

September 17, 2012

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Co-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 PM on Monday, September 17, 2012.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Also Present: Greg Bickford, Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing In

Mr. Eichmann swore in those providing testimony before the board.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the August 20, 2012 meeting minutes.

Mr. Eichmann asked for any corrections to the August 20, 2012 meeting minutes. No response.

Mr. LaBarbara called roll.

All voted – yes to approve the minutes.

Item 6. – Old Business

B2012-12V
Matthew and Sanae Burton
7121 Tiki Avenue
Variance

Mr. Bickford presented the resolution approving with the conditions the variance request for case# B2012-12V.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

Mr. Heidel – AYE
Mr. Scheve – AYE
Mr. Eichmann – AYE

Mr. Leugers – AYE
Mr. LaBarbara – AYE

B2012-13V
Robert and Beverly Elson
5274 Autumnwood Drive
Variance

Mr. Bickford presented the resolution approving with the conditions the variance request for case# B2012-13V.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

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

Item 7. – New Business

B2012-14V
Doug and Carol Wilcoxson
3781 Glengary Lane
Variance

Mr. Holbert presented the case and case history for case# B2012-14V. Mr. Holbert stated that the applicants' request was for an additional 267 sq. ft. in total area of accessory use structures to allow for the installation of an in-ground pool. Mr. Holbert compared the applicants' long, narrow lot with a typical lot in the "B" residential district.

The board asked questions of Mr. Holbert.

Mr. Eichmann asked for clarification on the size of lots in the "B" residential district.

Mr. Bickford explained the property in question is in a subdivision platted prior to current zoning.

Mr. Heidel inquired about requirements for fencing around a pool.

Mr. Holbert explained that the Hamilton County Building Department regulates fencing around pools.

Mr. Leugers asked for clarification on accessory use requirements.

Mr. LaBarbara asked what size pool the applicants could have as of right.

Mr. Holbert said a compliant pool would be less than half the size of the proposed pool.

Mr. LaBarbara noted that removing the existing shed would not reduce the square footage of accessory use structures enough to make much of a difference.

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

Mr. Doug Wilcoxson, of 3781 Glengary Ave., Cincinnati, OH 45236, addressed the Board. Mr. Wilcoxson stated that the fence they would install would be more than compliant with county regulations. He said the lot is large enough that they would still have plenty of yard left after the installation of the pool, noting that there would be 85' between the pool and the rear property line.

The board asked questions of Mr. Wilcoxson.

Mr. Eichmann asked if anyone was present from the public who wished to speak.

No response.

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

Mr. Scheve made a motion to approve Case# B2012-14V as submitted.

Mr. Leugers seconded.

Mr. LaBarbara called roll.

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

Mr. Holbert stated that a resolution approving case# B2012-14V would be prepared for the October 15th meeting.

B2012-15V
Good Shepherd Lutheran Church
7701 Kenwood Road
Variance

Mr. Holbert presented the case and case history for case# B2012-15V.

Mr. Bickford noted that the applicant had previously been approved for a variance for an electronic message board in case number B2011-14V on December 19, 2011. That approval had expired.

Mr. Eichmann asked if the applicant intended to use the existing sign base and if the current sign was back-lit.

Mr. Holbert answered yes.

Mr. Eichmann asked what the conditions were for the last variance approval.

Mr. Bickford read the conditions from Resolution B2011-14V.

Mr. Scheve asked what the difference was between the sizes of the LED message board that was approved in 2011 versus the LED message board in the current request.

Mr. Bickford answered the 2011 request was for a 24" X 96" LED message board and the current request was for 37" X 100" LED message board.

Mr. Eichmann asked for clarification on zoning regulations for LED message boards.

Mr. Bickford stated LED message boards are not permitted as of right and that those currently in the Township are either a result of a variance or other agreement or grandfathered.

Mr. Eichmann asked if the applicant was present.

Mr. Larry Donner, Pastor of Good Shepherd Lutheran Church, the applicant, of 1109 Thorny Ridge Trail, Lebanon, OH 45036, addressed the board. Mr. Donner stated that the last time the church applied for a variance, they were somewhat ignorant of the process. The renderings of the proposed sign submitted at that time were intended to be an example as they had not decided on a specific design or sign company. Their intent was for the LED message board portion of the sign to be equivalent to the size of the existing portion of the sign with the manually changeable text. The existing sign has four lines of text with six inch tall letters. He noted that the proposed LED message board has a six inch border on each side so is actually slightly smaller in area than that portion of the current sign. Mr. Donner said that the church is willing to abide by the restrictions set forth in the 2011 resolution.

The Board asked questions of the applicant.

Mr. Scheve asked what the hardship was that a variance would be justified.

Mr. Donner stated that it is difficult to change the text on the current sign particularly in foul weather.

Mr. Scheve asked why the applicant waited so long to apply for a zoning certificate after the initial 2011 approval.

Mr. Donner said they were waiting on additional funding and had other capital improvements going on that took up volunteers' time. They also had to decide on a sign company and final design for the sign.

Mr. Scheve raised concerns about the LED message board being a traffic hazard distracting drivers.

Mr. Donner pointed out that was the reason for the condition on the 2011 resolution that the sign changes be limited to once per hour. He noted that some drivers are distracted watching volunteers outside at the sign manually changing the text.

Mr. Scheve asked why they would need the message on the sign to change once per hour.

Mr. Donner stated that the church has many programs going on daily that they would like to make known to the community.

Mr. Eichmann asked if anyone was present from the public who wished to speak.

No response.

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

Mr. Eichmann and Mr. Scheve both agreed they were inclined to deny the request because of safety concerns and failure to prove a hardship.

Mr. LaBarbara suggested approving it but further limiting the number of times the message could be changed in a day.

Mr. LaBarbara moved to approve the variance request for case# B2012-15V with the following conditions:

1. The electronic portion of the sign is to be text only. Graphics are not permitted at any time.
2. The electronic text must be one color; red or amber only and may not change.
3. All messages are to be static except when changed.
4. No scrolling messages are permitted.
5. The text changes are limited to three changes per 24 hour period.
6. No commercial advertising is permitted on the sign.

Mr. Heidel seconded the motion.

Mr. LaBarbara called roll.

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

Mr. Bickford said that a resolution would be prepared for the next meeting in October.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, October 15, 2012.

Item 10. – Communications and Miscellaneous Business

Mr. Bickford informed the Board that there would be changes forthcoming in OPERS, the Ohio Public Employee Retirement System.

Item 11. – Adjournment

Mr. Eichmann adjourned the meeting at 8:00 PM.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant