

BOARD OF ZONING APPEALS MEETING
March 28, 2012 -7:00 p.m.
Meeting Place: 4200 Springdale Rd., Cincinnati, OH 45251
Minutes

Meeting called to order: 7:00 PM.

Mr. Reuter thanked the current members of the Board for their service. Mr. Reuter administered the oath of office to new members: Timothy A. Price, Ronald J. Roberto, Hollis W. Haggard and Connie Spencer.

Pledge of Allegiance.

Explanation of procedures.

Roll Call: Present - Mr. Roberto, Mr. Mattingly, Mr. Price, Mr. Grubbs, Mr. Reininger. Also present – alternates Mr. Hollis and Ms. Spencer, staff Dr. Roschke and Becky Reno and court reporter.

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

Hearing of Appeals:

A.	Case No.:	BZA2012-03
	Subject Property:	6443 Springdale Rd., Cincinnati, Ohio
	Applicant/Owner:	Robert Schutte
	Application:	Variance for an accessory structure on a lot without a residence – Article/Section 10.2.1A.

Staff: The proposal is for an 1800 sq. ft. building for machinery storage on a parcel without a principle use. Zoning is R-2 Residential. Aerial view was provided. There is a front parcel and a barn is located on that parcel of which a picture was provided. The site plan provided by the applicant was shown. Pictures of the proposed building, site and the vicinity on Springdale Rd. were shown. If approved, staff recommends the following conditions:

1. The building shall be designed and sided to blend in to the surrounding houses;
2. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
3. All proposed work must be completed within 12 months after journalization of BZA approval; and
4. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Applicant: Robert Schutte, 5586 Dry Ridge Rd. Mr. Schutte said that staff covered his proposal.

Public Input:

Phil Lawson, 6445 Springdale. Provided documents to the Board of their home. Provided aerials showing where proposed storage facility will be located. Showed pictures of existing barn and view from the neighbors. Has talked to neighbors and everyone has the same concerns. Thinks in the best interest of their private drive, this is not a good idea. Said it's spot zoning. Down the road should Mr. Schutte decide to sell, no telling who would go in there. Biggest concern is it's a little neighborhood and they don't want a storage facility there.

Scott Meier, 6441 Springdale. Expressed concern since his home faces existing barn. When he bought house 5 years ago, the owners had the property separated and they wanted \$80,000 for the parcel where the barn is located. He has a 3 tier patio and their view will be a storage facility. His house is up for sale. Nothing personal against Bob; he's a good person and works on his barn. Expressed concern over the private drive. Said Bob has brought in dirt and fill to get ready for the storage facility and has started laying foundation and installed a culvert pipe. Some of blacktop has already been torn up because of the work. Afraid with a storage facility, especially during construction, the driveway will be that much more destroyed. Expressed concern that in the future if Bob sells, who knows who will come down there and maybe put in cars and work on them. Doesn't think that when someone doesn't live on the property, it's not a good idea to have a storage facility, especially with only one drive.

Motion to Close
Public Input:

Motion by Mr. Mattingly, 2nd by Mr. Roberto. Motion carried.

Board Deliberation: Mr. Roberto asked does he have access and right of way to proposed area and Mr. Schutte said yes. Mr. Roberto asked does he propose to have a paved driveway to the building and Mr. Schutte said it will probably be gravel over to the building, but the driveway from the street to the property will be blacktop. Mr. Schutte said he will fix the blacktop as soon as the building is built. Mr. Schutte said he has brought in fill dirt and he talked to the County and they okayed it. Mr. Roberto asked are there utilities on the property and Mr. Schutte said at the road, but not at this lot. Mr. Roberto said there is going to be machinery stored there and Mr. Schutte said he collects John Deere tractors and that his barn is full and he thought this would be a good place to build another one. Mr. Roberto said the tractors have value and questioned security. Mr. Schutte said there will no security or alarm system. Mr. Schutte explained that this type of equipment would have to be loaded onto a trailer, therefore, would be difficult to steal. Mr. Mattingly asked is the barn his property and Mr. Schutte said yes. Mr. Mattingly said looking at the plat, there is a driveway there and Mr. Schutte said yes

