

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS MEETING  
Meeting Place: 4200 Springdale Rd., Cincinnati, OH 45251  
September 26, 2012 -7:00 p.m.  
Minutes

Meeting called to order: 7:00 PM.

Pledge of Allegiance.

Explanation of procedures.

Roll Call. Present – Mr. Grubbs, Mr. Price, Mr. Reininger, Mr. Roberto. Mr. Mattingly was absent.

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

Hearing of Appeals:

A. Case No.: BZA2012-12  
Subject Property: 3423 Alamosa Dr., Cincinnati, Ohio  
Applicant/Owner: Kenneth Lawrence  
Application: Requesting variance for front yard setback for porch addition - Article/Section 7.3.1.

Staff: Variance request is for porch encroaching in front yard. It will have an 18 ft. setback. Upon review of neighboring houses, many have similar porch designs encroaching in front yard setback ranging from 16 to 18 ft. Pictures of site plan, overview of area and neighboring houses with porches were shown. If approved, the following conditions were suggested:

1. The proposed porch addition shall be constructed as shown on the plans submitted with appeal, and no changes or modifications shall be made without consent of the Board;
2. The proposed porch addition 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 this Resolution.

Applicant: Kenneth Lawrence. Resident of Colerain Township for 35 years in this house. Would like to add a porch to his home and applied for the permit and it was denied. Rather than move his house, thought he would apply for variance. Houses in neighborhood were built before the Zoning ordinance and they were built with 25 ft. front yards. About 40 percent of houses on the street have porches. They're requesting to extend the porch out 7 ft. Many of the trees in the neighborhood have died which used to shade their house. In the afternoon the sun and heat beats down on the front of

their house, immensely heating it up and the air condition runs constantly. If they can add shade to the front of the house, it would help a good deal and cut down on their electric bill. The proposed porch will shade the entire house.

Motion to Close  
Public Input:

Motion by Mr. Grubbs, 2<sup>nd</sup> by Mr. Price. Motion carried.

Board deliberation: Mr. Roberto asked what is the construction going to be and Mr. Lawrence said it will have a wood frame and be an extension of the existing roof. Mr. Roberto asked are you building it yourself and Mr. Lawrence said he has a contractor. Mr. Price asked will the new addition take up the entire length of the house and Mr. Lawrence said yes, but it will not be enclosed; it will be a concrete slab with a rail and a roof. Mr. Grubbs asked how far will it extend out from the house and Mr. Lawrence said 7 feet. Mr. Reininger had no questions.

Board Action:

Motion by Mr. Price to approve, 2<sup>nd</sup> by Roberto.

Roll call:

Mr. Grubbs – aye, Mr. Price – aye, Mr. Reininger – aye, Mr. Roberto – aye.

A. Case No.:  
Subject Property:  
Applicant:  
Owner:  
Application:

BZA2012-09  
2400 Adams Rd., Cincinnati, Ohio  
John R. Grier, Architect  
Golden Leaf Baptist Church  
Requesting additional parking at a previously approved Conditional Use for an Active Recreational Facility – Article/Section 4.4.

Staff: Announced that the attorney has advised that the case be re-heard and the previous vote be null and void due to the error in the meeting notification. Request is for modification of a previously approved Conditional Use for an Active Recreational Facility – BZA2011-03. Provided pictures of location of proposed added parking, aerial view of site and surrounding area. Conditions of BZA2011-03 were provided. One condition was that parking usage be monitored by the applicant, with reports on daily numbers provided to the Zoning Administrator 6 months and 12 months after journalization of the approval. There is no record of these reports being received. The Township has received various complaints for overgrown grass and weeds, trash/debris, loitering and vandalism at the site. If approved, the following conditions should be considered:

1. The improvements shall be made in accordance with the submitted application except as specified below;
2. The existing wooded areas to the west and north shall be maintained as buffer from the neighboring residential areas;

3. Landscaping shall be added to the parking areas as required by §14.6 or as shown on a landscaping plan approved by the Landscape Advisory Board;
4. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
5. All proposed work must be completed within 12 months after journalization of BZA approval;
6. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of the Board.

Applicant: Rev. Sil Watkins. The purpose of the lot is to assist the elderly and handicapped. Most activities will take place on Adams Rd. where the gym is located, so accessibility in this area is needed. To the back of building, there are classrooms on the lower level and that is why handicap parking is needed in that location.

Sr. Pastor Carl Adkins. The additional parking will provide safety for people unable to get up the steps and also prevent loitering by many of the community kids, particularly during the hours they are not there. Additional parking would be an advantage to the church ministry and community and a safety factor for the elderly and handicapped.

Public Input:

Chris Lawson, 2499 Fieldglen. Speaking as a resident. Serves as Vice Chairman of Zoning Commission. Opposes this request. He is sympathetic to handicap accessibility, however, the area on Adams where additional parking is requested can contain about 10 school buses, which is more than adequate and would fit any ADA requirements. Neighbors may address additional maintenance issues, but he wanted to address an occurrence this summer. There was a gathering of kids that lit fireworks which burned up the hill. Colerain Township Fire & EMS had to respond at the Township's expense due to the owner not overseeing the site. Adequate parking is already there with additional parking across the street on Miles and Adams. Expressed concern about traffic egress/ingress and additional run off from asphalt paving. There is a severe lack of the setback standard. Expressed concern for the overall residential character of the area. Last week, the Zoning Commission heard a concept plan review for a Family Dollar Store on the corner of Pippin and Springdale and the consensus of the Commission was that it would fundamentally alter the residential character of the neighborhood and this request is no different. The Trustees have made it a priority to try to maintain residential character in neighborhoods. The community center adds to the quality of life, however, an increase of parking degrades it. Years ago there was a storage facility that has been eliminated. We don't want to take a step backwards. They are not good neighbors. Cited junk, tires and

dead tree on the property. A resident inquired about the junk and they replied that they didn't put it there and it wasn't their problem. The Township hasn't always had control of zoning. Asked the Commission to support the quality of neighborhoods.

Judy Hinterlong, 9402 Coogan. Resident for 51 years. Referenced photographs she submitted. Opposes additional parking. Doesn't believe the parking on Adams Rd. can be buffered. Doesn't believe that when you add parking lots landscaping will help. Does not want the site to have 12 more landscape beds as the existing beds look bad. On their plan, they call the trees a woods, but it is actually the creek. The creek on Topeka and Niagara is a mess. Cited insufficient lighting, however, they said they don't need more lighting. She has witnessed inappropriate behavior by kids. Just saw them there last night. More parking will give the kids more places to hang out. They didn't install the correct fence; it was supposed to have an arch. Cited the pictures she submitted of their church in North College Hill and said she doesn't believe it would meet our Zoning Code. Before they get more approval, they should take care of what they have.

Wanda Green, 9430 Coogan. 18 year resident. Mrs. Hinterlong covered everything. When the church came in last year they said it was for kids; now it's for seniors. As far as landscaping, in lower part of site where the ball fields are, they can't even remove the metal pole protruding up because the fence is no longer there. She called the church in May and asked them when do they mow the yards at their homes and the person she talked to acted like he didn't know what she was talking about. People throw junk on the property because it isn't taken care of.

James Tritsch, 18 year resident. Always supports improvements in the community. Expressed concerned about property values.

Brian Obdula, owner of child care center. Biggest issue is lighting for the current area they now have. If more parking is added, so will more lighting. They're currently not using the lighting they have. Kids know he has security cameras at his business.

Motion to Close  
Public Input:

Motion by Mr. Roberto, 2<sup>nd</sup> by Mr. Grubbs. Motion carried.

Board deliberation: Mr. Roberto said there's been concern expressed about maintenance of the site. Rev. Adkins said they have a list of people in the community who want their ministry to be there. Mr. Roberto asked have they addressed the issues cited and Rev. Adkins said yes; the dumpster is open and they

