

Board of Zoning Appeals
March 14, 2024 @ 9:00am
Council Chambers
First Floor, 345 High Street
Hamilton, Ohio 45011

Karen Underwood-Kramer
Chairperson

Samy Broyles
Vice Chair

Arnita Gunn
Board Member

Matthew Von Stein
Board Member

Michael Reuter
Board Member

Tim MacDonald
Alternate

Roll Call:

2 Public Hearing(s)

Kramer	BROYLES	VON STEIN	GUNN	REUTER

Swearing in of Those Providing Testimony to the BZA:

Chair Karen Underwood-Kramer

Conflict of Interest Statement

Prior to consideration of the following agenda items, each member should examine the agenda to determine whether he or she has any conflict of interest with any agenda item.

If so, please note the agenda item for which you intend to abstain or recuse yourself as an exception to the upcoming motion. You may not discuss or vote on any item you have a conflict of interest with or act in any way to influence the deliberation or vote.

Motion: I move that a note be made upon the minutes that each member of the BZA was furnished a copy of the agenda prior to its being considered at this meeting, and that, with the exception of the items so noted, no member has identified any conflict of interest regarding any agenda item.

Motion

Kramer	BROYLES	VON STEIN	GUNN	REUTER

Roll Call of Vote

Kramer	BROYLES	VON STEIN	GUNN	REUTER

New Business:

Agenda Item #1

BZA 2024-03-004: Variance Requests for 877 NW Washington Blvd

The Applicant is requesting one (1) Variance1 under the Hamilton Zoning Ordinance

Variance 1: Section 1707.1 G: Zoning District Regulations: The table shows the allowable heights, area, setbacks, and frontage for monument signs by type of use and zoning district. B-2 Area: Business groups 3 or more units 0.75 x lot frontage 150 square feet maximum

Max Height: 15 feet

Minimum Setback: 5 Feet

Staff: Andrew Schweier

Motion

Kramer	BROYLES	VON STEIN	GUNN	REUTER

Roll Call of Vote

Kramer	BROYLES	VON STEIN	GUNN	REUTER

Agenda Item #2

BZA 2024-03-005: Variance Requests for 1558 Main Street

The Applicant is requesting one (1) Variances under the Hamilton Zoning Ordinance

Variance 1: Section 1905 B, Façade Transparency: The elevation of a building shall provide at least thirty-five (35) percent transparency at the pedestrian level. Side elevations that face a public roadway or which are highly visible from the right of way shall provide at least thirty (30) percent window or transparency at the pedestrian level. Transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five (35) percent transparency in length.) The installed height of transparency shall be a minimum height of six (6) feet. Dark tinted glass beyond 35% darkening or glass manufactured to reflect light shall not be permitted.

Staff: Andrew Schweier

Motion

Kramer	BROYLES	VON STEIN	GUNN	REUTER

Roll Call of Vote

Kramer	BROYLES	VON STEIN	GUNN	REUTER



REPORT TO THE CITY OF HAMILTON BOARD OF ZONING APPEALS
FOR MEETING DATE OF MARCH 14, 2024
BZA 2024-03-004

CASE NO. BZA : 2024-03-004
PROPERTY ADDRESS: 877 NW Washington Blvd
PARCEL ID #P6600140000010
APPLICANT: Emily Ober on behalf of Holthaus Signs

PROPOSED REQUEST:

The Applicant is requesting to construct a three tenant monument sign which is larger than allowed per the Hamilton Zoning Ordinance (HZO).

Variance 1: Section 1707.1 G: Zoning District Regulations: The table shows the allowable heights, area, setbacks, and frontage for monument signs by type of use and zoning district. B-2 Area: Business groups 3 or more units 0.75 x lot frontage 150 square feet maximum
Max Height: 15 feet
Minimum Setback: 5 Feet

The proposed sign is approximately 123 square feet. The allowable signage per code is 43.35 (.75 x 57.8) square feet. **A Variance request of approximately 200%**

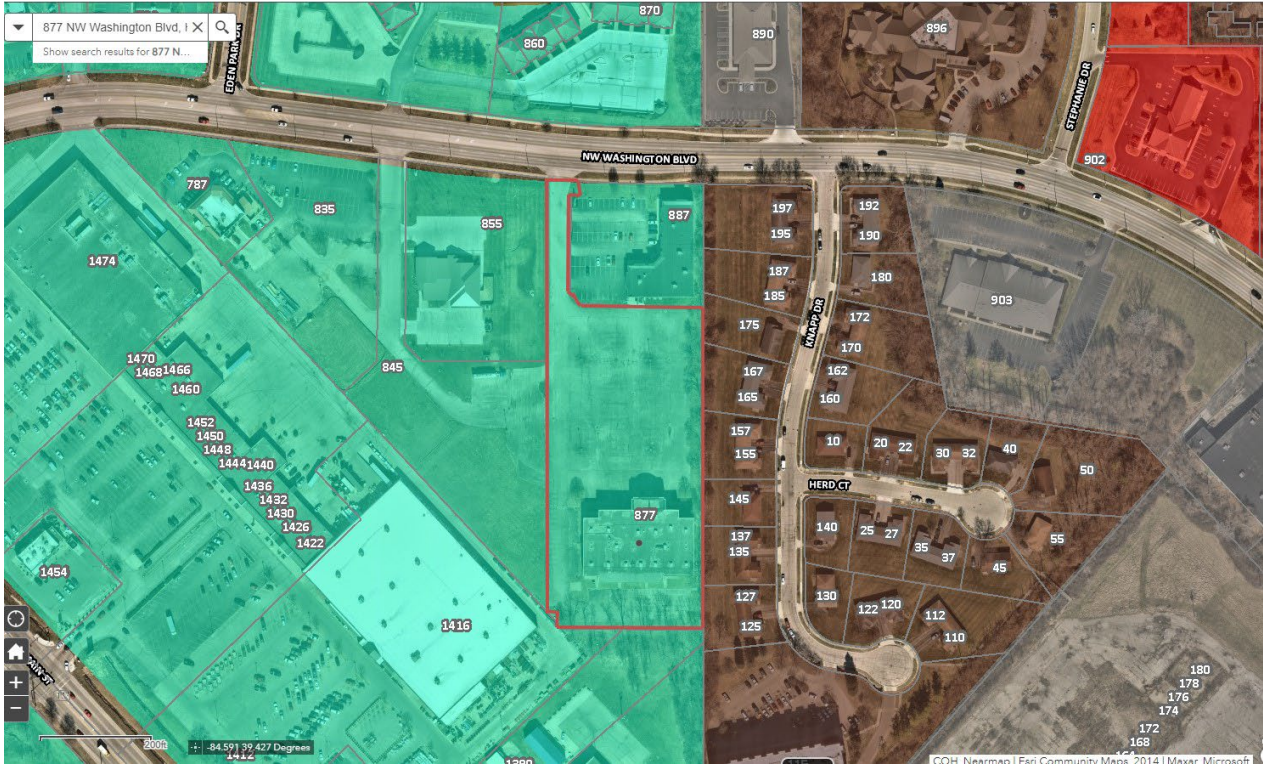
BACKGROUND INFORMATION

The subject property is located at 877 NW Washington Blvd between Eden Park Drive and Stephanie Drive. According to information located on the Butler County Auditor's website the building was built in 1996 and the parcel is 3.88 acres. The building is approximately 24,800 square feet.

Photos contained on the Auditors website make the property appear to have been vacant from 2012-Present.

The current owner is Shade Tree Investments who purchased the property in October 2020.

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FOR MEETING DATE OF MARCH 14, 2024
BZA 2024-03-004



The subject property is located in a B-2 District. The properties to the North, South and West are also B-2. The properties to the East in brown are Residential Planned Development (RPD)

City of Hamilton Zoning Ordinance Resolution:

The following are the applicable sections of the Hamilton Zoning Ordinance:

Variance 1: Section 1707.1 G: Zoning District Regulations: The table shows the allowable heights, area, setbacks, and frontage for monument signs by type of use and zoning district. B-2 Area: Business groups 3 or more units 0.75 x lot frontage, 150 square feet maximum
Max Height: 15 feet
Minimum Setback: 5 Feet

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Signs **Section 1700 (Hamilton Zoning Ordinance)**

G) Zoning District Regulations. The table below shows the allowable heights, area, setbacks, and frontage for monument signs by type of use and zoning district.

Zoning District	Use	Monument Sign Regulations		Minimum Setback	Minimum Frontage
		Area	Max. Height		
AG	Non-residential	0.15 X lot frontage 30 sq. ft. max	6 feet	5 feet	N/A
R-1, R-2, R-2A TN-1, TN-2	Individual freestanding business	0.15 x lot frontage 16 sq. ft. max	6 feet	5 feet	N/A
	Subdivision entrances dwelling groups 20 units or more	50 sq. ft. max	6 feet	5 feet	N/A
	Civic, institutional, religious	0.25 x lot frontage 50 sq. ft. max	6 feet	5 feet	N/A
R-3, R-4, R-0, RPD, OPD, MS-2, TN-3	Individual freestanding business	0.15 X lot frontage 20 sq. ft. max	6 feet	5 feet	N/A
	Business groups 3 or more units	0.25 X lot frontage 64 sq. ft. max	6 feet	5 feet	N/A
	Subdivision entrances & dwelling groups with 20 units or more	50 sq. ft. max	6 feet	5 feet	N/A
	Civic, institutional, religious	0.25 X lot frontage 50 sq. ft. max	6 feet	5 feet	N/A
B-1, MS-1 TN-4	Individual freestanding non-residential	0.25 X lot frontage 50 sq. ft. max	8 feet	5 feet	N/A
	Business groups 3 or more units	0.25 X lot frontage 120 sq. ft. max	8 feet	5 feet	N/A
B-2, B-3, BPD, I-1, I-2, IPD,	Individual freestanding non-residential	0.75 X lot frontage 120 sq. ft. max	8 feet	5 feet	N/A
	Business groups 3 or more units	0.75 X lot frontage 150 sq. ft. max	15 feet	5 feet	N/A
EM-UPD, MS-3, DT-1, DT-2, DT-3	Individual freestanding non-residential	0.75 X lot frontage 120 sq. ft. max	8 feet	5 feet	N/A
	Business groups 3 or more units	0.75 X lot frontage 150 sq. ft. max	10 feet	5 feet	N/A
UCP-1	Any Permitted	0.15 x lot frontage 30 sq. ft. max	6 feet	5 feet	5 feet
UCP-2	Any Permitted	0.15 x lot frontage 30 sq. ft. max	6 feet	5 feet	75 feet
Historic Overlay Districts*	Underlying zoning regulations apply. See Section 2600 for additional information.				



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STAFF COMMENTS:

The subject property is being developed as a Shooter's Restaurant with an event center. There is also a third tenant space which at this time is not occupied.

The parcel is a panhandle lot meaning that there is a limited access point to the road which opens up to a larger parcel further back and behind a different parcel. The access point at NW Washington Blvd is approximately fifty-eight (58) feet wide. The width of the primary lot is about 270 feet wide. By code, a sign of approximately forty-three (43) square feet is permitted due to the actual frontage on NW Washington.

The proposed sign is approximately fourteen (14) feet in height by twelve (12) feet wide. The sign will have a base that is three (3) feet high and constructed of stone/ masonry. The sign as proposed will be internally lit, located next to the current sign for Dollar General. As can be seen on the aerial views of the property line, there is an area carved out for signage. The Applicant has stated that they will meet the landscaping requirements for monument signs.

The dimensions of the proposed sign, based upon the calculation of .75 x 270, are within the City of Hamilton's regulations. The applicant meets all other requirements as proposed today.

VARIANCE REVIEW CRITERIA:

4206 Hamilton Zoning Ordinance

Variance - Conditions Prevailing: Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulty or would cause unnecessary hardship (unnecessary to carry out the spirit and purpose of this Ordinance) the Board shall have power to authorize a variance from the terms of this Ordinance, so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such condition regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.



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4207 Variance-Findings of the Board:

No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds that the following facts and conditions exist.

I. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?

APPLICANTS RESPONSE: Yes. Granting the variance for a larger sign will lead to a greater presence and exposure for the three tenants

Staff Comment: Yes, the property can yield a reasonable return and there can be a beneficial use of the property without the Variance.

II. Is the Variance substantial?

APPLICANTS RESPONSE: No. Due to the pen/flag shape of the parcel with very limited frontage, this is a unique hardship the code does not account for.

Staff Comment: On its face, the Variance does appear to be substantial. However, due to the lot being an odd shaped, panhandle lot, the frontage is approximately 58 feet wide while the lot is actually 277 feet wide. The sign, based on lot dimensions and not just frontage, is within code.

III. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

APPLICANTS RESPONSE: No. The variance would allow the larger sign to fit in with the sign on the neighboring parcel and continue with the character of the neighborhood with the masonry base and landscaping

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Staff Comment: The sign as proposed with the landscaped bed would preserve the current character of the district and would not cause substantial detriment to adjoining properties.

IV. Would the Variance adversely affect the delivery of governmental services?

APPLICANTS RESPONSE: No

Staff Comment: No, the delivery of Governmental services would not be affected.

V. Did the property owners purchase the property with the knowledge of the zoning restriction?

APPLICANTS RESPONSE: Yes. The property owner has been in communication with zoning officials.

Staff Comment: The current owners purchased the property in 2020. The City of Hamilton adopted zoning regulations in 1947. Using frontage to determine the size and appropriateness of monument signs have been part of the regulations since 2019.

VI. Could the problem be solved in some other manner other than the granting of the Variance?

APPLICANTS RESPONSE: No, without the variance the sign would be at a great disadvantage due to its limited size and visibility for such a large building with multiple tenants.

Staff Comment: Staff believes that due to the unique shape of the lot, being a panhandle lot, the Variance is appropriate per the Ordinance.

VII. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

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APPLICANTS RESPONSE: Yes, granting the variance will preserve the spirit and intent of the zoning code.

Staff Comment: The spirit and intent of the Zoning Ordinance would be preserved and substantial justice done by granting the Variance.

4209 Decision Of Board Of Zoning Appeals:

In exercising the above enumerated powers, the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from to the extent and manner that the Board may decide to be fitting and proper on the premises, and to that end the Board shall have all the powers of the City Manager or Designee from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or Designee or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.

ACTION:

The Board of Zoning Appeals shall approve, approve with conditions, or deny the applicants variance request.

Should the BZA approve the applicant's request, the following conditions should be considered for each request:

1. The BZA approves waiving the thirty (30) day waiting period to allow the applicant to receive any needed permits. The applicant hereby acknowledges that any work completed prior to the end of the appeal period is at their own risk.
2. The sign shall be installed as presented and approved by the Board of Zoning Appeals.



REPORT TO THE CITY OF HAMILTON BOARD OF ZONING APPEALS
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BZA 2024-03-004



Location of proposed sign

Search...

SCHWEIER, AJ

Inbox Service Requests Work Orders Asset Search Inspections Reports

Managers Crew_Admin GIS Recent Designer

- Summary
- Main
- Address
- People
- Condition
- DataGroup
- Rel Docs
- Flags
- Fees
- Payment
- Workflow
- Notes

Case Type: PL-VAR Number: VAR24-0116 Status: PL-APPLIED

Main

Permit Type: Variance

Permit Sub Type:

Migrated Permit Sub

Type:

Address: 877 NW WASHINGTON BLVD

Project Name: Ground/Monument Sign

Initiated By: emilyo@hlsigns.com 2/9/2024



PL-Plan Review Repor



Add Comment

Sort

no comments

Address

<input type="checkbox"/>			Object	Asset Type	Asset ID	Address		
<input type="checkbox"/>			256425	SITE ADDRESS POINT...	SID-17010	877 NW WASHINGTON BLVD		

Size: 10 Go Found: 1 Displaying 1 to 1

People

<input type="checkbox"/>			Role Code	Name	City	
<input type="checkbox"/>			PL-APP	HOLTHAUS LACKNER SIGNS	CINCINNATI	
<input type="checkbox"/>			PL-COH	PL-COH		
<input type="checkbox"/>			PL-PROPOWN	SHADE TREE INVESTMENTS LLC	CINCINNATI	

Size: 10 Go Found: 3 Displaying 1 to 3

Condition

No Entries Found

Data Group

Grand Sum: 0

	PL-VARIANC :	Variance Application	Group Sum	Sum Flag
		Most Common Variance Requests		<input type="checkbox"/>

List: Signage

Comment: This application is being applied for in hopes that our monument sign will be allowed to be both larger and taller than the code allows. The code currently only allows for 41.25 sf maximum, and 8' max height. We feel that the codes calculation for square footage based on frontage and the parcels pan/flag shape lead to the need for a larger sign to allow for the three new tenants to have the same visibility as neighboring businesses.

Required Variance-Findings of the BZA:No variance will be granted unless the BZA finds practical difficulties. (See Below) Y

Please complete at least one of the following:Y

Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?

Yes/No: Y

Comment: Granting the variance for a larger sign will lead to greater presence and exposure for the three tenants

Is the Variance substantial?

Yes/No: Y

Comment: No. Due to the pan/flag shape of the parcel with very limited frontage, this is a unique hardship the code does not account for.

Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

Yes/No: Y

Comment: No. The variance would allow the larger sign to fit in with the sign on the neighboring parcel and continue with the character of neighborhood with masonry base and landscaping

Would the Variance adversely affect the delivery of governmental services?

Yes/No: Y

Comment: No.

Did the property owners purchase the property with the knowledge of the zoning restriction?

Yes/No: Y

Comment: Property owner has been in touch with zoning officials

Could the problem be solved in some other manner other than the granting of the Variance?

Yes/No: Y

Comment: No, without the variance the sign would be at a great disadvantage due to it's limited size and visibilty for such a large building with multiple visitors

Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

Yes/No: Y

Comment: Yes, granting the variance will preserve the spirit and intent of the zoning code

PL- COUNCI :	Council Meeting Date:	Group Sum	Sum Flag <input type="checkbox"/>
	Meeting Date:		
	Meeting Type		
	Addresses:		
	Property Zoned		

Attachments

Add attachment... Remove all attachments

Drawings and additional information. pdf 3.41 MB

Attached by **emilyo@hlsigns.com** 02/9/2024 11:45 AM

Flags

No Entries Found +

Fees

No Entries Found +

Payment

No Entries Found +

Workflow

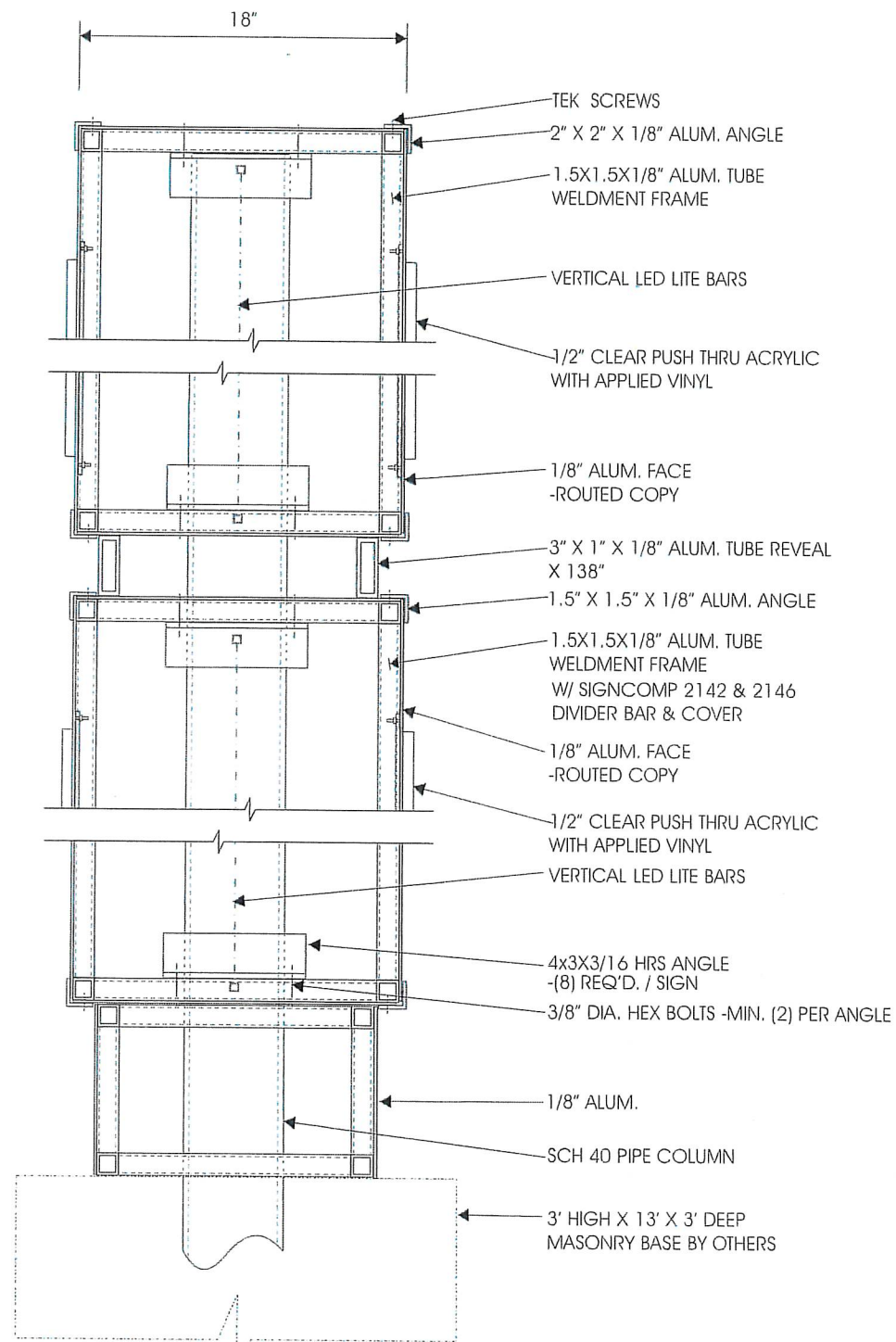
All Yes No All Yes No All

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Description	Result	Target End	Completed	M	+
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Received	<input type="checkbox"/>	2/9/24 12P	1		+
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fee Review	<input type="checkbox"/>		2		+
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fees Paid?	<input type="checkbox"/>		3		+

Size: 60 1 Found: 3 Displaying 1 to 3

Notes

No Entries Found +



VERTICAL SECTION
SCALE: NTS

DESIGN LOADS

2017 OHIO BUILDING CODE
 BASIC WIND SPEED (3 SECOND GUST) = 115 MPH
 WIND EXPOSURE 'C'
 DESIGN WIND PRESSURE = 37.5 PSF
 WIND LOADS CONTROL DESIGN OVER SEISMIC LOADS

SPECIFICATIONS

- 1) SIGN TO BE U.L. AND HAVE SEAL AFFIXED TO THE UNIT
- 2) ELECTRIC WIRING AND DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH 2017 OBC 3107.6, 2701.1 AND NFPA70
- 3) SIGN SHALL BEAR THE MANUFACTURER'S MARKINGS (HLS) AND SHALL BE MAINTAINED BY HLS
- 4) POLYCARB. SHALL CONFORM TO ASTM D635 SPECIFICATIONS
- 5) PROPOSED TOTAL SIGN WT. = +/- 750#
- 6) ALL EXPOSED METAL NON-PLATED SURFACES TO BE FINISHED W/ CATALYZED ACRYLIC POLYURETHANE PAINT.
- 7) GRAPHIC LAYOUT & COLORS PER CUSTOMER SPEC'S.
- 8) ALUM. TO BE ALLOY 5052
- 9) ALUM. EXTRUSION TO BE ALLOY 6061
- 10) BOLTS TO CONFORM TO ASTM A 193 GRADE B OR EQ.
- 11) ALL FRAME WELDING DONE IN SHOP
- 12) STANDARD LIFT POINTS AS REQ'D.



PROPOSED ELEVATION
SCALE: 1/4" = 1'-0"

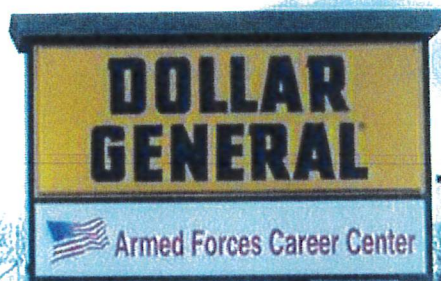
HLS HOLTHAUSLACKNER SIGNS		
SCALE: NOTED	APPROVED BY:	DRAWN BY: Rct
DATE: 1-4-24		REVISED:
PROPOSED GROUND SIGN		
WASHINGTON EVENT CENTER		DRAWING NUMBER 81798-1

PARCEL P660014000010 EMILY OBER 877 NW WASHINGTON BLD

SIGN MINIMUM OF 5'
→ BACK FROM
PROPERTY
LINES

12ft

18ft



34 1/2'
SIDEWALK TO EXISTING SIGN

PARCEL P66000140000010 EMILY OBER 877 NW WASHINGTON BLVD



Michael Dingeldein License OH 8820
Expires December 31, 2023

THE ARCHITECT INDICATED ABOVE HAS BEEN RETAINED SOLELY TO PREPARE EXHIBITS FROM INFORMATION FURNISHED BY THE OWNER AND OTHERS FOR THE PURPOSE OF OBTAINING BUILDING OR OTHER PERMITS FROM APPROPRIATE AGENCIES AS REQUIRED BY THE APPLICABLE BUILDING AND ZONING CODES OR OTHER REGULATIONS, STATUTES OR ORDINANCES.

ALL WORK OF THE OWNER OR PERSONS PERFORMING WORK SHALL CONFORM TO THE REQUIREMENTS OF ALL CODES, LAWS, REGULATIONS, ETC. HAVING JURISDICTION OVER THE WORK.



236 High Street
Hamilton, Ohio 45011
513-275-1740

Shooter's Sports Grill
877 NW Washington Blvd
Hamilton, Ohio 45013

ISSUANCES	
05/09/23	Bid / Permit
07/07/23	Revision 1

Site Plan

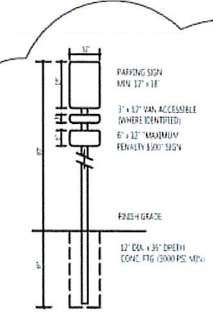
DATE May 09, 2023
COMM NO.
SHEET NO.
S1.0

LANDSCAPING INFORMATION

PARCEL 1 - 877 NW Washington Blvd = 3.811 acres (166,007 Sq Ft)

QTY. REQD.	QTY. PROP. MIN.	SPECIES	TO BE IDENTIFIED PER THE REQUIREMENTS OF THE ZONING ORDINANCE AND MUNICIPAL ARBORIST DURING THE PERMITTING STAGE.
TREES 34	2"		
SHRUBS 102	102"	GREEN VELVET BOXWOOD, SPIREA GOLDFLAME AND SIMILAR	
PERENNIALS 204	204"	ARIZONA RED SHADE, RUSSIAN SAGE, DAYLILLY OR SIMILAR	

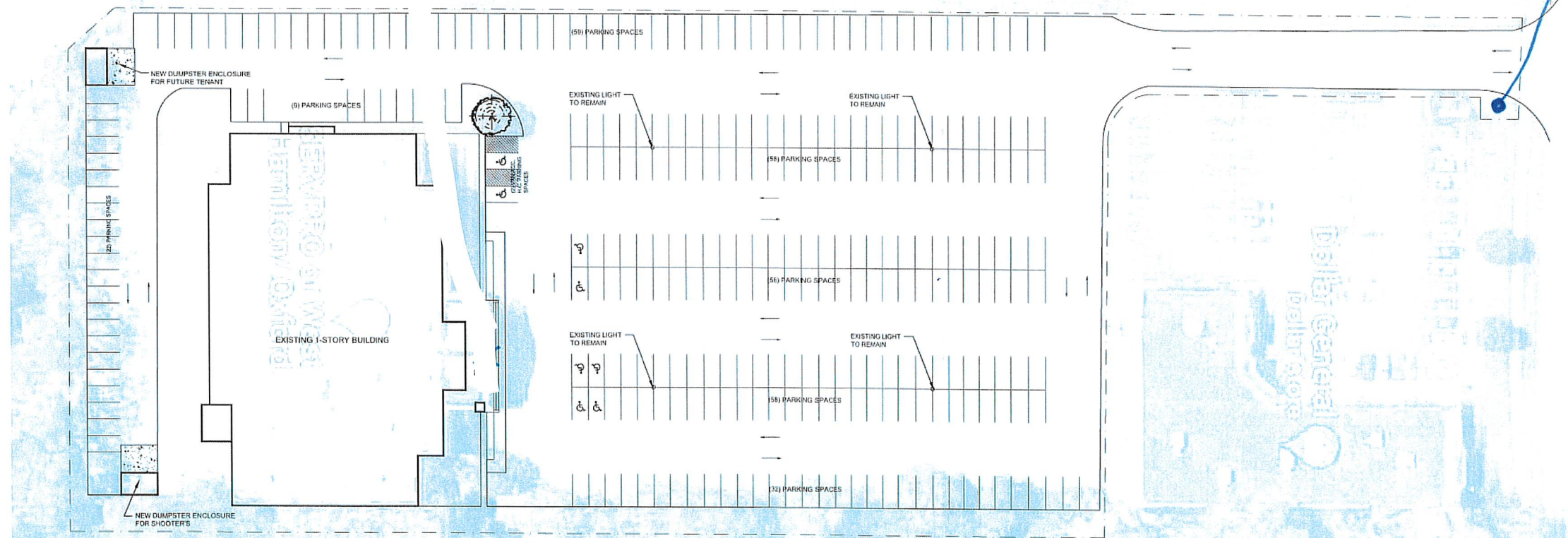
* EXISTING TREES ON SITE TO COUNT TOWARDS REQUIRED AMOUNT
** MINIMUM QUANTITIES OF SHRUBS AND PERENNIALS TO BE PLANTED AT FOUNDATION PLANTINGS AND/OR AT THE ENTRANCE TO THE SITE. LAYOUT PLAN TO BE PROVIDED BY OTHERS.
PARKING = 295 SPACES PROVIDED



