

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, January 24, 2018 – 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 – aye, Mr. Reininger – aye, Mr. Roberto – aye.

Also present were staff Jenna LeCount, Jesse Urbancsik, and Marty Kohler and Sam Hill alternate.

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

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

Hearing of Appeals:

Case No. BZA2017-18 – Request for variance from Section 15.3, Section 15.5.4, Section 15.8.2(C), 15.8.2(C)(1), 15.8.2(C)(3), and Section 15.12.2 to allow for additional pylon sign height and size.

Location: 9529 Pippin Road

Applicant/Owner: Bob Carpenter, Carpenter Sign Service / Kosuru Holding, LLC

Ms. LeCount said that this is a continuation of a case first heard last November. The subject property is the Northbrook Shopping Center. The variance requests involve landscaping, multiple signs, height limitation and size of a proposed freestanding signs. The applicant's rationale submitted was that the shopping center is similar to others in the B-2 zone which permits a sign height of 15 feet. The applicant believes that the billboard has nothing to do with the on-site advertising. The property contains about 3 acres and a 35,000 square foot shopping center.

Ms. LeCount showed an aerial photo of the property showing the location of the existing billboard and proposed location of the proposed sign. The location would be similar to the location of a previous sign that was removed as part of the widening of Pippin Road. The previous owner was compensated for the value of the sign by Hamilton County. It appears that the payment for the sign was not passed along to the current owner.

Ms. LeCount showed photos and site plans for the property. The new revised proposal is for a 70 square foot sign which eliminates the need to a size variance. The proposal is for a shorter sign at 10 feet 3 inches which is still taller than the six-foot allowance. The drawing indicates an intent to provide landscaping around the base of the sign, however a detailed landscape plan would be needed in order to issue a zoning certificate for the sign. The proposal is to keep the current non-conforming billboard sign on the property.

The variance requests are as follows:

Landscaping: Section 15.5.4 requires landscaping surrounding the sign equal in size to the area of the proposed sign. The new sign is proposed to be located within the existing asphalt parking area. No landscaping is proposed on the plan. If the sign were to be constructed at its maximum allowable size, the landscape requirement would be 70 square feet. (requirement met with the revised submission)

Multiple Signs: Section 15.8.2(C) allows for only one ground mounted sign per parcel in the B-1 zoning district. The site currently contains one non-conforming billboard sign. (still proposing non-compliance)

Sign Height: Section 15.8.2(C)(1) restricts the height of a ground sign to 6 feet and the proposed height is 10'3" tall. (Still proposing non-compliance)

Sign Size: Section 15.8.2(C)(3) restricts the size of the sign to 70 square feet (per side) and the proposed size is 71.3 square feet. The size is based on ½ square feet of sign area for every foot of lot frontage on a public street with a maximum of 70 square feet in the B-1 zone. (requirement met with the revised submission)

Non-Conforming Signs: Section 15.12.2 requires that signs lose their non-conforming status when replaced, therefore a new sign must meet the current zoning standards. (Still proposing non-compliance)

Staff findings 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, and height 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.
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.

The public hearing for this case was held and closed in November. The minutes for the November meeting have been approved by the Board.

Mr. Bartolt asked if the motion for this item still needed to address the sign size and landscaping since they have been addressed with the revised submission. Ms. LeCount recommended that they still be addressed by denial since they were a part of the original application.

Mr. Roberto re-opened the public hearing. Mr. Bob Carpenter, having been sworn, asked if they could plant grass around the sign to serve as landscaping. Ms. LeCount said that it cannot be grass but staff could work with him regarding the planting requirements for landscaping. Mr. Carpenter said they did not want to plant shrubs because they would grow up and cover the sign and need constant pruning and maintenance. The revised size of the sign complies with the Board's recommendation. He would like to move the sign closer to the corner so it would be more visible. They do not want to lose parking spaces.

Mr. Carpenter said that there are other developments in the Township that have billboards along with business signs. He thinks that they are being treated differently from other developments. Billboards are governed by the State of Ohio and not the Township. Other communities ignore billboards because people are looking for the business signs. The billboard should not be a part of this discussion.

With no further speaker in favor or opposition of the application, a motion was made by Mr. Reininger and seconded by Mr. Price to close the public hearing.

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

Ms. Wilson asked Mr. Carpenter if they are willing to take down the billboard since the code is clear that there is only one freestanding sign allowed per parcel. She is concerned with a variance that would create an allowance for two signs on the property. Mr. Carpenter said that he is not at liberty to make such a commitment. This was not addressed with other developments in the township that had billboards. Mr. Nadahau Kosuru, the owner of the property having

been sworn, said that he would need to speak with the billboard company to see what could be done.

