**VILLAGE OF EVENDALE**

**BOARD OF ZONING APPEALS**

**NOVEMBER 14, 2019**

**MEETING MINUTES**

Pursuant to written notice, the meeting of the Board of Zoning Appeals (BZA) was called to order by Chairman David Harwood at 6:00 pm on Thursday, November 14, 2019, in the Council Chambers of the Village of Evendale. Attending were BZA members Doug Lohmeier, Rhett McGregor, and Tom Shanks. Supporting the BZA was Andrew E. Rodney, AICP (Building, Planning, & Zoning Manager).

Those present who planned on providing testimony were duly sworn in by Mr. Harwood.

**Old Business:**

1. V-19-07: Scott Dockery (Applicant), 10068 Carpenters View Drive (611-0020-0380).

Applicant proposes to construct a fence at 10068 Carpenters View Drive within a Single-Family Residential zoning district. The Applicant is requesting the following Variances from Chapter 1266 of the Village Codified Ordinances:

1. Variance #1 – To construct a fence within the front yard along Carpenters View Drive. Per Schedule 1266.04(A), fences are prohibited in a front yard.
2. Variance #2 – To construct a fence five (5) feet in height within ten feet of the south property line. Per Schedule 1266.04(A), fences are limited to a maximum height of four (4) feet within ten feet of a property line.
3. Variance #3 – To construct a fence six (6) feet in height along the east property line. Per Schedule 1266.04(A), fences are limited to a maximum height of four (4) feet within ten feet of a property line.
4. Variance #4 – To construct a privacy fence along the east property line. Per Section 1266.09(h)(1)(A)(i), perimeter fences shall have an open face area of at least 70 percent.

A motion by Mr. Shanks was seconded by Mr. McGregor to remove the agenda item from the table. There was no further discussion. Motion passed by a 4-0 vote. The agenda item was removed from the table.

Note BZA member Doug Lohmeier was not present for the first Public Hearing on September 26, 2019.

Mr. Dockery summarized the request for a six-foot privacy fence along the east and south property lines to continue an existing privacy fence. In addition, a five-foot Kentucky crossbuck fence is proposed within the front yard along Carpenters View Drive. The Applicant noted the presence of hardscaping which prevents placement of the crossbuck fence within the rear yard.

Mr. Lohmeier requested clarification of the location of the property and the existing fence.

Mr. Shanks noted the desire of the Applicant to modify Variance #2 regarding the required fence setback.

Mr. Dockery responded with a desire to match up with the rear wall of the existing shed at the southeast corner of the rear yard, thus the request for a reduced fence setback.

Mr. Lohmeier requested, and the fellow BZA members confirmed, the variances were discussed at the previous Public Hearing.

Mr. Dockery further noted his concerns with coyote predation of his two small dogs, thus the request for variances.

Mr. Rodney summarized the Staff Report relative to the revised variance request from the Applicant. He specifically noted a lack of evidence to support a variance for a privacy fence along the south property line. However, all other variances were supported by Staff. A list of recommended conditions of approval were announced.

Mr. Lohmeier asked his fellow BZA members for confirmation of their support for the requested variances.

The BZA members responded support for Variances #1, #2, and #3, but for only the portion of Variance #4 which included a privacy fence along the east property line.

Mr. Lohmeier confirmed with the Applicant his desire to limit coyote activity on their property. The Applicant confirmed their desire to block coyotes from seeing their dogs from the Gorman Heritage Farm property.

Mr. McGregor noted the original variance request from September 26, 2019 was likely to have been approved, but the Applicant chose to amend the request.

Mr. Lohmeier stated his belief the extra foot of height from five feet to six feet along the south property line does not create a significant issue.

Mr. Shanks requested clarification on the height of the existing shed. The Applicant responded the shed was approximately 12 feet tall from grade level to the peak of the roof.

Mr. Lohmeier asked if the privacy fence along the south property line was to prevent hikers in the Farm from seeing into the subject property. The Applicant responded in the negative and reiterated the fence was to prevent coyote predation.

Mr. Lohmeier asked for clarification of the existing grade in the rear yard. The Applicant responded the grade was fairly flat with dense woods at the south property line providing a screening effect.

Jeffrey Albrink, 3243 Brinton Trail, noted the presence of coyotes and the issues other neighbors have experienced. He noted his primary concern was the fence along Carpenters View Drive and that he did not want a fence any higher than permitted by the zoning code. His concern was a tall fence would create a wall effect along the street face.

Mr. Dockery stated his desire was not to create a wall effect along Carpenters View Drive, hence the decision to install a cross-buck fence as opposed to a privacy fence. The Applicant then shared photos of the proposed fence and the site plan with Mr. Albrink.

After discussing the matter with the Applicant, Mr. Albrink expressed his support for the variance requests.

A motion by Mr. Lohmeier was seconded by Mr. Shanks to approve the variances as requested with the following conditions:

Condition #1: The proposed new sections of privacy fence along the east property line shall match or closely mimic in height, size, and color the existing privacy fence.

Condition #2: The proposed fence along the south property line shall match the plane of the rear wall of the existing storage shed.

Condition #3: The proposed cross-buck style fence shall meet all other requirements of the Village Zoning Code.

Condition #4: The fence along the west property line shall be located in approximately the location as proposed in the application documents.

There was no further discussion. The motion passed by a 4-0 vote.

**New Business:**

1. V-19-09: American Retail dba Watson’s (Applicant), 2721 E. Sharon Road.

Applicant proposes to place a wall sign on the north façade of the building at 2875 E. Sharon Road (Parcel #611-0030-0160) within an IF-1, Industrial Flex-1 zoning district. The Applicant is requesting the following Variance from Chapter 1262 of the Village Codified Ordinances:

* 1. Variance #1 – To erect a sign of 393 square feet on the north building façade. Per Schedule 1262.14, the maximum permitted wall sign area is 200 square feet.

Sean Re, representing the Applicant, appeared before the BZA.

Mr. Re summarized the request for a 393 square foot wall sign on the north façade of the building at 2875 E. Sharon Road.

Mr. Shanks inquired about the nature of the sign. Mr. Re responded the sign is composed of stencil cut steel letters.

Mr. Harwood inquired about the size of the previous Taylor sign. Mr. Rodney responded he had no record of the size of the sign, but it was likely larger than the proposed sign.

Mr. Lohmeier asked if Watson’s owned the subject building. Mr. Re responded in the affirmative, noting significant interior and exterior improvements since taking over the property.

Mr. Re also noted the neighbor at 2863 E. Sharon Road, Enable Injections, intended to build a large building in the vacant lot to the north given the property was sold to them by Watson’s for that purpose.

At the request of the BZA, Mr. Re approached the bench to clarify the proposed location of the sign relative to the planned expansion of Enable Injections.

Mr. Harwood noted no plans for the expansion have yet been reviewed or approved by the Village of Evendale.

Mr. Lohmeier requested clarification on how trucks and the general public access the Watson’s warehouse. Mr. Re responded they access E. Sharon Road from an access drive shared with Vogt Warehouse, 2795 E. Sharon Road.

Mr. Shanks asked if the existing ground sign along E. Sharon Road was to remain when the new wall sign is erected. Mr. Re stated the sign was to remain to help direct customers and deliveries to the warehouse.

Mr. Lohmeier inquired about the wall sign height and the total height of the building. Mr. Re referred to the drawings provided in the application for the sign height, while noting the building was approximately 25 feet tall.

Mr. Lohmeier noted the view line to the Watson’s warehouse building would be diminished with the planned Enable Injections addition. He further stated the variance would be less likely to be approved if that expansion did not occur.

Mr. McGregor noted no guarantee that Enable Injections would build.

Mr. Harwood expressed his agreeance, but noted recent overtures made by Enable Injections to the Village regarding future plans for temporary structures to facilitate construction.

At the request of Mr. Harwood, Mr. Rodney summarized the findings noted in the Staff Report including support for the proposed variance with a condition the existing, non-conforming ground sign along E. Sharon Road be removed.

Mr. Shanks asked if the new wall sign is planned to be illuminated. Mr. Re responded in the negative.

Mr. Lohmeier asked if the proposed wall sign was more important than the existing ground sign. Mr. Re responded that both signs were important for the business.

Mr. Lohmeier stated a desire to compromise on the size of the wall sign. He noted that each sign is beneficial depending upon the direction of travel on E. Sharon Road. Mr. Lohmeier further noted his desire not to allow the existing non-conforming ground sign to remain while granting a larger sign on the building than permitted by the zoning code.

Mr. Rodney reiterated the law governing non-conforming signs for the BZA.

Mr. Shanks noted the hardships involved in the case, specifically a deep building setback from E. Sharon Road, and the granting of a variance would be reasonable.

Mr. Harwood reiterated the proposed sign is smaller than the previous Taylor sign.

Mr. McGregor agreed the ground sign along E. Sharon Road was more valuable for visibility.

Mr. Harwood expressed less concern with the request given the building’s location and surrounding land uses.

Mr. McGregor asked if a sign permitted under the zoning code could be read from the road. Mr. Re responded he did not have an answer to the question.

Mr. Shanks asked if the words on the sign could be substituted by a large “W” Watson’s logo. Mr. Re responded the Owner wished to have the requested sign wording.

Mr. Lohmeier noted Mr. Re was not in a position to make decisions regarding how to proceed with regards to the proposed size of the sign or removal of the existing non-conforming ground sign.

Mr. McGregor stated his belief that a sign meeting the zoning code requirements could be seen from E. Sharon Road.

Mr. Lohmeier stated his belief that both the wall sign and ground sign were warranted for visibility.

Mr. Harwood expressed an interest in making the wall sign as small as possible.

Mr. Shanks requested the BZA consider alternative options.

Mr. Lohmeier suggested the proposed wall sign be reduced to 300 square feet with the non-conforming ground sign permitted to remain.

Mr. McGregor noted a preference for a 200 square foot wall sign with the non-conforming ground sign permitted to remain. Mr. Lohmeier noted this would conform to the zoning code thus eliminate the need for a variance.

Mr. Re requested a short recess to call the Owner of Watson’s to inquire about his preference.

Mr. Harwood announced the BZA would recess for a short break to allow Mr. Re to contact the Owner via telephone. The BZA recessed at 7:16pm.

Mr. Harwood reconvened the proceedings at 7:23pm.

Mr. Re stated he could not reach the Owner via telephone and requested the application be tabled until the Owner had a chance to consider the options proposed by the BZA.

A motion by Mr. Shanks was seconded by Mr. McGregor to table the matter until the next scheduled meeting. There was no further discussion. The motion passed by a 4-0 vote.

**INTERNAL BUSINESS:**

1. Approval of the September 26, 2019 meeting minutes.

A motion by Mr. Shanks was seconded by Mr. McGregor to approve the minutes as written. There was no further discussion. The motion passed by a 4-0 vote.

A motion by Mr. Shanks was seconded by Mr. Lohmeier to adjourn the meeting. There was no further discussion. The motion passed by a 4-0 vote.

The meeting adjourned at 7:25pm.

Attest:

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David Harwood, Chairman

Board of Zoning Appeals

Meeting Minutes prepared by Andrew E. Rodney, AICP, Building, Planning, & Zoning Manager.