

A G E N D A

THE HAMILTON COUNTY BOARD OF ZONING APPEALS

REGULAR MEETING

Room 805-B, Administration Building

OCTOBER 8, 2014

1:00 P.M.

Peggy Roudebush, Chairman/Presiding Officer

1. MEETING CALLED TO ORDER

2. ROLL CALL OF COMMISSIONERS

3. PLEDGE OF ALLEGIANCE

4. SWEARING IN OF WITNESSES

5. ADMINISTRATIVE ITEMS:

ADM09: Approval of minutes from September 10, 2014 regular meeting

6. PUBLIC HEARINGS:

ZONING VARIANCE:

A. **CASE:** Green ZVGT2014-16; 1781 Anderson Ferry Road
REQUEST: To request a variance to allow the construction of an accessory structure with less setback than required in the rear yard of an existing single-family house located in a C Residence District
APPLICANT: Catherine & Nicholas Kreiner (applicant & owners)
LOCATION: 1781 Anderson Ferry Road, on the west side of Anderson Ferry Road, approximately 500 feet south of the Anderson Ferry Road and Sidney Road intersection (Book 550, Page 142, Parcel 5)
TRACT SIZE: Approximately 1.44 acres

COMPATIBLE NON-CONFORMING USE:

A. **CASE:** Green NCGT2014-17; Schwab Nursery
REQUEST: Compatible Nonconforming use approval for alterations to an existing nonconforming use in an A-2 Residence District
PURPOSE: To allow relocation of bins for bulk material storage and sales from the center of the property to the front of the property and approval of other miscellaneous site modifications
APPLICANT: Dan Schwab, Schwab Nursery (applicant); Schwab Outdoor Power Equipment LLC (owner)
LOCATION: 3478 Ebenezer Road, on the east side of Ebenezer Road, north of Lawrence Road (Book 550, Page 172, Parcels 30, 452, 453, & 467)
TRACT SIZE: 3.076 gross acres

7. OLD BUSINESS:

8. NEW BUSINESS:

9. DATE OF NEXT MEETING: November 12, 2014

10. ADJOURNMENT

NOTE: Individuals requiring special accommodations to participate in or attend any meeting or hearing should call the Planning & Development Office at 946-4550, ext. 2 seven days prior to the meeting.

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RECORD OF PROCEEDINGS – SEPTEMBER 10, 2014

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SUMMARY OF ACTIONS

PRESIDING OFFICER: Roudebush
MEMBERS PRESENT: Rosenberger, Roudebush, Spraul, Beck
ABSENT: None
STAFF PRESENT: Snyder, Stewart, Fazzini, Melko
LOCATION: Room 805, County Administration Bldg.
TIME: 1:00 PM – 1:57 PM

	AGENDA ITEMS	BZA Action	Vote	Conditions & Codes
SWEARING IN OF WITNESSES:	All those in attendance that provided testimony were sworn in by the Chairman of the Board			
ADMINISTRATIVE ITEMS:	ADM09: Disposition of Minutes from August 13, 2014	Approval	4-0-0	
VARIANCES:	ZVCT2014-03; 6818 Grace Avenue	Approval	4-0-0	1, 5
CONDITIONAL USE:	CUGT2014-13; 3854 Race Road (Bridgetown Church of Christ)	Approval	4-0-0	1, 2
	CUGT2014-14; 3900 Race Road (Bridgetown Middle School Dugouts)	Approval	4-0-0	1, 2
	CUGT2014-15; 3850 Virginia Court (White Oak Christian Church)	Approval	4-0-0	1, 2
ATTEST:	Chairman _____	Secretary 		
CONDITIONS AND CODES:	<ol style="list-style-type: none"> 1. Approval subject to standard covenants. 2. Approval subject to conditions recommended in the staff report. 3. Approval subject to conditions recommended by the RZC. 4. Approval pending receipt of favorable reports or required revisions. 5. Approval subject to conditions recommended by BZA. 			

