

Board of Zoning Appeals
Meeting Agenda
April 25, 2023
7:00 P.M.

PLEASE TURN OFF CELL PHONES

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. ORGANIZATION
- V. MINUTES OF REGULAR MEETING OF March 28, 2023
- VI. CORRESPONDENCE
- VII. REPORTS
 - Report on Council
 - Report on Planning Commission
- VIII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS
- IX. OLD BUSINESS
 - NONE
- X. NEW BUSINESS
 1. Danielle & Joseph Little, Property Owner at 582 Smiley Ave, is requesting a variance to maintain the existing gravel driveway in violation Zoning Code Section 153.302 (J); which requires all parking surfaces in the city to be improved with asphalt or concrete.
PUBLIC HEARING (BZA Application 20230116)
- XI. DISCUSSION
- XII. ADJOURNMENT

Note: The next Board of Zoning Appeals Meeting is scheduled for May 23, 2023.

BOARD OF ZONING APPEALS MEETING
March 28, 2023
7:00 P.M.

I. CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:00pm

II. ROLL CALL

Members Present: Jeff Anderson, Dave Nienaber, Tom Hall, David Gleaves, Carolyn Ghantous, Doug Stahlgren, Michelle Miller

Staff Present: Rich Ellison

III. PLEDGE OF ALLEGIANCE

IV. ORGANIZATION

Annual Elections (Chair, Vice Chair, Secretary)

Mr. Hall motioned to reelect Mr. Anderson as Chair, Ms. Ghantous seconded. A voice vote was taken and the motion was approved 7-0.

Mr. Nienaber motioned to elect Mr. Gleaves as Vice Chair, Ms. Ghantous seconded. A voice vote was taken and the motion was approved 7-0.

Mr. Nienaber motioned to reelect Mr. Hall as Secretary, Mr. Anderson seconded. A voice vote was taken and the motion was approved 7-0.

V. MINUTES OF REGULAR MEETING OF September 27, 2022

Voice vote taken and the minutes were approved with a 7-0 vote.

VI. CORRESPONDENCE - NONE

VII. REPORTS

Report on Council – Ms. Ghantous stated Council last met on March 15, 2023. There were four ordinances and a resolution. Between our last Board of Zoning Appeals Meeting and today there were several City Council Meetings, for which the recordings can be found on our City website if you'd like more information.

Report on Planning – Mr. Hall stated Planning Commission last met on March 7, 2023 for a Special Meeting. This was to conduct a Public Hearing on the Major Modification to the PUD at Costco, 1100 E Kemper Rd. That was approved unanimously and sent to Council.

VIII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

Chairman Anderson read the Chairman's Statement and one member of the audience, Ms. Brooke Alini, was sworn in.

IX. OLD BUSINESS - NONE

X. NEW BUSINESS

1. PUBLIC HEARING (Application #20230110)

SPRINGDALE-KEMPER RE LLC., Property Owner at 11745 Princeton Pike is requesting a variance to: (1) replace 2 Wall Signs (east and west elevations) and 3 Directional Signs (over drive thru), and; (2) add a Wall Sign (west elevation) in violation Zoning Code Section 153.459 (C) (2); which would only permit one Wall Sign (east elevation) and 3 Directional Signs (over drive thru).

Mr. Ellison, staff representative, gave an overview of the project.

Ms. Alini, Chase Bank representative, gave an overview, from the tenant's point of view, of why they feel the need the variances.

Ms. Ghantous asked for clarification.

Ms. Alini clarified that the signs are all the same size as what was existing except for the North sign, which is new, but will be an updated look.

Mr. Nienaber asked for clarification on the nomenclature and stated there should be no need for anything to face west because it would face PetSmart.

Ms. Alini addressed this statement.

Mr. Anderson noted there has recently been similar situations at the Arby's and Culvers, kitty-corner from this, in the Cassinelli Square Development where they had a similar out lot with a large parking lot and businesses to the rear and this board did approve similar signage on the wall for the same reason. Even though it is not a public right of way there is a lot of parking and traffic at businesses on that end. In the past we have granted those for reasonable wall signage, no ground signs. From his perspective it feels like the same situation as what is being described here.

Mr. Anderson stated if there are no other questions he is ready to accept a motion.

Ms. Miller asked to break this out into two different variances. One for the west sign and one for the north sign.

Mr. Ellison clarified why there would be a need for a variance for the western sign even though there was previously a sign there.

Mr. Stahlgren made a motion to grant a variance to property owner, SPRINGDALE-KEMPER RE LLC. 11745 Princeton Pk. also known as Chase Bank, regarding BZA Application 20230110. The applicant is requesting a variance from Springdale's Zoning Code section 153.459 (C) (2) which allows for one wall sign which has direct property frontage. In this case the east elevation and three directional signs over the drive thru. Specifically for the first variance the request is to replace the wall sign on the west elevation, note that currently the west elevation sign is non-conforming to the zoning code because it does not have direct public frontage. Mr. Hall seconded this motion. A vote was taken and this variance was granted 7-0.

Mr. Stahlgren made a motion to grant a variance to property owner, SPRINGDALE-KEMPER RE LLC. 11745 Princeton Pk. also known as Chase Bank, regarding BZA Application 20230110. The applicant is requesting a variance from Springdale's Zoning Code section 153.459 (C) (2) which allows for one wall sign which has direct property frontage. In this case the east elevation and three directional signs over the drive thru. Specifically for the second variance request the applicant is requesting to add a wall sign on the north elevation. The north elevation does not have direct property frontage. Ms. Ghantous seconded this motion. A vote was take and this variance was granted 6-1.

XI. DISCUSSION

Mr. Anderson stated City Council passed a Public Chronic Nuisance Property Ordinance in January. There was one part of that ordinance where BZA has some new responsibilities. There is a possibility that if someone requested an appeal to a Chronic Nuisance Property Violation they have the ability to request

an Administrative Hearing in BZA. That would be very similar to what happens with Administrative Variances if someone challenged the Building Department's interpretation of code they are allowed to come here and ask for an Administrative Hearing and then as a board we have the opportunity to say Administration is following the rules correctly or not. This would be an extension of that.

Ms. Miller asked if that is likely.

Mr. Anderson stated for the piece that BZA would be responsible for, at that point the property owner would have had to have a chronic unabated and uncorrected issue that they got written up for, either by Building, Health, Police, or Fire. They would be notified that that counted towards a nuisance count to them. Properties can get up to seven in a rolling calendar year depending on the units that they have. If it's a hotel it might be 20-30 violations before it is considered a chronic nuisance.

XII. ADJOURNMENT

Mr. Anderson moved to adjourn and Mr. Hall seconded.

Mr. Anderson stated we are adjourned.

Respectfully submitted,

_____, 2022 _____
Chairman, Jeffrey Anderson

_____, 2022 _____
Secretary, Tom Hall

City of Springdale



Building Department

(513) 346-5730

11700 Springfield Pike
Springdale, Ohio 45246

Fax (513) 346-5747

Planning/Zoning Application

Date: 03/02/2023

Applicant / Owner

Applicant Name: Danielle Little
Address: 582 Smiley Ave
City, State, Zip: Cincinnati Ohio 45246
Phone: 513-978-3518
E-mail: dreneelittle@gmail.com

Owner Name: LITTLE DANIELLE &
JOSEPH
Address: 582 SMILEY AV
City, State, Zip: CINCINNATI , OH 45246
Phone: 5139783518
Email: dreneelittle@gmail.com

Project

Project Name: Side gravel driveway
Project Location: 582 Smiley Ave
City, State, Zip: Cincinnati Ohio 45246
Parcel(s):
Dev. Area:

Major Project:
Minor Project:
BZA Hearing: Variance
Permit Type: BZA Hearing
Use Group: R - Residential
Flood Hazard: NA
Project Cost: 0

