ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
JULY 7, 2016

The Anderson Township Board of Zoning Appeals held its regular monthly meeting, duly called, on July 7, 2016, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Cincinnati, Ohio. Present were the following members:

Jeannie Bechtold, Steve Haber, and
Jim Graef, Alternate

Also, present when the meeting was called to order, Paul Drury, Director, and Betty Cowan, Secretary. A list of citizens in attendance is attached.

Ms. Bechtold called the meeting to order, welcomed attendees, and called for swearing in. Persons testifying were asked to stand, raise their right hands and swear or affirm to the following oath as read by **Ms.** Bechtold: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you God?

The Board made a motion approve the Agenda as amended to remove the minutes and add discussion of a change on a cell tower at 2010 Wolfangel Road.
Vote: 3 Yeas.

Approval of Minutes

There was no quorum to approve the May Minutes.

Consideration of Case 7-2016 BZA,
6201 Kellogg Avenue

Paul Drury read the staff summary for an appeal filed by Rob Morrison, Director of Aquatic Operations & Safety, on behalf of Coney Island, Inc., property owner, located at 6201 Kellogg Avenue (Book 500, Page 460, Parcel 077), and zoned – "H" Riverfront.

Mr. Drury stated that applicant requested the Board of Zoning Appeals to grant a variance for a fence height of 7' in the front yard area where a maximum of 4' is permitted, per Article 5.2 (A) (9).

Mr. Drury stated the original tract size was approximately 38 acres (in Anderson Township). The frontage was approximately 1,160' of frontage

on Kellogg Avenue. The topography was a floodplain. The surrounding properties to the north was "E" Retail and "H" Riverfront. To the south was the Ohio River, to the east was "H" Riverfront and to the west was "RF-R" (Cincinnati).

Mr. Drury stated that the applicant had proposed to replace the existing 8' tall chain link with barbed wire fence along Kellogg with a 7' tall, black aluminum fence.

Mr. Drury stated that Coney Island has been in operation for over 125 years. Most recent improvements include the construction of a new water feature and pump house near the main entrance, which was completed in May 2016.

Mr. Drury stated that staff finds that the variance was not substantial. A taller fence was needed to ensure security and safety of Sunlite Pool. The essential character of the neighborhood would not be substantially altered and adjoining properties will not suffer a substantial detriment as a result of the variance. The proposed black aluminum fence is replacing an 8' tall chain link fence with barbed wire. The proposed fence is consistent with a recently installed aluminum fence near the stables at Belterra, which also received a variance in 2012. The variance will not adversely affect the delivery of governmental services. The property owner's predicament cannot be feasibly obviated through some method other than a variance. A 4' tall fence would not provide the security and safety needed for a pool in this close proximity to the roadway. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Fencing taller than 4' has been in place at Coney Island and Belterra Park (formerly River Downs) for quite some time. A variance will permit Coney Island to upgrade their fence to be more aesthetically pleasing and consistent with Belterra Park's fence.

Mr. Drury stated that the aforementioned variances requested should be evaluated on the following criteria: 1) The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; 2) The variance is not substantial; 3) The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance, 4) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage); 5) The property owner's predicament can be feasibly obviated through some method other than a variance, and 6) The spirit and intent behind the

zoning requirement would be observed and substantial justice done by granting the variance.

Rob Morrison, Director of Operations for Coney Island, Inc. He stated Mr. Drury explained the case well.

Mr. Haber asked would the fence go all the way down to red dot on map. **Mr. Morrison** replied it would go all the way down to Gate 5. Coney Island is only the portion they have shown at this time.

Mr. Haber asked you are replacing the portion shown and keeping the remaining chain link fence at this time. **Mr. Morrison** replied that was correct.

Mr. Haber asked are there rules/regulations on safety for pools' fence height. **Mr. Morrison** replied yes, there are state standards, which it has to be 48" high, and the gap is 4" between spindles. We went with a stronger spindle 6' in height with 1' curve on top.

Mr. Graef asked you are meeting the new fence with the existing chain link and there will not be a gap there between the fences. **Mr. Morrison** replied yes, the State Board of Health has inspected and approved the fencing area.

Mr. Graef asked in the recreational area they cannot get out of park. **Mr. Morrison** replied yes that was correct.

Mr. Graef asked the new fence at the main gate was moved further back. **Mr. Morrison** replied yes, it was further back for landscaping purposes to make the front entrance look nice.

Mr. Graef asked what was the appropriate length of the fence you are requested. **Mr. Morrison** replied it was approximately 550'.

Mr. Drury stated to the Board that they might want to consider tonight to extend the variance request for the fence to Gate 5 so the applicant would not have to come back later.

The public hearing was closed at 5:52p.m.

Deliberation of Case 7-2016 BZA

The Board discussed the fence height for Coney Island in detail and took

a straw vote.

Discussion of Case 6-2001 BZA, cell tower cross-extended in width above the 43' mark.

The Board discussed the proposed change to the existing cell tower at 2010 Wolfangel Road in detail.

Mr. Haber moved, Mr. Graef seconded that the drawings that had been submitted is consistent with the original Case 6-2001 BZA. The cross arm will be no wider than the existing one and the height will be the same as the original drawings.
Vote: 3 Yeas.

Decision and Journalization of Case 7-2016 BZA

Mr. Haber moved Mr. Graef seconded to Approve and Journalize Case 7-2016 BZA.
Vote: 3 Yeas.

Mr. Haber moved Mr. Graef seconded to appoint Mr. Graef as temporary secretary for the evening.
Vote: 3 Yeas.

The next meeting was scheduled for Thursday, August 4, 2016, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio.

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Jeannie Bechtold, Vice Chair

ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
ATTENDANCE SHEET
THURSDAY, JULY 7, 2016 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD

PLEASE PRINT - THANK YOU

NAME:	ADDRESS:
ROB MORRISON	CONEY ISLAND 6201 Kellogg Ave.