

Hamilton Township Board of Zoning Appeals October 22, 2024

Mr. Blomer called the meeting to order and announce the matters before the Board at 6:00 p.m.

Members present:

Michael Blomer
Ryan Ziemba
Adam Paul
Susan Erickson

Mr. Blomer explained the procedures and guidelines the Board would use to reach a decision during the hearing. Mr. Blomer asked any persons wishing to offer testimony or speak during the hearing to raise their right hand; an oath was administered.

Mr. Paul made a motion with the second from Mr. Blomer to approve the September 12, 2024, regular meeting minutes.

All in favor. Aye.

Ms. Walton presented the staff report for the variance request located at 9509 Morrow-Cozadale Road Morrow, Ohio 45152. The applicant is Tyler Himes. The legal notice was published in *The Journal News* on October 11, 2024, and additionally was sent out to all neighboring property owners within two hundred feet of the subject parcel.

The applicant is requesting a variance from Section 4.9.3, Table 4-5 to approve the already constructed 20' x 12' accessory structure (patio cover) in the front yard where it is required to be in the rear yard. In July 2024, the Zoning Inspector for Hamilton Township found a patio cover being built without a permit. A violation notice was sent on July 9, and a permit application was submitted on July 17, but payment was not made. A final notice was sent on July 24. The permit was denied on July 31 because the structure must be in the rear yard. The applicant was advised to apply for a variance and given the application. By September 13, no application had been received, so a letter was sent warning that the violation would be reported to the Warren County Court. The variance application was finally submitted on September 20, 2024.

Mr. Blomer opened the floor to public comments and invited the applicant to address the Board.

Mr. Himes explained that the structure is of professional quality and built over an existing patio that serves as an entry and exit point to the garage, which is an accessory structure on the same side. He was not aware that the side where the structure was constructed was considered a front yard, as it is on a corner lot. He noted that the front of the house faces Morrow-Cozadale, while the addition faces Dallasburg Road.

Ms. Erickson requested that the applicant explain why the violations were not addressed.

Mr. Himes explained that he believed the homeowner would submit the permit application. The project unexpectedly became his responsibility, and he filed the application on behalf of the contractor he works for and the homeowner. He assured the Board that all future projects will follow the correct procedures before construction begins.

Mr. Blomer invited comments from those in favor of or against the project, but no one responded.

The Board acknowledged that the property is unique, noting that the entrances to the house are located on both front yards and that the property is well-maintained.

Mr. Ziemba expressed hesitation about approving the project, pointing out that the homeowner and contractor chose not to attend the meeting, leaving Mr. Himes to handle the situation. He emphasized that the contractor and applicant should not assume they can seek forgiveness rather than follow proper zoning procedures.

Mr. Paul concurred, stating that there was a lack of diligence in addressing the project and the violations.

Mr. Ziemba made a motion, seconded by Mr. Paul, to approve the variance request of the already constructed 20' x 12' accessory structure (patio cover) in the front yard where it is required to be in the rear yard.

Roll Call:	Mr. Blomer	Yes
	Mr. Paul	Yes
	Ms. Erickson	Yes
	Mr. Ziemba	No

Ms. Walton presented the staff report for the variance request at 3116 Village Court, Morrow, Ohio 45152, submitted by applicant Aaron Hooper. The legal notice was published in The Journal News on October 11, 2024, and sent to all neighboring property owners within 200 feet of the site.

The applicant is requesting a variance from Section 6.1.3 to permit a 25' x 18' covered deck with a 23' setback, where a 30' setback is required.

Mr. Blomer invited the applicant to address the Board. Mr. Hooper described the covered patio, which features a gable roof attached to the house and is positioned closer to the green space behind the property.

Mr. Blomer then asked the applicant whether he had received permission from the Homeowners Association, to which the applicant confirmed he had.

With no one present to speak for or against the variance request, Mr. Blomer closed the public comment section for deliberations.

The Board discussed their familiarity with similar requests in the neighborhood due to the lot sizes and noted that the applicant had done their due diligence.

Mr. Blomer made a motion to approve the variance allowing the covered deck with a 23' setback, which was seconded by Mr. Ziemba.

Roll Call:	Mr. Paul	Yes
	Mr. Ziemba	Yes
	Mr. Blomer	Yes
	Ms. Erickson	Yes

Ms. Walton presented the staff report for the variance request found at 6400 State Route 48, Maineville, Ohio 45039. The applicant is Klusty Sign Associates, Inc. The legal notice was published in *The Journal News* on October 11, 2024, and additionally was sent out to all property owners within two hundred feet of the subject parcel.

The applicant is requesting a variance from Section 9.8.3 (B) to exceed the standard wall signage limits. They were approved by the Board of Zoning Appeals for 1.5 square feet of signage per linear foot, but the maximum allowed is 75 square feet, with 60 square feet in this case. The applicant now seeks a total of 119.16 square feet of wall signage at the same rate.

Mr. Blomer opened the floor for public comments and invited the applicant to speak to the Board.

Mr. Vince Klusty, representing Klusty Signs and tenant Pet Supplies Plus, is requesting a variance to exceed the approved signage limits. Pet Supplies Plus will occupy four bays, amounting to 80 feet of store frontage. Mr. Klusty believes that the additional signage will enhance the overall cohesiveness of the building and tenant space, compared to the previously approved maximum of 75 square feet.

Mr. Paul inquired about the total frontage represented by the four bays, to which Mr. Klusty confirmed it is 80 feet.

Ms. Erickson asked what colors and lighting would be used for the sign. Franchise Owner of Pet Supplies Plus, Megan Phillips explained that the lights would be LED with green and white lettering.

Mr. Blomer invited those in favor of the variance to approach the Board.

Mr. Chris Breda explained that when his company, Myers Y. Cooper, initially requested the variance, they envisioned each tenant occupying two bays. However, in this case, Pet Supplies Plus will occupy

four bays, making it unique. He assured the Board that the height of the letters will align with those of other tenants.

Mr. Ziemba then inquired whether the applicant had considered alternative designs to reduce the sign's size to comply with the current variance.

Mr. Klusty responded that, due to corporate branding, they are unable to modify the company's logo. With nobody there in favor of or against the variance request, Mr. Blomer closed the public comments section for deliberations.

The Board members unanimously agreed that the signage is needed due to the tenants location in the strip center.

Mr. Blomer made a motion with a second from Mr. Ziemba to approve a variance from the nonresidential sign regulations to allow 1.5 SF for wall signage, equaling 119.16 SF for the property at 6400 State Route 48, Maineville, Ohio 45039.

Roll Call:	Ms. Erickson	Yes
	Mr. Blomer	Yes
	Mr. Ziemba	Yes
	Mr. Paul	Yes

Ms. Walton informed the Board about the property located at 5436 State Route 48, Maineville, OH 45039. The applicant and owner have not brought the property into compliance with the variance requirements, and a notice of violation was scheduled to be mailed on October 23, 2024.

With no further business to discuss, Mr. Paul made a motion with a second from Mr. Blomer to adjourn.

All in favor. Aye.