

October 16, 2017

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

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 6:30 P.M. on Monday, October 16, 2017.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

Members Present: Mr. Scheve, Mr. Leugers, Mr. Eichmann, Mr. Heidel, Mr. LaBarbara and Mr. Scholtz (arrived 6:33 P.M.)

Staff Present: Harry Holbert

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann explained that this is a public hearing and the process by which the hearing would proceed. He then swore in all those providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the September 18, 2017 meeting minutes.

Mr. Eichmann asked for any corrections to the September 18, 2017 meeting minutes. No response.

Mr. Scheve made a motion to approve the September 18, 2017 meeting minutes.

Mr. Heidel seconded.

Mr. Eichmann called roll to approve the minutes.

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

Item 6. – Old Business

Case: SYCB170011
Applicant: Matthew Wallbrown
Location: 5150 Autumnwood Drive
Request: Variance

Mr. Holbert presented the Resolution approving with one condition the variance request for Case SYCB170011.

Mr. LaBarbara called roll.

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

Item 7. – New Business

Mr. Eichmann then explained what a variance is and the process by which the Board makes decisions regarding such requests.

Case: SYCB170015
Applicant: John Pratt, WP Land
Location: 8710 Kenwood Road
Request: Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the applicant requests a variance to allow for the installation of a 32 square feet, nine and a half feet tall real estate sign in a residential district. The Zoning Resolution allows for a 12 square feet, six feet tall real estate sign. He noted the sign is proposed for the identification of the new Heitmeyer Reserve Subdivision which will have 18 lots meeting the requirements of the "B" Single Family Residential District.

Mr. Holbert showed an aerial of the property before it was consolidated and then showed the layout of the new subdivision.

Mr. Holbert showed the rendering of the proposed sign noting it would be setback 36.62 feet from the right of way on Kenwood Road.

The Board asked questions of Mr. Holbert.

Mr. Eichmann asked if the old buildings had been removed.

Mr. Holbert answered yes saying excavation and underground utilities were going in now.

Mr. Scheve asked how big the previous sign was.

Mr. Holbert answered he didn't know.

Mr. Eichmann asked if the existing smaller sign meets the requirements of the Zoning Resolution.

Mr. Holbert deferred that to the applicant noting the standard sign is exempt from zoning but he had not measured it to know if the existing sign is compliant.

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

Mr. John Pratt, the applicant, of WP Land Company, 113 Commerce Blvd., Loveland, OH 45140, addressed the Board. Mr. Pratt said they are developing the Heitmeyer property and are requesting a larger sign because it is a new development and not a single property for sale. He said the current sign is compliant with the Zoning Resolution. Mr. Pratt stated many cars go along Kenwood Road at a high rate of speed justifying the larger sign.

Mr. Scheve asked if Mr. Pratt had developed other properties.

Mr. Pratt said this is their first major development under WP Land Company. He said he has built some single family homes but this is his first development of this scale.

Mr. Pratt's partner, Mr. Matt Walker, of WP Land Company, 113 Commerce Blvd., Loveland, OH 45140, addressed the Board saying he has been involved in developing about 15,000 lots across four states in his career but this is his first venture with Mr. Pratt. He said his understanding is that they could have two 12 square foot signs because there are two lots. He said the one larger sign is a more organized approach. He pointed out the smaller sign would not be visible by those in cars travelling on Kenwood Road. He noted it is a safety issue if people slow down and try to read a smaller sign.

Mr. Scheve asked about their marketing plan and if drive by traffic was important.

Mr. Walker said the number one driver for real estate marketing is signage. He noted most other areas he's worked in allow a four foot by eight foot sign.

Mr. Scheve asked if a two sided sign is permitted and if the applicant had a two sided sign.

Mr. Holbert answered a double sided sign is permitted.

Mr. Walker said they do not currently have a double sided sign but that is their intent for the new sign if it is approved.

Mr. Scheve commented a double sided sign would be helpful toward the applicant's goal.

Mr. Walker said the most important thing is the size, noting the larger sign allows for larger lettering so people can read the information better.

Mr. Scheve asked how he decided on the size of the sign to request.

Mr. Walker answered a four foot by eight foot real estate sign is pretty standard in most other areas of greater Cincinnati. That size is adequate to suit their needs.

Mr. Scheve asked if the applicant would be permitted two signs as of right.

Mr. Holbert said he looks at this as a development sign in which case one is permitted.

Mr. Eichmann commented they could have one for sale sign per lot for all 18 parcels.

Mr. Holbert answered yes, each lot could have a smaller sign.

There was some discussion about the consolidation process for the parcels owned by the developers and if two signs would be permitted for the two front parcels which currently exist.

Mr. Holbert requested a brief adjournment to review the code and what the Township had received regarding the approved development. He noted this application was only under one address, 8710 Kenwood Road.

Mr. Walker said he is pointing out there are other parcels but he is requesting a variance just for 8710 Kenwood to allow for a more organized approach to marketing the development with the one 32 square foot sign.

Mr. Holbert said the proposal before the Board is for a larger sign on 8710 Kenwood Road. He said if the applicant wanted to have separate signage for each parcel that is permitted, but for 8710 Kenwood Road, as of right, they are only permitted one 12 square foot sign.

