

# Board of Zoning Appeals

## October 22, 2009 “Draft”

Mr. Sharn called the meeting to order and announced the matters before the Board at 7:00 p.m.

Members present:                    James Sharn – Chair  
   Gary Leever  
   Linda Scott  
   Gary Stringer  
   Cadi Kelly

Mr. Sharn explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing. Mr. Sharn asked any persons wishing to offer testimony or speak during the hearing to stand and an oath was administered.

Ms. Michelle Tegtmeier, Zoning Inspector, stated the first case is regarding a previously tabled variance from Abbott Sign Company and Rivers Bend Urgent Care. In the previous meeting on October 8, 2009, the Board approved the wall signage. The ground mount sign with digital display was tabled due to several unanswered questions. Ms. Tegtmeier, as request by the Board, spoke with Mr. Gary Boeres, Community Development Director, and Mr. Warren Ritchie, Legal Counsel, regarding the Boards legal ability to approve a digital display sign. It was decided the Board does have the right to make any decision regarding signage, but Ms. Tegtmeier noted the Zoning Commission will be looking into digital display signage and possibly changing the code regarding such.

Mr. Greg Abbott, Abbott Sign Company, stated he thought the recommendation from the staff of approving the sign to change twice a day was too limiting for the number of tenants. He also questioned the policing of a digital display sign. Mr. Abbott suggested no animation, changes in 30 second increments, no scrolling or flashing. Mr. Abbott stated a track sign (changeable letters) can be changed more than twice a day and this new technology is meant to change.

Ms. Kelly stated there are eight (8) un-occupied spaces in the Health Center by having the digital display only change twice a day, every tenant will not be advertised on the sign.

Mr. Stringer stated he didn't think it mattered how many times a day the message changed as long as it wasn't scrolling, flashing or showing animation and distracting traffic.

Mr. Abbott stated the size of the sign does need to increase to be able to read the tenants names that are permanently fixed under the digital display area. He believes the 40 square foot sign would be large enough without having to go to the 100 square foot sign if the digital display was permitted.

Mr. Leever stated he believes it should change more than twice a day, but thinks it should change messages at a longer increment than 30 seconds.

Ms. Scott stated she believed the Board should allow the display to change twice a day with no flashing, scrolling or animation as requested by the staff and Dr. Danco.

Mr. Abbott stated Dr. Danco was not fully educated on the use of the digital display when he gave that opinion.

After much discussion between the Board members Ms. Scott made a motion and Mr. Sharn seconded the motion to have a five (5) minute recess for the Board to discuss the digital display and sign size in executive session.

Mr. Sharn stated the Board had returned from the executive session to the regular meeting.

Mr. Stringer made a motion and Ms. Kelly seconded the motion to approve a 40 square foot sign with digital display, but no animation, scrolling or flashing. The message on the digital display will be able to change every 30 minutes.

Roll call as follows:	Gary Leever	Yes
	Cadi Kelly	Yes
	James Sharn	Yes
	Gary Stringer	Yes
	Linda Scott	Yes

Motion Carried.

Ms. Scott read into record the legal notice for Richard and Diana Nixon, 677 E. Foster Maineville Road, Hamilton Township, Ohio 45039, which was advertised in the Western Star Newspaper and sent to the adjoining property owners. Mr. Sharn asked any persons wishing to offer testimony or speak during the hearing to stand and an oath was administered.

Ms. Michelle Tegtmeier, Zoning Inspector, stated the legal notice was posted October 8, 2009 and October 15, 2009 and the neighbors were notified by certified mail. Ms. Tegtmeier presented a Power Point presentation detailing the site location, analysis and recommendation of the Staff Report.

Mr. Sharn stated the new residence would meet all the setback requirements, but inquired if the two (2) barns would also meet the requirements. Ms. Tegtmeier noted as long as they are five (5) feet off the property line they would meet the requirements.

Mr. Dwayne Terwilleger, Site Manager, stated the driveway was undetermined thus far, but the entrance from the street will be widened for a better line of sight entering and leaving the residence.

Mr. William Ruschman, 747 E. Foster Maineville Road, noted his concern was section 19.02 in the Code that states the new residence must conform to the current code requirements. He felt the dwelling had been destroyed too long ago and the property was no longer owned by the original person. He requested the board consider the R-1 setbacks and requirements.

Ms. Kelly noted she would like to keep all setback requirements to meet the R-1 zoning district.

Mr. Sharn made a motion and Ms. Scott seconded the motion to approve the request provided it meets all setback requirements in the R-1 Zoning Code in such that it is substantially the same as depicted in the drawings presented before the Board of Zoning Appeals on October 22, 2009.

Roll call as follows:	Linda Scott	Yes
	Gary Stringer	Yes
	James Sharn	Yes
	Cadi Kelly	Yes
	Gary Leever	Yes

Motion carried.

Ms. Scott made a motion and Mr. Sharn seconded the motion to approve the meeting minutes from October 8, 2009.

Roll call as follows:	Gary Leever	Yes
	Cadi Kelly	Yes
	James Sharn	Yes
	Gary Stringer	Yes
	Linda Scott	Yes

Motion carried.

Mr. Stringer made a motion and Mr. Sharn seconded the motion to close the meeting with all members in agreement the meeting was adjourned at 8:23 p.m.

Roll call as follows:	Gary Leever	Yes
	Cadi Kelly	Yes
	James Sharn	Yes
	Gary Stringer	Yes
	Linda Scott	Yes