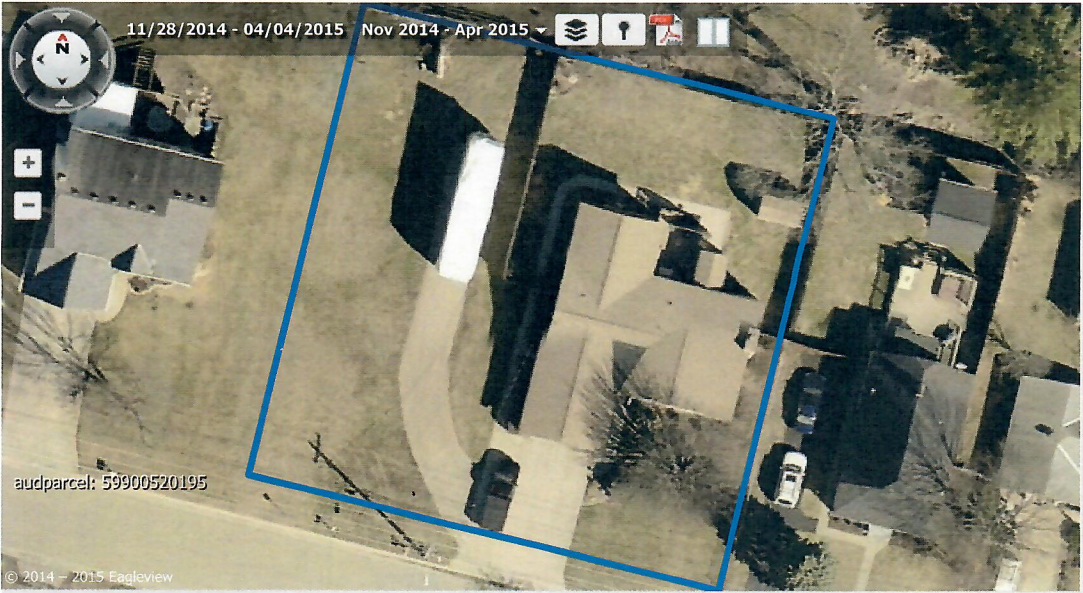
Project Description: We purchased our home in November of 2020. Although we already lived in Springdale before moving we were drawn to this property because they had a side gravel driveway. We are long time residence and had always noticed the Gambles camper parked on it. We also owned a camper and wanted to buy the property to park our camper on it. . A CAGIS image shows they have had this driveway since 2014. A recent complaint about our property has led to the city to realize the previous owners never had a variance. We are requesting a variance to keep this existing gravel driveway.

The undersigned Property Owner and/or the Applicant (acting as an Agent for the Property Owner), do hereby covenant and agree to comply with all the laws of the State of Ohio, Hamilton County and the ordinances of the City of Springdale pertaining to land usage, buildings and site development.

Danielle Little

Name

Date



audparcel: 59900520195

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City of Springdale Building Department
11700 Springfield Pike
Springdale, Ohio 45246

Dear Mr. Lamping,

My name is Danielle Little and I live at 582 Smiley Ave.

I have been advised by your office that a gravel parking area on my property is in violation of the city zoning code and must be a paved surface.

The specific section quoted is 153.302 J

I have applied for a variance in response to your notification and am scheduled for a hearing on April 25, 2023.

I intend to be present at that hearing.

However, my position is as follows:

I believe you have taken one line of the code out of context and are attempting to apply it to my residential property when in fact section 153.302, when taken in its entirety, is obviously intended to address commercial parking lots.

If paragraph J can be seen as a stand alone requirement relative to residential properties then should Paragraph K which requires curbing around parking areas, not apply to all driveways in Springdale.

What about paragraph D, subsection 6 which requires all driveway aprons to have a minimum 20 foot radius. Will you be requiring all of the driveways on Kemper Rd. and other areas of the city to be modified.

Paragraph E requires parking spaces to be clearly outlined with four inch painted lines.

These are obviously only a few of the individual sections of 153.302. However, if paragraph J is a stand alone requirement enforceable on all properties in Springdale then it is my contention that, in order to avoid an appearance of individualized enforcement, your office should be actively pursuing these other areas as stand alone enforcement issues as well.

