
**MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
May 6, 2019**

The meeting was called to order at 7:00 p.m. Members of the Commission present were: Mr. Fowler, Ms. Harlow, Mr. Havill, Mr. Horvath, and Mr. Wolfe.

Also present were: Bryan Snyder, Hamilton County Zoning Inspector and Luanne Felter, Zoning Secretary.

PUBLIC HEARING

MR. WOLFE convened the public hearing for BZA 2019-01 for the property located at 11340 Montgomery Road.

MR. SNYDER stated that the case was continued last month after the Board had safety concerns about the alterations to the existing shopping center sign at Harpers Point. The applicant is here to present new plans.

DAVID BROCK (Towne Properties, 11340 Montgomery Road, 45249) stated that they took all the feedback they received at the last meeting and came up with two new options which are depicted on the sheet he passed out. Option #1 is to repaint the existing structure, mount a new shopping center identification panel and install a new high-resolution LED message board. Option #2 includes the repainting of the existing structure, installation of a new shopping center identification panel and new multi-tenant cabinet which will be located off the ground. The Kroger panel would be eliminated from both designs.

MR. WOLFE stated that he did not have a problem with either option. However, he wanted them to understand that the display change interval for electronic readers boards is .8 seconds.

MR. HORVATH wanted to know what Mr. Snyder thought about the two options.

MR. SNYDER stated that both options still exceed the current size requirements. From his calculations the size for the overall structure for Option #1 will be 111.5 square feet and 113.5 square feet for Option #2. Option #1 also exceeds 25 percent of the total sign area as a variable message center and will require a separate variance.

MR. FOWLER wanted to know what the dimensions are for the existing sign.

MR. SNYDER stated that the current sign is approximately 103 square feet.

MR. HORVATH wanted to know what the Zoning Resolution requires for face changes.

MR. SNYDER stated that non-conforming signs are required to be brought back into compliance if there are alterations. For instance, they are allowed to replace components in the reader board but if they take it down or replace it they would require a variance.

MR. HORVATH wanted to know if there is a provision in the Zoning Resolution that allows them to do this in-kind.

MR. SNYDER stated that there is not and they require a variance.

MR. HAVILL wanted to know if the applicant prefers the panel or reader board.

MR. BROCK stated that he prefers the panel. He believes that the electronic reader board is hard to read unless you are stopped at a light. He would like to keep the sign at 113 square feet. In the code it says that he is allowed to have a sign every 500 feet but he only has two and has no plans to install any others. Therefore, he should be able to combine the square footage into one sign.

MR. FOWLER noted that the shopping center already has two pole signs, two identification signs and a ground mounted wall sign on this property. It is not necessary for them to install such a big sign.

MR. SNYDER stated that if the Board granted the variance, they can place restrictions in the resolution that no additional signs be installed.

MR. WOLFE stated that he does not have an issue with the new panel board. We had safety concerns about it being too low and they have corrected that. I suggest we put a condition in the resolution that they cannot install any other signs on the property without permission from this Board.

MR. HORVATH did not want to set a precedent. He suggested that the Board approve what is already there which is 103 square feet.

MR. FOWLER stated that he is not in favor of granting a variance. The code is there for a reason.

MR. HORVATH wanted to know if the shopping center could work with 103 square feet.

MR. BROCK stated they could.

MS. HARLOW stated that she is glad they prefer the cabinet because she does not like electronic reader boards. She interprets the code that they cannot have a total square foot area of more than 250 square feet so the proposed sign would work as long as no further signage is allowed.

MR. HAVILL made a motion to approve a 103 square foot freestanding sign at the Harpers Point Shopping Center at 11340 Montgomery Road and on the condition that no other signage be installed on the property without the approval of this Board.

MR. HORVATH second the motion and the roll call vote was as follows: Mr. Fowler – ‘nay’, Ms. Harlow – ‘aye’, Mr. Havill ‘aye’, Mr. Horvath – ‘aye’, and Mr. Wolfe – ‘aye’.

MR. FOWLER stated that he wants to amend the motion so the language is clear that the cabinet won’t be 103 square feet.

MR. WOLFE amended the motion to approve the proposed freestanding sign with a maximum of 64 square feet in area for the shopping center logo and 39 square feet in area for the cabinet totaling 103 square feet.

