

BOARD OF ZONING APPEALS MEETING
JULY 19, 2016
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order by Joe Ramirez at 7:00 p.m. Chairman Ramirez read the Chairman's Statement.

II ROLL CALL

Members Present: Carmen Daniels, Holly Emerson, Dave Nienaber, Joe Ramirez, Michael Wilson, Meghan Sullivan-Wisecup

Members Not Present: Carolyn Ghantous

City Staff Present: Randy Campion, Building Inspector

III INTRODUCTION OF NEW BOARD MEMBER, MEGHAN SULLIVAN-WISECUP

IV PLEDGE OF ALLEGIANCE

V MINUTES OF REGULAR MEETING OF JUNE 21ST, 2016

Chairman Ramirez: Our next subject matter is the Minutes of the regular meeting, which was June 21st. Those that were present at the meeting, would anybody recommend that we approve those meetings, those minutes? Please note, Meghan, if you would, I will recommend that we move to adopt the Minutes from the meeting on June 21st.

Mrs. Daniels seconded the motion. Mr. Ramirez declared the Minutes of the June 21st, 2016 Meeting of the Board of Zoning Appeals as approved.

VI NOMINATIONS AND ELECTION OF BOARD SECRETARY

Chairman Ramirez: Next subject matter is a nomination for an election of new Board Secretary. Do we have any nominations for that position, or would anybody like to volunteer to be voted on? Mrs. Emerson.

Mrs. Emerson: I nominate Carmen Daniels.

Mr. Wilson: I second that.

Chairman Ramirez: We have a first and a second for Carmen Daniels. Any other nominations? Anybody else would like to volunteer to be nominated? No? Okay, Meghan would, until this point please poll the vote on the election of Carmen Daniels as Board Secretary.

Mrs. Sullivan-Wisecup polled the Board. With a vote of 6-0, Carmen Daniels was elected Board Secretary.

Chairman Ramirez: Thank you. At this point, Mrs. Daniels, will you please switch spots withí ?

VII CORRESPONDENCE

Chairman Ramirez: Please note that we do not have correspondence from, to report on today.

VIII REPORTS

REPORT ON COUNCIL

Chairman Ramirez: Please note that Carolyn Ghantous, who normally does the report on Council, is not here tonight. Mrs. Emerson has kindly volunteered to give us a update on Council.

Mrs. Emerson: Thank you, Mr. President. On June 1st, 2016, Council met.

We voted on one ordinance. It was Ordinance #15-2016, amending Section 72.38 of the Codified Ordinances of the City of Springdale, regulating the use of tinted glass. In order to implement an effective undercover program, Springdale Police Department wants the ability to tint windows in unmarked vehicles. The City Code of Ordinances does not permit window tinting in any vehicles, including law enforcement. That passed with a 7-0 vote for.

Resolution #R9-2016 directing the Hamilton County Board of Elections to submit to the Electors of the Springdale, of the City of Springdale to revise to Article 2, Section C, Paragraphs 4 and 5; Article 3, Section B, Paragraphs 3 and 5; Article 3, Section G, Paragraph 3; Article 1, Section C, Paragraph 8 of the Charter of the City of Springdale. The Springdale City Charter does not provide a definition of what is meant by General or Municipal Elections. The lack of definition created some confusion of a term-length of the City, of the Council Appointee, and that passed 7-0 votes.

On New Business, Mrs. Emerson reported on the 5/25 meeting of the Capital Improvement Committee. Earnings Tax came in much higher than anticipated, which would allow several projects that have been on hold to be accomplished. The tennis courts, multi-purpose court, and the walking path at the Community Center will be repaired to include grinding down the surfaces and resurfacing.

The second one is in 2014, City Council agreed to participate in energy improvement project named ESID. ESID is Energy Special Improvement District. This program allows property owners to make energy improvement investments in their facilities with no money up front. The costs of the improvements are added to their assessed taxes, which allows it to be paid over time. Currently there are three properties with ESID projects: Tri-County Mall, 100 Tri-County Parkway; and the City of Springdale. The Springdale project will be adding two light poles to the parking lot of the Municipal Building, changing out existing poles lights at the Municipal Building to LED, changing out all interior lighting at the Municipal Building to LED, and replacing the HVAC system in the Auxiliary Gym at the Community Center. The 2016 Street Project, which will be the third project, amended to include Cloverdale, Rose, Park and part of Harmony. The Cincinnati Waterworks is starting a project that will improve the water main to correct the existing low-pressure problem. That project will require digging up a portion of the streets in this area. Cincinnati Waterworks was not going to repair the disturbed pavement to Springdale's standards, so there was an agreement made with the City of Springdale and Cincinnati Waterworks we would make their repairs and split the cost to resurface and fix the road. At that time, the City will have to purchase new fire hydrants as well. Work is scheduled to begin in fall of 2016. All items were reviewed by and recommended to the Capital Improvement Committee and by the Finance Committee, and that passed with a 7-0 vote in favor of.

At the June 15th meeting, a proclamation was made by the mayor of, Mayor Webster proclaiming July as Parks and Recreation Month, received by Greg Karle, Director of the Springdale Parks and Recreation Department.

The American Heart Association presented the Mission of Lifeline Bronze Achievement Award to the Chief Hoffman of the Fire Department for excellence and quality of caring for and transporting heart attack victims.

Springdale Police Chief Mike Mathis recognized Jeremy Brown for assisting an officer and averting a dangerous situation. Jeremy Brown is a security officer at the Tri-County Mall. On 5/6/2016, he helped Officer Grindell with an armed shoplifting suspect.

Resolution #R10-2016 adopting the Tax Budget of the City of Springdale for the year beginning January 1st, 2017 and ending December 31st, 2017 passed with a 6-0 vote.

That concludes my report unless there are any questions. Thank you.

Chairman Ramirez: Thank you for that report.

REPORT ON PLANNING

Chairman Ramirez: Next is Planning Commission. I report on Planning. There were two items for Planning on July 12th.

Ridgeline Property Group requested a concept plan review, so there was nothing to be voted on here, just reviewing what, what they were proposing and what they hold for the future of this property. It is, they have 15.8 acres of property on the northeast corner of Northwest Boulevard and Pictoria Island. The site is located within the PUD, Planned Unit Development district. The approved preliminary development plan for the site includes three office buildings. The 2002 Springdale Comprehensive Plan designated this property as Regional Business Center for large scale office uses with complementary service uses. Planning Commission considered a concept plan for the site at the February 9th, 2016 meeting. The concept plan was submitted by Van Trust, and included a 235,330 square foot building and office and warehouse building. Ridgeline Property Group has submitted a concept plan that provides for the development of 250,800 square feet of office warehouse: 25,200 square feet of office and 225,680 square feet of warehouse on this 15.29 acre site. We had a few discussions on it. We all left with they will be coming back to us at a later time, but at this time it was just a review of a concept. That concludes Ridgeline. I have one other subject matter.

The proposed Outback Steakhouse located at 11700 Princeton Pike, Tri-County, has requested the Planning Commission to consider to grant allowances for wall signage on the front, left, and right sides of the building. The request would be to install three building signs of 66.9 square feet each, one steakhouse canopy sign, and one take away sign. Please see attached submittal. The proposed signage is consistent with the approved elevations previously approved by Planning Commission, September 8th, 2015. This was approved, passed with a 7-0 vote. We also requested they put signage on the one side closest to the mall, without any other signage, and the applicant agreed that they would do that as well. That concludes the report on Planning.

IX OLD BUSINESS

Chairman Ramirez: As far as old business, we do not have any report on Old Business.

X NEW BUSINESS

Mr. David E. Gleaves of Springdale Lake Drive was previously sworn in by Mr. Ramirez.

Chairman Ramirez: Now, New Business. The owner of 12145 Springdale Lake has submitted an application to the Board of Zoning Appeals to appeal Section 153.252(F)(14)(c)(ii) of the Zoning Code requiring an accessory structure, a shed, to be erected only in a rear yard. Would Mr. David Gleaves please step forward and state your case.

Mr. Gleaves: Here or there?

Chairman Ramirez: Right here at the podium, please. Please speak loud enough. This will be recorded.

Mr. Gleaves: Okay. Hear me?

Chairman Ramirez: Yes, we're good.

Mr. Gleaves: Okay. Well, first of all, I'd like to thank you all for what you do.

Chairman Ramirez: Please, I'm sorry, please state your name and address.

Mr. Gleaves: I'm sorry. My name is David Eugene Gleaves. I live at 12145 Springdale Lake Drive.

Chairman Ramirez: Okay, and now please state the reason for requesting a variance.

Mr. Gleaves: Well, the way the Zoning is set up, I live on a corner lot. The way the Zoning is set up, it states that I should put the shed directly in back of my house, right in back of our patio. The area is not level, there's an incline that leads to my neighbor's home. I think it was stated that it needed to be no closer than fifty feet, or was it, twenty feet?

Audience Member: I think it was fifty.

Mr. Gleaves: Fifty feet away from the neighbor's home. Well, if it's at that location where the Zoning Ordinance says it should go, it's closer than fifty feet, and where we would like to put it is basically a better place for us and our neighbors, on more of a level ground, and since we live on a corner lot, we're more than thirty feet or fifty feet away from the opposing neighbor on the other side. That's basically it, but I have a couple other things I'd like to say if I could.

Mr. Ramirez: Sure, go ahead.

Mr. Gleaves: I don't know if there's been any discussion on making this process better or easier. I wish that, your council would look into it. We felt it was quite taxing on us. We did everything that we were supposed to do, but there was one piece of information that was left out, and we had to come up here in order for that to be done. You meet on, I don't know how many days out that you meet, but we just missed the last meeting. We had to cancel our shed being built. They wanted to charge us \$150 for the cancellation. I just think that a little more common sense could be used in this process to make it more streamlined. Like I said, we did everything that was asked of us. The only reason we're here at this date is because we didn't get a key piece of information that we needed from the office right over here. They came up. They were nice about it. We gave the information, and that's

why we're here today. It should have been built, if it was granted permission of course, but again going back to the shed. Where we want it built is the best place for it on our property, and we've, and one thing I thought was a little bit overkill was the sign that was erected in our yard about the private, excuse me, about the public hearing today. We got a lot of traffic at our house because of that sign. We're a pretty tight-knit group on Springdale Lake Drive, so a lot of people were concerned. No one knew what was going to happen. No one had any recollection of a sign ever being erected on anybody's property for anything they wanted to do. So, there's a disconnect there, where the shock and awe needs to be taken away from that. People were concerned, what is this sign for? It was some concern, and we got probably six or seven knocks on the door about what's going on. So, I just wish there was an easier way to streamline this process.

Chairman Ramirez: Okay.

Mr. Gleaves: And uhí

Chairman Ramirez: Could you tell us the piece of information you said was missing, that you needed?

Mr. Gleaves: (to audience member): Do you remember the piece of information?

From audience: If you want to do ití

Chairman Ramirez: Would you please either relay it to him orí He's, she's not sworn in.

From audience: If you want to do it, you have to fill out an appeal form.

Mr. Gleaves: The appeals form. That was the only piece of information that wasn't communicated to us, so we had to come up back here to sign the appeals form, put that with the packet, and that put us in the process of cancellation.

Chairman Ramirez: Okay. That's an important part of it. Unfortunately, that's something they have to have.

Mr. Gleaves: Right. They weren't, they didn't communicate that to us.

Chairman Ramirez: Right. Okay. Um, Mr. Champion, can you address the issue? I believe we send notices to the neighbors of, other than putting a sign in your yard.

Mr. Champion: Yes, we put a sign in the yard that pertains to the variance that's being asked, and then we send out letters to, and I should know this, but I think it's within 600 feet of the property, or there's some distance, and it's quite a ways. You know, we send letters to everybody. And then we get calls from everybody saying "What is, this about?" Nobody ever really reads the letter and they, they think their Zoning is being changed, so all those, everybody gets those. We do that every time. You know, so it's not that this just happened to you. It's every time. The reason for the deadline is we're required by law to advertise in the newspaper for the variance, so we have to have everything in by a certain date so we can meet the deadlines for the newspapers. Any other questions, I'm sorry if we delayed it in any way. You know, it's not our intention to do that.

Mr. Gleaves: I just didn't think it would take this much to get a shed built. I mean, that's all.

Chairman Ramirez: If somebody wants to object to your variance, we want to have, give them the opportunity to come forward and meet up here and speak, and we take that into consideration before we make our final judgement. Mrs. Emerson?

Mr. Campion: Or speak in favor of.

Mrs. Emerson: Thank you, Mr. President. I just wanted to shed some light on the signage also. I'm on City Council. That was a big deal. There was another area in Springdale someone was going to put a business in, and because of the footage, we weren't included in that notification. We didn't want a business one street over from us. You know. So that's why we decided because there were, we were limiting in who we sent letters to, and if there's lots of people close to that area that are affected by things like that, so that's why we decided to put the sign up. That way anybody that drives in that area has, I mean the sign worked. People asked what you were doing and that way your neighbors are in compliance with what you're doing also. So that's, it was kinda to protect everybody. Thank you.

Chairman Ramirez: As well as yourself, so your neighbors are going to know that you're doing the right thing. You're going for a variance, and they don't call and say "hey, he's building a shed and shouldn't have a shed". So, it's for your protection as well. Mr. Nienaber.

Mr. Nienaber: (Inaudible off mic)

Chairman Ramirez: Yes. We need a report from Staff before we question the shed itself. We're ready for that. (Mr. Campion read the staff report concerning this request.)

Mr. Campion: That concludes my report and I just wanted to add, the requirements are that you can't have a shed within twenty feet of another structure, and if you look at the attached drawings where he's highlighted the orange area, because of the house behind him, and he can't have a shed closer than five feet to the property line, so there's only really a small area where he can have the shed in his rear yard without a variance. That concludes my report.

Chairman Ramirez: Thank you, Mr. Campion. At this point, we'll move to discussion phase from members to the applicant. Mr. Nienaber, at this time.

Mr. Nienaber: Thank you. The map that we were provided shows the eligible area, but I could not figure out where you actually want to put the shed. Do you have a copy of this? I'dl remark that I'm on a corner lot too, so I really empathize with your situation, because yours is way more than a corner lot.

Mr. Gleaves: Yes, it's weird. Okay, just want to make sure I got this right. I'dl just put a circle or X, is that okay?

Mr. Nienaber: And how big was the shed going to be?

Mr. Gleaves: 8x8

Chairman Ramirez: Did we resolve the

Mr. Nienaber: I figure that little map will make it down here in a minute.

Chairman Ramirez: Oh. Okay. Will he meet the necessary five feet from the property line?

Mr. Campion: Yes. He'll still have to be five feet from the property line, and twenty feet from another structure.

Chairman Ramirez: I your neighbor.

Mr. Gleaves: I'm sorry?

Chairman Ramirez: The twenty feet will be your neighbor, and the five feet will be from your property line.

Mr. Gleaves: Are you asking me?

Mr. Campion: Yes.

Chairman Ramirez: No, I'm stating that's what we require.

Mr. Gleaves: Right, right. I understand.

Mr. Nienaber: Did you, were you going to be landscaping around the back side of it?

Mr. Gleaves: Just a regular shed.

Mr. Nienaber: Your neighbor who is directly behind you- have you talked to them, and what's there take on it?

Mr. Gleaves: Oh, she's fine with it. She works second shift. She couldn't be here today, but, she doesn't want the shed put where it's supposed to go. Where we want it to be is fine with her.

Mr. Nienaber: Thank you.

Mrs. Daniels: Yes, Mr. Gleaves. I went by, so don't you have a couple flower pots there? Is it going to be, is it kinda in the place where the flower pot in, right in front of that?

Mr. Gleaves: No, it's going to be there.

Mrs. Daniels: Is it to the outside of it?

Mr. Gleaves: It's going to be toward the highway from that. Towards, you said you went by. Are you looking at your

Mrs. Daniels: I went by.

Mr. Gleaves: Okay. Okay, good. You know that tree that's right there? It's going to be back up against that tree.

Mrs. Daniels: Okay. Thank you.

Chairman Ramirez: Any other discussion on this subject matter? Anyone would like to make a motion? We have two lights. Mr. Wilson.

Mr. Wilson: I just have a quick question, Mr. Gleaves. Is the, which direction will the shed face from in its position. Is it facing towards the street/

Mr. Gleaves: The front, the front of the shed will be placed, it will be sitting caddy-corner towards our house.

Mr. Wilson: Okay.

Chairman Ramirez: Mrs. Emerson.

Mrs. Emerson: Thank you. What type of material is this type of shed? Is it

aluminum, wood, what?

Mr. Gleaves: Wood.

Mrs. Emerson: Wood.

Chairman Ramirez: I'd like to note for the record that the property is, does have an unusual situation as it is a corner lot. Not many alternatives to put a shed on this property, so for the record, I will be looking at this a positive. Mrs. Daniels.

Mrs. Daniels: I have another question. Are you going to have a base, like a concrete base up under your shed?