and that it is 2 parcels. Mr. Mattingly asked is there a common driveway and Mr. Schutte said yes. Mr. Mattingly asked would he be relying on that common driveway for access and Mr. Schutte said yes. Mr. Mattingly asked what will the building look like. Mr. Schutte said it will be a pole barn. Mr. Mattingly asked how often will he be there and Mr. Schutte said every day. Mr. Mattingly asked if he is anticipating any landscaping and Mr. Schutte said he'd do improvements and landscaping would not be a problem. Mr. Mattingly inquired about the statement in his justification letter regarding a 2 bedroom home not having a resale value that would justify its cost of construction and asked where is the evidence. Mr. Schutte said a 2 bedroom is hard to sell. He added that he does real estate work and no one is looking for a 2 bedroom house. Mr. Price said he mentioned it is a hobby and asked how often will he bring equipment in and out. Mr. Schutte he goes to a few shows a year and takes a couple of the tractors out half a dozen times a year. Mr. Price said it looks like there is a sink hole on the property and Mr. Schutte said it is a dry pond and he will build the barn on the rise. Mr. Price asked if more fill will be brought in and Mr. Schutte said not too much more. Mr. Price said there are a lot of trees on the site and couldn't he cut them down to build a larger house and Mr. Schutte said the reason that only a 2 bedroom house can be built is because that is all the County will allow due to the septic system. Mr. Schutte said the previous owner spent a lot of time on soil tests and the County determined that only a 2 bedroom house could be built and added that he has the paperwork from the County stating this. Mr. Grubbs asked how many acres are there and Mr. Schutte said 2 1/2. Mr. Grubbs asked does he intend to rent out any space and Mr. Schutte said no. Mr. Grubbs asked would he object to a condition that would restrict this and he said no. Mr. Grubbs asked if the 2 parcels were combined, would he still need a variance and he said yes. Mr. Reininger asked what will the function of the older barn be and Mr. Schutte said he'll keep a few tractors there. Mr. Schutte said he rehabs houses and he also keeps his tools there. Mr. Reininger inquired about the utilities and Mr. Schutte said he will put in electric. Mr. Reininger asked will the security be a padlock and Mr. Schutte said yes. Mr. Reininger asked will it be a contractor designed building and Mr. Schutte said yes. He said the foot print of the structure will be 30 ft. x 60 ft. and will fit on the property without excessive cutting and filling. Mr. Reininger asked how do you plan to shed water off the building and Mr. Schutte said it will have a pitched roof with gutters. Mr. Reininger asked will it drain to the dry pond and Mr. Schutte said it's on the crest of the hill, so water will go one way or the other.

Board Action: Motion by Mr. Price to deny appeal, 2nd by Mr. Mattingly.

Roll call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

B. Case No.: BZA2012-05
Subject Property: YMCA 8920 Cheviot Rd., Cincinnati, Ohio
Applicant: ASI, Cincinnati
Owner: YMCA of Greater Cincinnati
Application: Variance for an electronic sign exceeding 6 ft. in height – Article/Sections 15.8.3 and 15.8.1.

Staff: Proposal is for an 8½ ft. ground sign with an electronic message board. Code only allows 6 ft. in height. Electronic signs are not permitted in this district. Overlaps into Residential district. Provided aerial view. Showed pictures of existing and proposed signs. Showed photographs of the area. If approved, staff recommends following conditions:

1. Landscaping shall be provided around the base of the sign in accordance with §15.5.5;
2. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
3. All proposed work must be completed within 12 months after journalization of BZA approval; and
4. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Applicant: Ray Siegel, ASI Cincinnati, 394 Wards Corner. Signage company for greater Cincinnati YMCA. There has been a national rebranding with some exterior and interior changes. In addition to new logo, they have added a sign with a message center. The branding guidelines are set forth by the national group which dictates that the white behind the logo be a specific proportion. It includes name and address. In general, they're using the same design used in several other municipalities; Anderson, Ft. Thomas and Springfield Twp. They can make a few modifications, but in general, it is the same sign. There will be no site line issues. The existing sign is beat up. In the winter time, changing letters is challenging. The YMCA has agreed with local municipals to turn off the lights the on sign at night. They work hard to comply with local zoning.

Doug Hecker Executive Director for Clippard YMCA. They're excited to have new branding. They want to be good stewards of the community. They have over 11,000 members and over the last year, they've been using banners and the message board will allow them to provide information to the community. Asked the Board to consider this variance; it will be a good opportunity for them.