MR. HORVATH seconded the motion and the roll call vote was as follows: Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Havill ‘aye’, Mr. Horvath – ‘aye’, and Mr. Wolfe – ‘aye’.

MR. WOLFE convened the hearing for BZA 2019-03 for the property located at 11910 Fallcreek Lane.

MS. HARLOW noted that the applicant is a neighbor of hers but hopes the Board will let her stay and hear the case.

MR. SNYDER stated that she can stay as long as she can be impartial.

MS. HARLOW stated that she can be impartial and the Board had no issues.

MR. SNYDER stated that this is a variance request for a room addition with less setback than required on a lot in a "B" Residence District. The applicant wants to construct a 350 square foot dining room onto the existing two-story home that would extend 32 feet into the rear yard where a 35-foot setback is required. A variance of three feet is required. A new patio will be constructed to the east.

A variance was granted for this property in 2001 for a deck with a 27-foot rear yard setback. The deck, which had two gazebos on each end, was removed for the construction of the proposed addition. As mentioned in the Staff Report, the size of the proposed dining room addition could be reduced to 12 feet and made wider to meet the zoning requirements. However, he believes the proposed room addition will be less of an intrusion than the deck and will not have any impact on the neighbors.

MR. HORVATH wanted to know if the square footage of the proposed room addition will be the same as the deck.

MR. SNYDER stated that he did not know the dimensions of the deck.

BRIAN NESTICO (11910 Fallcreek Lane, 45140) stated that he has been planning this room addition for a while but had some issues with a contractor. The proposed room addition will fit into the footprint of deck.

MR. WOLFE stated that he had no issues granting a three-foot variance for the proposed deck addition. It does not affect the neighbors and is smaller than the deck.

MR. WOLFE made a motion to approve the proposed room addition on the existing home at 11910 Fallcreek Lane on the condition that it does not extend more than three feet into the required 35 foot rear yard setback.

MR. FOWLER seconded the motion and the roll call vote was as follows: MR. HORVATH seconded the motion and the roll call vote was as follows: Mr. Fowler – 'aye', Ms. Harlow – 'aye', Mr. Havill 'aye', Mr. Horvath – 'aye', and Mr. Wolfe – 'aye.

MR. WOLFE convened the public hearing for BZA 2019-04 for the property located at 11729 Retview Lane.

MR. SNYDER stated that this is a variance approval for a detached garage with a height taller than permitted on the property in an "A" Residence District. The applicant is proposing to construct a 16-foot high, 768 square foot detached garage in the rear yard of the home to store and work on classic cars. A detached garage structure is permitted in the rear yard with a height of 12.5 feet. The proposed garage structure would be 16 feet in height to accommodate a lift. Therefore, a variance of 3.5 feet is required. As mentioned in the Staff Report, the proposed detached garage will be highly visible to the neighbors along a shared drive and will not be screened from view. Also, no variances have been granted in this neighborhood.

TRACI SPARKS (Royal Construction Plus, 5456 Camelot Drive #10, Fairfield 45014) stated that her client works on classic cars as a hobby and wishes to install a lift in the garage so he can work on them. He does not want to use a roller underneath the cars. The remaining part of the space would be used for storage and a workshop. The structure will have siding and brick to match the existing house.

MS. HARLOW wanted to know if her client considered other options for a car lift that would work within the 12.5-foot height requirement.

MS. SPARKS stated she was not sure but knows the lift will need clearance.

MR. HORVATH suggested that they install a pit for the car lift.

MS. SPARKS noted that the lift was added as the garage was being designed so they did not do a lot of research. She noted that if they connect the proposed garage to the house with a breezeway they would be in compliance with Zoning but cannot do that because the house is located 18 feet away.

MR. HORVATH wanted to know if her client discussed his plans with his neighbors.

MS. SPARKS stated that he has.

MR. HORVATH wanted to know what the variance is based on.

MR. SNYDER stated that the request is based on practical difficulties. He reminded the Board that the garage is permitted except for the height requirement. The center point is too high.

MR. FOWLER wanted to know why the property owner was not at the meeting.

MS. SPARKS stated that she told him it was not necessary since the variance request is only for 3.5 feet and he discussed the issue with his neighbors.

