

August 17, 2015

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member
Mr. Steve Scholtz - Alternate

Item 1. – Meeting called to Order

Co-Chairman Leugers called the meeting of the Board of Zoning Appeals to order at 7:02 P.M. on Monday, August 17, 2015.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Members Absent: Mr. Eichmann

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Leugers led the Pledge of Allegiance.

Item 4. Swearing in of Those Providing Testimony

Mr. Leugers swore in those present who would be providing testimony.

Item 5. – Approval of Minutes

Mr. Leugers stated the next order of business was to approve the July 20, 2015 meeting minutes.

Mr. Scheve made a motion to approve the July 20, 2015 meeting minutes.

Mr. Heidel seconded.

Mr. LaBarbara called roll to approve the minutes.

Mr. Heidel – AYE
Mr. Scheve – AYE
Mr. Leugers - ABSTAIN
Mr. LaBarbara – AYE
Mr. Scholtz - ABSTAIN

Item 6. – Old Business

SYCB150011
Laura E. Brown
7767 Styra Lane
Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case SYCB150011.

Mr. LaBarbara called roll.

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

SYCB150012
Richard Ernst, Jr.
7190 Euclid Avenue
Conditional Use

Mr. Holbert presented the resolution approving with conditions the conditional use request for Case SYCB150012.

Mr. LaBarbara called roll.

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

SYCB150013
Joseph Kendall
8815 Roundhill Road
Variance

Mr. Holbert presented the resolution approving with one condition the variance request for Case SYCB150013.

Mr. Leugers asked for any comments. No response.

Mr. LaBarbara called roll.

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

Item 7. – New Business

SYCB150014
Holthaus Signs
6947 E. Kemper Road
Variance

Mr. Holbert presented the case and case history in a power point presentation. The applicant requests a variance to section 13-13.3 of the Zoning Resolution to install an additional two building signs on a building with an existing sign that exceeds the maximum square footage permitted. Mr. Holbert showed photos of the existing conditions on the property including the Enterprise Rental Car sign and pylon sign with tenant panels. Mr. Holbert noted Abra Auto Body had applied for a zoning certificate for the sign face change to the freestanding sign which was approved as of right.

The Board members asked questions of Mr. Holbert.

Mr. Scheve noted some signs that were on the building had been removed and asked if it was under new ownership.

Mr. Holbert deferred to the applicant.

Mr. Leugers asked if the applicant was present and wished to speak.

Mr. Tom Carrico, of Abra Auto Body, 7225 Northland Blvd., Brooklyn Park, MN, said Abra had purchased the business USA Collision but does not own the building. He said Abra took the USA Collision signs down to rebrand to their name.

Mr. Leugers explained that in order to grant a variance the applicant must prove a hardship.

Mr. Carrico noted he was not aware the zoning code had changed and thought if they took the USA Collision signs down they could put similar signs back up with the new name.

Mr. Scheve asked if Abra currently had any signs at all on the property.

Mr. Carrico said they have the tenant panels on the pylon sign.

Mr. Scheve asked what the applicant would do with the façade if the variance were to be denied.

Mr. Carrico answered they would paint the exterior and they would ask Enterprise to reduce their signage so Abra could have a sign.

Mr. Scholtz asked Mr. Holbert if the Enterprise sign was grandfathered.

Mr. Holbert answered yes, noting the sign was approved by Hamilton County.

Mr. Scholtz asked if the Board should look at each tenant separately.

Mr. Holbert noted the building gets a certain amount of total signage even if it has multiple tenants.

Mr. Scheve asked if the tenant's contract with the owner includes signage.

Mr. Carrico answered yes.

Mr. LaBarbara asked how big of a sign Abra could have as of right.

Mr. Holbert answered that Abra could not have any building signage at all as of right because the existing Enterprise sign alone exceeds the maximum square footage permitted by the Zoning Resolution.

Mr. Leugers inquired about directional signs and other signs that might be exempt from Zoning.

Mr. Holbert answered directional signs that say "Enter" are exempt but cannot have the company name or logo on them.

Andrea Ward, of Holthaus Signs, 817 Ridgeway Ave., Cincinnati, OH 45229, the applicant, addressed the Board noting the sizes of the two proposed building signs.

Mr. Scheve asked how the proposed signs compared in size to the signs for USA Collision that had been removed.

Ms. Ward explained one was larger, one was smaller.

Mr. Scheve asked if the applicant had to choose just one of the proposed signs which one would be preferred.

Mr. Carrico answered the sign that faces Kemper Road.

Mr. LaBarbara asked the applicant about reducing the size of that sign.

Ms. Ward suggested a two feet tall letter.

Mr. Carrico said that would be pretty small and that, although his preference would be to have the signs proposed in the submittal, he will take as much as the Board would allow.

Mr. Leugers asked if anyone from the public wished to speak. No response.

Mr. Leugers closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Scheve said there is a hardship because if the tenant has no sign on the building no one will be able locate their business.

Mr. Leugers entertained a motion.

Mr. Scheve made a motion to approve the variance request with the following conditions:

1. The applicant is limited to one sign only facing E. Kemper Road.
2. The sign must not exceed 58 square feet in size.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve - AYE

Mr. Leugers – AYE

Mr. Scholtz – AYE

Mr. LaBarbara – AYE

Mr. Holbert said staff would prepare a resolution for the next meeting.

SYCB150015

Angela Nickell & Tom Willingham

8450 Blue Ash Road

Variance

Mr. Scheve recused himself from considering the case due to a possible conflict of interest.

