

The Tuesday July 14, 2009 meeting of the Delhi Township Board of Zoning Appeals was called to order by Chairman Robert Ashe at 7:00 p.m. at the Administration Building with the Pledge of Allegiance to the Flag.

Members present:

Robert J. Ashe
Joseph Scherer, Jr.
Charles Brigham III
Robert Hendon
Jerome H. Kerns

Also present:

Thomas R. Stahlheber, Director of Development Services
David C. Lane, Law Director

Mr. Stahlheber certified that the requirements of Section 121.22 of the Ohio Revised Code and the rules adopted pursuant thereto had been completely complied with as they concerned the meeting.

Mr. Brigham advised that his wife, Mary Brigham, was a current employee of Our Lady of Victory School and that he would recuse himself from the case should the applicant so desire.

Charlie Fehr (applicant) advised that would not be necessary.

The hearing in Case VA2009-2 (810 Neeb Road) was convened.

Mr. Stahlheber (sworn) advised that on June 11, 2009 the Department of Development Services received a zoning application filed by Our Lady of Victory Church & School for the construction of one ground sign and three directional signs at 810 Neeb Road. He commented that the application was denied on June 12, 2009 and the applicant notified of the denial by a personal service letter on June 12, 2009. He noted that in the letter were stated the reason for the denial which included: the premises know as 810 Neeb Road is located in Delhi Township, Hamilton County Ohio and in the "C" Residence district as shown on the maps of the Township Zoning Resolution; the submitted application and drawings indicated the replacement of one existing ground sign and construction of three new directional signs; the proposed signage is part of a master, cohesive, identification, way finding signage plan for the subject property; the Township Zoning Resolution prohibits directional signs in the "C" Residence district. The denial was also based on the following sections of the Zoning Resolution: 51.1, 81, 82, 61, 62, 62.8, 62.14-7, 312, 312.7, 192, 251, 281, 282 and 291. Pursuant to Article XVIII of the Zoning Resolution the applicant had the right to file an appeal of the denial within twenty days of the action with an appeal being filed in the form of an application received June 16, 2009. Pursuant to the requirements of the Ohio Revised Code the hearing was advertised in a newspaper of general circulation at least ten days before the hearing and those parties of interest were notified by first class mail at least ten days before the hearing.

Exhibit “A” - application
 Exhibit “B1” & “B2” - site plans (at different scales)
 Exhibit “C” - elevation drawing

Charlie Fehr (sworn), Business Manager of Our Lady of Victory, 810 Neeb Road, advised that they are requesting three directional signs primarily to enhance motorist safety and improve the traffic flow throughout the church/school campus. He commented he has received a number of requests for directional signs to help people identify the best driveway to utilize so to access the various buildings and athletic fields on the campus. He noted that the campus consists of a number of multifaceted uses including a church, school, offices, cemetery, athletic fields, gymnasium and a multipurpose facility. He advised that there are four points of ingress/egress (driveways) for the campus, and that a directional sign is not proposed for the northern most driveway inasmuch as it is primarily used for egress. He commented that the northern most sign would identify the upper athletic fields and multipurpose facility, the central sign would identify the parish office and school, and that the southernmost sign would identify the gym, lower athletic fields and the cemetery. He noted that while Our Lady of Victory is located in a residential zone district that directional signs would not be out of character in lieu of a neighboring medical building and funeral home making use of them. He advised that the County Engineer’s Office has approved the proposed setbacks of the signs. He commented on having received several phone calls expressing appreciation and offering support for what they are trying to do.

To Mr. Ashe’s question as to the size and appearance of the signs Mr. Fehr advised their dimensions will be 3’ x 3’, they will be mounted on metal posts and their colors will match those of the existing ground signs.

To Mr. Ashe’s question as to if an existing sign is being replaced Mr. Fehr responded in the affirmative stating that one of the existing two ground signs is.

To Mr. Scherer’s question as to if all of the signs will be code compliant with respect to their size Mr. Fehr responded in the affirmative.

Resolution 2009-4

Mr. Hendon moved and Mr. Kearns seconded to grant the variance as requested in case VA2009-2. Messrs. Scherer, Kearns, Hendon, Brigham and Ashe voted Aye. Motion carried.

Finding of Fact:

1. The case number was VA2009-2.
2. The date of the action by the inspector was June 12, 2009 where a zoning certificate was denied for the construction of a replacement ground sign and three directional signs for the reason that directional signs are not permitted in the “C” Residence district.
3. The Appellant’s name was Charles Fehr on behalf of Our Lady of Victory School and Church.
4. The date the appeal was filed was June 16, 2009.

5. The address of the subject premises was 810 Neeb Road, Delhi Township, Hamilton County Ohio.
6. The Zone District of the subject premises was "C" Residence.
7. Sections of the Zoning Resolution on which the denial was based included: 51.1, 81, 82, 61, 62, 62.8, 62.14-7, 312, 312.7, 192, 251, 281, 282 and 291.
8. Sections of the Zoning Resolution authorizing the Board to grant or deny the appeal are: 183, 184, 184.2, 184.6, 185 and 186.
9. The Appellant did not cite any sections of the Zoning Resolution as authorizing the Board to grant the appeal.
10. There was no opposition present at the meeting.
11. There was no error on the part of the Zoning Inspector.
12. The Board finds that practical difficulties exist as a result of an area zoning requirement with respect to the following non-exclusive factors:
 - a) an unnecessary hardship will result from the literal enforcement of the Zoning Resolution in this instance for the reason that the property contains a multi-faceted institutional use consisting of a church, school and related uses which are permitted in the district.
 - b) granting the appeal would not be contrary to the public interest, the general welfare or the adjoining landowners, for the reason that owing to the property having multiple points of ingress and egress the directional signs are necessary to improve traffic flow and enhance public safety and as such signs will comply with the Zoning Resolution's square footage and setback requirements for such signs.
 - c) the spirit of the Resolution would be observed and substantial justice done in this instance by granting of the appeal due to the special conditions presented and the resulting unnecessary hardships to Appellant if the variance were denied.
13. The Board wishes to review any alterations regarding the variance.

Old Business:

- Mr. Stahlheber advised that the edit of the minutes of the Boards' June 16, 2009 meeting was not complete and that he intends to have them finalized for the Boards' actions at their next meeting.

New Business:

- Mr. Stahlheber advised one case was likely to be submitted within the thirty days.
- The Board set tentative meeting dates of September 8 and October 13, 2009.
- The Board agreed to maintain their 7:00 pm meeting start time.

There being no further business on motion of Mr. Scherer and seconded by Mr. Hendon the meeting was adjourned at 7:20 pm. Messrs. Ashe, Hendon, Scherer, Kearns and Brigham voted aye.

Board of Zoning Appeals:

Thomas R. Stahlheber, Secretary