

November 21, 2011

Mr. Jim Eichmann – Chairman  
Mr. Ted Leugers – Co-Chairman  
Mrs. Marlene McDaniel – Secretary  
Mr. Jim Donnelly – Member  
Mr. Tom Scheve – Member  
Mr. Jim LaBarbara – Alternate

**Item 1. – Meeting called to Order**

Chairman Eichmann called the regular meeting of the Board of Zoning Appeals to order at 6:00 PM on Monday, November 21, 2011.

**Item 2. – Roll Call of the Board**

Mrs. McDaniel called the roll.

Members Present: Mr. Donnelly, Mr. Scheve, Mr. Eichmann, Mr. Leugers, Mrs. McDaniel and Mr. LaBarbara

Also Present: Doug Miller, Greg Bickford, Harry Holbert and Beth Gunderson

**Item 3. – Opening Ceremony**

Mr. Eichmann led the Pledge of Allegiance

**Item 4. – Swearing In**

Mr. Eichmann swore in those providing testimony before the board.

**Item 5. – Approval of Minutes**

Mr. Eichmann stated the next order of business was to approve the October 17, 2011 meeting minutes.

Mr. Eichmann asked for any corrections to the October 17, 2011 meeting minutes.

Mr. Eichmann entertained a motion to approve the October 17, 2011 meeting minutes.

Mr. Scheve moved to approve the October 17, 2011 meeting minutes.

Mr. Leugers seconded.

All voted – yes.

**Item 6. – Old Business**

B2011-12V  
Deepak & Lali Minocha  
8342 Wetherfield Lane  
Variance

Mr. Holbert presented the resolution for case# B2011-12V. Mr. Holbert read the conditions listed on the resolution and presented a revised site plan submitted by the applicant showing the changes specified in those conditions.

Mr. Eichmann asked for any comments.

Mrs. McDaniel called the roll.

Mr. Donnelly – AYE  
Mr. Scheve – AYE  
Mr. Eichmann – AYE  
Mr. Leugers – AYE  
Mr. LaBarbara – AYE

**Item 7. – New Business**

B2011-16V  
Dave and Amy Lococo  
8447 Miami Road  
Cincinnati, OH 45243

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the fence was installed without a permit by a previous owner of the property in question. The applicants purchased the property not knowing that the fence was not compliant with the zoning resolution and installed without a permit.

The Board asked questions of Mr. Holbert. Mr. Scheve asked for information on surrounding properties. Mr. Eichmann asked how the fence could be changed to be in compliance with the zoning resolution.

The applicant, Mr. Dave Lococo of 8447 Miami Road, Cincinnati, OH, 45243, addressed the Board. Mr. Lococo stated that because of a steep slope at the base of the driveway, it would be difficult to move the fence back to the rear yard. He stated that because of the slope of the yard, the fence does not appear from the road to be six feet tall.

Mr. Bickford stated that the lot adjacent to the property is owned by a nursing home and is to remain as green space.

The Board discussed the issues brought before them.

Mr. Donnelly made a motion to approve case# B2011-16V.

Mr. Leugers seconded.

Mrs. McDaniel called roll.

Mr. Donnelly – AYE  
Mr. Scheve – NEA  
Mr. Eichmann – NEA  
Mr. Leugers – AYE  
Mrs. McDaniel – AYE

B2011-17V  
Tri-State Signs  
11501 Northlake Drive  
Cincinnati, OH 45249

Mr. Bickford presented the case and case history in a power point presentation. Mr. Bickford explained that technically the proposed sign is considered two separate signs because the distance between the logo and the lettering is greater than a foot. The applicant's request is for 170 sq. ft. of signage when only 100 sq. ft. is permitted under the zoning resolution.

The Board asked questions of Mr. Bickford.

Mr. Greg Cecil, Attorney for Phillips Edison Company, of 1009 Omar Place, Cincinnati, OH, 45208, addressed the Board. Mr. Cecil stated the property in question is the headquarters for Phillips Edison Company and that the sign is needed for visibility for regional and national tenants and investors who come into the area.

Mr. Dick Semple, representing the applicant, Tri-State Signs, of 4447 Woodtrail, Cincinnati, OH 45251, addressed the Board. Mr. Semple stated that scale and readability of the proposed sign is very important and that companies such as Phillips Edison who have a relatively long name are at a disadvantage when it comes to size regulations for signage.

Mr. Scheve asked if Phillips Edison was the only tenant in the building. Mr. Cecil stated that GRC is still in the building and since the removal of the GRC sign on the building, is using only the monument sign.