As mentioned, I intend to be present for the scheduled hearing, however, I would appreciate your response to these issues raised as I am incurring legal expense when I believe there is no legitimate reason.

Sincerely,

Danielle Little

City of Springdale



Building Department

(513) 346-5730

11700 Springfield Pike
Springdale, Ohio 45246

Fax (513) 346-5747

Violation Order

02/01/2023

LITTLE DANIELLE & JOSEPH
582 SMILEY AVE
CINCINNATI , OH 45246

RE: 582 SMILEY AV, Case Number: 230132

Dear Property Owner:

The City of Springdale has ordinances which mandate certain criteria to protect the public health, safety, comfort and general welfare of the community as well as protect and promote the safety and value of all buildings, structures and premises within the city.

The city has inspected the property listed above and has identified the following issues for your review and correction:

ORDINANCE 153.302(J) PAVEMENT

1. Parking areas and access driveways shall be improved with asphalt or concrete in accordance with the City Land Development Regulations.
2. Pavers may be used if approved by the Planning Commission. Pavers shall include durable materials, suitable for parking and designed for vehicular loads such as cobblestones, brick, concrete formed blocks, or cut stone.
3. Off-street parking areas and residential driveways may be constructed of pervious pavement if approved by the City Engineer.
To resolve this issue, you must: Bring driveway into compliance before 4/1/23.

Failure to address all issues outlined above may result in legal proceedings being filed by the City of Springdale. The ordinance(s) cited above can be viewed online at:
https://codelibrary.amlegal.com/codes/springdale/latest/spring_oh/0-0-0-22707

Any person affected by this legal notice may request an appeal before the appropriate Appeal Board. The request shall be filed with the Building Department within fifteen days of being served this legal notice of violation, specifying the grounds or mitigating circumstances.

Thank you for your understanding and cooperation. If you would like to discuss or have any questions, please contact me between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Ellison', is written over a horizontal line.

Richard Ellison
Property Maintenance Inspector



Cloverdale Av

Smiley Av

Greenlawn Av

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591

587

583

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CONDITIONS AND FINDINGS OF THE BOARD OF ZONING APPEALS

Application Number: **20230116**

Property Address: **582 SMILEY AV**

Date of Meeting: **March 28, 2023**

Requested Variance: **Property Owner at 582 Smiley Ave is requesting to maintain the existing gravel driveway in violation Zoning Code Section 153.302 (J); which requires all parking surfaces in the city to be improved with asphalt or concrete.**

(Extracted from Zoning Code Section 153.206 (B) Review Factors

CRITERIA	STAFF COMMENT	NOTES
Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.	Staff does not believe there are special circumstances.	
Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.	We believe the property will yield a reasonable return without the variance.	
Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.	We believe this request for a Variance is NOT substantial.	
Whether the essential character of the neighborhood would be substantially altered or whether adjacent properties would suffer substantial detriment as a result of the variance.	We believe the essential character of the neighborhood would be substantially altered; as this code requirement is standard throughout the City.	
Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pick-up	We believe the variance would not adversely affect the delivery of governmental services.	
Whether special conditions or circumstances exist as a result of actions of the owner	No Special Conditions are known	

CONDITIONS AND FINDINGS OF THE BOARD OF ZONING APPEALS

Application Number: **20230116**

Property Address: **582 SMILEY AV**

Date of Meeting: **March 28, 2023**

Requested Variance: **Property Owner at 582 Smiley Ave is requesting to maintain the existing gravel driveway in violation Zoning Code Section 153.302 (J); which requires all parking surfaces in the city to be improved with asphalt or concrete.**

CRITERIA	STAFF COMMENT	NOTES
Whether the property owner's predicament can feasibly be obviated through some method other than a variance	No.	
Whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance	The spirit and intent behind these code requirements would not be observed by granting a variance	
Whether the granting of the variance requested will confer on the owner any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district	We believe that granting this variance requested would confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district	
No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts		