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**MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**AUGUST 7, 2017**

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

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

**PUBLIC HEARINGS**

MR. MISRACH convened the public hearing for BZA 2017-10 for Cincinnati Hills Christian Academy, 11312 Snider Road.

MR. RUEHLMANN offered to recuse himself from this case since his stepson has been hired as a basketball coach at the school. The Board had no issue and told him he can remain.

MR. SNYDER stated that Cincinnati Hills Christian Academy is requesting Conditional Use approval to allow for the installation of building mounted signage on the Early Childhood Learning Center building. The school has been granted various conditional use approvals over the years. The case in 2016 included approval of building additions to the lower and upper elementary school buildings, construction of a new recreation center building, modification to the Early Childhood Learning Center and construction of new parking lots on the property. In May of this year, a request for building signage was submitted for both the upper and lower and early childhood buildings. The Board approved a total 41.7 square feet of signage for the two entrance signs to the upper and lower elementary school buildings. However, the signage for the early childhood building was removed from the request due to lack of details. The applicant is now requesting the installation of building mounted signage above the newly constructed entrance to the Early Childhood Learning Center building. The non-illuminated sign would be mounted with brackets above the small overhang over the main entrance and would be 37.75 feet long with a font height of 12 inches for a total area of 37.75 square feet.

RANDY BRUNK (11525 Snider Road, 45249) stated that letters on the proposed sign will be gold in color to match the trim on the building. It will not have any exterior lighting as it will be used for directional purposes only. He does not believe that the number of signs on the property is excessive due to the overall size of the property.

MR. WOLFE made a motion to approve the proposed building signage for the Early Childhood Learning Center building as located exactly as shown on the plats and plans submitted to this Board.

MR. RUEHLMANN seconded the motion and the roll call vote was as follows:

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Misrach – ‘aye’, Mr. Ruehlmann – ‘aye’ and Mr. Wolfe – ‘aye’.

MR. MISRACH convened the public hearing for BZA 2017-11 for McDonald’s, 8969 Fields Ertel Road.

MR. SNYDER stated that the applicant is proposing to demolish the existing McDonald's restaurant building and construct a new 4,590 square foot restaurant building on the property with double drive thru lanes for rebranding purposes. The property is located on the southeast corner of the intersection of Fields Ertel Road and Gregory Street. The development is accessed by two existing driveways from Gregory Street and one existing driveway from Fields Ertel Road. The parking lot would be reconfigured to include two drive thru lanes and would include a total of 57 parking spaces. A 15 foot variance is required to maintain the existing five foot parking setback currently provided along Gregory Street due to a right-of-way acquisition for a road improvement project. The parking along Fields Ertel Road will be moved back to meet the required 20 foot parking setback. A five foot variance is required to the streetscape buffer area on Gregory Street due to the right-of-way acquisition for a road improvement project. The reduced setback would not negatively impact the growth of the proposed landscaping. Plantings have been proposed in islands within the parking area and along Governor's Way and Fields Ertel Road. A one (1) foot variance is required for the dumpster screen height requirement to allow an eight 8 foot high dumpster enclosure attached to the rear of the proposed building. The enclosure would contain the same building materials and continue the line of the building. The trash handling area is proposed in the center of the site adjacent to the building. Lastly, the existing freestanding pylon sign along Fields Ertel Road and the highway pylon sign on Gregory Street would remain.

MR. RUEHLMANN wanted to know if the parking would have stayed the same if there was not a road widening project.

MR. SNYDER stated that is correct.

MR. RUEHLMANN wanted to know if the landscaping would be harmed by salt in the winter since it would be located close to the roadway.

MR. SNYDER didn't think there would be any issues.

ETTA REED (Bayer Becker Inc., 6900 Tylersville Road, Mason 45040) stated that she is here on behalf of McDonald's. The reconstruction is part of McDonald's modernization program. The changes include the construction of a side by side drive thru with new parking and landscaping. They will be eliminating the playset and truck parking. Two of the variances requested are required due to the right of way acquisition for a road improvement project.

MR. RUEHLMANN wanted to know how they will handle semi trucks.

MS. REED stated that deliveries will be taken on the other side.

MR. MISRACH stated that the ingress/egress is problematic on Gregory Street and has safety concerns.

MS. REED stated that no changes will be made to the access.

MR. SNYDER stated that McDonald's is not subject to County review because there are no changes to the curb cuts.

MR. MISRACH believes that they need to reconsider truck parking.

MS. REED stated that they would like to keep the area as a greenspace but will relay concerns.

MR. MISRACH wanted to know if they can make a right turn only lane on Gregory Street.

MR. SNYDER stated that the County reviewed the right of way in the area of construction and did not have any issues.

MR. WOLFE liked the plan and did not have any issues.

MR. RUEHLMANN agreed.

MR. RUEHLMANN made a motion to reduce the front yard parking setback, streetscape width and dumpster screen height requirements for the proposed development at 8969 Fields Ertel Road as indicated on the plans submitted to the Board.

MS. HARLOW seconded the motion and the roll call vote was as follows:

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Misrach – ‘aye’, Mr. Ruehlmann – ‘aye’ and Mr. Wolfe – ‘aye’.

MR. MISRACH convened the public hearing for BZA 2017-12 for the property located at 9699 Loveland Madeira Road.

MR. SNYDER stated that the applicant is requesting approval to construct a 20 foot by 34 foot in-ground swimming pool within the side yard area. The home is located on a flag lot on the north side of Loveland Madeira Road 2,500 feet east of the Loveland Madeira Road and Humphrey Road intersection and contains a shared driveway. The swimming pool will be located in the side yard approximately 36 feet from the northern property line and 41 feet from the eastern property line and will include an associated concrete patio and fencing. The applicant states that the swimming pool cannot be placed in the rear of the home due to a wooded ravine that is not suitable for building a structure. The proposed location of the pool would not be visible from Loveland Madeira Road, would be minimally visible from the shared driveway and would not be visible from adjacent properties as woods exist around the proposed pool area. In addition, there is a steep wooded slope leading up to the nearest home to the north that provides a solid barrier and screens the properties.

JIM BURKHART (Aquarian Pools & Spas, 631 Loveland Miamiville Road 45140) stated that the in-ground swimming pool cannot be located in the rear yard due to a wooded ravine. The side yard is the only suitable area to build such a structure due to the grade. It also offers privacy from all neighbors because of the woods.

JENS PERSSON (9699 Loveland Madeira Road, 45140) stated that he wants to install the pool the right way while being safe and courteous. Only one house would be affected by the pool in the side yard and the neighbor is here tonight.

RICHARD SCHMIDT, 9701 Loveland Madeira Road, 45140) stated that he lives next door and has no objections to the pool. The former property owners had one and he did not have any issues with it. He only asks that the equipment be quiet and Mr. Persson has agreed to comply.

MR. RUEHLMANN asked Mr. Schmidt to point out on the map where he lives.

MR. SCHMIDT pointed to the area up the hill.

MS. HARLOW stated that she has no concerns.

MR. WOLFE stated that it would be too expensive for the property owner to install a pool in the rear yard. He believes the placement is in a reasonable location and the neighbor that would be most affected by it has no objection.

MR. RUEHLMANN made a motion to approve the construction of an in-ground swimming pool in the side yard area of the home located at 9699 Loveland Madeira Road as outlined in the plats and plans submitted to the Board.

MR. WOLFE seconded the motion and the roll call vote was as follows:

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Misrach – ‘aye’, Mr. Ruehlmann – ‘aye’ and Mr. Wolfe – ‘aye’.

#### OLD BUSINESS

MR. FOWLER wanted to know why the monument sign at Scamore Presbyterian Church is so high. He thought it was supposed to be sloped from the sidewalk and landscaping was part of one of the conditions.

MR. SNYDER stated that he will have the Zoning Inspector look into it.

#### NEW BUSINESS

MR. SNYDER stated that the Township will be making a text admendment to change the openness of the Kentuck Board fence to 62%. The process should take about four months.

#### ADMINISTRATIVE MATTERS

MS. FELTER stated that the September meeting needs to be changed due to the Labor Day holiday.

MR. WOLFE made a motion to move the September Board of Zoning Appeals meeting to September 11, 2017.

MS. HARLOW seconded the motion and the roll call vote was as follows:

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Misrach – ‘aye’, Mr. Ruehlmann – ‘aye’ and Mr. Wolfe – ‘aye’.

MR. WOLFE made a motion to approve the minutes of the June 5, 2017 meeting.

MS. HARLOW seconded the motion and the roll call vote was as follows:

Mr. Fowler – ‘abstain’, Ms. Harlow – ‘aye’, Mr. Misrach – ‘aye’, Mr. Ruehlmann – ‘abstain’ and Mr. Wolfe – ‘aye’.

#### ADJOURNMENT

MR. MISRACH adjourned the meeting at 7:55 pm.

Approved:

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Luanne Felter, Secretary