suspect that people in the community are using it. He said they have put a lock on the dumpster. Rev. Adkins said bed bug infested mattresses and old tires were put near the locked dumpster. He asked if someone in the neighborhood saw someone burning trees and doing unrighteous things, why didn't they call the police. Rev. Adkins said the same people came to their church and when a church worker asked them if they were looking for someone, they told him they wanted to see if the grass was cut. Rev. Adkins said he can introduce the leaders of their church if they like. He said they're good people. They've spent a lot of money on the facility. They've done a lot of work inside and have a little more work to go. Rev. Adkins said they kept Dr. Roschke informed of their progress. He said their purpose for coming to this area is there's a lot of crime being committed by young people and they think they can save some of them. He said at the first hearing, they were asked to monitor the parking and as they thought more about their ministry, they knew even before they started that additional parking would be needed and would cost them a lot of money. Their intent is not to hurt property values. Their church has a great legacy and record. Mr. Roberto asked have they addressed the maintenance issues. Rev. Adkins said the mattress and tires are gone, the grass has been cut and the graffiti has been removed. Mr. Roberto inquired about the lighting. Rev. Watkins said there is a timer and there may be bulbs that are burned out. He said the original lighting from when it was a school is currently there and it should deter young people who are doing the vandalism, however, they now have security cameras and an alarm system in place. Mr. Roberto asked are the security cameras being monitored or recorded and Rev. Watkins said recorded. Mr. Roberto said currently it is being used as a community center for teens and Rev. Watkins said for families. Mr. Roberto asked how many parking spaces do they currently have and Rev. Watkins said in the back lot there are 39 spaces. Mr. Price said one of the prior conditions was that they would report the daily numbers after 6 months and 12 months to the Zoning Administrator and asked has that been done. Rev. Watkins said they haven't started a full operation yet and their understanding was that the reporting would start once they opened the facility. Mr. Price inquired about the landscaping at the handicap entrance. Rev. Watkins said there's not a lot of room there, but they'll do as much as the space allows and cited the landscape design that Dr. Roschke had prepared for the parking areas. Mr. Price said he visited the property after it was cleaned up and there was quite a bit of debris back on the lot and asked do they have a regular schedule to do parking lot maintenance. Rev. Adkins said they left the mattresses since they had bed bugs and they knew sunlight would kill them. He reiterated the problem they have with people dumping on the property. Mr. Price asked would it be such a hardship to have their maintenance go to the site weekly to pick up trash and Rev. Adkins said they're at the site

3 or 4 times per week now. Mr. Grubbs asked where is the parking close to the gym going to be and Rev. Watkins pointed it out, and said the only parking they have is on Miles and you have to go up steps to enter the gym. Mr. Grubbs inquired about the court yards and Rev. Watkins said it is fenced off and is being resurfaced. Mr. Grubbs asked what types of events do they have. Rev. Adkins said there is a multi-purpose room and they have arts and recreational activities, drama, volleyball, musicals. Mr. Grubbs asked what is the plan for the rest of the building. Rev. Adkins said so far they've put down a new gym floor and new curtains for the auditorium. There is an exercise area and computer lab. Other areas will be turned into educational wings for classrooms for inspiration and education programs. Mr. Grubbs asked what are you going to do in the court yard and Rev. Adkins said outdoor events such as weddings. Mr. Grubbs asked could it be utilized for parking and Rev. Adkins said it's on a hill and there's also a play area there. Mr. Grubbs asked if the 2 parking areas could be connected and Rev. Watkins said that cannot be done because there is a hill between the 2 areas. Mr. Grubbs asked about the overgrown grass and weeds. Rev. Watkins advised the Board of the lawn mower problems they had and said the grass was cut last week. Mr. Grubbs asked was the required fence satisfied and Rev. Watkins said they had been advised that only highways can erect that type of fence and they had informed Dr. Roschke. Mr. Grubbs asked about attendance and Rev. Adkins said they have relationships with other churches in the community. He said there will be a membership fee, but they will not turn anyone away who cannot pay. Rev. Adkins spoke about the problems they had with the kitchen hood and they've received bids for its replacement. Mr. Grubbs inquired about the number of parking spaces and where will the senior activities take place. Rev. Adkins said in both the upper and lower levels. He added they will have volleyball, rope jumping and eventually field games. Mr. Grubbs asked where is the kitchen located and Rev. Adkins said the upper level. Mr. Reininger asked do they hold church at this site and Rev. Adkins said no; they might hold a songfest, but they have a church that seats about 1,000 people for services. Mr. Reininger asked what is the timeline and Rev. Adkins said if there are no other interferences, probably in about 4 months and said there are some issues they cannot control, but the church is ready. Mr. Reininger asked within a year and Rev. Adkins said yes. Mr. Reininger said he spoke about seniors and asked if this is limited to just their congregation. Rev. Adkins said it's open to anyone and they believe they've been led to this area to minister to people who live in this community, but they will not exclude people from other areas. Mr. Reininger inquired about the ADA approved parking spaces at their church and Rev. Adkins said they have at least 12. Mr. Reininger asked is there no accessible handicap parking on the site and Rev. Adkins said no and their Board is

