

BOARD OF ZONING APPEALS MEETING
January 25, 2012 -7:00 p.m.
Meeting Place: 4200 Springdale Rd., Cincinnati, OH 45251
Minutes

Meeting called to order: 7:00 PM.

Pledge of Allegiance.

Explanation of procedures.

Roll Call: Present - Mr. MacKay, Mr. Mattingly, Mr. Radabaugh, Mr. Grubbs, Mr. Reininger, Mr. Roberto. Also present: Mr. Reuter, legal counsel, Dr. Roschke and Mrs. Reno, staff and Ms. Pate, court reporter.

Swearing in: appellants, attorneys and all speakers in the cases.

Hearing of Appeals:

A. Case No.: BZA2011-0021
Subject Property: 6473 Gaines Rd., Cincinnati, Ohio
Applicant/Owner: James and Tanya Wilmes
Application: Side yard setback variance for addition – Article/Section 7.3.1,
Table 7-2.

Staff: Proposal is for a 7 ft. side yard setback for a proposed addition. Zoning is R-5 Residential which requires an 18 ft. combined side yard setback, with one being 10 ft. and one 8 ft. Provided aerial view of site, site plan and sketches of elevation and floor plan. House was built in 1920. Pictures of front of house and where addition will be located were provided. If approved, staff recommends the following conditions:

1. The proposed addition shall be built as shown on the submitted plans;
2. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
3. All proposed work must be completed within 12 months after journalization of BZA approval; and
4. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Applicant: James Wilmes. There are issues with the addition that was put on the house some time ago. It is settling and has been pulling away from the house for years. The roof line also needs repair. The easiest way to fix the problems is to pour a new foundation.

Motion to Close
Public Input:

Motion by Mr. MacKay, 2nd by Mr. Grubbs. Motion carried.

Board Deliberation: Mr. MacKay, Mr. Mattingly, Mr. Radabaugh and Mr. Grubbs had no questions. Mr. Reininger asked was the foundation settling on the other wall and Mr. Wilmes said where the addition was built it is separating and to the left of the window it is cracking and separating. Mr. Reininger asked will the modification include a new foundation and Mr. Wilmes said yes. Mr. Wilmes said there are also water issues and they will put in drain tile and also repair the issues with the roof. Mr. Wilmes said that when the addition was built, he doesn't think they went deep enough with the foundation.

Board Action: Motion by Mr. MacKay to approve due to hardship and subject to staff conditions, 2nd by Mr. Radabaugh.

Roll Call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

B. Case No.: BZA2012-0001
Subject Property: Taco Bell, 9449 Colerain Ave., Cincinnati, Ohio
Applicant: RGT Management, Inc.
Owner: Beatrice Dworkin TR
Application: Variances for front yard building setback - Article 8.3.1, Table 8-2 and right of way buffer - Article 13.4.1

Staff: Proposal is for a 29 ft. front setback and a 5-8 ft. wide landscaped streetscape buffer yard. Zoning is B-2 General Business. The site is located just off the Northgate Mall property. Site plan was provided. It will be a complete rebuild. Due to the small size of the lot, they are proposing a smaller setback. Showed pictures of existing Taco Bell and the site. If approved, staff recommends the following conditions:

1. Landscaping shall be provided in the streetscape buffer yard;
2. Additional landscaping shall be provided to the rear of the lot between the parking spaces and driveway to the Mall lot;
3. A pedestrian connection shall be provided from the building to the Colerain Ave sidewalk in accordance with 13.4.2(C);
4. A landscape island shall be provided in the row of 18 parking spaces along the north property line in accordance with 14.6.2;
5. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
6. All proposed work must be completed within 12 months after journalization of BZA approval; and
7. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Applicant: Michael Rowe, one of the owners of Taco Bell, 9449 Colerain Ave. Their engineer is also present and can provide more insight if need be. It is a narrow lot and the building needs to move forward a little to allow traffic

circulation of the lot. This site has the most efficient use of space than any other Taco Bell. The variance will also allow them to have enough parking. Pictures of renderings of the T-50 style Taco Bell were provided for the record.

Motion to Close
Public Input:

Motion by Mr. MacKay, 2nd by Mr. Grubbs. Motion carried.

