

April 8, 2013

Mr. Roger Friedman – Chairman
Mr. Rich Barrick – Vice-Chairman
Mr. Tom Kronenberger – Member
Ms. Anne Flanagan – Member
Mr. Bill Mees – Secretary
Mr. Steve Roos – Alternate

Item 1. – Meeting called to Order

Mr. Friedman called the regular meeting of the Zoning Commission to order at 7:02 p.m. on Monday, April 8, 2013.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Mr. Friedman, Mr. Mees, Mr. Kronenberger, Ms. Flanagan and Mr. Roos

Staff Present: Greg Bickford and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedman stated the first order of business was to approve the January 14, 2013 and February 11, 2013 meeting minutes.

Mr. Friedman asked for any corrections to the January 14, 2013 and February 11, 2013 meeting minutes.

Mr. Friedman entertained a motion to approve the January 14, 2013 and February 11, 2013 meeting minutes.

Ms. Flanagan moved to approve the January 14, 2013 and February 11, 2013 meeting minutes.

Mr. Mees seconded.

All voted – yes.

Item 4. – New Business

2013-02Z

Karen L. Schiffer

7830 E, Kemper Road

Zone Change

Mr. Bickford presented the case in a power point presentation. Mr. Bickford noted the site plan presented had been updated to take into account the dedicated right of way and the required five parking spaces. He said the applicant intended to keep the structural integrity of the house the same, making cosmetic changes only to the interior. The applicant proposed a free-standing sign and had two possible options for parking configuration.

Mr. Friedman asked about the sign base.

Mr. Bickford said it would have to be brick or stone and compliant with Chapter 13 of the Zoning Resolution.

Mr. Friedman asked if the applicant was present to speak.

John Grier, architect for the project, of 11309 Deerfield Road, Cincinnati, OH 45242, addressed the board. Mr. Grier said he had revised the drawings of the proposed sign to show a brick base. He noted they would like the parking to be in the front and include one handicap space. He noted the cars would be parked thirty (30) feet from the right of way. He addressed the variances requested and landscaping.

Karen Schiffer, the applicant, of 11158 Terwilliger's Hill Ct., Cincinnati, OH 45249 addressed the board. Ms. Schiffer explained her need for a larger space for her embroidery business.

Mr. Mees asked if she planned to live at the address in question and asked if trucks would be making deliveries to the property.

Ms. Schiffer answered no; she would not live on the property. She stated they would have deliveries via UPS.

Mr. Kronenberger asked about her hours of operation and expressed concern about deliveries disturbing the residence next door.

Ms. Schiffer said the business hours would be 9am to 5pm although she may at times meet clients there in the evenings. She said she could talk to UPS about timing and logistics of deliveries to minimize impact on the adjacent neighbor.

Ms. Flanagan inquired about waste and if the applicant planned to have a dumpster.

Mr. Bickford said there would be no dumpster.

Mr. Friedman asked if there were any items on the staff report's list of conditions that Ms. Schiffer would have difficulty meeting.

Ms. Schiffer said no.

Mr. Grier presented the board members with the updated site plan showing the parking configuration and the proposed sign with a compliant brick base. He also submitted a written request to expedite the proceedings to allow them to submit plans to the building department immediately.

Mr. Friedman explained while he understands the applicant would like to move forward quickly, there are certain steps that must be taken and the Zoning Commission does not have the discretion to speed up the process.

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

Alan Doyle, of 7808 E. Kemper, Cincinnati, Oh 45249 addressed the board. Mr. Doyle said wrote a letter to the Zoning Commission but that some of the concerns listed in the letter

had been addressed during the course of the meeting. Mr. Doyle stated he does not think the use of the house as an office is compatible with the surrounding offices and the proposed use borders on light manufacturing and retail.

Mr. Bickford confirmed the use is permitted as long as the applicant does not open a retail shop.

Mr. Roos asked if the Fire Department had any concerns.

Mr. Bickford said the building code would dictate what the applicant would have to change to be compliant with the fire and life safety requirements.

Mr. Friedman entertained a motion.

Ms. Flanagan moved to approve case# 2013-02Z with the conditions listed on the staff report and with the drawing called "Option A" which the applicant and architect presented to the board showing the parking spaces and the free-standing sign with a brick base.

Mr. Kronenberger seconded.

Mr. Mees called roll.

Ms. Flanagan – AYE

Mr. Roos – AYE

Mr. Friedman – AYE

Mr. Kronenberger – AYE

Mr. Mees – AYE

Mr. Bickford noted the case would be heard by the Trustees on May 2, 2013 at a time to be determined.

2013-03MA

Kimco Realty Corporation

10808 Montgomery Road

Major Adjustment to a PUD

Mr. Bickford presented the case and case history in a power point presentation. Mr. Bickford said Case# 2007-03P2 which approved the existing Eddie Merlot's restaurant included a building on the out lot. However, the approval was conceptual only with the condition they come back before the board with plans for building it. This request is simply to split the lots so the owner may sell the property.

Mr. Friedman asked if the applicant was present to speak.

Kara Burkhardt Meineke, representing the applicant, Kimco Realty, of 2331 Far Hills Suite 202, Dayton, OH 45419, addressed the board. Ms. Burkhardt explained the owners had a buyer for the Eddie Merlot's site who was not interested in developing the smaller tract. A condition of the sale was for Kimco to record a lot split of the property into the two proposed tracts of land.

Mr. Mees asked if the applicant had documents showing a shared easement, parking, and utilities agreement between the two proposed lots.

Ms. Burkhardt said an agreement was in the works and would be reviewed by Mr. Bickford prior to final approval of the lot split.

Mr. Friedman said it seemed premature to come before the board with this request prior to obtaining those agreements.

Discussion ensued regarding parking requirements and the lack of frontage for the proposed out lot.

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

Dennis Dimasso of 8236 Weller Road, Montgomery, OH 45242, addressed the board. Mr. Dimasso said he is the president of the HOA in the neighborhood to the east of the property in question. He expressed concerns about the possible development of the property and said they already have problems with debris blowing into their neighborhood from the dumpster and headlights from cars shining through the buffer among other things.

Mr. Bickford said the Office of Planning and Zoning would investigate the existing issues mentioned by Mr. Dimasso.

Lisa and Shimon Ben-hur, of 10705 Woodgate Lane, Montgomery, OH 45242, said they lived directly behind the property and reiterated Mr. Dimasso's concerns.

Mr. Kronenberger said he was concerned about the issues the neighbors brought up and how the board could enforce those on a future development if the lots were to be split and had two owners.

Mr. Bickford stated the conditions associated with an approval are in effect regardless of ownership.

The board discussed the issues brought before them.

Mr. Friedman entertained a motion.

Mr. Mees moved to consider case# 2013-03MA with the conditions listed in the staff report.

Ms. Flanagan seconded.

Mr. Mees called roll.

Ms. Flanagan – NEA
Mr. Roos – NEA
Mr. Friedman – NEA
Mr. Kronenberger – NEA
Mr. Mees – NEA

Mr. Bickford noted the case would be heard by the Trustees on May 2, 2013 at a time to be determined and the neighbors would again receive notice of the hearing.