ABBREVIATIONS IN MINUTES:

- MSD - Metropolitan Sewer District
- ODOT - Ohio Department of Transportation
- SCS - U.S. Soil Conservation Service, Hamilton County Soil and Water Conservation District
- DPW - Hamilton County Department of Public Works
- ENG - Hamilton County Engineer
- ZNG - Hamilton County Zoning Administrator
- FPO - Township Fire Prevention Officer
- TPZ - Township Planning/Zoning Committee
- TT - Township Trustees

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ZONING VARIANCE: COLUMBIA 2014-03; 6818 GRACE AVENUE

REQUEST: To request a variance to allow the construction of an attached uncovered deck to the side of the existing single-family home with less front yard setback than required on the corner lot located in a "C" Residence district

APPLICANT: Benjamin Von Korff (applicant), Nathan Standeford & Benjamin C. Swanson (owners)

LOCATION:: Columbia Township: 6818 Grace Avenue; on the northwest corner of the Grace Avenue and Kenmore Avenue intersection (Book 520, Page 171, Parcel 114)

TRACT SIZE: Approximately 0.095 acres

SPEAKERS: B. Snyder, B. Von Korff

DISCUSSION:

Staff Comments:

1. **B. Snyder** – Review of secretary's report
2. We did not receive any correspondence from the Township.

Applicant Comments:

1. **B. Von Kroff** - 6818 Grace Avenue
2. Before this deck was added, there was a door on the side of the house that led to a set of steps that were quite steep. It was a very unsafe entrance considering children or the elderly. Adding a handrail was very challenging. It would also be challenging in case of a fire.
3. In order to make it look nice aesthetically, so you didn't have 3 sets of stairs, it made sense to build the walkway.

Commissioner Comments:

1. **Rosenberger**- The deck looks very nice.
2. **Beck**- This certainly looks better than it previously did.
3. **Roudebush**- You did a very nice job on this. It is a lovely addition. I think the landscaping looks very nice.
4. **Spraul**- The landscaping certainly does soften the site.

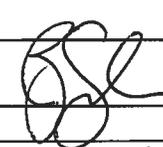
MOTION: To consider approval of case Columbia ZVCT2014-03; 6818 Grace Avenue, a request for the construction of an attached uncovered deck to the side of the existing single-family home with less front yard setback than required on the corner lot located in a "C" Residence district with conditions per Attachment A.

Moved: Rosenberg Second: Spraul

VOTE:

AYE:	4	Beck, Spraul, Rosenberger, Roudebush
NAY:	0	
ABSTAIN:	0	

BZA ACTION: APPROVAL with Conditions

ATTEST: Chairman: _____ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Hamilton County Board of Zoning Appeals meeting.

Attachment A

The Hamilton County Board of Zoning Appeals approves case ZVCT2014-03; 6818 Grace Avenue, requesting a variance to allow the construction of an attached uncovered deck to the side of the existing single-family home with less front yard setback than required on the corner lot located in a "C" Residence district with the following conditions.

Conditions:

1. That the applicant shall apply for all necessary zoning permits for the attached uncovered deck within 90 (ninety) days of this Resolution.
2. That the attached uncovered deck shall be constructed in accordance with the plats and plans submitted to this Board.

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CONDITIONAL USE: GREEN CUGT2014-13; 3854 RACE ROAD
(BRIDGETOWN CHURCH OF CHRIST SIGNS)

REQUEST: Conditional Use approval for a church use located in an existing “C” Residence district

PURPOSE: To allow signage on both the eastern and western façade of the existing church building

APPLICANT: Jill Anliker (applicant), Bridgetown Church of Christ (owner)

LOCATION: Green Township: 3854 Race Road, on the east side of Race Road approximately 125 feet north of Ruebel Place (Book 550, Page 121, Parcel 73)

TRACT SIZE: Approximately 2.2 acres

SPEAKERS: M. Melko, B. Snyder, N. Hardesty

DISCUSSION:

Staff Comments:

1. **M. Melko** -Review of Staff Report
2. **B. Snyder**- Six Square feet per sign is the maximum square footage for the directional signs.
3. You would need to come back before the board if you want to change anything else on the signs.
4. We received correspondence from the Green Township Trustees recommending approval.

Applicant Comments:

1. **N. Hardesty**- 3854 Race Road (pastor of Bridgetown Church of Christ)
2. The front signs on the church have been there since 1964. We put the back signs on the building to serve as an entrance marker and the signs are not really visible to anyone except the condos if they really try.
3. Parking has always been the church’s Achilles tendon, because of limited space and we wanted some larger signs to help with the traffic flow.
4. We are asking if we remove the logo from the signs, would be permitted to keep the signs.
5. We did not realize that we needed to go through a zoning process.
6. The building signs are drilled directly into the brick and we put a lot of money into the signage.
7. The directional signs are 3’ x 2’ according to our youth minister’s measurements.
8. So we just need to remove the logos from the directional signs and things are good.

