COLERAIN
EST. 1794

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes
4200 Springdale Road - Cincinnati, Ohio 45251
Wednesday, July 28, 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.

Roll Call: Mr. Bartolt – aye, Mr. Hill – absent, Mr. Schupp – aye, Ms. Owens - aye, Mr. Roberto – aye.

Mr. Sidow was seated to fill the vacancy.

Also present was staff Marty Kohler and Jon Deters, Legal Counsel for Colerain Township.

The oath was administered by Mr. Deters to James Sidow, Alternate and new Board appointee Dionne Owens who is filling the unexpired term of Mr. Tom Reininger.

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

Hearing of Appeals:

Case BZA2021-04	Request for variances to allow for a larger wall sign Tabled from the June 23, 2021 meeting
Location:	9686 Colerain Avenue (former Kroger)
Applicant/Owner:	Atlantic Sign Company, on behalf of property owner USREC Real Estate Holdings

Mr. Roberto introduced the case. Mr. Kohler provided a summary of the application that was tabled from the June 23 meeting. The public hearing was held at that meeting and was closed, meeting the public hearing requirements. There were no objections expressed regarding the request. The matter was tabled to give the applicant additional time to prepare a revised proposal that was smaller than the original proposal. The applicant has submitted a new proposal for a single 171 square foot sign. Since the width of the tenant space is 171 lineal feet, the proposed sign now complies with the limitation of one square foot of sign area for each lineal foot of store frontage, but still exceeds the 150 square foot overall size limitation.

Mr. Kohler outlined the criteria for zoning variances as stated in the Colerain Zoning Resolution. Staff findings were 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 14% 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. Mr. Kohler explained that the purpose of the BZA review is to determine if there is a specific hardship that is unique to the property that would warrant consideration for additional sign area. Mr. Kohler noted that the building is more that 400 feet back from Colerain Avenue which may be considered to be a hardship.

Mr. Bartolt asked for a clarification on the method for calculating the area of the sign. Mr. Kohler noted that staff uses the size of rectangles drawn around the perimeter of each line of the sign if they are of different sizes or around the entire sign if it is a single line or the lines are the same length. It includes the space between lines of text.

Ms. Brooke Alini representing Atlantic Sign Company, having been sworn, said that she spoke with the applicant regarding the replacement of the pylon signs as discussed at the prior meeting, however the property owner wants to keep the existing signs. The applicant is in an agreement with the revised proposal.

Mr. Schupp asked if the tenant has a preference for the sign design since two were submitted. Ms. Alini said that they expressed no preference, however she prefers the drawing that has the "Ross" on the top line.

Mr. Bartolt asked if the client would be interested in complying with the 150 square foot maximum. Ms. Alini said that the client needs additional sign area because of the distance of the building from the road. Mr. Bartolt asked if the sign is lighted. Ms. Alini said that it is internally illuminated.

Mr. Roberto expressed his appreciation that the applicant is making a substantial improvement to the building. He thinks that some consideration should be given for the distance from the road.

Mr. Bartolt made a motion to approve the amended application for the 171 square foot sign. The motion was seconded by Mr. Roberto.

Mr. Schupp asked if the variance is permanent. Mr. Kohler said that after the variance is granted and the hardship is established, that all future owners and occupants of the property are entitled to benefit from the variance. Mr. Kohler said that there is no way to "sunset" a zoning variance.

Roll Call: Mr. Bartolt – aye, Ms. Owens – Aye, Mr. Schupp – aye, Mr. Sidow - aye, Mr. Roberto – aye.

Approval of the Minutes:

A motion was made by Mr. Schupp and seconded by Mr. Sidow to approve the minutes of the June 23, 2021 meeting with a correction on the names for the motion for adjournment.

Roll Call: Mr. Bartolt – aye, Ms. Owens – Aye, Mr. Schupp – aye, Mr. Sidow - aye, Mr. Roberto – aye.

Administrative Matters:

Mr. Roberto noted that a new Vice Chair needs to be elected to take the place of Mr. Reininger. A motion was made by Mr. Schupp and seconded by Mr. Roberto to appoint Mr. Bartolt to be Vice Chair.

Roll Call: Mr. Bartolt – aye, Ms. Owens – Aye, Mr. Schupp – aye, Mr. Sidow - aye, Mr. Roberto – aye.

Next meeting date is August 25, 2021.

A motion was made by Mr. Bartolt and seconded by Mr. Schupp to adjourn the meeting at about 7:00 pm.

Roll Call: Mr. Bartolt – aye, Ms. Owens – Aye, Mr. Schupp – aye, Mr. Sidow - aye, Mr. Roberto – aye.

Respectfully Submitted: ______________________
Marty Kohler, Interim Planner

Secretary: ______________________
Samuel Hill, Secretary

Accepted by: ______________________
Ronald J. Roberto, Chairman