

February 21, 2017

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member
Mr. Steve Scholtz - Alternate

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Tuesday, February 21, 2017.

Item 2. – Roll Call of the Board

Mr. Eichmann called the roll.

Members Present: Mr. Scheve, Mr. Leugers, Mr. Eichmann, Mr. Heidel and Mr. LaBarbara

Members Absent: Mr. Scholtz

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann explained that this is a public hearing and the process by which the hearing would proceed. He then swore in all those providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve January 17, 2017 meeting minutes.

Mr. Eichmann asked for any corrections to the January 17, 2017 meeting minutes. No response.

Mr. Scheve made a motion to approve the January 17, 2017 meeting minutes.

Mr. Heidel seconded.

Mr. Eichmann called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – ABSTAIN

Item 6. – Old Business

Case: SYCB170001
Applicant: Callie Homel
Location: 8541 Kenwood Road
Request: Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case SYCB170001.

Mr. Eichmann called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – ABSTAIN

Case: SYCB160023 – continued to March 20, 2017
Applicant: Nicholas Bucciere
Location: 9125 Montgomery Road
Request: Appeal

Mr. Holbert said the intent is to remove this case from the docket because the case will probably go before the Board of Trustees as a PUD.

Item 7. – New Business

Mr. Eichmann noted the applicant had submitted for a variance before so was familiar with it. He then explained how the public hearing would proceed.

Case: SYCB170002
Applicant: Lyle Fiore, Kenwood Baptist Church
Location: 8341 Kenwood Road
Request: Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert stated the applicant requests a variance to allow for the installation of a 180 square feet temporary banner for promotion of an event. He noted the church is permitted as a conditional use in a residential district. Mr. Holbert reviewed the zoning resolution requirements for a temporary banner in a residential district. Mr. Holbert reminded the Board that the applicant had been granted a variance to do this one time previously. The applicant requests the same size banner but this time requests that the variance allow for the church to have this size banner once or twice a year for thirty days without having to re-apply for the variance each time.

The Board asked questions of Mr. Holbert.

Mr. Scheve asked Mr. Holbert to repeat what he had said about 60 days.

Mr. Holbert said the code allows for a temporary banner 60 days maximum per calendar year. The applicant requests a banner for 30 days once or twice a year.

Mr. Scheve commented the 60 days permitted do not have to be consecutive days.

Mr. Holbert said that is correct.

Mr. Eichmann said should the Board allow the variance in perpetuity it would involve having to get zoning approval each time by staff.

Mr. Holbert said if the Board approves the request a zoning certificate and zoning review fee will still be required each time a banner is installed.

Mr. Scheve asked if the Board has the authority to waive the fee.

Mr. Holbert answered no.

Mr. LaBarbara commented the last time the church erected a banner it looked nice.

Mr. Eichmann asked how large the temporary sign was that was approved the last time.

Mr. Holbert answered it was the same size as requested tonight, 180 square feet.

Mr. Eichmann commented the last time the Board reviewed the variance request they saw the design of the sign.

Mr. Holbert explained that staff measures signs before installation to make sure they comply with zoning requirements.

Mr. Holbert showed the proposed location of the sign on an aerial photograph and photos of the church building elevations. He then again reviewed Section 13-10.1 of the Zoning Resolution which addresses temporary signs in residential districts.

Mr. LaBarbara said the last sign was a quality sign and trusts that the church would do the same in the future.

Mr. Holbert deferred to the applicant to address the quality of the sign.

Mr. Scheve asked if the church's request was to have the sign up all year.

Mr. Holbert answered no, the request is to allow for the installation of a temporary sign up to two times a year for 30 days maximum each time.

Mr. Scheve asked what the variance is for if the Zoning Resolution allows for 60 days of temporary signage.

Mr. Holbert said the issue is the size. The Zoning Resolution allows for a maximum 24 square feet banner, the applicant is asking for 180 square feet. He noted the applicant does not need a variance to have the sign up for 60 days per year.

Mr. Scheve asked if the sign would be reviewed by staff each time if the variance is approved.

Mr. Holbert answered yes, the applicant would have to apply for a zoning certificate each time a sign is installed.

Mr. Scheve suggested making that a condition should the Board approve the request.

Mr. Eichmann commented there is a zoning review fee because staff has to review plans and inspect the sign.

Mr. Holbert said the applicant would still be able to have a compliant temporary sign in addition to this should the Board approve the variance.

Mr. LaBarbara said basically the applicant does not want to have to apply for a variance every time there is an event and they want to install a temporary sign.