Public Input:

Mark Bennett, 2267 Birch Dr., speaking on behalf of Mrs. Niemeier, 3591 Poole, which is adjacent to the YMCA, his wife is executrix. Mrs. Niemeier passed away and lived there since 1965 and saw many changes. The zoning is residential. Love the YMCA, but they're asking the residents to put up with a flashing light at a busy intersection. When the Colerain High School kids leave school, the sign will be a distraction. Proposed sign is 8 ft. and the original sign is nowhere near 8 ft. Has no problem with new sign. Has problem with flashing lights. They now have to do something with the house; either rent it out or sell it. Can't sit out back because of the bright lights and the loud cooler. His mother-in-law was 90 years old. Thinks they have an obligation to the residents. Thinks 8 ft. flashing sign is unneeded and will be dangerous.

Motion to Close
Public Input:

Motion by Mr. Mattingly, 2nd by Mr. Price. Motion carried.

Board Deliberation: Mr. Roberto asked what are the existing sign dimensions. Mr. Siegel said he thinks the main section is 4 ft. by 10 ft. and the base is 18" and the sign is approximately 5 ft. tall. Mr. Roberto inquired about the flashing lights and Mr. Siegel said there will be no flashing lights, there will be an 8 or 10 second delay for the message change. Mr. Siegel said the digital portion as well as the total sign could be set off to turn off during certain hours. Mr. Roberto said the illuminated portion is YMCA and Mr. Seigel said it will glow white and the bottom portion is aluminum with vinyl. Dr. Roschke said it cannot be internally illuminated. Mr. Mattingly stated that what they're asking for is not allowed by the Code and the BZA has received numerous requests for digital signs, many from churches, and they consistently get denied. Mr. Mattingly said he thinks the digital sign is more of a matter of convenience, aesthetics and compliance with national branding, but not in compliance with the Code. Therefore, he will have a hard time voting in favor of the request and asked if they would be willing to reduce the sign request. Mr. Mattingly added that the Board has been very stringent with respect to signs. Mr. Seigel said they would have to take this to the folks at corporate. Mr. Mattingly said when it becomes clear that a variance is in trouble and may be denied, they have allowed the applicant to seek a continuance to go back to the drawing board. Mr. Price agreed with Mr. Mattingly regarding the digital portion of the sign. Mr. Price said he doesn't have a problem with the 8 ft. height as the sign is located on the corner near the retention pond and doesn't think anyone will notice the extra 2 ft. Mr. Price asked what the is color of the message board and Mr. Siegel said they went with monochrome, amber or red and added that amber would tone it down. Mr. Price said the Y part is internally illuminated and Dr. Roschke said the Code doesn't allow that. Mr. Siegel they're okay with external lighting. Mr. Grubbs asked are they getting

instructions from national and local. Mr. Siegel said he's working with local and that national does have directive, but local is changing out the message board. Mr. Grubbs asked what is the national directive and Mr. Siegel said to have the white background. Mr. Grubbs asked did national have a size recommendation and Mr. Siegel said the Y must be a proportion of the white. Mr. Seigel added that it's different all over city depending on available space. Mr. Reininger asked Mr. Siegel if they'd like to ask for a continuance and he said yes.

Motion to continue by Mr. Roberto, 2nd by Mr. Mattingly.

Roll call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

Approval of Minutes: Motion by Mr. Mattingly to approve minutes of February 29, 2012 meeting, 2nd by Mr. Grubbs. Motion carried.

Resolutions for Adoption:

A. Case No.: BZA2012-0002
Subject Property: 9933 Pippin Rd., Cincinnati, Ohio
Applicant/Owner: Nancy S. Colwell
Application: Variance for manufactured home – Article/Section 7.4.9.

Mr. Reuter advised the Board that since the minutes of the February 29, 2012 meeting were approved, the seated members may approve the resolution.

Roll call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

Unfinished Business: None

Administrative Matter: Election of Officers:

Mr. Mattingly nominated Mr. Reininger as chairman, 2nd by Mr. Roberto. Roll Call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

Mr. Reininger nominated Mr. Grubbs as vice chairman, 2nd by Mr. Roberto. Roll Call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

Mr. Roberto nominated Mr. Mattingly as secretary, 2nd by Mr. Grubbs. Roll Call: Mr. Roberto – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

Adjournment: Meeting adjourned by motion at 9:05 PM.

Respectfully Submitted:



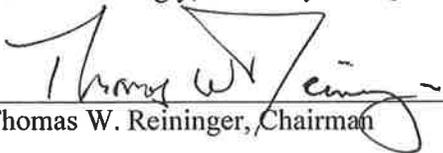
Rebecca J. Reno, Zoning Recording Secretary

Secretary:



Paul R. Mattingly, Secretary

Accepted by:



Thomas W. Reininger, Chairman