ADA PARKING SIGN DETAIL

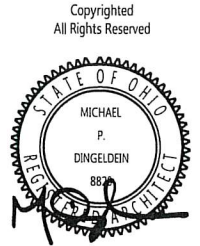


ADA SIGNAGE



GROUND SIGN LOCATION

Washington Blvd



Michael Dingeldein License OH 8820
Expires December 31, 2023

THE ARCHITECT INDICATED ABOVE HAS BEEN RETAINED SOLELY TO PREPARE DRAWINGS FROM INFORMATION FURNISHED BY THE OWNER AND OTHERS FOR THE PURPOSE OF OBTAINING BUILDING OR OTHER PERMITS FROM APPROPRIATE AGENCIES AS REQUIRED BY THE APPLICABLE BUILDING AND ZONING CODES OR OTHER REGULATIONS, STATUTES OR ORDINANCES.

ALL WORK OF THE OWNER OR PERSONS PERFORMING WORK SHALL CONFORM TO THE REQUIREMENTS OF ALL CODES, LAWS, REGULATIONS, ETC. HAVING JURISDICTION OVER THE WORK.



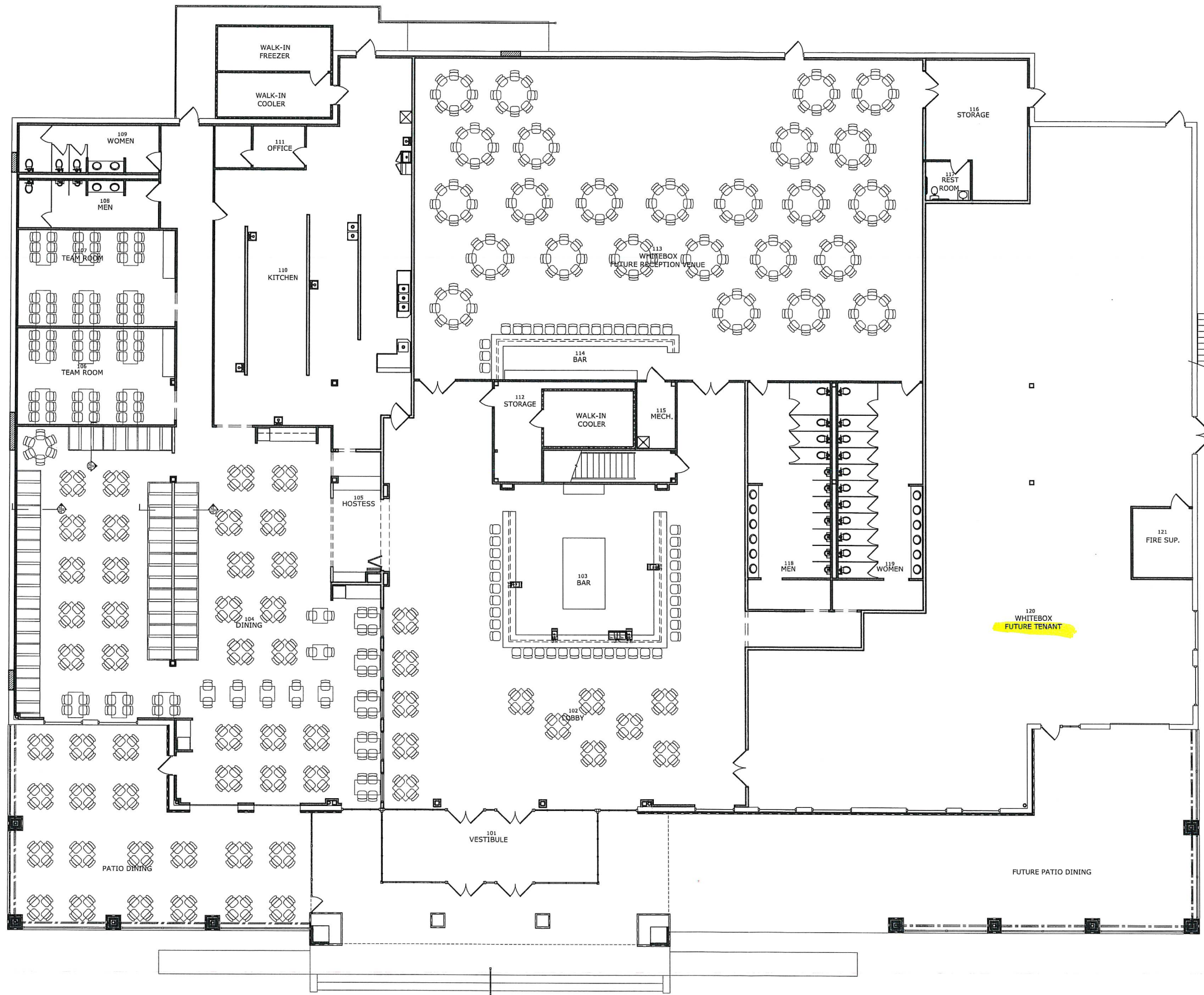
236 High Street
Hamilton, Ohio 45011
513-275-1740

Shooter's Sports Grill
877 NW Washington Blvd
Hamilton, Ohio 45013

ISSUANCES	
05/09/23	Bid / Permit
07/07/23	Revision 1

First Floor
Furniture Plan

DATE: May 09, 2023
COMM NO.
SHEET NO.
F101



01 FIRST FLOOR FURNITURE PLAN
SCALE 1/8" = 1'-0"



REPORT TO THE CITY OF HAMILTON BOARD OF ZONING APPEALS
FOR MEETING DATE OF March 14, 2024
BZA 2024-03-004

CASE NO. BZA: 2024-03-004

PROPERTY ADDRESS: 1558 Main Street

PARCEL ID # P6600134000015

APPLICANT: Marisa Kolman, Greenberg Farrow; on behalf of Texas Roadhouse Holdings, LLC.

PROPOSED REQUEST:

The applicant is proposing to build a 9,309 square foot restaurant on a 91,476 square foot out lot at 1560 Main Street (Meijer's grocery store). The applicant is proposing reduced transparency on the East, West, and North elevations and to allow window openings of 4.45 feet in height instead of the required 6 feet.

Variance 1: Section 1905 B, Façade Transparency: The elevation of a building shall provide at least thirty-five (35) percent transparency at the pedestrian level. Side elevations that face a public roadway or which are highly visible from the right of way shall provide at least thirty (30) percent window or transparency at the pedestrian level. Transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five (35) percent transparency in length.) The installed height of transparency shall be a minimum height of six (6) feet. Dark tinted glass beyond 35% darkening or glass manufactured to reflect light shall not be permitted.

BACKGROUND INFORMATION

The subject property is located at 1560 Main Street (with an address of 1558 Main Street), at the corner of Main Street and Gardner Ridge.

The subject property is zoned "B-2" (Community Business), and would be located at the Meijer's grocery store and fueling station. The specific site is an undeveloped vacant area which would be developed as an out lot.

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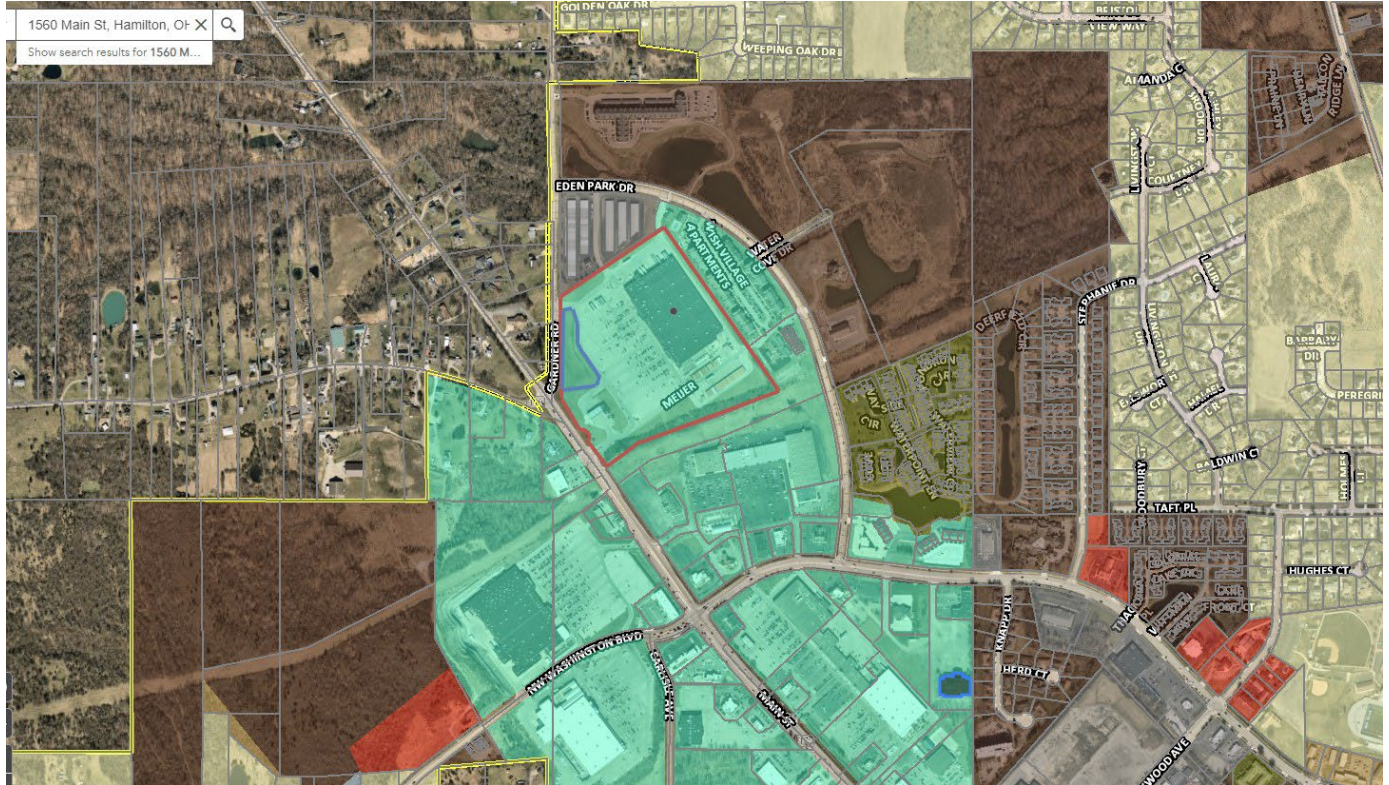


Figure 1: Zoning Map Showing 1560 Main Street, B-2 “Community Business” zoning. Properties to the north are Zoned BPD Business Planned Development and RPD Residential Planned Development. Properties to the east are R-4 and properties to the south and west are B-2.

City of Hamilton Zoning Ordinance:

The following are the applicable sections of the Hamilton Zoning Ordinance:

Section 1905 B, Façade Transparency: The elevation of a building shall provide at least thirty-five (35) percent transparency at the pedestrian level. Side elevations that face a public roadway or which are highly visible from the right of way shall provide at least thirty (30) percent window or transparency at the pedestrian level. Transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five (35) percent transparency in length.) The installed height of transparency shall be a minimum height of six (6) feet. Dark tinted glass beyond 35% darkening or glass manufactured to reflect light shall not be permitted.



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STAFF COMMENTS:

Inquiries regarding the property as an out lot, standalone restaurant have occurred since January 2022.

The site plan proposes a building orientation of the front façade facing east, and the rear façade visible from Gardner Road on the west. Multiple facades do not feature the required amount of transparency/windows per the zoning ordinance. Additionally, the proposed windows are not six (6') foot minimum in height per the requirements.

Initial conversations with this Applicant/ Restaurant occurred throughout 2022 between the applicant and City Staff, pertaining to zoning, site questions, engineering concerns, and preliminary designs. Staff relayed preliminary design and zoning comments to the applicant, particularly building materials, transparencies, and building orientation. Conversations also noted the existing elevation change between Gardner Road and the lower elevation of Meijer's along with the subject property. The applicant halted inquiries and pursuit of the project at the end of 2022 for unspecified reasons.

Conversations resumed in Fall 2023 and discussions restarted due to the length of time between initial contact and this time. This included revisions to the preliminary plans and subsequent reviews by City Staff. Planning Staff noted deficiencies in landscaping, building materials, and additionally transparency and building orientation.

Later conversations involved potential administrative approval for fulfilling the supplementary requirements of Section 1905 B, (second paragraph). With Staff clarification, the applicant noted an inability to meet the administrative potential and thus proceeded with the Board of Zoning Appeals process.

The proposed site includes two parking lots for the restaurant, one on the north side of the building and the other on the south side of the building. Handicap parking is being proposed for the south parking lot. Additional parking may be available in the Meijer lot.

The proposed site does have an approximately twenty (20) drop from Gardner Avenue to the Meijer parking lot. A retention wall on the inside of the site is proposed due to engineering requirements and to address the difference in elevation.



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FOR MEETING DATE OF March 14, 2024
BZA 2024-03-004

East Elevation (Primary Entrance): Faces the Meijer Store

The east elevation is 96.87 feet long and requires 33.9 % (96.87 x 35% as the primary façade) transparency. There are three (3) windows on the east elevation, a set of double doors with a transom, and a single door. The windows and doors account for a total of 35.8% transparency, which meets requirements. None of the windows are the required six (6) foot in height, which is a 100% variance request.

There are two spandrel windows on the east elevation which provide zero transparency. The spandrel glass on the left side of the elevation is within the dining area, and no information has been provided as to the hardship for not having an actual window. The spandrel glass on the right side of the elevation covers an area of the back room (cooler) for the business.

West Elevation: Faces Gardner Road:

The west elevation is 94.3 feet long and requires 28.3% (94.3 x 30%) transparency. There are two (2) windows on the west elevation which account for 12.7% transparency. The two (2) windows are on the right side of the elevation which is within the dining area. None of the windows are the required six (6) foot in height, which is a 100% variance request.

The left side of the elevation which contains no transparency or spandrel is the back of business operations including the restrooms, mechanical, and dry storage.

This elevation is also the side which faces an approximate 20 foot decline from the road to the business and will require a retaining wall, which staff believes will reduce visibility from the road.

South Elevation: Faces the Fueling Station for Meijer:

The south elevation is 102.7 feet long and requires 30.8% (102.7 x 30%) transparency. There are five (5) windows and one door on the south elevation which provide for 39.2% transparency. The south elevation is required to have 30% transparency, so the requirement is met. However, none of the windows are the required six (6) foot in height, which is a 100% variance request.

North Elevation:

The north elevation is 102.7 feet long and requires 30.8% (102.7 x 30%) transparency. There are zero (0) windows on the north elevation, providing for zero transparency. The left side of the elevation contains three (3) spandrel windows which provide zero transparency. The first spandrel window is the carry out section of the business. The next two spandrel

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windows are into the back of business for the location. None of the windows are the required six (6) foot in height, which is a 100% variance request.

The right side of the elevation contains no windows but consists of the loading dock and the dumpster enclosure.

There is a Texas Roadhouse location currently at 1366 Main Street. The Applicant has stated the design of the building and windows are part of the branding for Texas Roadhouse. Staff has been out to this site and makes the following notes: The size of the windows at the current location match what is being proposed for the new location. There are spandrel windows in use at the current location, including one which leads into the dining area. The new location would substantially resemble the existing location.

Neighbor Comments

As of the writing of the staff report, no comments or concerns have been received from neighbors

VARIANCE REVIEW CRITERIA:

4206 Hamilton Zoning Ordinance

Variance - Conditions Prevailing: Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulty or would cause unnecessary hardship (unnecessary to carry out the spirit and purpose of this Ordinance) the Board shall have power to authorize a variance from the terms of this Ordinance, so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such condition regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.



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4207 Variance-Findings of the Board:

No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds that the following facts and conditions exist.

I. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?

APPLICANT'S RESPONSE:

Texas Roadhouse internal layout and design has been modified for maximum efficiency and profitability. To include additional transparency elements in the external design would change the internal layout of the restaurant and affect its overall operations.

Staff Comment: The property can yield a reasonable return and have a beneficial use without the Variances

II. Is the Variance substantial?

APPLICANT'S RESPONSE:

The variance request is not a substantial alteration. The addition of Spandrel/Faux Windows provides the aesthetic of transparency.

Staff Comment:

The West Elevation contains 12.7% transparency where 30% is required. A variance request of 17%. The west elevation will face Gardner Road which has a twenty foot grade from the road to the business and will also require a retaining wall. Due to the elevation change and back of business operations, the lack of transparency is not substantial

The North Elevation contains 0% transparency, a 100% variance request. The north elevation contains the back of business operations including the loading dock and dumpster enclosure and is therefore not substantial.

The reduction in window size from six (6) feet to approximately 4.45 is a 25% variance request per window. The windows would match those at the existing location.



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III. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

APPLICANT'S RESPONSE:

The variance request is not a substantial alteration. The addition of Spandrel/Faux Windows provides the aesthetic of transparency, keeping with the essential character of the neighborhood.

Staff Comment: The new Texas Roadhouse would substantially match the existing structure located a few miles away. The transparency issues noted are in area's which are appropriate for screening from the public view. The reduction in window size due to Texas Roadhouse design standards does not amount to a hardship.

IV. Would the Variance adversely affect the delivery of governmental services?

APPLICANT'S RESPONSE:

The variance requested would not adversely affect delivery of governmental services as it does not affect the design or layout of the site.

Staff Comment: No. The delivery of Government Services would not be adversely affected.

V. Did the property owners purchase the property with the knowledge of the zoning restriction?

APPLICANT'S RESPONSE:

The applicant did have general knowledge of the applicable zoning restriction.

Staff Comment: The applicant has submitted multiple site plans and elevation plans since 2022 for preliminary zoning review. At least two (2) zoning reviews noted the deficiencies pertaining to transparency.

Transparency has been a part of the Hamilton Zoning Ordinance since at least 2011, including the minimum height requirement



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VI. Could the problem be solved in some other manner other than the granting of the Variance?

APPLICANT'S RESPONSE:

Alternate design options from Zoning Section 1905 B were reviewed by the design team. Due to the grade and geometry of the site, including alternate design elements into the site is not feasible.

Staff Comment: Windows could be added to the elevations which do not meet the Zoning Ordinance. In this instance, the majority of the windows would be added to areas which would be considered back of business. The essential character of the neighborhood would not be changed and there would not be substantial detriment to adjoining properties.

VII. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

APPLICANT'S RESPONSE:

The spirit of the zoning requirement is observed by requesting the minimum variance. Texas Roadhouse prototype has been changed to comply with the transparency required as much as possible without affecting overall operations. The addition of Spandrel/Faux Windows provides the aesthetic of transparency preserving the spirit and intent of the zoning requirement.

Staff Comment:

The spirit and intent of the zoning requirement would be met in terms of transparency based upon the factors noted.

4209 Decision Of Board Of Zoning Appeals:

In exercising the above enumerated powers, the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from to the extent and manner that the Board may decide to be fitting and proper on the premises, and to that end the Board shall have all the powers of the City Manager or Designee from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager



REPORT TO THE CITY OF HAMILTON BOARD OF ZONING APPEALS
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or Designee or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.

ACTION:

The Board of Zoning Appeals shall approve, approve with conditions, or deny the applicants variance request.

Should the BZA approve the applicant's request, the following conditions should be considered for each request:

1. The BZA approves waiving the thirty (30) day waiting period to allow the applicant to receive any needed permits. The applicant hereby acknowledges that any work completed prior to the end of the appeal period is at their own risk.
2. Applicant perform any needed lot split, access agreements, parking agreements as may be required.
3. Applicant comply with any requirements from other City Departments reviewing future plans for the project.



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FOR MEETING DATE OF March 14, 2024
BZA 2024-03-004



Proposed out lot is outlined in blue within the parcel outlined in red

Search...

SCHWEIER, AJ

Inbox Service Requests Work Orders Asset Search Inspections Reports

Managers Crew_Admin GIS Recent Designer

- Summary Main Address People Condition DataGroup Rel Docs Flags Fees
- Payment Workflow Notes

Case Type: PL-VAR Number: VAR24-0123 Status: PL-REVCOMP

Main

Permit Type: Variance

Permit Sub Type:

Migrated Permit Sub

Type:

Address: 1558 MAIN ST

Project Name: Texas Roadhouse Relocation - Window Height and Transparency Request

Initiated By: mkolman@greenbergfarrow.com 2/14/2024



PL-Plan Review Report

Add Comment

Sort

no comments

Address

<input type="checkbox"/>			Object	Asset Type	Asset ID	Address		
<input type="checkbox"/>			428181	SITE ADDRESS POINT...	SID-47738	1558 MAIN ST		

Size: 10 Go Found: 1 Displaying 1 to 1

People

<input type="checkbox"/>			Role Code	Name	City	
<input type="checkbox"/>			PL-APP	Marisa Kolman, GreenbergFarrow	Chicago	
<input type="checkbox"/>			PL-COH	PL-COH		
<input type="checkbox"/>			PL-PROPOWN	Texas Roadhouse Holdings LLC	Louisville	

Size: 10 Go Found: 3 Displaying 1 to 3

Condition

No Entries Found

Data Group

Grand Sum: 0

	PL-VARIANC :	Variance Application	Group Sum	Sum Flag
		Most Common Variance Requests		<input type="checkbox"/>

List: Other (Explain in text box)

Comment: Reduction of required transparency and reduction of 6' window height.

