

BOARD OF ZONING APPEALS MEETING
October 24, 2012 -7:00 p.m.
Meeting Place: 4200 Springdale Rd., Cincinnati, OH 45251
Minutes

Meeting called to order: 7:02 PM.

Pledge of Allegiance.

Explanation of procedures.

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

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

Hearing of Appeals:

A. Case No.: BZA2012-13
Subject Property: 9192 Colerain Ave., Cincinnati, Ohio
Applicant: Waffle House, Inc.
Owner: EGC Development, LLC
Application: Requesting a variance for a lot with less than 1 acre in B-2 General Business District for construction of Waffle House – Article/Section 8.3.1, Table 8-2.

Staff: The request is to subdivide the parcel into two lots, each greater than 0.5 acres, and construct a Waffle House. Zoning is B-2 General Business. This is a unique property with an existing building set unusually far back from Colerain Ave. Waffle House faces practical difficulties on the site. The granting of the variance will not negatively affect the character of the Colerain Ave. corridor; it will improve the character. The variance request is not substantial. The applicant's goals cannot be achieved by some other means. On behalf of himself and Frank Birkenhauer, approval is recommended.

Applicant: Walter, Barineau, Waffle House, 5986 Financial Dr., Norcross, GA. They intend to sub-divide and develop the site. The second lot is for sale and several office type uses have expressed interest. Waffle House doesn't have a mechanism within the company to own and manage separate tenants; they want to develop their portion and sell the other lot. What they're proposing is consistent with the Colerain corridor. Waffle House has 20 units in the Cincinnati market and hope the Board will look favorably at their request. They'll be a good citizen in the community and will be here a long time.

Public Input: Joe Geraci, 9585 Dick Rd. Owns Geraci Jewelers and property adjacent. Asked if they looked at traffic. There is a real problem with cars driving on to his property. There's not enough room. Cited problems if there will be delivery trucks;

asked where will they turn in. His parking lot gets full of people using the cash checking business and Subway. His building has been hit. Moved his business from south on Colerain to this location. Getting out of the lot between 4 and 6 is almost impossible. Knows that the Waffle House after hours crowd will use his lot. Cited water run off problems from the site. He has contacted the owners as every time it rains, there are piles of gravel on his lot. His lot has been re-sealed. Would welcome a new business. The islands located in the middle of Colerain cause non-stop traffic on his lot. Reiterated parking and traffic issues.

Terry Esterkamp, 6247 West Fork. Business partner with Mr. Geraci. Only complaint she has is that for over 5 years, ever since they've been in this location, the traffic coming through the lot allows no room for their customers. There's a real problem with egress and ingress. Would like to have this business there, but traffic wise there's no room. Their building was hit by someone trying to go to Subway. On Saturdays, the 1st, 15th and end of month, their customers cannot park in their lot because of people going to the check cashing place as well as Subway.

Motion to Close
Public Input:

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

Board Deliberation: Mr. Roberto said he likes to see new businesses, but sympathizes with the Geraci business. He asked who drew up this plan and Mr. Barineau said Waffle House. Mr. Roberto asked does the State dictate the entrance way to the access drive and Mr. Barineau said there is an easement in place, and that they're a small enough profile, sit back far enough and have designed circulation through their lot and out from the bank parking lot. Mr. Barineau said the parcel will be developed as required by the City and County for a safe development and once those plans are submitted, he can only assume that the individuals reviewing the plans will identify where safety is required. Mr. Barineau said the check cashing business and Subway are on the other side and most of Waffle House business is morning time when most retail establishments are not even open. He said it is zoned for their type of business and they believe they've designed the best possible solution for that site. Mr. Roberto asked will they share the same access drive and Mr. Barineau yes, as they do now. Mr. Barineau said they're going to develop the undeveloped portion, there will be curbs and gutters and will provide specific measures to accommodate run off and send it back to the detention pond. Mr. Mattingly asked is the access drive exclusively on their property and Mr. Barineau said where Colerain comes in, part of it belongs to the jewelry store, but they have an easement. Mr. Mattingly asked if the Board doesn't grant this, would they develop it anyway. Mr.

