

BOARD OF ZONING APPEALS MEETING
APRIL 18, 2017
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Mr. Ramirez

II ROLL CALL

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

City Staff Present: Gregg Taylor, Building Official; Kevin Frank, Law Director's Office; Anne McBride, City Planner, Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF MARCH 21, 2017

Motioned to adopt and seconded.

V CORRESPONDENCE

Mr. Ramirez: No correspondence from the audience

VI REPORTS

A. Report on Council

Mrs. Ghantous: Thank you Mr. President. The City Council met on April 5. It was a very short meeting. The Mayor had two proclamations. One for the Center, Cincinnati Center for Autism and one for the Springdale Health Department and that was nice. We had two other items we had a motion to repeal the Ordinance number 18-2017 and that was authorizing the Mayor and Clerk of Council to enter into a payment restoration agreement with the City of Cincinnati for the Cloverdale area pavement rehab project. The work there is still scheduled to take place and we did pass the vote to repeal that ordinance by 7-0 vote but there will be a new ordinance to replace that one coming at some time in the not too distant future. The next item was a resolution, resolution R4-2017 and that was a resolution approving the update of the solid waste management plan of the Hamilton County Solid Waste Management District and that passed with a 7-0 vote. That concludes my report unless somebody has questions.

President Ramirez: Thank you.

B. Report on Planning Commission

President Ramirez: Report on the Planning Commission we had quite a busy Planning meeting April 11. Amongst other things on there we had a request from the Pictoria Drive and Northwest Boulevard for a special meeting to discuss the final PUD they wanted to move that up so they can begin their project if so approved and that meeting is scheduled for May 23rd.

Under old business quite a long discussion from Gilhart Enterprises, Mr. John Gilhart the from the former Princeton Bowl at 11711 Princeton Pike, Springdale, Ohio, revision to an approved PUD. After a long discussion and this is maybe his third maybe four amongst other thing signage, flood plan, whether he should demolish the whole bowling alley at one time or just in sections like he wants to do and after lot of consideration I think he went away with some good advice and in the end we have tabled, we tabled his business approved PUD so at a 7-0 no vote he will be coming back to us again. Any questions on that one. This has been going on quite a while, I think we are narrowing it down, I think we are getting there so hopefully we'll get this completed. We really want to see this work. If you remember it is for a fixed flex space, basically smaller offices

could come in and all in one location and have a business there.

Under new business these were quite quick. With a 7-0 approval Elmwood Staffing Services requested a sign approval and what we were looking for there is they do have corporate colors which were purple if I remember right and trying to accommodate them so their signage reflects their business and that's Elmwood Staffing which is at 11784 Springfield Pike, Springdale, Ohio. That passed with 7-0.

Next on the agenda was Millennium Kids Creative Center, Ms. Angela O'Hara, 140 West Kemper Road, Springdale, Ohio. Looking for Conditional Use Permit really it's a daycare and it's if you remember right if I remember it as Dr. Humphry's/Dr. Sherdack building it would be in the back. She has more work to do with her planning and design we want to see what she's going to do in the back with fencing for the kids but that was approved with a 7-0 vote as well.

Finally, the Days Inn came before us with a minor improvement which required approval. That's Days Inn, 400 Glensprings Drive which if you remember that's the old what is currently called the Springdale Inn & Suites which was the Howard Johnson. The owner there has made great strides in really what he was after was for signage. It will now be a Days Inn so a number of different signs that they want to put on the property to identify him from the expressway where the Beef `O' Brady's is and signage on the building itself. That was also approved with a 7-0. That's all I have with the Planning Commission. Any questions or comments on Planning?

President Ramirez: Ladies and Gentlemen this is a Public Hearing all testimony given in cases pending before this board is to be made part of a public record. All testimony and discussion to said variances recorded. It is from this recording that our minutes are taken. Citizens testifying before this board are directed to sign in on the clipboard in the rear of the room, take their place at the podium, state their names and addresses and the facts as they are pertinent to the subject before the board. As this is a Public Hearing being sworn in prior to giving testimony is required by law. At this time please stand up, raise your right hand and repeat after me, I think staff as well, anybody that will be speaking or might speak. Please repeat after me: I, state your name, (response by staff and audience), do solemnly swear, (response by staff and audience), to tell the truth, (response by staff and audience), the whole truth, (response by staff and audience), and nothing but the truth, (response by staff and audience), so help me God, (response by staff and audience). Please be seated.

Those that will testify have signed in in the back (response from audience). Thank you.

Please be advised that anyone that was not standing and sworn in can not testify unless they request the chair to be sworn in as they come to the podium.

As a final note please mute or turn off any cell phone or any other communications that might disrupt the meeting.

VII OLD BUSINESS

None

VIII NEW BUSINESS

A. Leesman Engineering, TD Management 12190 Springfield Pike, Springdale, Ohio, Administrative Appeal for the removal of the pole sign.

