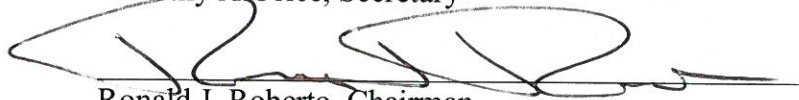
Respectfully Submitted:

  
Marty Kohler, Senior Planner

Secretary:

  
Timothy A. Price, Secretary

Accepted by:

  
Ronald J. Roberto, Chairman