afraid to try to bring seniors up the steps. Mr. Reininger asked does the church have a shuttle service and Rev. Adkins said they have buses and vans, but they had not planned on transporting people to the Greener facility. Mr. Reininger said his major concern is that it's a broad based facility doing good things, but at this time it's speculation on the number of seniors who will be coming to the facility. Mr. Price asked can they have by right 108 parking spaces. Mr. Birkenhauer said yes, but this is a non-conforming use so you don't have parking spaces by right; you have the number of spaces that were granted when the conditional use was granted, so this request is an expansion of a conditional use. Mr. Grubbs asked is that the number as they exist or can they be reconfigured and Mr. Birkenhauer said they could be reconfigured; they could re-stripe or put striping on existing asphalt. Mr. Grubbs said there are two issues that raise concern for him. First, the number of spaces is a lot, especially since they're unsure of the numbers, so maybe it's appropriate to ask for a more limited number of spaces in a different configuration. Mr. Grubbs cited the existing pavement to the left of gym building which they could stripe and get about 10 spaces and it wouldn't take away the current green space from the front of building. Mr. Grubbs said the other problem is the nuisances and one of the conditions of the original conditional use and the Code is they that must comply with applicable laws and he doesn't think this has been demonstrated. Mr. Grubbs said he realizes this is a big undertaking, but thinks their request is overly aggressive based on history and that they don't know what their use is going to be. Mr. Grubbs suggested that the plan be scaled back and that there be demonstrable compliance with applicable codes. Rev. Adkins said one problem they're hoping to prevent is that when people come to the facility they know where to park. Mr. Grubbs cited the area on the left side of the building that could be used for parking and Rev. Adkins said that area isn't wide enough and they cannot connect the paved areas because there is a hill. Mr. Grubbs asked Mr. Birkenhauer is it appropriate for them to meet with staff, possibly at the site, to come up with a better idea. Mr. Birkenhauer said they'd be happy to meet with the applicant after the new Planning & Zoning Administrator starts on October 9. Mr. Birkenhauer said the question came up during the initial conditional use application and that was the reason for the condition that their numbers be monitored, and at this time they only have speculation and no documentation. Mr. Birkenhauer read Article 11.8.1 which provides that non-conforming uses can only be increased or improved when the use will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood, and that is the reason they're bringing up some of the problems that have occurred at the site.

Mrs. Hingerlong said that if they use both floors, seniors will have to go up and down the same number of stairs as they do from the parking lot to the building. She said Walmart on Colerain only has 16 handicap parking spaces. She said why don't they put all of the senior activities on one level.

Board Action: Motion by Mr. Price to deny request for additional parking spaces, 2<sup>nd</sup> by Mr. Grubbs.

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

Resolutions for Adoption:

A. Case No.: BZA2012-10  
Subject Property: 4565 Poole Rd., Cincinnati, Ohio  
Applicant/Owner: Eddie Hayes  
Application: Requesting a variance for 6 ft. privacy fence in side yard – Article/Section 12.8.1.

Roll Call: Mr. Grubbs – aye, Mr. Mattingly – absent, Mr. Price – aye, Mr. Reininger – aye, Ms. Spencer – absent.

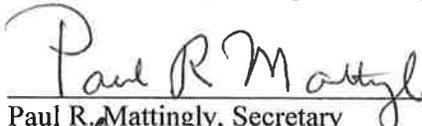
Unfinished Business: None.

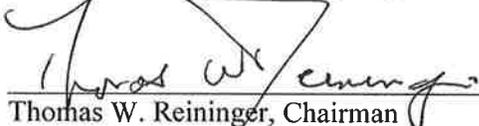
Approval of Minutes: Motion by Mr. Price, 2<sup>nd</sup> by Mr. Grubbs to approve minutes of August 22, 2012 meeting. Motion carried.

Administrative Matters: Mr. Birkenhauer announced that there will be an open house for Geoff Milz, the new Planning & Zoning Administrator on October 1 at 5:30 PM.

Adjournment: Motion to adjourn by Mr. Roberto, 2<sup>nd</sup> by Mr. Grubbs at 8:40 PM.

Respectfully Submitted:   
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Rebecca J. Reno, Zoning Recording Secretary

Secretary:   
\_\_\_\_\_  
Paul R. Mattingly, Secretary

Accepted by:   
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Thomas W. Reininger, Chairman