Mr. Eichmann questioned the visibility of the existing sign on the east elevation. Mr. Scheve asked what detriment it would be to remove the existing sign and have the proposed sign instead. Mr. Bickford confirmed if the existing sign was removed, the proposed sign could be installed as of right.

Mr. Semple stated that removal of the sign would cause damage to the building.

Mr. Cecil stated that until recently, there were two GRC signs on the building in addition to the existing Phillips Edison sign.

Mrs. McDaniel asked what kind of repairs had to be made to the building after the removal of the GRC signs. Neither Mr. Cecil nor Mr. Semple knew what repairs were needed.

Mr. Scheve asked about the decision in the previous variance request for the property in question.

Mr. Doug Miller, Law Director for Sycamore Township, stated there was a restriction in the settlement agreement that resulted from the previous case stating that Phillips Edison could not apply for a permit or a variance for any additional building signage until after the GRC signs were removed from the building. Mr. Miller explained that the settlement agreement states that the previous case cannot be used as evidence in any future variance request for the property.

Mr. Eichmann closed the floor to comments from the public.

The Board discussed the issues brought before them.

Mr. Eichmann entertained a motion.

Mr. Scheve moved to deny case# B2011-17V.

Mr. Leugers seconded.

Mrs. McDaniel called roll.

Mr. Donnelly – AYE  
Mr. Scheve – AYE  
Mr. Eichmann – AYE  
Mr. Leugers – AYE  
Mrs. McDaniel – AYE

B2011-18V  
Gary Schwaegerle  
11135 Marlette Drive  
Cincinnati, OH 45249

Mr. Holbert presented the case and case history in a power point presentation.

The Board asked questions of Mr. Holbert. Mr. Scheve asked for clarification on why the Gideon Lane side of the property is defined as a front yard. Mr. Scheve asked if the proposed garage would be in compliance with setback requirements from other structures and property lines. There was a question as to whether existing trees would remain should the project move forward.

Mr. Holbert stated because the lot has frontage on both Gideon and Marlette, by definition it has two front yards. The garage would then have to be setback 50 feet from Gideon Lane to be in compliance because 50 feet is the required front yard setback in zone "A". Mr. Holbert stated the proposed garage is compliant in size allowed and distance from the other property lines and structures.

Mr. Eichmann asked if the applicant was present and wished to address the Board.

The applicant, Mr. Gary Schwaegerle of 11135 Marlette Drive, Cincinnati, OH, 45249, addressed the Board. Mr. Schwaegerle stated the existing trees would remain on the property.

Mr. Scheve asked if the garage could be moved five feet forward so that it would not infringe on the 50 ft. required setback. Mr. Schwaegerle stated it would then be too close to the existing house.

Mrs. McDaniel asked what the intended use of the garage would be. Mr. Schwaegerle stated his hobby is restoring old cars and that his intent was to use the garage for storage of restored autos.

Mr. Eichmann closed the floor to comments from the public.

The Board discussed the issues brought before them.

Mr. Donnelly made a motion to approve case# B2011-18V.

Mr. Leugers seconded.

Mrs. McDaniel called roll.

Mr. Donnelly – AYE  
Mr. Scheve – AYE  
Mr. Eichmann – AYE  
Mr. Leugers – AYE  
Mrs. McDaniel – AYE

B2011-13V  
Kirsten and Kris Brandenburg  
7260 Garden Road  
Cincinnati, OH 45236

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the applicant did obtain a permit for the fence; however, it was not built according to the approved plans. The side yard fencing is compliant with the four feet maximum height, but is not 75% open.

The Board asked questions of Mr. Holbert. Mr. Scheve asked what the applicant would have to do to the fence to be in compliance with the zoning resolution. Mr. Holbert said the applicants would have to remove some of the balusters to make the fence 75% open or move the fence back so it is all in the rear yard.

Mr. Eichmann asked if the applicant was present to address the Board.

The applicant, Mr. Kris Brandenburg of 7260 Garden Road, Cincinnati, OH, 45236, addressed the Board. Mr. Brandenburg stated that he misunderstood the approval and installed the fence 75% closed, 25% open instead of the opposite. Mr. Brandenburg stated that moving it to the rear yard would not work because their back door is actually on the side of the house and they wished to include the door within the parameters of the fence. He stated that the existing balusters are over five inches wide and so the fence would have to have over a 15 inch opening in between to be in compliance.

The Board had no questions for the applicant.

Mr. Eichmann asked if anyone present from the public wished to comment on the case.

Mr. Brian Ramsey of 7274 Garden Road, Cincinnati, OH 45236, addressed the Board. Mr. Ramsey stated he had no problem with the fence as built and believed that it adds value to both of their homes.