Commissioner Comments:

1. **Roudebush** – The logo on the directional signs is what concerns us.
2. The Green Township Trustees have agreed with staff recommendations.
3. Just to give you a heads up, we recently heard a case for a religious facility that was requesting numerous signs, and we required them to eliminate their logo on the directional signs.
4. I think the board is probably in agreement that the logo would need to be removed from the directional sign.
5. So you understand that we will not permit the logo on the directional sign, even the one on the walkway.
6. **Rosenberger**- These look like very nice signs.
7. **Spraul**- Directional signs are an exception as to how much signage you are permitted to have, but there are restrictions as to what you can have on the directional signs.

Attachment A

The Hamilton County Board of Zoning Appeals approves case CUGT2014-13; Bridgetown Church of Christ, a request for Conditional Use approval for a church use located in an existing "C" Residence district with the following conditions and variance:

Conditions:

1. That all directional signs shall meet the requirements of the Zoning Resolution related to directional signs.
2. That the building signage shall be installed as shown on the plats and plans submitted.

Variance:

1. Section 13-10.1 (b) (1) - That the wall sign area allowed in relation to the building frontage shall be permitted to be 91.5 sq. ft. where a maximum of 30.4 sq. ft. is permitted and that collective combined signage area shall be allowed to be 116.5 sq. ft. to allow for two wall signs and one freestanding sign on the property where a collective maximum area of 32 sq. ft. is permitted.

Note: Revisions of the Staff recommendations as approved by the Hamilton County Board of Zoning Appeals are crossed out if deleted (i.e. ~~deleted by BZA~~) and shown capitalized and underlined if added (i.e. ADDED BY BZA).

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CONDITIONAL USE: GREEN CUGT2014-14; 3900 RACE ROAD
(BRIDGETOWN MIDDLE SCHOOL DUGOUTS)

REQUEST: Conditional Use approval for a school use located in an existing "C" Residence district

PURPOSE: To allow the construction of two 30-foot by 8-foot dugouts at the southern baseball diamond closest to the school

APPLICANT: J. B. Yeager Inc., Ron Murphy (applicant), Bridgetown Rural School District (owner)

LOCATION: Green Township: 3900 Race Road, on the east side of Race Road approximately 1000 feet north of Bridgetown Road (Book 550, Page 121, Parcel 302)

TRACT SIZE: Approximately 9.57 acres

SPEAKERS: E. Fazzini, B. Snyder, R. Kron, J. Beckemeyer

DISCUSSION:

Staff Comments:

1. **E. Fazzini**-Review of Staff Report
2. We are recommending approval subject with the conditions of the 1999 case being met.
3. **B. Snyder**- This plan was presented to this board back in 1999.
4. We were never submitted a landscape plan for the streetscape buffer along Race Road.
5. They can install the streetscape and landscaping in accordance with the current plan.
6. They would be required to put some low ground cover or some low growing shrubs in the island that does not impair the line of sight. If they met the minimum requirements of the streetscape buffer, they would not be required to come back before the board. As long as they submit something to us that is consistent with the original two conditions that were recommended in the case back in 1999.
7. The requirement for the island along Race Road would be 3 trees and maybe 8 shrubs depending on how long the island is and they may be clustered and they must be pushed back out of the right of way and out of the sight line.
8. We received correspondence from Green Township Trustees recommending approval.

Applicant Comments:

1. **R. Kron**- J.B. Yeager Inc.
2. Yeager Baseball is a select baseball organization on the west side. We are offering to pay for the dugouts as we use their fields during the summer.
3. I will make a comment, as a citizen, that the traffic along Race Road is so very busy, that I think it would be hard to put any type of landscaping along that island that would not obstruct the view of traffic.
4. **J. Beckemeyer**- Director of Operations for Oak Hills School District
5. I do have a problem with putting landscaping in the one island.
6. That is a five lane road and we have a pull off lane for dropping for students. We do not have a left hand turn lane.
7. I realize what you are saying about keeping the landscaping low and I am just not sure this is a good idea with this amount of traffic. However, we will install the required landscaping if we have to.

Commissioner Comments:

1. **Roudebush** – This landscaping was a part of the approval at the time of the original case. We would need for them to submit us with a revised landscape plan in order to

modify the approved plan. This is something that the school district agreed to at the time. This is nothing new that we are asking them to do.