Mr. Holbert said that is correct and noted there is a precedent because the Board of Zoning Appeals approved a temporary fence in perpetuity with the condition that the applicant must obtain a zoning certificate for it each year.

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

Mr. Lyle Fiore, the applicant, representing Kenwood Baptist Church, located at 8341 Kenwood Road, Sycamore Township, OH 45236, addressed the Board. Mr. Fiore showed the Board a rendering of the sign being proposed for the next speaker. He noted it will be made out of plasticized canvas which is weather resistant.

Mr. Scheve asked if it would have the speaker's photo on it.

Mr. Fiore answered yes.

Mr. Eichmann asked about the kind of speakers the church would have.

Mr. David Palmer, Senior Pastor Kenwood Baptist Church, 8341 Kenwood Road, Sycamore Township, OH 45236, addressed the Board. Pastor Palmer said the church has a vision, in partnership with the University of Cincinnati, to bring national or international speakers to the Cincinnati area each year. He said these will be very high quality speakers and free events allowing the church to be visible and also serve the community. He stated there will not be any attempt at show business just quality conversation.

Mr. Scheve noted his one concern was to have some control that the signs/events are quality.

Mr. Eichmann agreed, saying he doesn't want the Township to be in the business of approving any certain view or controversial topic.

Pastor Palmer said the events are driven by the leaders of the church who have a deep interest in the quality of the people they bring in, noting the church is not going for shock value.

Mr. Scheve said once the sign is approved the Township can't control content so that is a concern.

Mr. Eichmann agreed with his concern.

Pastor Palmer said the speaking events will not be driven by community but rather offered to the community. The sign will be tasteful and the size is needed because the church sits so far back off the road.

Mr. Scheve asked about the possibility of bringing in a controversial speaker.

Mr. Eichmann said the Board may not have ability to control that.

Pastor Palmer said the church is a good neighbor with a good track record and he would not want to jeopardize that.

Discussion ensued about possibility of a controversial speaker.

Mr. Fiore asked Mr. Holbert if he could deny a sign based on content.

Mr. Holbert said no, the Township cannot regulate content, but can regulate size, location and length of time the banner is up on the building.

Mr. Eichmann asked about the possibility of the sign having profanity on it.

Mr. Holbert said he would have to ask legal counsel.

Pastor Palmer said that is not something the church would do.

Mr. Holbert commented this is setting a precedent and others may ask for a sign to publicize something more controversial.

No one was present from the public who wished to comment on the case.

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

Mr. Leugers said he is in favor of approving the sign one time, but is not in favor of approving a blanket variance for all future signs.

Mr. Scheve agreed.

Mr. Eichmann asked his thought process.

Mr. Leugers said he doesn't think it is the Board of Zoning Appeal's role to approve a perpetual variance, noting something like that should be up to the Board of Trustees.

Mr. Eichmann asked if the Board would consider approving the sign for two times this year so it is an annual request.

Mr. Leugers said he would be ok with that.

Mr. LaBarbara asked Mr. Holbert if the applicant would have to come before the Board of Zoning Appeals each year and pay \$200 for a permit.

Mr. Holbert answered yes.

Mr. LaBarbara commented Mr. Holbert cannot control the content of a sign.

Mr. Holbert again went over what he reviews and inspects for signs.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve the variance request for Case SYCB170002 as submitted and allow one other sign for a thirty day period to be determined within this calendar year.

Mr. Holbert clarified saying a maximum of two 180 square feet signs per calendar for thirty days each.

Mr. Leugers answered yes.

Mr. Scheve seconded.

Mr. Eichmann called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Mr. LaBarbara - AYE

Mr. Eichmann said a resolution would be prepared for the next meeting.

Case: SYCB170003 – Withdrawn by applicant

Applicant: David Meranus

Location: 7135 Hosbrook Road

Request: Variance

Mr. Eichmann said the applicant withdrew the application.

Mr. Holbert explained how the applicant was able to meet the setback requirements without a variance.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, March 20, 2017.

Mr. Scheve asked Mr. Holbert about an addition at Cincinnati Hills Christian Academy and asked which part of the campus is in Symmes Township.

Mr. Holbert said the grade school is in Symmes Township and the high school is in Sycamore Township.

There was discussion about projects at Cincinnati Hills Christian Academy.

Mr. Eichmann asked about the pay the Board members receive. He noted the Board members used to be paid \$250 per meeting and were reduced to \$100. He asked if there had been any discussion of reviewing that again.

Mr. Holbert said he would bring it up to the Board of Trustees.

There was discussion about the Township finances.

Item 9. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn, seconded by Mr. Leugers. Vote: All Aye.

The meeting adjourned at 7:51 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator