

Hamilton Township Board of Zoning Appeals August 8, 2024

Mr. Blomer called the meeting to order and announce the matters before the Board at 6:05 p.m.

Members present: Susan Erickson
 Michael Blomer
 Mark Wernery

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. Blomer made a motion with the second from Mr. Wernery to approve the July 11, 2024, regular meeting minutes.

All in favor. Aye.

Ms. Walton presented the staff report for the variance request located at 947 Weeping Willow Lane, Maineville, Ohio 45039. The applicant is Michael Wells. The legal notice was published in *The Journal News* on July 28, 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 4.9.5.N(1) to construct an approximately 12'x 28' in-ground pool approximately five feet into the side setbacks where twenty feet is required. Mr. Wells states that due to the topography being ground level, needing elderly access, and to allow the pool to be built into the ground increasing safety and accessibility.

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

Mr. Wells explained that, without the variance, the pool would be 33 inches above the ground along its length due to the yard's slope. However, with the variance, the pool can be set to the width of the yard, reducing its height above the ground to 13 inches and creating a more visually appealing look. Additionally, the variance allows him to position the pool further down the yard, improving accessibility.

Mr. Wernery asked the material of the pool

Mr. Wells said the pool will be made of fiberglass.

Mr. Blomer asked the exact size of the pool.

Mr. Wells stated the pool would be 11'9" wide by 27' in length.

Mr. Blomer expressed that it is not an overly large pool. He asked the applicant if he had the proposed pool approved by the HOA in which the applicant confirmed he has.

Mr. Blomer welcomed those who were in favor of the project.

Mr. Jerry Price lives beside the applicant and has seen the layout of the pool. He understands the limitations of the yard and does not object to the pool.

Mr. Blomer welcomed anyone against the variance to address the Board, in which there were none.

The Board agreed that the request is reasonable due to the lot size and topography of the yard.

Mr. Blomer made a motion with a second from Mr. Wernery to approve the variance request to construct an approximately 12'x 28' in-ground swimming pool approximately 5 feet into the right and left side yard setback where 20 feet is required.

Roll Call:	Mr. Blomer	Yes
	Mr. Wernery	Yes
	Ms. Erickson	Yes

Ms. Walton presented the staff report for the variance request found at 2308 Sir Barton Drive, Morrow, Ohio 45152. The applicant is Sandy Balser, Cincy Concrete Creations. The legal notice was published in *The Journal News* on July 28, 2024, and additionally was sent out to all property owners within two hundred feet of the subject parcel.

The applicant is requesting a variance to construct a 16'x 16' deck approximately five feet into the rear yard setback where thirty feet is required.

Mr. Blomer invited the owner, Sandy Barboza to address the Board.

Ms. Barboza explained that without the variance, an 11-foot-wide deck would not be sufficient.

Mr. Blomer asked what the material of the deck would be made from.

Mr. Barboza stated that she believed the deck would be made of pressed wood and would match the neighbor's deck.

With nobody there in favor of or against the variance request, Mr. Blomer closed the public comments section for deliberations.

Mr. Blomer reminded the board that there have been many similar requests due to the lot sizes in the neighborhood, a point that Ms. Erickson and Mr. Wernery both agreed with.

Mr. Blomer made a motion with the second from Mr. Wernery to approve the variance allowing the construction of a 16'x 16' deck approximately five feet into the rear yard setback.

Roll Call:	Mr. Wernery	Yes
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Ms. Erickson	Yes
Mr. Blomer	Yes

Ms. Walton presented the staff report for the variance request located at the Fifth Third Bank property, two separate parcels with only one having the address of 6474 S. State Route 48, Maineville, Ohio 45039. The applicant is The Meyers Y. Cooper Company. The legal notice was published in *The Pulse Journal* on July 28, 2024, and additionally was sent out to all neighboring property owners within two hundred feet of the subject parcel.

The applicant has requested a variance from Section 7.7 and 9.8.3 regarding sidewalks and signs.

Section 7.7 requires all sidewalks to meet the Warren County Subdivision Regulations. Section 416 of the Subdivision Regulations requires sidewalks along both sides of all street types in commercial and industrial subdivisions. The applicant is requesting a variance to install sidewalks on one side along the internal driveways.

Section 9.8.3 allows wall signage at one square foot per lineal foot of frontage to a maximum of 60 square feet. In addition, it allows one ground sign not to exceed 40 SF that is a maximum of eight feet in height. Since the tenants will be sharing a pylon sign, the applicant has requested 1.5 square feet per lineal foot to a maximum of 120 square feet for all buildings. They have also requested 2 ground signs that will exceed 40 SF and will be 15' in height. One along State Route 48 and the other along State Route 22 & 3.

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

Mr. Jeff Baumgarth thinks the subdivision regulations require sidewalks on both sides of the street, a regulation designed for residential subdivisions or subdivided properties, which in their case they are consolidating properties. He explains in this situation there is excessive concrete, and the intent of pedestrian access is being met with their proposal. Sidewalks will be installed on State Route 48 and Route 22/3. For the sign request, he is looking for uniformity with all the buildings within the development and not to confuse tenants of the Township's signage requirements.

Mr. Blomer closed the public comment portion for deliberations.

The Board members unanimously agreed that the size and design of the requested signage is conducive to the neighboring development on State Route 48, possibly becoming the new standard. The requested sidewalk design is not in a residential area, and the sidewalks will meet pedestrian requirements.

Mr. Blomer made a motion with a second from Mr. Wernery to approve a variance from the Mobility & Sidewalks and Nonresidential Signage regulations to allow a sidewalk on only one side of the roadway and to allow two ground signs for the property at 6474 S. State Route 48.

Roll Call:	Mr. Wernery	Yes
	Ms. Erickson	Yes

Mr. Blomer

Yes

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

All in favor. Aye.