
**MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
April 1, 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.

MR. WOLFE amended the agenda to include the Election of Officers.

MR. HAVILL 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’.

ELECTION OF OFFICERS

MR. HAVILL nominated Mr. Wolfe to serve as Chairperson.

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 nominated Ms. Harlow to serve as Vice-Chairperson.

MR. FOWLER 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’.

PUBLIC HEARINGS

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

MR. SNYDER stated that this is a variance request to allow the replacement of the existing shopping center sign at Harpers Point with a new updated cabinet sign with increased square footage. The existing electronic message center will be removed. The shopping center is located on the southeast corner of the intersection of Montgomery Road and East Kemper Road where Kroger is. The proposed freestanding sign would be 20 feet in height and 8.5 feet in width. The construction would reuse the existing poles with a new cabinet added around the base to imitate a ground mounted sign.

The current pylon sign was approved prior to Zoning. There have been three sign variance requests for this property over the years. Two were denied. The only one that was approved was for the relocation of the existing sign due to the widening of Montgomery Road in 2006.

This shopping center has more than 1,000 feet of frontage on both Montgomery and East Kemper Road so it is permitted to have two ground mounted signs per frontage plus one shopping center sign for a total of five separate freestanding signs with a total square foot area of 250 square feet. The existing shopping center currently has two identification signs, the nonconforming pole sign that is the subject of this request and a ground mounted wall sign at the southernmost entrance to the center. A third pole sign is also located on the property for deSha’s restaurant. No freestanding signs are located along the East Kemper frontage.

The signage for the Harpers Station shopping area directly west of The Shops at Harpers Point has similar signage to what the applicant proposes. Also, Chili’s and Buffalo Wild Wings each have small monument signs and Dairy Queen has a large pylon sign on the northeast corner of

Montgomery Road and East Kemper Road; however, they are in a "EE" District and fall under a separate resolution from Harpers Point.

MR. WOLFE wanted to know what the overall size of the structure will be.

MR. SNYDER stated that are requesting 170 square feet but Zoning only counts the panels not the space around it so the square footage will be much less.

MIKE MEYER (Ray Meyer Signs, 8942 Glendale Milford Road, Loveland 45140) stated that he didn't realize that when determining the square footage you only include the panels. He included the whole structure. He was contacted by Towne Properties to look at the old sign. At first, they thought about replacing the electronic message center but it was outdated and thought it would be better to rebuild the pylon sign that identified various tenants in the shopping center that are not visible from Montgomery Road. They also wanted to design a sign appropriate and consistent with other shopping center signs. They cannot relocate the current sign because there is no place for it to go.

MR. WOLFE wanted to know if they took into account that it would create a sightline problem.

MR. MEYERS didn't think it did but would be happy to do a traffic or triangular study. The preliminary study does not show any issues.

MR. WOLFE stated that he goes to that shopping center frequently and believes it will create a sightline problem. He did a quick calculation and determined that the proposed sign would be 205 square feet if you include both sides.

MR. SNYDER stated that you only need to calculate one side of the sign. His calculations came to about 90 square feet. Therefore, they will need a variance for 40 square feet plus another variance for the additional 10 feet height.

MR. HORVATH wanted to know if they worked out a design that meets the Zoning Code.

MR. MEYERS stated that that they did not because they think it would be too small to service the area.

DAVID BROCK (Towne Properties, 11340 Montgomery Road, 45249) stated that the current sign is really old and unappealing. They have made updates to the property and this is the next step. The tenants are hidden behind deSha's and need to be advertised. They would like one similar to the one across the street.

MR. HAVILL noted that he is also concerned about safety since the sign is located so close to the entry.

MR. SNYDER stated that the proposed sign meets the clear site triangle requirements.

MR. MEYER stated that they don't want to install a sign that will create a sightline problem.

MR. SNYDER reiterated that it does not violate the clear site triangle requirements. However, he understands the Board's concern that traffic inside the parking lot may not be able to see very clearly around the other side of the sign.

MR. FOWLER stated that he thinks the old sign is more appealing. He agrees that the solid panel will be an impediment to safety and feels that their motives are about generating more revenue through advertising. Other alternatives are available that meet the Zoning requirements such as installing a new electronic reader board.

MR. SNYDER noted that electronic reader boards are not permitted in Symmes Township. Anyone that has one either got it prior to Symmes Township zoning or got a variance.

MR. FOWLER stated that he would not have any problem granting a variance for an electronic reader board.

MR. HORVATH stated that he would like to see them come back with another design that meets the Zoning requirements. He really doesn't see any compelling reason to grant the variance especially when other businesses in the area work within the Zoning Code.

MS. HARLOW agreed that other options are available.

MR. HAVILL wanted to know if they would need a variance if they decided to repair their electronic message board.

MR. SNYDER stated that they would only require a variance if they replaced the electrical box. If they just replaced the parts it would not require a variance.

MR. WOLFE restated that he has safety concerns with the proposed sign. He suggested that they come back with a new plan.

MR. FOWLER noted that they are allowed to have up to five signs and wondered why they don't utilize that.

MR. SNYDER stated that the shopping center already has enough signs along Montgomery Road. The only place they could install one without a variance would be on East Kemper Road.

MR. MEYERS stated that they would like a 30-day continuance so they can come up with another design.

MR. WOLFE made a motion to continue BZA 2019-01 for 30 days.

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

MR. WOLFE convened the public hearing for BZA 2019-02 for the property at 11901 Millstone Court.

MR. SNYDER stated that this is a request for a one-foot variance approval for a fence located in the front yard.

The subject property is located on a corner lot created by a private drive off of Union Cemetery Road that connects to the entryway into the Stonebridge Farm neighborhood on Millstone Court. The existing home is oriented toward the private drive and contains two front yards one along Union Cemetery Drive and the other along Millstone Court. The graphic provided in the Staff Report shows the property lines and identifies the front, rear and side yard areas. The request is to replace a four-foot high black aluminum fence with a five-foot high black aluminum fence in the two front yards. The fence in the rear yard will remain and meets the Zoning requirements. There is also Kentucky three-board fence that is part of the subdivision that meets the height and openness requirements of the Zoning Code.

MS. HARLOW stated that the Kentucky three-board fence depicted in the photo appears to be five feet tall.

MR. SNYDER stated that he believes it is four feet tall but did not measure it.

MR. HORVATH wanted to know what Symmes Township's rationale is for requiring a four-foot-tall fence in the front and side yard.

MR. SNYDER stated that you want to be able to see over the fence and not feel like it is a barricade as you drive down the street. The four-foot fence is also a common height requirement in Hamilton County and around the country.

ALLISON HIGHLAND (11901 Millstone Court, Loveland 45140) stated that she didn't realize she had two front yards until she applied for a permit. The existing fence has been damaged by trees and needs to be replaced. Since they live on a busy roadway and have a lot of foot traffic by their house, they would like to have some privacy. They also have a service dog that could possibly jump over a four-foot fence so they would like something taller.

MS. HARLOW wanted to know why she didn't request a variance for a privacy fence.

MS. HIGHLAND stated that she didn't think it would be allowed.

MR. HORVATH wanted to know why she is not replacing the four-foot fence along the rear yard.

MRS. HIGHLAND stated that the woods behind her property provides privacy.

MR. HAVILL stated that he still does not understand why she needs a five-foot fence.

MRS. HIGHLAND stated that she is allowed to have a five-foot-tall fence in her side yard so she wants it to match. Besides, everybody in her gated community is allowed to have a five-foot-tall fence in their yard but she can't because her house has two front yards even though her house faces a private drive.

MR. WOLFE noted that that this variance request is no different than the ones they granted along Montgomery Road. Union Cemetery is a busy roadway. This request is only for a one-foot variance which won't affect anybody. However, I don't know how much privacy it will actually provide.

MR. FOWLER noted that they denied three variance requests for fences on Union Cemetery Road and the Board needs to be consistent. He is aware of a group that is pushing the Township to install sidewalks along Union Cemetery Road. Even if that happens the current fence is set back enough to provide enough privacy.

MR. HAVILL stated that he can't follow the logic on this. They claim they want a five-foot fence for safety and privacy but it is pretty much open. I think there is a viable alternative and it is to keep the four-foot fence and plant vegetation such as Evergreens or Boxwoods along the fence line to provide proper screening.

MS. HARLOW stated they the Board has granted many variances in the past for fences on corner lots. One was even for a six-foot tall fence. She does not think this request is unreasonable.

MR. HORVATH agreed that the Board needs to be consistent and feels a one-foot variance is not going to make a difference for the homeowner anyway.

MS. HARLOW made a motion to approve BZA 2019-02 for the property at 11901 Millstone Court as written.

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

MR. HAVILL made a motion to deny the variance request for BZA 2019-02 for the property at 11901 Millstone Court.

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

ADMINISTRATIVE MATTERS

MR. WOLFE made a motion to approve Resolution 2018-11 for Mimi’s House, LLC at 11621 Symmescreek Drive.

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’.

MS. HARLOW made a motion to approve the minutes of the December 3, 2018 meeting.

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’.

MS. FELTER wanted to know if the Board had any comments as amended in the bylaws.

MR. HAVILL wanted to know who is the Township Zoning Inspector.

MR. SNYDER stated that it is the Township Administrator who in turn delegates functions to him. The bylaws have been reviewed by the Township Law Director so the Board may take action to amend it in 30 days as long as there are no more changes.

MR. HORVATH wanted to know the status of BZA 2018-06 and other cases still pending in the court system.

MR. SNYDER stated that he does not know the status of BZA 2018-03 because it was turned over to the Township’s Law Director. BZA 2018-06 is scheduled for court tomorrow.

MR. HORVATH stated that he would like an update of unresolved cases at each meeting.

ADJOURNMENT

MR. WOLFE adjourned the meeting at 8:40 p.m.

Approved:

Ralph Wolfe, Chairperson

Luanne Felter, Zoning Secretary