Mr. Scheve said, hypothetically, if the Board granted the variance for 8710 Kenwood Road, it could be with the condition that no signs be permitted on the other parcels.

Mr. Holbert said the Board could make that a condition.

The applicant said he would be fine with that.

Mr. Leugers asked how long the sign would remain on the property.

Mr. Walker said the development of the property will be about a two year process and the sign would only be up while there is sale activity.

Mr. Scheve asked if the builder would be MI Homes.

Mr. Walker answered no and said WP Land Company will develop and build the houses. He said the houses will be 3,000 to 4,000 square feet and the price range will be \$800,000 to \$950,000. Mr. Walker said they have done a mailing which has already generated interest.

There was discussion about the designs of the homes, pricing and the developer's dealings with the neighbors in the existing Heitmeyer subdivision.

Mr. Holbert read the specific section of the Zoning Resolution dealing with real estate signs and stated for 8710 Kenwood Road the developer would be permitted one sign as of right. He said 8692 Kenwood Road does not have frontage so would not be permitted a sign. He said the two other lots with frontage would be permitted a sign for a total of three, 12 square foot signs as of right, one on each parcel.

Mr. Scheve clarified stating the development could have three, 12 square foot signs as of right but that the applicant is saying he'd like one 32 square foot sign instead of the three smaller signs.

Mr. Walker said that is correct and reiterated his reasoning for that request.

Mr. Heidel asked if the sign would be at the entrance.

Mr. Walker said it would be just to the right of the existing driveway noting it would be relocated once the development entrance is complete.

Mr. Scholtz asked Mr. Holbert if the developer would have to come back before the Board when they are ready for a permanent sign.

Mr. Holbert answered it would depend on the size sign proposed. He then read the section of the Zoning Resolution which states that a subdivision may have one permanent entry wall / sign up to 56 Square feet and six feet in height setback 10 feet from the right of way.

There was discussion between Mr. Holbert and Mr. Walker regarding the requirements for the permanent sign to be permitted as of right.

Mr. Eichmann closed the floor to comments from the public noting there were no other members of the public present. The Board then discussed the issues brought before them.

Mr. Scheve commented the applicant is exchanging three signs for one and improving the Township with new homes.

Mr. Leugers suggested restricting the sign to a maximum of thirty months. He noted this sign will be smaller than the permanent sign the development will be permitted. He also noted that one sign instead of the three that would be permitted as of right is preferable.

Mr. Eichmann agreed saying the hardship may be the safety issue as those travelling on Kenwood Road may be distracted trying to read the smaller sign. He said that problem could be worse if there were three 12 square foot signs.

Mr. Heidel agreed saying the sign needs to be a little bigger and noting it is only temporary.

Mr. Leugers asked Mr. Holbert for the parcel numbers for all the parcels

Mr. Leugers made a motion to approve the variance request for Case SYCB170015 as submitted with the following conditions:

1. No signs are permitted on the other three parcels.
2. The variance expires 30 months from the date the resolution is signed.

Mr. Scheve seconded.

Mr. LaBarbara called roll.

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

Mr. Eichmann said a resolution would be prepared for the next meeting.

Case: SYCB170013 (Continued to November 20, 2017 per applicant's request)
Applicant: Kathleen Ryan, Esq.
Location: 7292 Kenwood Road
Request: Appeal Notice of Property Maintenance Code Violations

Case: SYCB170014 (Continued to November 20, 2017 per applicant's request)
Applicant: Kathleen Ryan, Esq.
Location: 7292 Kenwood Road
Request: Appeal Notice of Zoning Violations

Mr. Holbert stated, per the applicant's request, cases SYCB170013 and SYCB170014 have been continued until November.

Mr. Scheve asked if the applicant plans to abate the violations and if that's why they asked for a continuance.

Mr. Holbert noted the Township is in litigation concerning the property.

Mr. Eichmann pointed out the applicant's letter says the Township's allegations of property maintenance and zoning violations on the property are not true.

Mr. Scheve asked if a case in Hamilton County Court to be heard by Judge Winkler regarding House of Brows is the same issue.

Mr. Holbert said there are several issues with the property which has been distressed since he started with the Township.

Mr. Eichmann commented there is an abandoned sign on the property.

Mr. Scheve asked why the applicant had requested a continuance asking if it was because they want to be in compliance or they were not ready.

Mr. Holbert said he thinks they feel the Township is picking on them noting the Township treats all properties the same regarding property maintenance.

Mr. Scheve asked if the applicant had given a reason when she asked for the continuance.

Mr. Holbert said the applicant sent a long answer regarding the litigation matter. He noted the applicant is trying to settle with the Township and asked for a continuance pending the answer from the Township regarding a possible settlement.

Mr. Scheve commented the deck is obviously in disrepair and a safety hazard noting he doesn't see why the owner wouldn't want to fix it.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, November 20, 2017 at 6:30 p.m.

Item 9. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn, seconded by Mr. Heidel. Vote: All Aye.

The meeting adjourned at 7:19 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator