

**WRITTEN SUMMARY
BOARD OF ZONING APPEALS
MEETING MINUTES
Thursday, April 7, 2016
1:32 p.m.**

The Board of Zoning Appeals meeting was called to order by Madam Chair, Ms. Karen Underwood-Kramer presiding.

Members Present: Ms. Nancy Bushman, Mr. George Jonson, Mr. Desmond Maaytah, and Madam Chair Underwood-Kramer.

Members Absent: Mr. Samoviski.

City Staff Present: Mr. John Creech, Ms. Meredith Murphy, Ms. Heather Hodges, Ms. Kim Kirsch, and Ms. Kathy Dudley.

Madam Chair Underwood-Kramer gave an overview of the procedural process of the meeting.

Swearing in of Those Providing Testimony to the BZA:

Audience members sworn in by Ms. Kathy Dudley, Assistant Law Director.

Old Business:

Agenda Item #1:

PUBLIC HEARING

STAFF: Mr. John Creech

2016-04: Variance Request for 735 S. Erie Blvd. Continued from March Meeting

A Request by Mr. Allen Loudiy for a minimum lot area zoning variance in order to establish an Automobile Service and Minor Repair Facility, on property zoned B-2 Community Business District, located at 735 South Erie Blvd. The requested zoning variance is for Section 1121.39.26 of the Hamilton Zoning Ordinance as follows:

- 1) A request to reduce the minimum lot area required for an Automobile Service and Minor Repair facility – the minimum lot area required is 20,000 square feet - the subject property is approximately 10,860 square feet. (Allen Loudiy, Applicant/Owner).

Mr. Creech advised the Board that Staff received a letter from Mr. Jay Bennett, Attorney for Applicant, requesting that the matter be tabled until the May 5 meeting due to business conflicts and a doctor's appointment.

Mr. Jonson asked if they business was continuing to be operated and Mr. Creech advised that it was.

Mr. Jonson made a Motion to table the item. With a 2nd by Mr. Maaytah and all "ayes" by roll call vote, the Motion passes (4-0).

Based on a review of the information submitted, there is reason to consider approving the one (1) requested variance with the following conditions:

If the BZA approves the request for a Variance, the Department of Community Development requests that the BZA consider the following conditions of approval:

1. The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Departmental Review.
2. All improvements and work indicated on construction plans approved by the City of Hamilton Departmental Review be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Variance.

Notification

Public Hearing Notices were mailed to the owners of fifteen (15) properties within 100' of the property in question, and there were no objections received to the proposed zoning variances.

Ms. Murphy states that Mr. Brunner called the office the morning of the BZA meeting and said that he would be unable to make it. Staff made him aware that if there were questions, it could be tabled or denied since no one was there to speak, and he requested that the matter proceed.

Madam Chair Underwood-Kramer opened the public hearing. There was no one in the audience that wished to speak on the matter, and Mr. Jonson made a Motion to close the Public Hearing. With a 2nd by Ms. Bushman and all "ayes", the Public Hearing was closed.

With no discussion by the Board, Mr. Jonson made a Motion to approve the variance due to Exceptional Circumstances and to Preserve the Property Rights, with conditions as recommended.

With a 2nd by Mr. Maaytah and all "ayes" by roll call vote, the Motion is approved (4-0), and the request is granted.

Agenda Item #3 2016-06: Change of a Non-Conforming Use Request for 1019 Dayton Street

STAFF: Meredith Murphy

Request by Allied Property Mgmt Ltd. for a revision to an Appeal of a Zoning Interpretation by the Zoning Authority of the City of Hamilton submitted by Allied Property Mgmt Ltd. for 1019 Dayton Street.

Introduction:

An application has been submitted regarding revision to an Appeal of a Zoning Interpretation by the Zoning Authority of the City of Hamilton submitted by Allied Property Mgmt Ltd. for 1019 Dayton Street.

1019 Dayton Street is located in an R-4 Multi-Family Residence District and is regulated by Section 1118.00 of the Hamilton Zoning Ordinance, (HZO). The subject property is comprised of a residence and a detached accessory building accessible from the rear alley. The accessory building measures approximately 3,000 square feet. Property is currently zoned R-4 Multi-Family Residence District.

Background Information:

On December 3rd, 2015 the Board of Zoning Appeals reversed a Zoning Interpretation of the Zoning Authority of the City of Hamilton and applied six (6) conditions listed below:

- 1) Uses of the accessory building located at the rear of 1019 Dayton Street be limited to commercial storage only, no active business to be carried out at this location.
- 2) Activities and access to any commercial storage uses within the building to be limited to the hours of 7AM to 7PM.
- 3) Storage uses be confined to the interior of the accessory building – no outdoor storage permitted.
- 4) Activities associated with the commercial storage be confined to the interior of the accessory building.
- 5) If any building improvements or building permits are required for future commercial storage uses, construction plans or drawings for the proposed improvements and work will be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 6) All improvements and any work associated with any requirements of the IDR be installed and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

Appellant Information:

Allied Property Mgmt Ltd. has submitted an appeal to amend the hours that limit the time the building can be accessed from the approved 7AM - 7PM to 7AM - 9PM. The applicant has stated "I am appealing condition number two from prior appeal case number 2015-23 which limited hours of 7am-7pm. I am requesting the hours be extended to 7am-9pm. Because this is not being used for a business, our applicants work during the day and need access beyond 7pm."

Notification:

Public Hearing Notices were mailed to sixteen (16) property owners within 100 feet of the property in question, and there were no objections received to the proposed zoning variances.

Authority over Nonconforming Uses:

Section 1109.50 Non-Conforming Uses grants the BZA the authority to make findings in specific cases regarding non-conforming uses. In permitting or making findings relative to non-conforming uses the BZA may require appropriate conditions and safeguards.

Recommendation:

If the BZA determines that the conditions associated with the non-conforming (commercial storage) use at the rear of 1019 Dayton Street should be amended, the Department of Community Development requests that the BZA consider the following previously approved six (6) conditions of approval with the hours change to number two (2):

1. Uses of the accessory building located at the rear of 1019 Dayton Street be limited to commercial storage only, no active business to be carried out at this location.
2. Activities and access to any commercial storage uses within the building to be limited to the hours of 7AM to 9PM.
3. Storage uses be confined to the interior of the accessory building – no outdoor storage permitted.
4. Activities associated with the commercial storage be confined to the interior of the accessory building.
5. If any building improvements or building permits are required for future commercial storage uses, construction plans or drawings for the proposed improvements and work will be revised subject to any future review requirements of the City of Hamilton Departmental Review.
6. All improvements and any work associated with any requirements of the City of Hamilton Departmental Review be installed and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

Madam Chair Underwood-Kramer opened the public hearing.

Mrs. Becky Crawford with Allied Property Management was present. She said that they have incorporated the six conditions into the commercial lease that they have tenants sign, and there have been no issues.

With nothing further from the audience, there was a roll call vote to close the Public Hearing. With all “ayes”, the Public Hearing was closed.

Mr. Maaytah made a Motion to approve the request as presented and keep the previous conditions as set forth. With a 2nd by Mr. Jonson and all “ayes” by roll call vote, the Motion passes (4-0).

Mr. Creech advised the applicant that he would be sending out official notice of the Board’s decision within 5 days, and the new conditions would become effective then.

Agenda Item #4 2016-07: ADRB Appeal of Decision for 117 Village Street
STAFF: John Creech

An Appeal by William Wilks regarding the refusal of the Architectural Design Review Board (ADRB) on February 2, 2016 to issue a Certificate of Appropriateness (COA) to install vinyl siding on at 117 Village Street. (Community Design Alliance/William Wilks, Applicant/Owner).

Introduction:

An application has been submitted by Community Design Alliance on behalf of the property owner Mr. William Wilks regarding the refusal of the Architectural Design Review Board (ADRB) on March 15, 2016 to issue a Certificate of Appropriateness (COA) for installation of vinyl siding at 117 Village Street. The subject property of 117 Village Street is part of the German Village Historic District and is Zoned "BPD", Business Planned Development Zoning.

Background Information:

On January 20, 2016 an application was received for Certificate of Appropriateness for 117 Village Street for vinyl siding installation. The siding had already been installed prior to the application for a COA. The COA application and supporting materials were provided to the BZA for review (including minutes from the 2/2/16 ADRB meeting), as well as the Historic Design Review Board Polices and Guidelines.

A letter was sent to Mr. Wilks on February 25, 2016 by the ADRB Secretary informing him that the ADRB had denied the proposed vinyl siding at 117 Village Street and indicated that he could either submit a new COA application or appeal the denial to the BZA (copy also included as part of Board packet). An application for appeal to the Board of Zoning Appeals was received and included in the Board packet also for review.

Appellant Information:

Mr. Wilks submitted an application to appeal the February 2, 2016 denial on March 17, 2016 over the decision of the ADRB to not issue a COA for the installation of vinyl siding at 117 Village Street. This application is attached for the Board's review. This appeal application includes information regarding the existing siding condition and materials; however this information was not supplied to the ADRB when they made their decision to deny the COA request on February 2, 2016.

Notification:

Public Hearing Notices were mailed to ten (10) property owners within 100' of the property in question. A letter in support of the appeal was received on April 5, 2016, and provided to the Board for review.

Authority over Appeals Regarding to ADRB:

Section 1160.30 Hearings; Appeals; Notices grants the BZA the authority to hear and decide appeals of ADRB decisions in connection with issuance or refusal to issue a Certificate of Appropriateness for exterior work to buildings in designed historic districts.

Mr. Creech then shows a summary of the new information that was provided as part of the Appeal application showing before and after photos of the house, a copy of the Application of Appeal, and some additional photographs that were received.

Recommendation:

If the BZA approves the Appeal submitted by Mr. Wilks and permits him to install vinyl siding at 117 Village Street, the Department of Community Development requests that the BZA consider the following condition of approval:

1. All improvements and work be performed in workmanship manner and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

Ms. Bushman asked if the determination of asbestos was made after the ADRB meeting, and Mr. Creech verified that it was.

The Public Hearing was opened, and Madam Chair Underwood-Kramer asked if there was anyone in the audience wishing to speak on behalf of the appeal.

Mike Dingeldein was the first to speak. He said that he is helping Mr. Wilks with the Application. He spoke about the study that was done confirming the presence of asbestos in the siding, the exceptional circumstance that it creates, and the remedy suggested for the asbestos. While he admits that the work was done prior to approval by ADRB and that Mr. Wilks is due admonishment by them for that, he says that the abatement costs would likely exceed the entire value of the property. He further stated that he believed that vinyl siding was allowed by the ADRB until about 18 months prior, but that it meets the prior guidelines with regard to thickness. He says that the siding looks good, in spite of the fact that it wasn't done in the right order of approval.

Ms. Bushman asked about the installation of the vinyl siding, and Mr. Dingeldein said that it encapsulates what is there, and doesn't penetrate the asbestos.

Mr. Maaytah asked Mr. Dingeldein if he knew if the original siding was wood, and Mr. Dingeldein responded that it probably was. They then had a brief discussion about the cost and process of removing the vinyl siding that was on it and going back to the original wood siding.

Ann Brown of Village Street (member of German Village Association) spoke next. She said that she thinks the siding looks good and they don't want it removed. They appreciate Mr. Wilks and what he has done for their neighborhood, and she gave several reasons why they appreciate him. She said that she doesn't believe that Mr. Wilks was "thumbing his nose" at the ADRB, and that he has been overwhelmed with Health Department citations. She is in full support of Mr. Wilks and what he has done. She also spoke about the 1913 flood, the effect that it had on the properties in

their area, and what they are working with as a result of that damage to the properties.

Ms. Karen Whalen, 300 Oakwood, spoke next. She first stated that she was the only one there from the ADRB and not sure where all of her help was. She then said that the ADRB is aware of the good things that Mr. Wilks has done in German Village, and aware that he was one of the founders of the ADRB. She said that it's her opinion that the Board believed that Mr. Wilks was aware of the process since he has dealt with them on so many other properties, that he knowingly did not come to the Board and request a COA, and continued the work even after a "stop work order" was issued. "He didn't follow the rules, and everyone is expected to follow the rules".

Mr. Jonson made a Motion to close the Public Hearing. With a 2nd by Ms. Bushman and all "ayes", the public hearing was closed.

Mr. Jonson made a Motion to grant the appeal based on Exceptional Circumstances and Preservation of Property Rights. Madam Chair Underwood stated that she believed that it needs to be highlighted that the reason that the appeal was granted was due to the exceptional circumstance of the asbestos siding on this particular property. With a 2nd by Mr. Maaytah (who agreed with Madam Chair Underwood-Kramer and said that vinyl siding was not going to become standard practice for the historic district) and all "ayes", the request is granted (4-0).

Mr. Creech advised the applicant that he would be sending out official notice of the Board's decision within 5 days.

Agenda Item #5 2016-08: Variance Request for 988 Ridgefield Drive

STAFF: Meredith Murphy

Three (3) zoning variances to erect an oversized accessory building on the property located at 988 Ridgefield Road (1) Variance to erect an accessory structure prior to construction of the primary structure (2) Variance to erect a 3,168 square foot accessory building where the maximum size permitted is 800 square ft. (3) Variance to erect an accessory building 20 ft in height where the maximum height is limited to 15 ft. (Roger Reece, Applicant).

Introduction:

An application has been submitted regarding three (3) zoning variances to erect an oversized accessory building on the property located at 988 Ridgefield Road. This property is approximately 41.5 acres and is located in an R-1 Single Family Residence District. Ms. Murphy displays the Location map showing the city limits, with the property outlined in red.

She states that R-1 residences are regulated by Section 1115.00 and Section 1110.00 of the Hamilton Zoning Ordinance (HZO). The proposed accessory building will be a total of forty four (44) feet by seventy two (72) feet, totaling 3,168 square feet.

The three (3) requested variances are to Section 1115.40 and Section 1115.43.1 of the HZO to allow construction of an accessory building **prior** to construction of the primary structure, allow a height of twenty (20) feet where fifteen (15) is permitted, and a building footprint of 3,168 where a maximum of 800 is permitted.

Section 1115.40 states "Accessory Use and Buildings: Accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith".

Section 1115.43.1 states "Accessory buildings shall have a maximum first floor area of eight hundred (800) square feet." And "Height: One story to a maximum of fifteen (15) feet."

Zoning Variance Review

In order to grant a zoning variance, the Hamilton Zoning Ordinance "Section 1170.63 Variances-Findings of the Board" requires that the BZA must find all four of the following facts and conditions exist beyond a reasonable doubt.

Ms. Murphy then summarized the four items, the staff information (which was underlined for the Board), and the applicant's rationale for each item (which was in bold italics).

Notification

Public Hearing Notices were mailed to the owners of twelve (12) properties within 100 feet of the property in question. Staff did receive a number of phone calls, including one the morning of the hearing from Ms. Janet Schaefer (a neighbor to the east of the property) with regard to the height of the proposed building, the size of the building, and whether or not a commercial business would be run out of the proposed structure. She stated she would be at the meeting. Staff also received two letters and phone calls from Mr. Daryl Hacker and Mr. Tom Rentschler (letters given out to the Board at the meeting and attached as part of the minutes).

If the BZA approves the request for a Variance, the Department of Community Development requests that the BZA consider the following conditions of approval:

1. The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Departmental Review.
2. All improvements and work indicated on construction plans approved by the City of Hamilton Departmental Review be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Variance.

Ms. Murphy then showed an overall plan displaying the entire property with detail showing the proposed accessory structure and future proposed house, and site plans showing more specific details about the proposed structures.

Madam Chair Underwood-Kramer requested that Ms. Murphy enhance the drawing so that she could see it better, and Ms. Murphy complied with that. Ms. Murphy also gave specifics about the proposed pole barn, the set back requirement for same, and the size of the proposed building with regard to height and actual requirements for same.

There was a brief discussion between Mr. Creech, Ms. Murphy, and the Board regarding the location of the exact proposal, and he showed it on the map.

With no further questions from the Board, the Public Hearing was opened up. Mr. Roger Reece (Applicant) was present. He spoke about the location of the proposed buildings and what neighbors could actually see from their property. He said that it's not for anything commercial, it's all for personal use. He said that they are also putting an 8' porch on it for aesthetics because they want it to look like a park setting and match the rest of the property.

Madam Chair Underwood-Kramer asked if he would have a problem if one of the conditions of approval was that it not be used for commercial use, and he said that he had no problem with that.

Mr. Jonson asked him what he was going to use the barn for, and he said that it was storage of personal property. He said that they have 42 acres, and it takes a lot of things to maintain that. He said that he can also keep the things that he will need when they build the home on the property.

Ms. Bushman asked him to explain his responsibilities for the property, and he went into that. She asked if he was going to have animals on the property, and he said the only animal they have is a poodle.

With no further questions and no one else to speak for or against the appeal, Mr. Jonson made a motion to close the Public Hearing. With a 2nd by Ms. Bushman and all "ayes" by the Board, the Public Hearing was closed.

Ms. Bushman made a Motion to approve the variance, with the condition that no commercial business can be operated out of the property. Mr. Creech said that would be added as Condition #3. With a 2nd by Mr. Maaytah and all "ayes", the variance was approved (4-0) with conditions as stated.

Mr. Creech advised the applicant that he would be sending out official notice of the Board's decision within 5 days.

Agenda Item #6 2016-09: ADRB Appeal of Decision for 244 Main Street

STAFF: John Creech

An Appeal by the StreetSpark Program regarding the refusal of the Architectural Design Review Board (ADRB) on March 15, 2016 to issue a Certificate of Appropriateness (COA) to paint a mural on 224 Main Street. (StreetSpark Program/Community Design Alliance, Applicant/Owner).

Introduction:

An application has been submitted by the StreetSpark Program regarding the refusal of the Architectural Design Review Board (ADRB) on March 15, 2016 to issue a Certificate of Appropriateness (COA) to paint a mural on 224 Main Street.

The application was submitted by Ms. Jennifer Acus-Smith, on behalf of StreetSpark and the property owner the CORE Fund. The denied COA request was for the painting of a mural on the east side of the structure. The subject property of 244 Main Street is part of the Rossville-Main Street Historic District and is Zoned "MS-1", Main Street Core, Form-Based Zoning.

Background Information:

On December 1, 2015 a presentation was made before the Architectural Design review board over the StreetSpark program. The minutes from that meeting state the following "Mr. Ian MacKenzie-Thurley, Executive Director of Fitton Center, gave a presentation about StreetSpark. Ms. Whalen asked who would be selecting the buildings and if they will be historic. He replied that they are working with a number of departments and businesses, and that some of the buildings will be historic. She then asked if they were historic buildings and would they be coming before the ADRB for any work to be done, and he replied that they would. She lastly asked if there was a plan or endowment to take care of the buildings in the future after they're done, and he replied that they are looking at investing 10% of all budget into a fund for upkeep of the housing."

For their review, the Board was given a copy of the minutes from the 12/1/15 ADRB meeting, all information from the 3/15/16 meeting, (including a draft copy of the minutes from said meeting), and a copy of the Historic Design Review Board Polices and Guidelines.

