

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
OCTOBER 13, 2016**

The Anderson Township Board of Zoning Appeals held its regular monthly meeting, duly called, on October 13, 2016, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Cincinnati, Ohio. Present were the following members:

Fred Heyse, Steve Haber, Jeannie Bechtold,
Paul Sian, and Jim Graef, Alternate,

Also, present when the meeting was called to order, Paul Drury, Director, Levi Koehl, Planner I and Molly Mohrfield, Secretary. A list of citizens in attendance is attached.

Mr. Heyse 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 Mr. Heyse: 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 with one amendment to add item 6. Election of a Board Secretary. A unanimous vote was taken.

MINUTES

Mr. Haber moved Ms. Bechtold seconded to approve the minutes of May 5, 2016 as presented.

Vote: 3 Yeas and 2 abstained Mr. Sian & Mr. Graef.

Mr. Haber moved Ms. Bechtold seconded to approve the minutes of July 7, 2016 as amended.

Vote: 3 Yeas and 2 abstained Mr. Sian & Mr. Heyse.

Mr. Haber moved Mr. Sian seconded to approve the minutes of September 1, 2016 as amended.

Vote: 3 Yeas and 2 abstained Ms. Bechtold & Mr. Graef.

Ms. Bechtold and Mr. Graef reviewed the video and minutes from the September Meeting and stated they were able to hear and decide Case 9-2016.

Consideration of Case 9-2016 BZA,

Paul Drury gave a brief overview of the Case from last month stating that Request A was approved and the Board continued Case 9-2016 BZA for Request B and Request C and asked for the following: 1) Noise data from comparable sites, specifically regarding platform tennis. 2) Photometric plan incorporated with the site plan. 3) Lighting details for the exterior of the training facility building. 4) The Board encouraged Coldstream Country Club to meet with the nearest residents to discuss the noise concerns and how to mitigate any potential nuisances. He then proceeded to give a brief overview of the staff report.

Kevin Osterfeld, presenting on behalf of Coldstream Country Club, property owner, located at 400 Asbury Road stated from last month to try to get with the neighbors to answer questions regarding noise and lighting. They feel they have done that to the best of their ability. The neighbor who is primarily opposed stated there is nothing you can do short of moving the courts to a different location. They have worked with another neighbor and they have addressed his concerns. The golf building, the lighting will not be visible and will not be used at night. Paddle tennis is not pickle ball. Currently Coldstream has never had any complaints with pickle ball that is played on the tennis courts. Pickle ball is not disturbing any neighbors and was not played at nighttime. There is no lighting. Paddle tennis is only played during cold months. First, these courts will not work elsewhere. There is no parking place, building, restrooms, lighting or parking lot in another area for these to work. To move these elsewhere is not practical and extremely expensive. It is logical to put paddle tennis next to tennis courts. Lighting is now planned to be 0 foot candles at the property line. The plan location is in depression in a valley. Closest neighbor over 630 feet away. Physically impossible for light to travel that far. He stated they went from three courts to two courts to try to pacify all of the neighbors. The courts are now 64 feet further to the east. Paddle tennis is a cold weather sport primarily played December - February. To minimize the impact of noise they have minimized the hours. These courts sit in a valley. They have made an agreement with a neighbor to plant 10 large trees. These courts are 630 feet away from neighbors. They will not hear ball bouncing. Most immediate neighbors have no complaints. Coldstream themselves sent out 64 notices to the residents. He stated in the neighborhood the four immediate neighbors are fine with what we are doing. The neighbors that are scattered all through the neighborhood are not here. Of the 60 notices that went out and 1 person complained. They have done everything to the best of their ability to appease the neighbors.

Mr. Graef asked could you show me on the map which neighbor and where the trees would go. **Mr. Osterfeld** replied and pointed out on the map the location and stated there is currently a lot of shrubbery and trees there. There are some gaps in the area and we will put them where the neighbor wants them located.

Ms. Bechtold asked how many leagues and players. **Mr. Osterfeld** replied he would try to answer. There are three matches at a time with four people playing and six Coldstream players and six from another location. They have three matches and could last approximately 22 minutes.

Mr. Graef asked there are other country clubs members playing at Coldstream for league games. **Mr. Osterfeld** replied that is correct.

Mr. Graef asked by going from three courts to two courts it is 64 feet farther away could you explain. **Mr. Osterfeld** replied he stated it was 64feet further east from some of the neighbors.

Ms. Bechtold asked if there is currently lighting in the parking lot. **Mr. Osterfeld** replied on the swim building there is various lights but currently no parking lot lights.

Mr. Haber asked you mentioned hours of play or total hours for the paddle tennis. Could people linger later in the night midnight or so? **Mr. Osterfeld** replied no, the lights shut off at 10 pm during the week and 11 pm on the weekend. They may linger for a little bit but not much after the lights are off.

Mr. Haber asked the area you are enclosing would that become your warming hut. **Mr. Osterfeld** replied yes.

Mr. Haber asked are you planning to serve alcohol. **Mr. Osterfeld** replied yes, there would be beer and wine there for paddle tennis on a regular play.

Mr. Heyse asked you agreed that there would be no nighttime pickle ball and we can make that a stipulation. **Mr. Osterfeld** replied yes.

Mr. Heyse asked are you okay with timing restrictions on paddle tennis from of 10 pm weekdays and 11 pm on the weekends? **Mr. Osterfeld**

replied yes, the only agreement we have with the one neighbors is nights preceding a holidays would also be 11 pm.

Mr. Heyse asked if he could speak about the noise due to heaters. **Mr. Osterfeld** replied not with a lot of authority. What I know there is not any. The courts are heated underneath.

Mark Kebe, 197 Woodcrest Drive, Loveland, Ohio stated he was the builder of paddle tennis courts. He stated the heaters are forced air heaters and they have blowers. The heaters proposed would clear the ice and snow within 20 to 30 minutes. He explained the heaters in detail. They are not for comfort for the players just to remove the ice and snow. They are not on during play.

Mr. Haber asked about spectators. **Mr. Osterfeld** replied this was not a spectator sport, if there were spectators they would be in warming hut.

Hillary Thompson stated she was part owner of 321 Asbury Road but lived at a different residence. She stated she was in opposition of this proposal and a packet was presented to the Board and in the original case file. She stated there were four other families in opposition; she spoke of people that cannot make statements and other people who did not want to get involved. She spoke of other residents that signed a document for Request B, which she read to the Board.

Pat Thompson of 321 Asbury Road stated there was no pickle ball played on the tennis courts within the last month. Mr. Thompson read his letter in detail which discussed that he was not opposed to Request proposal C, spoke of older courts that existed at one time, he wanted a quiet neighborhood, the managers of Coldstream spoke with him, there was an agreement with neighbors to add more trees and pay for them, he feels they will request a future third paddle tennis court, and showed a video of a paddle tennis game. He spoke about minimizing impact to neighbors, reread Coldstream's response, and then played another video.

Ms. Bechtold asked about a fire pit referenced in her letter. **Mr. Thompson** stated he was not sure if a fire pit was included.

Mr. Heyse asked was it your testimony that you received a copy of this agreement from the manager of Coldstream Country Club between the neighbors and not plans filed with zoning. **Mr. Thompson** replied correct.

Mr. Heyse asked you signed the letter that your daughter read into testimony here on part what spoke of a board meeting did you attend and they approved this. **Mr. Thompson** replied no, I did not attend a board meeting and not sure, what you were speaking of.

David Josephic, of 7530 Ayers Road, stated he presented an email message, which was given to the Board. He spoke of the old courts that were presented many years ago. He agree with what Mr. Thompson stated. There is a better place for the courts.

Mr. Graef asked if the older courts you spoke of are they shown on the map. **Mr. Josephic** replied it probably is not.

Penelope Thompson of 321 Asbury Road stated she played paddle tennis. In this neighborhood there are people just not homes. Children, students in homes that are in bed before 10 p.m. when paddle tennis is still going on. Respectively request that the BZA decline the proposal.

Mr. Osterfeld rebutted to say their tennis facility closed over a month ago so there was no pickle ball played. The house here, which is the Ritzy's are the most possibly affected are not opposed, nothing to do with them moving, I personally spoke with them. Mr. Stautberg spoke to him personally on this and he had no opposition. The Donohue's he spoke with them personally and did not have an opposition. There is no fire pit. The four most impacted residents do not have a problem with this. There was no alternative site voted on or approved. Currently they have an outdoor fire pit, an outdoor eating area, and a smoker's lounge all of which are located closer to the Thompson's house then this. There are no parking changes. Any sewer changes that are being discussed because of they are being required with the new pool to change that configuration. It has not to do with paddle tennis. The league is allowing us to participate with two courts. There are not multiple clubs playing at one time. They would have one other club as guests. The sounds it sounds like tennis courts. There are no stands and there are people that will be viewing from the warning hut and not out in the cold. The video they showed was a large important match. There would be nothing like that. Compatibility to neighborhood all country clubs on the east side have paddle tennis that are closer to the homes. He spoke with the manager of Cincinnati Country Club and he has never gotten a complaint on their paddle tennis courts. He stated he was not sure of the lights that were discussed. We have zero foot-candles to property line. The current tennis courts that have chain link wire fence and the balls hit the fence all the time. They are very similar in noise with paddle

tennis. He stated every person that was in opposition, one was Mr. Josephic who was newly opposed, and there was one family with three people that is a passionate family all bought homes with the Country Club there with their existing tennis courts and pools there. I hope you understand with other areas we spoke of here tonight that any of those are remotely viable we would much rather put them where they would not bother people. Either the areas spoke of do not have utilities or something else is there. Mr. Osterfeld read a letter from American Platform Tennis Association. Swim meets at pool and many parties at the pool, number of complaints zero, paddle tennis no louder than swim meets and pool parties. We feel we have done everything we can do to minimize the impact to the neighbors.

Mr. Haber asked was paddle tennis played in the summer. **Mr. Osterfeld** replied no.

Mr. Haber asked what the months of operation are. **Mr. Osterfeld** replied he does not know exactly. **Mark Kebe** replied it starts playing in late September or early October and would end typically in March.

Mr. Heyse asked were you fine with limiting the lateness of play? Would you be amenable to an earliest start time and what would that be. **Mr. Osterfeld** replied paddle tennis could be played all day long we do not want to restrict the hours and would like to keep that open. He stated they would be okay to not start until 8:00 am.

The public hearing was closed at 7:48 p.m.

Deliberation of Case 9-2016 BZA

The Board discussed the addition of two new platform tennis courts, the deck addition off the north end of the pool building, and the a new Indoor Golf Training Facility for year round practice and took a straw vote, one to deny Request B and the other to approve Request C.

Election of Secretary Officer

Mr. Haber moved, Mr. Graef seconded to elect Mr. Sian as Secretary. Vote: 5 Yeas.

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The next meeting is scheduled for Thursday, November 3, 2016, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Fred Heyse".

Fred Heyse, Chair