Board Deliberation: Mr. MacKay said he thinks this problem was caused by the widening of Colerain Ave. and Mr. Rowe agreed. Mr. Mattingly asked are the conditions acceptable and Mr. Rowe said yes. Mr. Mattingly asked is the sign going to be replaced and Mr. Rowe said no. Mr. Mattingly asked how wide is the driveway across the front and Mr. Rowe said they're trying to facilitate the flow of traffic and parking and the driveway is 18 ft. wide to allow for 2 cars; one at the drive through window and the other for exiting. Mr. Radabaugh said they're increasing the setback and Mr. Rowe said yes. Mr. Grubbs had no questions. Mr. Reininger said there are strict guidelines for signage and advised them that if they move the sign it will probably have to be rescaled.

Board Action:

Motion to grant subject to staff conditions by Mr. Mattingly, 2nd by Mr. MacKay.

Roll Call:

Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Grubbs – aye, Mr. Reininger – aye.

Resolutions for Adoption:

A. Case No.:
Subject Property:
Applicant/Owner:
Application:

BZA2011-0013
4365 Day Rd., Cincinnati, Ohio
Michael Edds
Variance for height of fence – Article/Section 12.8.1.

Roll Call:

Mr. Grubbs – aye, Mr. MacKay – nay, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Reininger – aye.

B. Case No.:
Subject Property:
Applicant/Owner:
Application:

BZA2011-0014
Joseph Buick GMC, 8700 Colerain Ave., Cincinnati, Ohio
Joseph Chevrolet
Variance for height of fence – Article/Section 12.8.1.

Dr. Roschke advised the Board that both of the Joseph cases have met the landscaping requirements.

Roll Call:

Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – nay, Mr. Roberto – nay, Mr. Reininger – aye.

C. Case No.:
Subject Property:
Applicant/Owner:
Application:

BZA2011-0015
Joseph Chevrolet, Joseph Rd., Cincinnati, Ohio
Gold Circle Mall-Colerain
Variance for height of fence – Article/Section 12.8.1.

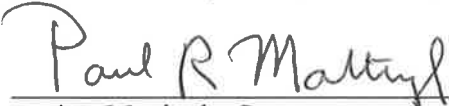
- Roll Call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – nay, Mr. Roberto – nay, Mr. Reininger – aye.
- D. Case No.: BZA2011-0016
 Subject Property: Walmart, 8451 Colerain Ave., Cincinnati, Ohio
 Applicant: Harrison French & Associates
 Owner: Walmart Real Estate Business Trust
 Application: Variance for wall signage – Article/Section 15.8.3G.
- Roll Call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Roberto – aye, Mr. Reininger – aye.
- E. Case No.: BZA2011-0017
 Subject Property: 2845 Brampton Dr., Cincinnati, Ohio
 Applicant/Owner: Richard Christman
 Application: Set back variance for replacement deck – Article/Section 7.3.1, Table 7-2.
- Roll Call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Roberto – aye, Mr. Reininger – aye.
- F. Case No.: BZA2011-0018
 Subject Property: Northgate Ford, 8940 Colerain Ave., Cincinnati, Ohio
 Applicant: Holthaus Sign Co.
 Owner: Kenwood Lincoln-Mercury
 Application: Variance for wall signage – Article/Section 15.8.3G.
- Roll Call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Roberto – aye, Mr. Reininger – aye.
- G. Case No.: BZA2011-0019
 Subject Property: 7510 Barjo Ln., Cincinnati, Ohio
 Applicant/Owner: Amy Hoerst
 Application: Variance for gravel parking area – Article/Section 13.4.3C.
- Roll Call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Roberto – aye, Mr. Reininger – aye.
- H. Case No.: BZA2011-0020
 Subject Property: 7641 Colerain Ave., Cincinnati, Ohio
 Applicant: Black Diamond Real Estate
 Owner: Tri-Angle B Holding Co.
 Application: Set back variance for fenced outdoor play yard for dog daycare – Article/Section 8.4.12, Table 8-1.
- Roll Call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Radabaugh – aye, Mr. Roberto – nay, Mr. Reininger – aye.
- Unfinished Business: None.
- Approval of Minutes: Motion by Mr. MacKay, 2nd by Mr. Mattingly to approve minutes of December 28, 2011 meeting. Motion carried.

Administrative Matters: Dr. Roschke advised the Board that the new appointments have not yet been made and asked Mr. MacKay to continue to serve.

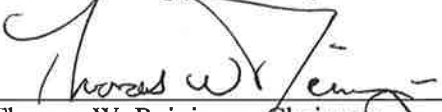
Adjournment: Motion to adjourn by Mr. MacKay, 2nd by Mr. Mattingly at 7:28 PM. Motion carried.

Respectfully Submitted: 

Rebecca J. Reno, Zoning Recording Secretary

Secretary: 

Paul R. Mattingly, Secretary

Accepted by: 

Thomas W. Reininger, Chairman