The application for the COA was denied by the ADRB on March 15, 2016. A letter was sent to StreetSpark on March 17, 2016 by the ADRB Secretary informing the Applicant that the ADRB had denied the proposed mural at 244 Main Street. The options for the applicant were to either submit a new COA application, or appeal the denial to the BZA (also attached for the Board's review). On March 24, 2016 an application for appeal to the Board of Zoning Appeals was received (copy attached for the Board's review).

Mr. Creech then shows an image of what was presented to the ADRB on 3/15/16 and what was denied. He points out that the image that was submitted with the application for the BZA is slightly different than what was submitted, and he gives the differences. The color scheme was approved as a separate application at the March 15th, 2016 meeting by the ADRB.

Notification:

Public Hearing Notices were mailed six (6) property owners within 100 feet of the property in question. There are also three letters in support of the application which were presented to the Board at the beginning of the meeting.

Authority over Appeals Regarding to ADRB:

Section 1160.30 Hearings; Appeals; Notices grants the BZA the authority to hear and decide appeals of ADRB decisions in connection with issuance or refusal to issue a Certificate of Appropriateness for exterior work to buildings in designed historic districts.

Recommendation:

If the BZA approves the Appeal submitting by StreetSpark and permits them to install/paint a mural at 244 Main Street, the Department of Community Development requests that the BZA consider the following condition of approval:

1. All improvements and work be performed in workmanship manner and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

Madam Chair Underwood-Kramer said that she reviewed the Policies and Guidelines and that she cannot find that it with Public Art or Sculptures, and Ms. Dudley and Mr. Creech addressed that.

The Public Hearing was opened, and Madam Chair Underwood-Kramer asked for anyone who wished to speak either on behalf of the appeal.

First was Mr. Ian MacKenzie-Thurley, Executive Director of Fitton Center for the Creative Arts. He gave the Board the background of how the murals were chosen on behalf of StreetSpark and the City of Hamilton.

Ms. Bushman asked if the paintings had to go directly on the building, as she is concerned about the fact that the building had been painted over, restored, and now it's being painted over again, and is that going to destroy the "historical character of the building". He replied that it was never questioned at the ADRB. She asked if she should address it with them, and he replied that she could if she wished. Their question in coming to the Board for this meeting was more about the historical nature of the painting or of the building more than of the choice of art on the subject building. Ms. Bushman asked if the only canvas was the building itself and he replied that she was correct. He said that all of the murals will be directly onto the buildings.

He introduced Jenn Acus-Smith, Director of the StreetSpark program, who introduced herself to the Board. She said that they worked with Mr. Dingeldein and the CORE fund, and the intention was to clean the brick and make sure that it was in good condition (structure was sound), and they added a layer of "parched surface" to the building before the mural was painted.

She went through the process of selection of the murals (blind selection) and the criteria that the committee used in their selection. She said that in terms of this building, the committee felt that an overall pattern was a good fit to the building. There is a window there now, and they are not sure if anything else will be on the side of the building once the renovation is done. There could be a door added, and if so, it would not interrupt the pattern of the design. She spoke about the other designs that were submitted, and gave reasons why the committee believes that the mural should be approved. She said that the committee feels that the process also gives respect to the designers and artists who submitted artwork and trusted the process. She stated that the ADRB said that they were basing their decision “not on the historical colors”, but there wasn’t much other criteria presented outside of subjective opinion. She said that the committee understands that subjective opinion has to be a part of the approval by the ADRB, but they felt that there should have been other reasons given as to why it did not get accepted. She said lastly that they have aligned with the City goals, and they feel like there should be diversity (contemporary, historical, etc).

Madam Chair Underwood-Kramer asked how many designs were submitted for the subject building, and Ms. Acus-Smith replied that she believed that it was approximately 15. Madam Chair Underwood-Kramer then asked her why the top of the building was cut off on the representation photo that was submitted to the BZA Board, and not completing the mural as originally proposed to the ADRB. She replied that those designs were put on the building by Mr. Dingeldein (owner) to more appropriately show how it would be on the building, and to show more realistic lighting conditions. She said that it could go all the way up the entire building, and they had a bit more conversation about that.

Mr. Maaytah asked if the color has changed from the original depiction to the current and she said that it had not, it was the same color scheme. He verified with her that the committee knew which design was chosen to go on that specific building, and she said that they did.

Mr. Jacob Stone spoke next. He stated that his address is 228 N. 7th Street, and he is the City’s liaison to the StreetSpark selection committee. He said that he wanted to add that there has been a budget set up for the future maintenance of each mural that was submitted. He also spoke about the process of the selection of the murals. He said that the committee spent hours discussing the pros and cons of each, starting with narrowing of selections from 5 per building, to 3 per building, to 1 per building. He said that there were 12 arts professionals on the committee, including some from the Cincinnati mural program, who gave input on numerous things to take into consideration for each one. He said that he believes that the mural is light and vibrant and it will accent the exciting changes on Main Street as the CORE Fund moves that way with properties that they are revitalizing.

Madam Chair Underwood-Kramer asked if the CORE fund owns the building at 244 Main, and Mr. Stone said that they were. She then verified that the CORE fund had to approve of the mural being put on the building, and Mr. Stone said that he believed so.

Mr. MacKenzie-Thurley said that the application to the BZA was signed by the owner, Mike Dingeldein. Ms. Bushman and Madam Chair Underwood-Kramer then had a brief discussion about why the murals had to be submitted for approval through the ADRB, and Ms. Dudley advised that any painting on a historic property or one covered by the applicable zoning that goes before the ADRB includes works of art.

Ms. Bushman asked if that was up to the owner or the Board, and Ms. Dudley confirmed that it's the Board, and explained the COA process. Madam Chair Underwood-Kramer asked if the owner submitted that particular mural for approval on that building and Ms. Dudley said that he did. Ms. Dudley explained that by the Guidelines & Procedures of the ADRB, the only time the Board has to give a reason for a denial is if there is an "exceptions to the guidelines", and she read a bit of that specification to the BZA Board. She said that she thinks that the Board's vote reflected that they didn't consider it an exception. The appeal is their denial; that they didn't find an exception based upon it being a work of art.

Mr. Taylor Welch, 228 N. 7th Street, spoke next. He said that he is a resident of Dayton Lane's Historic District, an artist, and an interior designer. He said that he works in the world of interior architecture and says that he fully understands the rules of the ADRB and he thinks that Madam Chair Underwood-Kramer made a very good point about the precedent that is not set in their guidelines when determining public art. He went on to say that he believes that the ADRB's decision was made based on "artistic opinion" as opposed to "historic precedent". He said that he doesn't believe that the artistic opinion of the ADRB necessarily outweighs that of the arts professionals that made up the selection committee. He went on to say that "had the argument been made that this does not follow historic colors", he might feel differently about their decision. However, the mural across the street that they did approve actually has more vibrant colors than the subject of the appeal.

Lastly, he said that we are city that claims to support the arts, new prospective, new visions, and new ideas. He feels that decisions like the one that denied the mural are going to stifle the opinions of artists in the community, and it will discourage progress. He said that he is in support of the StreetSpark mural.

With no one else in the audience wishing to speak on behalf of the appeal, Madam Chair Underwood-Kramer asked for anyone in the audience that wished to speak against the appeal.

Jim Fuhrman, 36 Orchard Drive and President of Historic Hamilton spoke. He stated that he is there to speak on behalf of their Board, and their reaction to the murals. He said that after the contest and the process was laid out, there were many comments about guidelines, whether the murals would be historical in nature, and if they would be

keeping with the historic neighborhood. The thought was to wait and see and give it the benefit of the doubt. When the designs were unveiled, he believes there was general approval of the other two, but the one that is the subject of the meeting is not appropriate and doesn't fit in with the historical nature of the neighborhood. He said that they were all happy that the ADRB had turned it down and that he came in case there was no support of the ADRB denial.

Ms. Bushman asked if the review board considered maybe putting the paints on canvas instead of putting them directly on the building. She said that she is in full support of the StreetSpark program, but she is concerned about maintaining the historical character of this unique historical building. She wonders if there can be some kind of compromise that utilizes canvass instead of painting directly on the building, from a citizen's point of view of someone interested in the restoration of some of the parts of the city. She said that was not considered in the deliberations.

Ms. Karen Whalen (ADRB Member) spoke. She said that the reason the item came before the ADRB was because it's listed on the Ohio State Inventory. She believes that the ADRB felt that it was important to keep the historical prospective of that particular building. There are not many historical buildings left on Main Street, and she thinks they felt it was important to keep the building in its original form. She said that she doesn't think that they voted on the mural itself, that they felt that a mural on this particular building was inappropriate, and the core for it was that it was a historic building and they didn't really want a mural on the side.

Madam Chair Underwood-Kramer asked Ms. Whalen if it was her opinion that the ADRB was in favor of no mural of any type on that building, and she replied that it was the concept that they were talking about. She said that the only reason it came before the ADRB Board was because of the historic nature of the building. She then said that she would like to make some additional comments ("wearing several hats as a member of ADRB" – "please note that she is one of the only ones that ever show up")

1. As a member of the ADRB, she is a supporter of StreetSpark. She thinks it's important to the community, an asset to the community, and she understands what their mission is.
2. Historic Hamilton asked, through a series of e-mails, to be a voting member of the committee. They were denied. They asked again to be a non-voting member of the committee, and they were denied that also. They felt it was important, (because there might be some historic buildings in the mix) to be involved and have some input.
3. As a long time member of Historic Hamilton, she has to ask "why historic buildings"? There are so many buildings in town that could use a camouflage. She noted in other communities that is what is done. She suggested other sites that she feels it might be more appropriate, such as the Clark's building, the old Marshall Electric, and the previous location of Tom's Cigar Store. She said that she wants to encourage the program and thinks that it's appropriate and important, just not on a historic building.

4. As someone who has been involved in Historic Hamilton and knows the controversy that the renovation of the Log Cabin House (at the Monument) caused, she cannot imagine what would happen with something more progressive in the mix.
5. Jane Jacobs (an alternate member of ADRB and property owner of approximately 5 properties in the Rossville district), was not able to be at the meeting due to a personal issue, but she had some comments that she asked Ms. Whalen to pass on, if that was allowed by the BZA members. Given their permission, she went on to read those:

To summarize, she has heard about the process that the selection committee went through for selecting the murals and location, and the ADRB has a process that they also have to go through. She approves of and is very supportive of the murals that were approved, but thinks that the one that was proposed for 244 Main is “mediocre and the community will not look on it as a positive. It is in a prominent place and should have some “bang for the buck”. She went on to state that she has gotten quite a bit of feedback from the Rossville neighborhood, and none of it was positive. “The mural doesn’t have to be historic, doesn’t have to relate to the building in any way, and doesn’t have to be loved by everyone, but it should be better than mediocre”.

Ms. Whalen then offered to answer any questions for the ADRB. Madam Chair Underwood-Kramer said that she just reviewed the minutes from the ADRB meeting because of Ms. Whalen’s comments that “it wasn’t about that particular mural”. Ms. Whalen replied that she doesn’t think that they (ADRB) liked that particular mural.

Madam Chair Underwood-Kramer then read directly from the minutes “Mr. Graham asked if there was any consideration given to a more historically appropriate mural for the age of the building”. She then went on to quote what Ms. Whalen said in that meeting “They weren’t crazy about a mural on the side of that particular building, but they would consider it if it had a different theme than pink and drink cups.” She then continued quoting from the meeting minutes what Ms. Whalen had said “she likes them all, but would prefer to see something more appropriate to the Rossville neighborhood or businesses.” She then quoted what Mr. Alf had said, that he “feels that this particular one will hurt the image of the entire project. He said that he thinks that people are going to laugh at the color of it and that while it doesn’t have to be historical; it needs to be toned down.”

She went on reading from the minutes “Ms. Jacobs said that she loves the other murals, and loves the ideal of it being unexpected, but she really doesn’t love this one. She said that it reminds her of litter. She said that in her opinion, it missed the mark.” Those are direct comments about that particular mural, not necessarily about the appropriateness of a mural on that building. Ms. Whalen reiterated why the ADRB was even involved, and Madam Chair Underwood-Kramer said that she understood. She then asked Ms. Whalen if she thought the denial was because of individual opinions, or through the process. Ms. Whalen replied that she thinks there were individual opinions

about the mural, but she believes that it's her preference and the preference of Historic Hamilton to leave the building as it is, and she speaks for the Board also. Madam Chair Underwood-Kramer said that's not what was quoted at the meeting, and Ms. Whalen said that she is trying to recollect the best she can.

Mr. Maaytah then asked Ms. Whalen if she felt that the current Guidelines & Policies of the ADRB address things like art or murals, because it doesn't appear to him that it's really addressed. She replied that the Board actually had 2 (two) meetings at the end of September and October where the guidelines were reviewed, but they weren't aware at that time that there would be murals on historic buildings, and she feels that it should be undertaken in the future in the event it occurs in the future.

Mr. Creech advised that he believed that in 2011 or 2012, there was a mural on the side of the "Pop Art Revolution" building that was approved by the ADRB, but that was done by Artworks. Mr. Creech and Ms. Whalen then had a discussion about why that building, in particular, was included as "historic", and he gave the history.

Mr. Bloch, 1740 Tatum Lane (ADRB member also) was present. He said that he was not present at the 3/15 meeting. He said that he loves what CORE is doing and he loves StreetSpark, but he doesn't (and the Board doesn't) think this particular design lends itself to the historic venue that Main Street is striving to achieve. He thinks they have done tremendous work on the High Street Project, but he doesn't think this design moves it forward. He said that he would like for the committee to go back to the drawing board. He would like to see old lettering and old advertising for some of the 19th century business that were in town restored on some of the buildings in the area.

Anne Mills, 601 N. Dick Avenue spoke next. She is a property owner in Rossville and a member of the Rossville Historic District. She is in favor of StreetSpark also, but doesn't feel that this mural on the subject building meshes. She thinks that with the buildings that are being restored on Main Street back to their "glory days", to put a contemporary design on a historic building would be confusing as to what the City is trying to do. She's excited about all of the changes, but with the particular building and the age of the building, there should be nothing on it, or wait and see what kind of mural would go on it once all of the changes are made to the building (add'l windows, doors, etc). She said that she's frustrated that the ADRB continually makes decisions and people are supposed to go with them and their guidelines, but if someone says "I want a mural on my building", it's not up to them anymore to look at the colors. "Just because it's art, we can veer outside the color choices that should be on historic buildings". In her opinion, that doesn't seem like what the board was set up to do. She said that she has been to many meetings where the Board makes decisions based on the guidelines that they have (siding on the building, I've already put the new windows in...). It keeps getting overruled and she's beginning to wonder why the Board is in place if the guidelines aren't going to be followed.

Shi O'Neill, 622 Dayton Street, spoke next. She's a member of Historic Hamilton and an alternate for the ADRB. She wasn't present for the vote on the current item, but she

has lived in a historic home on Dayton Street for 20 years. She said that when they moved there in 1996, they were told that because it's a historic building, they couldn't do anything to the outside that wasn't appropriate to the period. Her personal opinion is that nothing should be done to the building that's on a historic inventory that's not appropriate to the period, and she doesn't think that this mural or any mural would meet that guideline. She's an artist also, and said that if she was to paint a mural on the side of her home on Dayton Street, there would be outrage from the neighbors and the City. She feels that the mural should go on a different building. She doesn't want them to get rid of the artwork altogether, just put it on a building that's not on the historic inventory.

Ms. Dudley asked the Board to accept any letters that have submitted either in support or against. With a Motion by Mr. Jonson, a 2nd by Mr. Maayah, and all "ayes", the letters were accepted.

With a Motion by Mr. Jonson made a Motion to close the Public Hearing, a 2nd by Ms. Bushman and all "ayes", the Motion passes and the Public Hearing was closed.

Mr. Jonson made a Motion to approve the Appeal. He said that while he personally doesn't like the mural and can't understand it, he knows that Mr. Dingeldein and the CORE fund put a lot of time and effort into the Main Street redevelopment and he respects the Arts people and their opinions. He said that he figures if the public doesn't accept it, it will be quickly changed. He went on to say that while it's not something that he would choose, he respects the wishes of the Committee. Mr. Maayah made a 2nd to approve the appeal. Ms. Bushman said that she doesn't agree. She thinks that it compromises the historical character of the building, and that she thinks it's okay to have art displayed on the building, but in a different format (canvas that doesn't cover up the exterior of the building).

Madam Chair Underwood-Kramer said that she's not going to voice her opinion of the mural, because she doesn't think it makes any difference in this venue; that would be a subjective opinion. Her objective opinion is that if the ADRB disagreed with murals on this building because of its historical significance or because it's on the Ohio Historic Inventory, they should have clearly stipulated that in their guidelines. When the Board began discussing the types of murals that the owner of this property and the artist's selection group decided to put on the building with the owner's permission, she thinks that they became an "Art Review Board", which she does not agree with. At that point in time, the conversation changed. An artist once told her "it's not art if it matches the sofa". She doesn't know if it matches the building or not. If they are allowed to have a mural on the building, it should be the decision of the owner and the artist group to decide what they want to put on the building. She said that it's too subjective for her to get into the color or design.

Ms. Bushman stated her opinion on the issue, and stated that even though they gave their opinion, but she didn't believe that they gave a reason why they denied it. She and Madam Chair Underwood-Kramer then had a brief discussion about the issue and what

the minutes said. Ms. Dudley clarified the vote of the ADRB to deny the mural, and the fact that there was no reason given for the denial.

Mr. Maaytah said that he agrees with Madam Chair Underwood-Kramer that the ADRB Policies and Guidelines don't specifically discuss murals, and it appeared from the minutes that the Board was okay with the mural on the building, they just didn't want this one. He believes that it was an arbitrary decision, and doesn't believe that the Board is set up that way.

Madam Chair Underwood-Kramer said that they have to put their personal opinions aside and be as fair as possible. With no further discussion, a roll call vote was taken on the Motion to Approve the Appeal. With a vote of 3-1 (Bushman voted "no"), the Motion passed, and the appeal was granted.

Mr. Creech advised the applicant that he would be sending out official notice of the Board's decision within 5 days.

Minutes:

Approval of Meeting Minutes-Written Summary and Audio Recording for December 3, 2015. Mr. Jonson made a Motion to Accept the Minutes. With a 2nd by Mr. Maaytah and roll call response of all "Ayes" (4-0), the Motion passes.

Adjourned:

With nothing further to discuss, a Motion to adjourn was made by Mr. Jonson, with a 2nd by Mr. Maaytah. All were in favor, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant



Mr. John Creech
Secretary



Madam Chair Karen Underwood-Kramer

BOARD OF ZONING APPEALS (BZA)

City of Hamilton

Council Chambers

MEETING DATE: 4/7/16

MEETING TIME: 1:30 PM

Please sign in and provide requested information. Thank you for your participation.

Name	Agency	Address	Phone	Email
Karen Luchala	ADRB Historic Ham.	300 Oakwood Dr. 404 ROSS AVE.		
IAN McKenna-Horley	FITTON Center	101 S. Monument Ave	513 863 8873	ian@fittoncenter.org
Mike Dingeldien	CDA	236 High St	275-1740	mikecdalliance.net
Taylor Welch		228 W 7 th Street		taylor@cdaalliance.net
Sue Vance		988 Ridge 2524 East Ind. Dr	513-582-0736	SueVance.sv@gmail.com
Shay/1012		951 Ridgely Rd	863-8192	Shay/1012@yahoo.com
Jacob Stone	COH	228 N 7 th	735-7072	
Ann Brown	German Village	228 Village St	894-0767	annbrown@gmail.com
Becky Crawford		1019 Dayton	737-7368	

**BOARD OF ZONING APPEALS (BZA)
City of Hamilton
Council Chambers**

MEETING DATE: 4/7/16

MEETING TIME: 1:30 PM

Please sign in and provide requested information. Thank you for your participation.

Name	Agency	Address	Phone	Email
Jenn Acus-Smith	Fitton Center	101 S. monument Ave. Hamilton OH	513-502-0678	jennifer@fittoncenter.org
Anne Mills	-	601 Dick Ave 45013	867-0369	anmills601@yahoo.com
James Fuhrman	Hist. Ham	36 Orchard Dr	702-3599	jamesfuhrman@yahoo.com
SHI O'NEILL	HIST HAM	622 DAYTON ST	604-1355	SHI-ONEILL29@aol.com
Alvin Blah	ADRB	1740 Tatum Ave	867-9526	ajblah@gmail.com

March 29, 2016

To: City of Hamilton Zoning Commission

From: Ann Brown, German Village resident

Pat Brown, resident and business owner

We are writing on behalf of Bill Wilks concerning recent issues he has encountered with the ADRB, specifically concerning a property on our street, 117 Village Street.

We are current and long-time officers of Hamilton's German Village, Inc. and Ann currently is an alternate appointee to the ADRB representing German Village. Alternates are not entitled to vote concerning matters but Ann would have voted to approve Mr. Wilks' recent work on the house.

We live at 228 Village Street on the north side of the street. Mr. Wilks owns all of the properties across from us on the south side of the street. We have lived here almost 40 years and we have been delighted to see him acquire them. He has replaced many absentee and negligent landlords. Bill is neither absentee (we see him almost every day) nor negligent (he seems to have a crew working all the time). He has improved every property he has acquired inside and out, and has gone above and beyond: adding window boxes, shutters, and landscaping. Bill has excellent taste. He has made an incredible positive difference. We are very happy to be his neighbors.

Mr. Wilks has been at work in German Village for 50 years. He came before it was a designated historic district and before there was an ADRB. He located his insurance office on North Second Street in 1965 (moving from a space in the Rentschler Building). Bill recognized that his business would look better if the buildings on both sides of his property did. So he purchased and fixed them up. And those properties would look better if the ones around the corner looked better, etc., etc., etc. German Village could use a nice restaurant again. *Wines and Such*, a prestigious and popular fine restaurant, was created from the shabby and notorious *Hub Café*. The transformations are amazing. Over the years he has purchased and improved many properties (inside and out) within our 9 square blocks. This targeted effort has been a labor of love requiring huge financial investment even in challenging economic times. There would most probably not be a German Village as we know it today if it wasn't for Bill. Some of his buildings are commercial, many are residential, and some are mixed-use. His sense of community and urban living is further exhibited in the creation of Wilks Green – a spacious green and open common area that invites picnics and quiet times.

It seems that everything Bill has touched in German Village has been improved. In the 1980's, when the 117 Village Street property plans were approved by the former Historic Design Review Board, Bill received a letter thanking him for his work, signed by Sherry Corbett. A copy of it is attached. Bill has worked with the Historic Design Review Board in the past; in fact, he has served on it.

To honor Bill's work in German Village, noting the positive impact it has made in the city, the Greater Hamilton Chamber of Commerce created a Vision Award in 2000 that is given every year and called the *William C. Wilks Award*. He was honored as Hamilton's Citizen of the Year in 2005. Bill was chairman of the group that brought and installed the magnificent "*The American Cape*" statue of Alexander Hamilton downtown. Mr. Wilks has been an incredible example and supporter of our neighborhood association, which he helped inspire and found in 1973. Our Association's Carriage House meeting place is named in his honor – over his requests to the contrary. Our Carriage House building is two doors down from 117 Village, at 131 Village St.

The siding Mr. Wilks covered up was not original to the house. It was siding probably put on in the 1920's – 1950's. He has had a history of problems with it. This building probably looks more like it did originally after the recent siding was applied than it did with the slate (or asbestos) siding. The building is very attractive and attractive buildings will attract good people to the neighborhood.

As one of our association members said at a recent meeting, "We are trying to build a neighborhood, not a museum."

Those of us in German Village feel confident that Bill knows what he is doing. Who else in Hamilton has rehabbed as many buildings that went through the 1913 flood? Also, over the more than 4 decades of German Village development, many of these buildings have been re-done two or three times by Bill and his crews to maintain appearance and appeal. Most have been painted many, many times. This is costly and with the new Health Department sightings much has to be done all at once to meet deadlines.

There is a lot of positive energy in Hamilton right now and a lot of positive energy in German Village. Extreme technical oversight by the ADRB seems counter-productive. The Health Department has sent hundreds of letters out to make property owners fix up property. When people get to work trying to meet the time deadlines they have been given, the ADRB sends out "stop-work" orders if it comes to their attention that people haven't gone through their new requirements. The word is getting out about the new requirements (even to do "like-for-like" improvements homeowners are asked to get a COA). For those of us who have been living in historic districts for many years and received prior ADRB approval for work and then made our own improvements as needed, this seems restrictive. The ADRB seems unwilling to let economics enter into its decisions – so many who own buildings in these historic districts must choose inaction over improvement. Pat served on the ADRB when it approved the first request for vinyl at 105 Hensel Place (then Vine Street) primarily for economic reasons.

In recognizing and appreciating Mr. Wilks' distinct history of energy, vision and financial investment in our neighborhood we hope you will not make him take the recent siding off. The 117 Village Street building looks great. It is easy to find the remaining pockets of blighted properties in German Village – they're not Bill's.

Many of us in the historic districts wish the ADRB would find a way to focus on absentee and negligent property owners who aren't doing anything even when told to by the health department instead of people with a record of caring and making a positive difference.

Thank you for your consideration.

– Ann and Pat Brown

228 Village Street

Hamilton, Ohio 45011

EXHIBIT F: Previous COA and Historic Review records for 117 Village Street

Exhibit F1: Issued COA, circa May 1987

Certificate of Appropriateness

On this 18th day of May, 1987, The Hamilton Historic Design Review Board does hereby issue this Certificate of Appropriateness for the property located at 117 Heaton Street. The Historic Design Review Board has examined plans and approves the changes and/or improvements to be made to the above referenced structure as listed below:

Repainting this asphalt sided frame structure in the following Perry & Derrick colors: the body, "Mansion Ivory"; the trim, "Mansion Tan"; the doors, shutters and accent points, "Linden Green".

The said improvements and/or structural changes listed above on this Certificate do not constitute, in themselves, waivers from the City of Hamilton building code, zoning code, or other regulations. Plans for changes to, additions to, and/or signage for property will still require review of the Construction Services Department and acquisition of the appropriate permits.

It is the opinion of this Board that such proposed changes are in conformance with the character of the German Village area in the Hamilton Historic District and will not be detrimental to the rehabilitation of this area as prescribed by the City Council of the City of Hamilton, Ohio, in Ordinance Number OR 85-11-91.

Date of Board Approval:

May 18, 1987

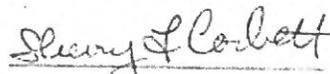

Board Chairperson



EXHIBIT A: Images of the Property



Before



After



(2) 988 Ridgefield

April 4, 2015

Daryl C Hacker
1001 Columbia Road
Hamilton, Ohio 45013
dhacker@midvalleygastro.com

Meredith Murphy
Associate Planner
City of Hamilton, Ohio
345 High Street, Suite 370
Hamilton, Ohio 45011

Dear Ms. Murphy

As we have already discussed I am uneasy about the variance requested by Mr. Roger Reece. Mr. Reece has a construction company and his limited liability corporation, Reece Builders, LLC, is still active according to the Ohio Secretary web site. Considering the size of the building I am concerned he may elect to operate his business from this location. Unfortunately my wife and I will be out of town at the time of the hearing so if you could address this it would be greatly appreciated.

Sincerely

A handwritten signature in black ink, appearing to be 'Daryl C Hacker', with a stylized, cursive flourish.

Daryl C Hacker

Business Filing Portal

your **BUSINESS** begins here

- [General Information](#) |
 [Business Search](#) |
 [UCC Search](#) |
 [Trade Mark / Service Mark Search](#) |
 [Prepayment Accounts](#) |
 [Business Report Download](#) |
 [Help](#)

- [Business Name](#)
[Business Name - Exact](#)
[Detailed Business Search](#)
[Number Search](#)
[Agent/Contact Name](#)
[Agent/Contact Name - Exact](#)
[Prior Business Name](#)

Corporation Details

Corporation Details		
Entity Number	1181168	
Business Name	REECE BUILDERS, LLC	
Filing Type	DOMESTIC LIMITED LIABILITY COMPANY	
Status	Active	
Original Filing Date	09/15/2000	
Expiry Date		
Location:	County:	State:
Agent / Registrant Information		
ROGER L. REECE 2733 ESTRIDGE DRIVE HAMILTON, OH 45011 Effective Date: 09/15/2000 Contact Status: Active		
Incorporator Information		
ROGER L. REECE		
Filings		
Filing Type	Date of Filing	Document Number/Image
ARTICLES OF ORGANIZATION/DOM. LIMITED LIABILITY CO	09/15/2000	200026200694

- [Return To Search Page](#) |
 [Return To Search List](#) |
 [Printer Friendly Report](#)



Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Zoning appeal

2 messages

moxnix@cinci.rr.com <moxnix@cinci.rr.com>
To: meredith.murphy@hamilton-oh.gov

Thu, Apr 7, 2016 at 10:43 AM

Attention Hamilton Board of Zoning Appeals

I have received your notice regarding a zoning appeal. on Ridgefield Road, requested by Mr. Roger Reece.

I must mention that I served on the Hamilton BZA for a decade, in the 1960s. Then later on the Butler County BZA. I fully understand the procedures, variations, and conditional uses.

First, I must comment that if the purpose of zoning is to provide neighborhood and area integrity then the present laws or rules fail us. They fail us now, just as they did decades ago. In this case, IF the request might end up allowing "commercial" use, sooner or later, then whatever commercial equipment is on the property at 988 Ridgefield would have to use streets of Ridgefield Road and Cardome Drive going to and from, yet the residents/owners beyond the 100 foot notification limit set by the zoning laws theoretically have no notification, yet have potential substantial denigration of their neighborhood due to possible "commercial" traffic.

Let us speculate what the requested large barn could hold. ATVs, campers, recreational bus-like vehicles, some other stuff maybe requiring the requested variation of extra height. That being the height to accommodate a 12' door. All that seems reasonable.

However the applicant could, mind you, could have landscape maintenance equipment (that being his stated occupation) such as a bucket truck, which would necessitate a 12' high door opening. The City staff has been properly forthright in supplying information as I have requested it. Professional and courteous. Hence, I have been told that all the equipment to be stored in the proposed variant barn would be used exclusively on the owner's acreage. I did not invent the word "exclusively." In such a condition Mr. Reece could have a camouflaged-painted or even red-painted bucket truck, and be within the letter and spirit of the laws and regulations.

However, if he takes a bucket truck, and /or other large pieces of equipment off the premises on a daily, or even at irregular intervals for "commercial" purposes, than that violates both the spirit and letter of the laws and regulations. I was told this might be a gray area. Does that mean taking clippers and pruning saws to a job site is okay? Is it okay or not okay to take a bucket truck regularly. The answer is, no, it would not be okay, because taking such heavy equipment up and down a residential street would violate the concept of neighborliness, endanger walkers and children, and alter the suburban atmosphere. Such equipment, and vehicles of other crafts, of course, would be expected to perform work on individual lots, which is not the same as transporting it regularly.

It seems reasonable that the BZA allow the zoning variances, with a conditional clause that no equipment stored in the variant barn shall be used for off-premise commercial purposes. Nor shall any equipment be taken to or from the premises except for routine and ordinary purposes. Commercial purposes could be defined in the conditional clause as using said equipment as part of any arrangement for which there is compensation, be it landscape or other occupation requiring large equipment.

I want to be a good neighbor, and wish Mr. Reece the quiet enjoyment of his large urban sanctuary. He is so fortunate to have such a beautiful place.

Respectively submitted
Tom Rentschler

Meredith Murphy <meredith.murphy@hamilton-oh.gov>
To: moxnix@cinci.rr.com

Thu, Apr 7, 2016 at 10:54 AM

I will give your letter to the Board of Zoning Appeals at today's meeting.
Thanks,

Meredith Murphy
City of Hamilton
Department of Community Development
345 High Street, 3rd Floor
Hamilton, OH 45011
[\(513\) 785-7356](tel:5137857356)
[Website](#) | [Facebook](#) | [Twitter](#)



[Quoted text hidden]