MARK SCHNITZLER (11714 Enyart Road, 45140) stated that he is here on behalf of his mother who lives directly behind this property. She already has a runoff problem and does not want it to get worse. Zoning has rules for a reason.

MS. SPARKS stated that there is a drain in her client's yard and the property is sloped so there should not be any drainage issues. However, if they find any issues while the garage is under construction, they will fix it.

MR. WOLFE stated that this Board cannot do anything about the drainage issues. The Board can only decide whether to grant the variance for the height requirement. However, the Metropolitan Sewer District, the Hamilton County Building and Zoning Department will have to sign off on the plans before any permits are issued.

MR. SNYDER reiterated that a detached garage structure is permitted in the rear yard and noted that the same storm water will be collected whether the roof has a 12-foot or 16-foot height.

DAVE MORSASON (11714 Retview Lane, 45140) stated that he lives only a few houses down and was not aware of the plans until he received a notification in the mail from the Township. He is afraid that this may set a precedent and wondered if this could turn into a business down the road.

FRANK STRITTMATTER (11720 Retview Lane, 45140) stated that he lives directly across the street from the subject property and is opposed to the garage structure. He believes it will diminish the property values and may set a precedence for similar variances.

LEE PUTZ (11727 Retview Lane, 45140) stated that he lives directly south of the subject property. He and his neighbors would like to keep the integrity of the neighborhood. Presently there is nothing in anyone's back yard; it is wide open so the structure will stick out. He definitely does not want the garage to be 16 feet tall and the Zoning Code should be enforced. Other options for a lift are available. He was notified by the property owner of his intentions to build a garage but he never mentioned that it was taller than permitted. He only became aware of it through the notice the Township sent out. Please reject the variance request.

MR. HORVATH wanted to know if the applicant is willing to look into other options.

MS. SPARKS stated that she would go back and talk to her client.

MR. HORVATH wondered if the Board should continue the case.

MR. SNYDER stated that the Board cannot continue the meeting unless they have a specific reason.

MR. HAVILL noted that he dealt with a similar situation with his neighbor. Per the Zoning Inspector you cannot tell the difference between three to four feet unless you have a calibrated eye.

MR. FOWLER stated that the code is there for a reason and they must comply especially since the neighbors are against it. The property owner's purpose and intent is to restore classic cars which is a hobby. Also, other options for a lift are available to him.

MR. HORVATH stated that he understands the emotion the neighbors have and appreciates them participating in this process. However, the garage is permitted to be built as long as it meets the height requirement. He cannot justify the 3.5-foot variance request and hopes the property owner will look into other options.

MR. WOLFE noted that he is an architect and knows that other options are available.

MS. HARLOW agreed with all the points that were made tonight and had nothing else to add.

MS. HARLOW made a motion to deny the request for 3.5-foot height variance for a detached accessory garage structure at 11729 Retview Lane.

MR. WOLFE seconded the motion and the roll call vote was as follows: Mr. Fowler – 'aye', Ms. Harlow – 'aye', Mr. Havill 'aye', Mr. Horvath – 'aye', and Mr. Wolfe – 'aye'.

ADMINISTRATIVE MATTERS

MR. WOLFE made a motion to approve the Board of Zoning Appeals Bylaws as amended through April 1, 2019. MS. HARLOW seconded the motion and the roll call vote was as follows: Mr. Fowler – 'aye', Ms. Harlow – 'aye', Mr. Havill 'aye', Mr. Horvath – 'aye', and Mr. Wolfe – 'aye'.

MR. WOLFE made a motion to approve the minutes of the April 1, 2019 meeting. MR. HORVATH seconded the motion and the roll call vote was as follows: Mr. Fowler – 'aye', Ms. Harlow – 'aye', Mr. Havill 'aye', Mr. Horvath – 'aye', and Mr. Wolfe – 'aye'.

MR. HORVATH wanted to know the status of BZA 2018-06. The issue has been outstanding for a long time.

MR. SNYDER stated that the judge continued the case last month and it is rescheduled for tomorrow. Once the judge makes a determination the Zoning Inspector will be able to fine the property owners every day that the treehouse remains on the property.

ADJOURNMENT

MR. WOLFE adjourned the meeting at 8:50 p.m.

Approved:

Ralph Wolfe, Chairperson

Luanne Felter, Zoning Secretary