

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, June 23, 2021 – 6:30 p.m.

Meeting called to order by Mr. Roberto: 6:30 p.m.

Pledge of Allegiance was led by Mr. Roberto.

The Explanation of Procedures was presented by Mr. Roberto.

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

Roll Call: Mr. Bartolt – absent, Mr. Hill – aye, Mr. Reininger – aye, Mr. Schupp – aye, Mr. Roberto – aye.

Alternate Mr. Sidow was present but could not be seated since he had not yet taken the oath of office.

Also present was staff Marty Kohler

Hearing of Appeals:

Case BZA2021-04

Location:

Applicant/Owner:

Request for variances to allow for a larger wall sign

9686 Colerain Avenue (former Kroger)

Atlantic Sign Company, on behalf of property owner USREC
Real Estate Holdings

Mr. Roberto introduced the case. Mr. Kohler provided a location map of the property that contains a building that was formerly a grocery with a small strip center attached. The property also contains a smaller strip center and vacant restaurant. The property also contains two large, non-conforming pylon signs which are proposed to be re-faced but are not directly a part of the appeal. Mr. Kohler showed a zoning map for the property, an aerial photo and several ground level photos of the building and site. The former Kroger store has been divided into two separate spaces, one of which is occupied by Big Lots and the other will be occupied by the applicant. The Big Lots wall signs total about 95 square feet which is substantially less than the 150 square feet that they were eligible for. Mr. Kohler showed wall signs at Northgate Mall across the street which have an allowance of 150 square feet for each store.

The applicant is proposing 335 square feet of sign area and the maximum allowed is 150 square feet per sections 15.8.3 (G)(1) and (2) of the Colerain Township Zoning Resolution. There is one large wall sign and three small signs to total 335 square feet. Mr. Kohler outlined the review criteria for variances in the Zoning Resolution.

Staff Findings are as follows:

1. The property in question would likely yield a reasonable return without the variance. The property can reasonably be identified with signs meeting current zoning regulations.
2. The sign variance requested is substantial and is 223% over what is allowed for signage.
3. The granting of the variance would grant a consideration that is not available to other property owners in the neighborhood.
4. The granting of the variance would probably have a negative impact on neighboring property since the Ross sign would be more than triple the size of the Big Lots sign for a similar size space. It would create a precedent to allow for sign variances if requested by neighboring properties.
5. Approval of the sign variance would not affect the delivery of government services.
6. There are no topographic issues related to this property which would constrain the reasonable application of the sign regulations without additional expenses.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by not granting the variance.

Staff's recommendation is for denial of the variance request. Key issues are that the pylon sign is the key identifier of the location of the store and once a customer enters the site, the building should be easily identifiable with a 150 square foot sign.

With no questions for staff, Mr. Roberto opened the public hearing.

Brooke Alini with Atlantic Sign Company, having been sworn, noted that the building will have a completely different façade and that a 150 square foot sign would be in keeping with the design of the façade. She presented the Board with an illustration of the sign scaled down to 150 square feet for their consideration. Ms. Alini noted that the new façade with proposed larger sign will add to the attractiveness of the center.

With no further people to speak in favor or against the proposal, a motion was made by Mr. Hill and seconded by Mr. Schupp to close the public hearing.

Roll Call: Mr. Hill – aye, Mr. Reininger – aye, Mr. Schupp – aye, Mr. Roberto – aye.

Mr. Hill asked if the Ross corporation had a mandate for the minimum size of the sign. Ms. Alini said that they have a standard that is in proportion with the size of the building façade. They have some flexibility since the goal is to have a larger sign. Mr. Hill asked if the smaller signs could be eliminated. Ms. Alini said that they were a part of the branding of the store.

Mr. Reininger said that he likes the new façade and that he believes that it will help anchor the store front even with the 150 square foot sign. The 150 square foot limit is standard throughout the Township.

Mr. Roberto noted that there needs to be a hardship in order to grant a variance. He admitted that the bigger sign looks ok and will be easier to recognize. Mr. Roberto asked if there is any flexibility with Ross in the size and Ms. Alini said that there was. Mr. Roberto asked if the proposed Ross store is further back from Colerain Avenue than the Northgate Mall stores shown in the staff presentation. Mr. Kohler said that the Ross store is much further back from the street. Mr. Roberto said that the distance from the road may be a hardship. Ms. Alini said that Ross is a fairly new store to the region and that they need more brand recognition.