Mr. Eichmann noted the Board had received a letter from a neighbor stating no opposition to granting the variance request.

Mr. Michael Simonson, of 7300 Garden Road, Cincinnati, OH 45236, addressed the Board. Mr. Simonson stated he thought the fence was attractive and had no objection to granting the variance request.

Mr. Eichmann closed the floor to public comment and the Board discussed the issues brought before them. Mr. Scheve said he did not see a hardship for the property owner to justify granting the variance and expressed concern about setting a precedent by granting such a variance.

Mr. Leugers made a motion to approve case# B2011-13V.

Mr. Donnelly seconded.

Mrs. McDaniel called roll.

Mr. Donnelly – AYE  
Mr. Scheve – NEA  
Mr. Eichmann – NEA  
Mr. Leugers – AYE  
Mrs. McDaniel – AYE

B2011-15V  
Brian and Melanie Ramsey  
7274 Garden Road  
Cincinnati, OH 45236

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the applicant did not obtain a permit for the fence and that the side yard fencing is not compliant because it is not 75% open.

The Board asked questions of Mr. Holbert.

Mr. Eichmann asked if the applicant was present to address the Board.

The applicant, Mr. Brian Ramsey of 7274 Garden Road, Cincinnati, OH, 45236, addressed the Board. Mr. Ramsey stated that Garden Road is a pass through street between Galbraith and Montgomery Roads. He said there is a lot of traffic and pedestrians from outside the neighborhood and that the fence is needed for safety reasons. Mr. Ramsey noted that the fence is aesthetically pleasing and good for property values.

Mr. Eichmann asked if anyone present from the public wished to comment on the case.

Mr. Michael Simonson, of 7300 Garden Road, Cincinnati, OH 45236, addressed the Board. Mr. Simonson stated he lives two doors down from the applicant and had no objection to granting the variance request.

Mr. Eichmann closed the floor to public comment and the Board discussed the issues brought before them. Mr. Scheve reiterated his concerns from the previous case stating that there was no apparent hardship and the Board would be setting a precedent by approving the request.

Mr. Leugers made a motion to approve case# B2011-15V.

Mrs. McDaniel seconded.

Mrs. McDaniel called roll.

Mr. Donnelly – AYE  
Mr. Scheve – NEA  
Mr. Eichmann – NEA  
Mr. Leugers – AYE  
Mrs. McDaniel – AYE

B2011-14V  
Good Shepherd Lutheran Church  
7701 Kenwood Road  
Cincinnati, OH 45236

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the variance request involved an existing sign that the applicant wished to modify to include an electronic message board.

The Board asked questions of Mr. Holbert. Mr. Scheve asked if the sign could be seen from Orchard Road. Mr. Holbert said no, it could not. Mr. Eichmann asked for clarification on ordinances for how many times messages could be changed on electronic message boards. Mr. Bickford said there are no such ordinances because the zoning resolution interpretation does not allow for electronic message boards. Mr. Scheve asked about the electronic message board at Jos. A. Bank Centre. Mr. Bickford stated that sign is grandfathered because it was installed prior to current zoning.

Mr. Eichmann asked if the applicant was present to address the Board.

Representing the applicant, Pastor Larry Donner of 1109 Thornyridge Road, Lebanon, OH, 45036, addressed the Board. Pastor Donner stated the church would like to add the electronic message boards to the existing sign so that the text can be altered by computer instead of manually. Pastor Donner said they would be willing to limit the number of message changes per day at the recommendation of the Board of Zoning Appeals.

Mr. Scheve asked for clarification on the kinds of messages the church would put on the sign. Pastor Donner said there would be no scrolling messages and that the messages would involve information on church services and events. Pastor Donner said it was his understanding they would be able to have up to four lines of text and the lettering would be red or amber only, no multiple colors. He said message changes would be no more than one per hour and realistically probably less often.

Mr. Eichmann asked if anyone present from the public wished to comment on the case.

Mr. John Van Osdol, pf 7707 Stonehedge Drive, Cincinnati, OH 45242, addressed the Board. Mr. Van Osdol stated he is one of the people responsible for changing the text on the current sign and detailed the difficulties in doing so especially in cold weather.

Mr. Eichmann closed the floor to public comment and the Board discussed the issues brought before them.

Mr. Leugers made a motion to approve case# B2011-14V with the following conditions:

1. The messages would be static except when changed.
2. The text must be one color; red or amber only.
3. No scrolling messages permitted.
4. The text changes would be limited to one change per hour.
5. No commercial advertising would be permitted on the sign.

Mrs. McDaniel seconded.