Mr. Price asked if the owner would be willing to take down the billboard at the end of the lease period of the billboard. Mr. Kosuru said that this may be in about 5 years and that would be acceptable.

Mr. Bartolt thanked the applicants for making the sign a more reasonable height. He asked if the income from the sign was a factor in his purchase of the property. Mr. Kosuru said that all income from the property helps. Mr. Bartolt said that the reason for the variance request was not because of an action by Mr. Kosuru but by Hamilton County's actions. Mr. Bartolt said that he is glad to hear that Mr. Kosuru may be willing to take down the billboard at the end of the lease.

Mr. Reininger said he is glad to see the shorter sign with landscaping. He asked if the setback was determined by the pylon or the landscaping of the sign. Ms. LeCount said that the sign needs to be at least 10 feet back from the right-of-way and that the landscaping cannot be in the right-of-way. He object to two signs on the property. He would not be in favor of an additional sign until the billboard is removed.

Mr. Roberto said that he is not in favor of the proposal with the two signs and would be in favor of the new sign if the billboard were removed. The Ohio Revised Code gives the Township the ability to regulate billboards. He noted that the shopping center tenants could advertise on the existing billboard. He is disappointed that the applicant did not do more research on the status of the billboard lease since this was specifically requested at the last hearing. Even though the hardship was created by Hamilton County, the property owner was compensated for the sign. The owner was aware of the situation prior to purchasing the property. Mr. Kosuru said that he could find out about the lease in a couple of weeks.

A motion was made by Mr. Reininger and seconded by Ms. Wilson to deny all variance requests.

Mr. Bartolt said that this is not a situation where there is a new development with a request for two signs. This is an existing situation. The applicant was forced to take one of the signs down. Mr. Price agreed with Mr. Bartolt. Ms. Wilson asked if this request could be tabled again in order to give the applicant additional time to report on the status of the lease. Mr. Reininger asked if there were wall signs on the storefronts that identify the tenants of the center. Mr. Kosuru said that Dollar General has a wall sign. Mr. Roberto said that he is uncomfortable with not knowing when the lease expires. It could possibly be extended for 99 years.

Mr. Carpenter asked if the new sign could be approved on the condition that the billboard be removed at the end of the lease. Ms. LeCount said that a denial of the variance for multiple signs would mean that the new sign could be approved by staff after the billboard is removed. This would still require a variance for the additional sign height. If this is the desire of the Board, the motion would be for approval of a variance for additional height to 10' 3" and denial of the remaining variance requests. She reminded the Board that there is a motion on the table.

Mr. Reininger withdrew his motion and Ms. Wilson withdrew her second.

A motion was made by Mr. Price and seconded by Mr. Bartolt to table action on the application to the February meeting. Ms. LeCount said that staff would need additional information regarding the sign lease by February 14 for review at the February 28 meeting.

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

BZA2017-19– In an email dated January 19, 2018, the applicant requested 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.

A motion was made by Mr. Price and seconded by Mr. Bartolt to table the application.

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

Administrative Matters:

Mr. Roberto noted that an Unlawful Harassment Policy statement was included in the packet for signature by each Board member.

Ms. LeCount introduced Jesse Urbancsik to the Board. He is a new employee in the planning department and is graduating in April from the University of Cincinnati with a degree in Urban Planning.

Ms. LeCount gave a brief overview of the 19 cases reviewed by the Board in 2017. Ms. Wilson noted that the policy for the size of accessory buildings should be reconsidered. The standard should not be the same for a dense subdivision verses a rural area. Mr. Reininger commented that the applicants may have created their own hardship due to excessive storage needs. The BZA does not necessarily need to accommodate this situation. Mr. Roberto expressed his thanks for staff's work.

Unfinished Business: None

Approval of the minutes:

A motion was made by Mr. Reininger and seconded by Mr. Bartolt to approve the minutes of the December 20, 2017 meeting as presented.

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

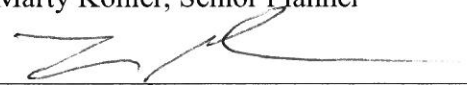
Next Meeting: February 28, 2018.

With no further business the meeting was adjourned by Mr. Roberto at 7:32 pm.

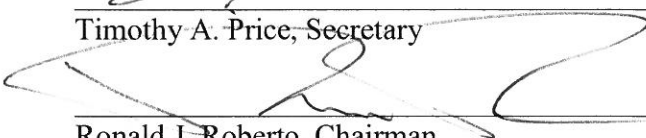
Respectfully Submitted:


Marty Kohler, Senior Planner

Secretary:


Timothy A. Price, Secretary

Accepted by:


Ronald J. Roberto, Chairman