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the variance request was to expand an existing bar without meeting the parking requirements noted in Table 12-9 of the Zoning Resolution. Mr. Holbert showed photos of the existing conditions on the property, noting the area of the building in which the bar would like to expand. Mr. Holbert also pointed out the size requirements for the parking stalls. Mr. Holbert noted the bar alone would need 20 parking stalls. Mr. Holbert said there will be new sidewalks installed on Kugler Mill in the near future which would also infringe on parking.

The Board members asked questions of Mr. Holbert.

Mr. Leugers asked how many parking stalls the bar has now.

Mr. Holbert deferred to the applicant.

Mr. Leugers asked how many parking stalls are required.

Mr. Holbert answered twenty.

Mr. Heidel asked how patrons would enter the new section.

Mr. Holbert said it should be noted on the floor plan submitted by the applicant.

Mr. Leugers asked if the applicant was present and wished to speak.

Mr. Tom Willingham, the applicant, of 10930 Deerfield Road, Cincinnati, OH 45242, addressed the Board. Mr. Willingham said the landlord has not been very cooperative in getting the building fixed up. He said theirs is the only viable tenant in the building. Mr. Willingham said the bar is very profitable and welcomed by the neighborhood noting many of their patrons walk there. He said the net floor area after the expansion would be approximately 1500 square feet which he thought would require 15 parking stalls not 20 as Mr. Holbert stated. He said they have ten spaces including the spaces in front of the part of the building in which they intend to expand. He noted they had never had any parking complaints and that they have a verbal agreement with the adjacent tire business to park there in the evening. There are also 12 spaces in the public parking area along the railroad track.

Mr. Leugers asked if the bar was permitted to use all the parking spots for the building.

Mr. Willingham answered the owner allows them to use all the parking for both their building and the adjacent building. He noted he was not aware of the sidewalk work on Kugler Mill to which Mr. Holbert had referred.

Mr. Scholtz asked if the applicant picks up trash around the bar.

Mr. Kyle Pleiman, of 7923 Woodview Court, Maineville, OH 45039, addressed the Board saying they do try to clean the lot as best as possible. He said that there had been issues with trash near the bus stop which he had reviewed with Mr. Holbert previously.

Mr. Scholtz asked how much parking there would be on the street on a busy night.

Mr. Pleiman said the many other businesses around the area usually close about 5:00 p.m. which is about when they open so patrons can use their spaces.

Mr. Scholtz asked if people park on Kugler Mill Road.

Mr. Pleiman said there are two gravel spots on Kugler Mill Road next to the car repair place.

Mr. Willingham said there are 17 spaces on their lot currently and they are the only tenant.

Mr. Leugers asked if anyone else from the public wished to speak. No response.

Mr. Leugers closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Holbert said the shared parking with the tire store is not in writing so is not recognized by the Township. Mr. Holbert said he spoke to the railroad who owns the Sorta parking who told him they do not give people the right to park there because of liability. He pointed out there is no public parking agreement between the Township and the railroad. Mr. Holbert noted the Township has dealt with the owner of the building and the adjacent building for years because the buildings are in very bad condition. He said whether the businesses are using the parking now or not, they may use it in the future. Mr. Holbert said the bar being there has cut down on some of the property maintenance issues.

LaBarbara noted, even though there is no public parking agreement, people have parked along the railroad for years.

Mr. Heidel noted in Deer Park people park their cars along the railroad and catch the bus.

Mr. Heidel asked if the expanded floor plan would have to meet fire code.

Mr. Holbert answered yes.

Mr. LaBarbara asked if the applicant could get a written shared parking agreement with the tire store would that be sufficient parking for the bar.

Mr. Holbert noted it was difficult to count the spaces because the striping is so faded. He said they need a minimum 15 spaces just for their business.

Mr. LaBarbara pointed out the other tenant spaces are vacant.

Mr. Holbert said the board cannot base a zoning decision on that because the tenant spaces could be occupied in the future.

Mr. Willingham said he understands that legally railroad parking is not available, however he stated the fact is people have parked along that railroad for forty or fifty years. Every

business along Blue Ash Road depends on those parking spaces. He asked why their business be denied when all the other businesses are using those parking spots.

Mr. Leugers said the Board could require them to stripe the parking stalls. He noted it is unfortunate the owner of the property refuses to keep up the property. He said they have done a nice job with the bar which looks much better than it did with the previous tenant.

Mr. Heidel asked why they could not use the parking lot at the adjacent building.

Mr. Holbert said they could if there was a written shared parking agreement noting the necessary parking for each tenant space and apartments in both buildings would have to be calculated.

Mr. Leugers stated the hardship is the owner's lack of interest in keeping up the property.

Mr. Leugers entertained a motion.

Mr. LaBarbara made a motion to approve the variance request.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve - RECUSED

Mr. Leugers – NEA

Mr. LaBarbara – AYE

Mr. Scholtz - AYE

Mr. Holbert said staff would prepare a resolution for the next meeting.

Item 8. – Date of Next Meeting

Mr. Leugers noted the date of the next meeting – Monday, September 21, 2015.

Item 9. – Communications and Miscellaneous Business

Mr. Holbert thanked Mr. LaBarbara for his participation in the Sycamore Township Car Show.

Item10. – Adjournment

Mr. Scheve rejoined the Board.

Mr. Leugers entertained a motion to adjourn.

Mr. Scheve moved to adjourn.

Mr. Heidel seconded.

Vote: All Aye.

The meeting adjourned at 8:40 P.M.

Minutes recorded by: Beth Gunderson, Planning & Zoning Assistant