Mr. Hill asked if the Zoning Resolution contained a provision for small signs that would not be visible from the road. Mr. Kohler said that the only exemption is for signs like menu boards that can only be read at a very close distance.

Ms. Alini said that she could ask the Ross representative if they could do without the smaller signs. Mr. Roberto noted that this is only a small part of the overall size. Mr. Kohler noted that the BZA is approving an overall allotment of signs and not the design of the current proposal since any future tenant of the space could also use the same size as approved by the BZA.

Mr. Roberto asked how staff calculated the sign area. Mr. Kohler said that it was based on rectangles around the lines of words. Mr. Roberto asked if it could be calculated by rectangles around each letter. Mr. Kohler said that this would be very difficult to calculate for every sign permit.

Mr. Roberto asked if the BZA could approve something more than code but not as much as the request. Mr. Kohler said that they could. Ms. Alini said that the distance from the road is a hardship, but the large size of the pylon cancels out that hardship. Mr. Kohler said that the hardship approach would be different if the pylon were eliminated or reduced to the size.

Mr. Reininger asked if the graphics on the pylon sign would be the same as the building. Ms. Alini said that the graphics would be the same.

Mr. Reininger made a motion to deny the variance request. The motion died for lack of a second.

Mr. Roberto suggested a variance to allow for the 171 square feet in keeping with the width of the building.

A motion was made by Mr. Hill and seconded by Mr. Roberto to allow for 171 square feet of wall signs.

Mr. Reininger expressed a concern that this would not be consistent with the allowance for other businesses in the area and would open other variance requests. Mr. Hill said that the signs need to be evaluated on a case-by-case basis and that the distance from the road is a factor in this case. Mr. Roberto commented that the proposal is in keeping with the lineal foot allowance but just eliminates the 150 square foot cap. Mr. Hill asked what would happen if the vote is a two to two tie. Mr. Kohler confirmed that the variance would require three votes to pass.

Ms. Elini asked if the pylon sign were eliminated or reduced in size, if the board could grant additional sign area for the building. Mr. Roberto said that he would be in favor of the elimination of the pylon, but expressed doubt if the owner would be willing to do this.

Mr. Hill suggested the matter be tabled until five BZA members were present in order to give the opportunity for an additional vote. After discussion, Mr. Elini requested that the action be tabled to the July meeting.

Mr. Hill withdrew his motion for approving the 171 square feet. Mr. Roberto withdrew his second.

Mr. Hill made a motion to table the application to the July 28 meeting.

Roll Call: Mr. Hill – aye, Mr. Reininger – aye, Mr. Schupp – aye, Mr. Roberto – aye.

Approval of the Minutes:

A motion was made by Mr. Hill and seconded by Mr. Schupp to approve the minutes of the May 26, 2021 meeting as submitted.

Roll Call: Mr. Hill – aye, Mr. Schupp – aye, Mr. Reininger – aye, and Mr. Roberto – aye.

Administrative Matters:

Mr. Roberto read a proclamation adopted by the Board of Trustees recognizing Tom Reininger for his many years of service to the Township and the Board of Zoning Appeals. The members of the board expressed their appreciation. Mr. Reininger noted that he has worked on the Board under five different planners. He plans to continue watching the meetings on video.

Next meeting date is July 28, 2021.

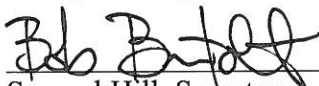
A motion was made by Mr. ^{Hill}Reininger and seconded by Mr. ^{Schupp}~~Bartol~~ to adjourn the meeting at about 7:18 pm.

Roll Call: Mr. Schupp – aye, Mr. Hill – aye, Mr. Reininger – aye, and Mr. Roberto – aye.

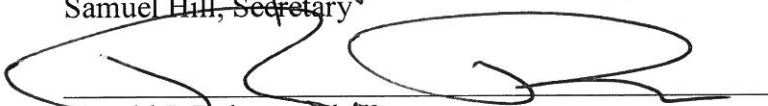
Respectfully Submitted:


Marty Kohler, Interim Planner

Secretary:

 
Samuel Hill, Secretary VICE-CHAIRMAN

Accepted by:


Ronald J. Roberto, Chairman