President Ramirez: For members to remind us we just recently had one of these. This is for administrative purposes this is not for an appeal for zoning change it is; basically we are going to either support or deny the findings of staff as it relates to the removal of the sign.

Could the person please representing those people step forward come to the podium, state your name and address please.

Mr. Dwyer: Good Evening. Tim Dwyer, Leesman Engineering & Associates, 4820 Glenway Avenue, Cincinnati, Ohio 45238. This is regards to an existing pole sign that Tire Discounters has been operating with since 1988. In 2015 Tire Discounters looked at putting their new prototype store on this site, it would not fit. So instead of going somewhere else Tire Discounters just had decided to stay they bought the old I believe it was the old Huff Realty building, tore it down and spent several million dollars on a new building in that location. Since then the site has been for sale. To date that sign is a part of that building and keeps the property value of that property up. We believe that if that sign was to be torn down that would significantly decrease the property value and further keep us from being able to sell that building to the right person. Furthermore, the improvements to Rt. 4, Springfield Pike have actually pushed that sign closer and closer to the site over the years. I've been given some information from Tire Discounters in 2008 there was a road widening done which Tire Discounters paid over \$19,000 to move that sign even closer to their parking lot. The right-of-way takings over the years have kind of constrained the site. If they were to tear that sign down and conform to the new sign regulations, I'm not sure what kind of a sign they would get especially with the right-of-way taking that has gone over the years. The sign works today. The sign is there today. We do believe that as an existing non-conforming sign that should not be a part of the new ordinance, its been there since 1988 and its actually moved to allow for the road widening so with that said we do believe that this is an error. We do believe that this is an existing non-conforming sign that has been there for multiple years that should be grandfathered in as an existing non-conforming sign and not just a vacated property that has a non-conforming sign on it. But with that said I am willing to answer any questions from staff.

President Ramirez: Okay, thank you. We'll get to that in just a moment. Next we will have comments from the staff.

Mr. Dwyer: Okay.

President Ramirez: But please stay there and if you care to come up as well you're welcome

Mr. Dwyer: I do have Jordan Zola from Tire Discounters here as well in case you have any questions.

President Ramirez: At any time if he if he would like to speak it's fine. But right now comments from the staff.

Mrs. McBride: Thank you. First of all I just want to point out there's a mistake on my staff report, its got the wrong case number it's actually case number 31911 so for whatever that is worth I just wanted to point that out. So the property we are talking about this evening is at 12190 Springfield Pike. It contains over a little bit over half an acre and it's currently owed by TD Management LTD. On the property is a vacant building that is about 4724 sq. ft. according to the auditor's records. That was the previous location of Tire Discounters. The City issued a Certificate of Occupancy for the new Tire Discounters building which is at 12130 Springfield Pike just a bit south on the same side of the street. That Certificate of Occupancy was issued on April 3, 2015. Since that point in time then the building at 12190 Springfield Pike, approximately that date that property has then been vacant. The property itself is located within the GB, General Business district but it's also within our sub area A of the corridor review district. The site has about 110 ft. of frontage on Springfield Pike and about 119 ft. of frontage on Crescentville Road. Currently as a part of that development there is a freestanding pylon sign. It used to advertise Tire Discounters and they had a manual change reader board that would have specials or messages or whatever. Currently that

sign is being used as an off premise sign to advertise the location of the new Tire Discounters. Section 153.462 of our code deals with non-conforming signs, specifically if a business' premise remains vacant for more than six months after the land or building for which the sign relates has ceased or abandoned the building then a non-conforming sign has to be removed and that is the case with this property. The Tire Discounters has been out of that location for over six months and yet the sign continues to remain. So the city consistent with the requirements of our zoning code on December 14 of last year sent a notice to the property owner advising that the sign needed to be removed. The City then issued an order to TD Management LTD on January 20th of this year that the sign had to be removed pursuant to section 153.462(c) of the zoning code. The applicant, Leesman Engineering has chosen to appeal that decision indicating that the sign has been there since 1988. In their application they did not indicate that there was any issue or any error in the issuing of that order to remove the sign. Again because the business has been vacant, the property has been vacant for more than six months for the use which previously occupied the building and utilized the sign then the sign must come down. The board is in the position where you need to determine if the City's order by Mr. Taylor, our Building Official, is correct in issuing that order to remove the sign or not and that is the issue that is before the board this evening. If you have any questions I would be happy to answer those.

President Ramirez: Thank you. Mrs. Wisecup.

Mrs. Wisecup: Yes I just had one thing I just wanted to make sure that this building has in fact not been a Tire Discounter for more than six months correct?

Mr. Dwyer: That is correct.

Mrs. Wisecup: Okay then I would like to make a movement that I do agree with the findings of the City that this is in fact, the finding was correct that is has been vacant for more than six months and it is a non-conforming sign.