Mr. Gleaves: Yes.

Chairman Ramirez: Someone like to provide a motion? Thank you, Mr. Nienaber.

Mr. Nienaber: Thank you, Mr. President. I move that the owner of 12145 Springdale Lake Drive be permitted a zoning variance to Section 153.252(F)(14)(c)(ii) to the zoning code, regarding accessory structures and shed to allow that an 8x8 wooden shed be situated as described earlier in tonight's conversation, outside of the back yard, in what would be the side yard. By my best guess, it's kind of the south, southwest of the house, and that we are allowing that simply because the yard doesn't really allow a place, another site for the structure.

Chairman Ramirez: Thank you. Would you like to state the, that we're going to, the other codes will be met as far as setback from?

Mr. Nienaber: In addition, the rest of the code will be required, that the shed be more than five feet from the property line and more than twenty feet from any other neighbor's building.

Chairman Ramirez: Thank you. Mr. Wilson.

Mr. Wilson: I second that.

Mrs. Daniels polled the Board and the variance passed with a vote of 6-0.

Chairman Ramirez: Thank you, sir. Your variance has been approved.

Mr. Gleaves: Thank you very much. Thank you for your hard work.

Chairman Ramirez: Thanks for coming out.

Mr. Champion: Stop by our office and get your permit for the shed.

Mr. Gleaves: I'm sorry?

Mr. Champion: Stop by our office, the Building Department, and get the permit for the shed.

Mr. Gleaves: Great. Thanks.

XI DISCUSSION

Chairman Ramirez: Any other subject matter for discussion today?

Mr. Champion: Can everybody look at this, and make sure your name and address are correct on this list?

Chairman Ramirez: You know earlier, our titles on the website were incorrect. I don't know if that's been changed.

Mr. Champion: Okay, I'll make a note of that.

Chairman Ramirez: It had me as a Council Member.

Mr. Champion: We'll look at that.

Mr. Wilson: Yes, I just have a quick question. Are there other means of filing for a variance, as far as I think, going back to the question that Mr. Gleaves had asked, if there is a way to streamline the process. Maybe electronically, though our website, or anything like that, or is that not an option?

Mr. Champion: Well I don't really know if they can fax the information in, in fact, you might know more having been through that process than me, but I just know we have the deadlines because of the publications that we have to put out. And the time that the Board has to meet. I believe it's usually, it's not that far off from the meeting, but you might know more about that when they cancel you, when you didn't meet the last deadline. Do you?

Mr. Gleaves: As I stated before, we would not be here if all the information was given to us, and I agree with Mr. Wilson here about possibly using the internet, because if you have a timeline, you can't get any more time sensitive than that, so I just would like some type of dialogue for you guys to look into it, and make it a little bit easier with all the things and the travel that people have to do, to make it a lot easier. I could have done it on the road, you know. So, I just think it's something that needs to be looked at. Umm, and like I said, it's no hard feelings, it's just that I think it's time that we come of age with situations like this.

Mr. Champion: Well, I would agree. Anything that will make it easier. It's, it's a lot of information and we have to get the packets to everybody so it's a lot, a lot that has to be done in our office to make it all happen. So anything to make it easier for us and you would be what we would want to do too.

Mr. Gleaves: I greatly appreciate it.

Mr. Champion: Yeah.

Mr. Gleaves: Thank you.

Chairman Ramirez: Thank you for your comments. Mrs. Daniels.

Mrs. Daniels: Mr. Gleaves, I have a question for you. Is the piece that was missing, that you did not know about, the appeal process, because you were denied to put it up, correct?

Mr. Gleaves: Correct.

Mrs. Daniels: So is the piece that was missing the appeal process?

Mr. Gleaves: Right.

Mrs. Daniels: So maybe that just needs to be added to the regular documentation, if you are denied you have to fill out the appeals process.

Mr. Gleaves: Correct.

Mrs. Daniels: Maybe that's the only piece that's missing.

Mr. Gleaves: That's what was missing.

Mrs. Daniels: The documentation that we already provide.

Mr. Gleaves: Thank you.

Chairman Ramirez: Thank you.

XI ADJOURNMENT

Mr. Nienaber moved to adjourn. Mrs. Emerson seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:34 p.m.

Respectfully submitted,

_____, 2016

Chairman Joseph Ramirez

_____, 2016

Secretary Carmen Daniels