Barineau said he doesn't think they would purchase the property without the variance because it is cost prohibitive without selling a portion of the site and they don't have a mechanism to deal with a tenant in the back. Mr. Mattingly said you have no way to exit south on Colerain because of the barrier and Mr. Barineau said they have access in to the site from both sides and they feel access out will be primarily heading north to get to the interstate. Mr. Mattingly inquired about the circulation and Mr. Barineau said they have the back circulation for deliveries and the remaining access will be served by the drive which is on their side of the property. Mr. Mattingly asked has staff looked at the concerns and done any analysis. Mr. Milz said ODOT will have to issue permits, Hamilton County will address run and staff will look at issues addressed by the Code. Mr. Milz said this plan is early stage and assured the Board that before the zoning permit is issued, parking requirements and access will be looked at. Mr. Mattingly said this variance has to do with the size of the parcel only. Mr. Grubbs asked staff is it his take on the situation that there will be a significant change to the access and Mr. Milz said Waffle House is proposing a 25 ft. drive aisle which is part of undeveloped site and on the south side of the curb there will be more parking which will make it easier to access the site and will segregate traffic from Mr. Geraci's property and the Waffle House. Mr. Grubbs asked could they do this and construct 2 buildings on the site without a variance. Mr. Milz said the parcel as is meets the minimum requirement and the use is permitted. Mr. Barineau said they would be able to construct 2 buildings on the site. Mr. Grubbs asked will there be shared parking and Mr. Barineau said they meet the parking requirements on site and they may have a shared easement. Mr. Grubbs asked is there any shared access with U Haul and Mr. Barineau said no. Mr. Reininger stated that this request is only a variance for a lot split. Mr. Reininger inquired about trash clean up and Mr. Barineau said trash is picked up constantly and that employees are instructed that if they come to a Waffle House site and there is trash, they are to pick it up to make sure that the parking lot remains clean.

Board Action:

Motion to approve by Mr. Roberto, 2nd by Mr. Mattingly. Mr. Mattingly said this approval does not address issues raised by Mr. Geraci which would be up to ODOT for further review. Mr. Grubbs asked what other layers of approval will there be at the Township level. Mr. Milz said the Township will issue a zoning permit for building and signs, and the County will have to approve the lot split, pending this variance. Mr. Grubbs asked what will be looked at to obtain a zoning certificate. Mr. Milz said use, dimensions, signage, parking, landscaping. Mr. Mattingly said regarding traffic patterns, Mr. Geraci could still raise his concerns with ODOT.

Roll Call: Mr. Grubbs – aye, Mr. Mattingly – aye, Mr. Reininger – aye,
Mr. Roberto – aye.

Resolutions for Adoption:

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.

Roll Call: Mr. Grubbs – aye, Mr. Price – absent, Mr. Reininger –
aye, Mr. Roberto – aye.

B. Case No.: BZA2012-09
Subject Property: 2400 Adams Rd., Cincinnati, Ohio
Applicant: John R. Grier, Architect
Owner: Golden Leaf Baptist Church
Application: Requesting additional parking at a previously approved
Conditional Use for an Active Recreational Facility –
Article/Section 4.4.

Roll Call: Mr. Grubbs – aye, Mr. Price – absent, Mr. Reininger –
aye, Mr. Roberto –

Unfinished Business: None.

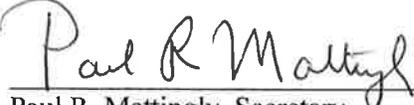
Approval of Minutes: Motion by Mr. Grubbs to approve minutes of
September 26, 2012 meeting, 2nd by Mr. Roberto.
Motion carried.

Administrative Matters: None.

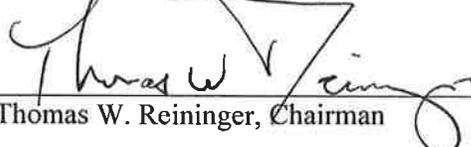
Adjournment: Motion to adjourn by Mr. Mattingly, 2nd by Mr. Grubbs.
Motion carried.

Respectfully Submitted: 

Rebecca J. Reno, Zoning Recording Secretary

Secretary: 

Paul R. Mattingly, Secretary

Accepted by: 

Thomas W. Reininger, Chairman