MOTION: To consider approval of case CUGT2014-14; Bridgetown Middle School, a request for a Conditional Use approval to allow the construction of two 30-foot by 8-foot dugouts at the southern baseball diamond closest to the school with conditions per Attachment A.

Moved: Rosenberger Second: Spraul

VOTE:
AYE: 4 Beck, Spraul, Rosenberger, Roudebush
NAY: 0
ABSTAIN: 0

BZA ACTION: APPROVAL with Conditions

ATTEST: Chairman: _____ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Hamilton County Board of Zoning Appeals meeting.

Attachment A

The Hamilton County Board of Zoning Appeals approves case CUGT2014-14; Bridgetown Middle School a request for Conditional Use approval to allow the construction of two 30-foot by 8-foot dugouts at the southern baseball diamond closest to the school with the following conditions.

Conditions:

1. That landscaping shall be installed in accordance with the Resolution of Approval for Case Green 99-30 and the supporting landscape plan for the southern parking lot prior to the issuance of the Final Zoning Certificate for the dugout structures.
2. That the dugout structures shall be installed in accordance with the plans submitted to this Board.

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CONDITIONAL USE: GREEN CUGT2014-15; 3850 VIRGINIA COURT
(WHITE OAK CHRISTIAN CHURCH)

REQUEST: Conditional Use approval for a church use located in an existing "C" Residence district

PURPOSE: To allow for a church to operate at Oakdale Elementary School on Sunday mornings with temporary signage

APPLICANT: White Oak Christian Church, Keith Adams (applicant), Oak Hills Local Schools (owner)

LOCATION: Green Township: 3850 Virginia Court, on the east side of Virginia Court, approximately 600 feet north of Bridgetown Road (Book 550, Page 170, Parcels 30 & 287)

TRACT SIZE: Approximately 10.2 acres

SPEAKERS: E. Fazzini, B. Snyder, K. Adams

DISCUSSION:

Staff Comments:

1. **E. Fazzini**-Review of Staff Report
2. **B. Snyder**- The request is for approval of prohibited signs so it may have their logo on it due to the temporary use of the sign.
3. The school would not be able to use the A-Frame sign because this is a use for the church only.
4. The board can put a limitation of the length of time on these church signs.
5. In the past this was an issue due to the fact that a church use was using the school building that was being paid for by tax dollars.
6. The School district is allowing the church to use the school building.
7. An A-frame sign is going to be a lot easier to set-up and take down.
8. We received correspondence from Green Township recommending approval.

Applicant Comments:

1. **K. Adams**- 3675 Blue Rock Road
2. White Oak Christian is a multi-site church and we are proposing a third site in Green Township.
3. We are going to be leasing space from the Oakdale Elementary school until the capacity calls for us to look to a permanent site.
4. We are doing what they call a "soft-launch" and we were planning to open the first weekend in October.
5. As we grow, we will look for a more permanent site.
6. Someone will put up the sign before worship service starts and then it will be taken in when church service is over.

Commissioner Comments:

1. **Roudebush** – You basically want an identification sign.
2. I do not think any legal burden is on us. I think it would be on the school district.
3. **Rosenberger**- There are other schools that have been doing the same thing.
4. **Spraul**- I do not have a problem with the temporary signs.
5. I am thinking we might need a Prosecutor's opinion on the matter of separation of church and state.
6. **Beck**- The signs will be taken out for Sunday, and when church is over, the sign will be taken in.
7. We are just considering the sign request for the church regardless of the owner.

Attachment A

The Hamilton County Board of Zoning Appeals approves case CUGT2014-15; White Oak Christian Church; a request for Conditional Use approval to allow for a church to operate at Oakdale Elementary School on Sunday mornings with temporary signage with the following conditions and variance.

Conditions:

1. That the church use of the site shall be limited to the hours of 7:00 A.M. to 2:00 P.M. on Sundays only.
2. That the temporary A-frame signs shall only be displayed from 7:00 A.M. to 2:00 P.M. on Sundays only.
3. That the church use and signage be conducted and located as described in the applicant letter and as shown on plats and plans submitted.

Variance:

1. Section 13-7 (f) - That the site be permitted to have a maximum of two temporary A-frame signs totaling 38 square feet of signage where no portable signs are permitted.

Note: Revisions of the Staff recommendations as approved by the Hamilton County Board of Zoning Appeals are crossed out if deleted (i.e. ~~deleted by BZA~~) and shown capitalized and underlined if added (i.e. ADDED BY BZA).

COMPATIBLE NON-CONFORMING USES