President Ramirez: Thank you. At this time any other communications from the public or staff? Any other questions for the applicant? So at this time would like to close the public portion of the meeting. Would you like to give us a motion please do so.

Mrs. Wisecup: Again I want to repeat my motion as to accept the findings of the City that this is a non-conforming sign with section 153.462(c).

President Ramirez: Thank you. Do we have a second?

Mrs. Daniels: Second

President Ramirez: Secretary would you please poll?

Mrs. Daniels, secretary polled the Board 7-0 Yes, in favor of the Cities findings.

President Ramirez: Alright sir. It has been approved that we have stood behind the findings of the staff. The reason it happened so quickly you might notice is that this Appeal is like the one we have had in recent months and they have been pretty much a cookie cutter. The same thing a tenant moved out, nobody was in there, vacant for a long time so that is why the decision was made so quickly. Just for your own information. Thank you.

President Ramirez: I need a final note. I need to back up a minute. We had a first and a second on the minutes but we did not vote on the minutes. All in favor of the minutes please confirm aye. (all stated Aye). Thank you.

(back ground chatter)

IX DISCUSSION

President Ramirez: Next on the agenda any discussion any new business or old business or general discussion?

President Ramirez: As a matter you know just for a point of the discussion on my point I would thank Mrs. Wisecup coming forward with a motion. It has been a struggle lately to come up with a motion but feel free to do so and if something is missing somebody else on the Board will let us know before we make a mistake but the way to do it is to read the case and basically state the facts in that case as an affirmative and everybody would vote. Thank you for doing that. Mrs. Ghantous.

Mrs. Ghantous: I just want to remind everybody that we have the Spruce Up Springdale event on April 29th and we are having another planning meeting this coming Thursday evening at 7 if anyone that would like to attend. We are looking for as much participation as possible. If anybody happens to know anybody in their neighborhood that might need some assistance with cutting down shrubs, just cleaning up stuff from last year, we have volunteers that can do some of that kind of work. We are encouraging, the main goal is to encourage people to spruce up their own yard and then as a secondary motive it's to maybe reach out to folks that don't have the ability to do some of those things for themselves.

Mrs. Daniels: What's the time, is there a time that goes with it?

Mrs. Ghantous: It is 10 to 2 I think. Yeah we are having a little cookout thing afterwards, but I think the cleanup part is 10-2. There're going to be dumpsters in the parks in every neighborhood so if you have yard waste or other kinds of things. If you're cleaning out your garage you can actually, there will be a dumpster fairly close, one in each neighborhood. I think it's going to be good.

President Ramirez: Bring a big one to Beacon Hills.

Mrs. Ghantous: There's going to be a big one.

Mrs. Daniels: Is there a flyer that has been made?

Mrs. Ghantous: There is and in fact I saw one in the Building Department.

Mrs. Daniels: Is there anything electronically? Do you have it electronically and is it on our City's page.

Mrs. Ghantous: It is. It has been on the Facebook page.

Mrs. Daniels: On Facebook?

Mrs. Ghantous: Yes

(someone talking off mic.)

Mrs. Ghantous: Everything's been done but Heritage Hill and my husband and I are doing that Friday and Saturday. I think it is good for so many different kinds of reasons so anything that any of you all can do to spread the word would be appreciate it. We especially need some help in Heritage Hill because we don't have anybody that has been attending the meetings or anything in Heritage hill.

Mrs. Daniels: What time are you doing it Friday?

Mrs. Ghantous: I'm not sure yet. I have got a few things that I am not quite sure how that timing is going to fall yet.

Mrs. Daniels: If you could reach out me when you find out the times and see if I am available.

Mrs. Ghantous: Okay, cool. That would be great thank you.

President Ramirez: On another note there is the City of Springdale, State of Springdale happening Wednesday. Yes tomorrow, 11:30-1:00. I think you were supposed to have a reservation but I don't know if that's required.

Mrs. Wisecup: (off mic.) They've been turning people away today because we have already filled up that room.

President Ramirez: Oh.

Mrs. Wisecup: (off mic.) Over 100 people have R.S.V.P.'d to come and that room is only supposed to be for 75 so we will be packing them in as it is.

President Ramirez: Okay.

Mrs. Daniels: Is this the first time this happening?

(multiple people responded) No.

Mrs. Ghantous: (off mic) probably about the fifth one.

(people talking off mic.)

Mrs. Daniels: I guess I missed it.

(people talking off mic.)

X ADJOURNMENT

President Ramirez: Any other discussion for the group. If not we have a move to adjourn.

(someone seconded the motion off mic.)

President Ramirez: No we can go. All in favor of adjourning aye.

(multiple response Aye)

President Ramirez: Thank you everyone.

Respectfully submitted,

_____, 2017

Chairman, Joseph Ramirez

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Secretary, Carmen Daniels