Required Variance-Findings of the BZA:No variance will be granted unless the BZA finds practical difficulties. (See Below) Y

Please complete at least one of the following:Y

Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?

Yes/No: Y

Comment: To include additional transparency elements in the external design would require alterations to the internal layout of the restaurant and affect overall operations of their prototype.

Is the Variance substantial?

Yes/No: Y

Comment: The variance request is not substantial, the following transparency and glazing totals can be achieved on each elevation: Facing West: 10.62% trans + 26.46% faux = 37.18% total Facing North: 16.96% faux total Facing East: 26.6% trans + 10.62% faux = 37.22% total Facing South: 37.9% trans total

Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

Yes/No: Y

Comment: This is not a substantial alteration in the character of the neighborhood. The adjacent commercial user is Meijer store and gas station which provide minimal windows on the front entrance elevations only. It does not appear to meet the same criteria.

Would the Variance adversely affect the delivery of governmental services?

Yes/No: Y

Comment: No, the reduction of window height and amount of transparent window does not affect delivery of any government service. There is still sufficient view into the restaurant dining area by the amount of transparent windows provided.

Did the property owners purchase the property with the knowledge of the zoning restriction?

Yes/No: Y

Comment: Texas Roadhouse is under contract to purchase the parcel of land from the seller for relocation of their restaurant. The denial of the variance request could affect the sale.

Could the problem be solved in some other manner other than the granting of the Variance?

Yes/No: Y

Comment: Alternate design options from code were reviewed by the design team. Due to the grade and geometry of the site, including alternate design elements into the site was not feasible.

Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

Yes/No: Y

Comment: Yes, the spirit and intent of the zoning requirement will still be met by granting the variance. The Texas Roadhouse prototype has been modified to comply with as much transparency as possible without affecting overall interior operations. The additional faux windows provides the aesthetic of the code intent.

PL- COUNCI :	Council Meeting Date:	Group Sum	Sum Flag <input type="checkbox"/>
	Meeting Date:		
	Meeting Type		
	Addresses:		
	Property Zoned		

Attachments

Add attachment...

Remove all attachments

C3.0 OVERALL SITE PLAN.pdf	905.61 KB	<input type="checkbox"/>
Attached by mkolman@greenbergfarrow.com	02/14/2024 10:32 AM	
C3.1 SITE PLAN.pdf	1.28 MB	<input type="checkbox"/>
Attached by mkolman@greenbergfarrow.com	02/14/2024 10:32 AM	
TRH Hamilton, OH - Project Narrative Transparenc y Variance.pdf	263.28 KB	<input type="checkbox"/>
Attached by mkolman@greenbergfarrow.com	02/14/2024 10:32 AM	
202106970 L1.1 Site Section.pdf	419.60 KB	<input type="checkbox"/>
Attached by mkolman@greenbergfarrow.com	02/14/2024 10:32 AM	

202106970 L1.0 Landscape Plan.pdf Attached by mkolman@greenbergfarrow.com	1.52 MB	02/14/2024 10:32 AM
202106970 TRH Hamilton OH_BZA (ARCH) 2023-12- 13.pdf Attached by mkolman@greenbergfarrow.com	6.68 MB	02/14/2024 10:32 AM

Flags

No Entries Found

Fees

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Code</u>	<u>Fee Description</u>	<input checked="" type="checkbox"/>	<u>Amount</u>	<u>Paid</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PL-VARIAN	Variance Request	<input type="checkbox"/>	200.00	200.00
<input type="button" value="Re-Calculate Fees"/>						200.00	200.00

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Payment

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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CREDITCARD		PL-VARIAN		2/14/2024	200.00
								200.00

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Workflow

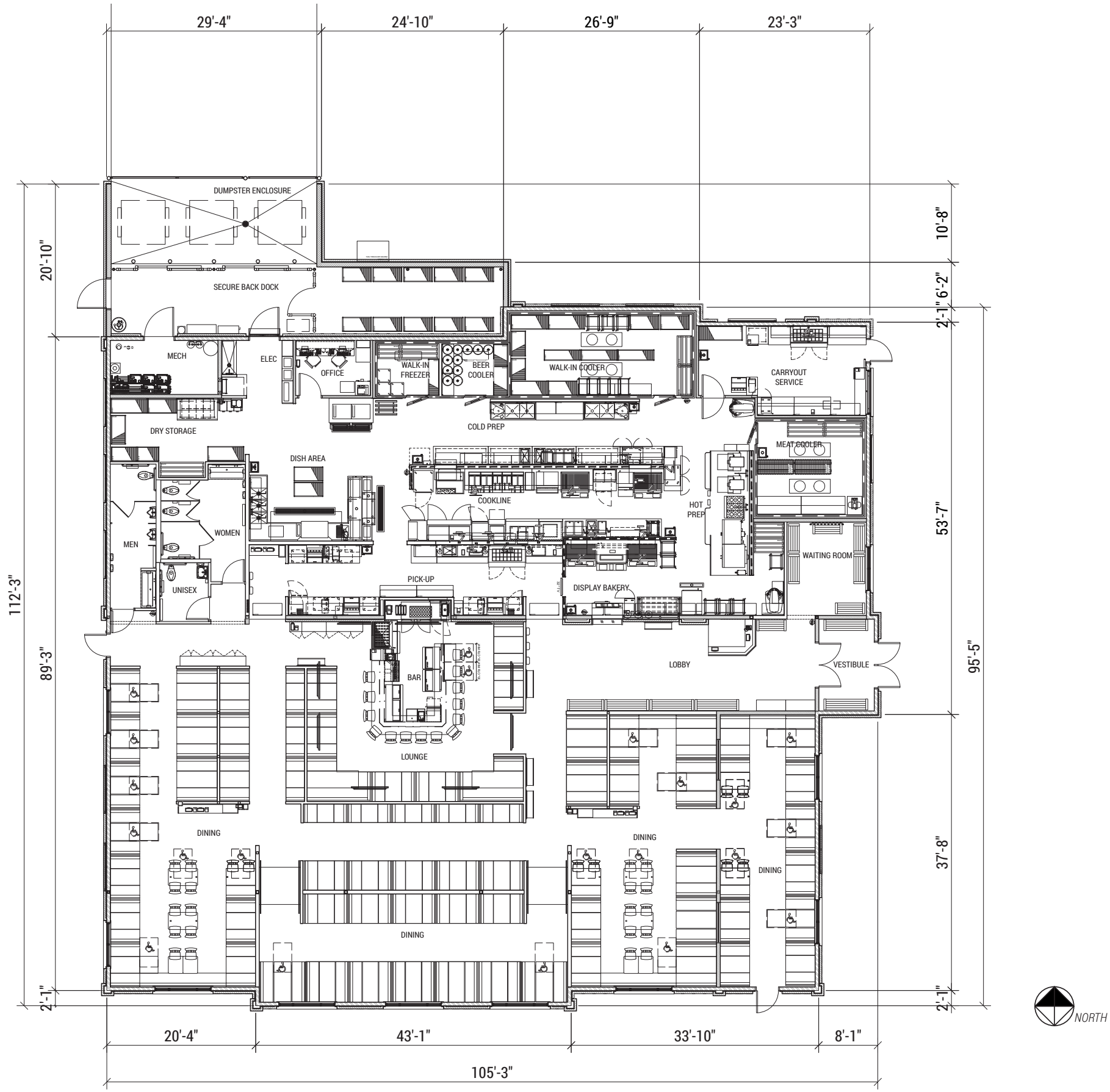
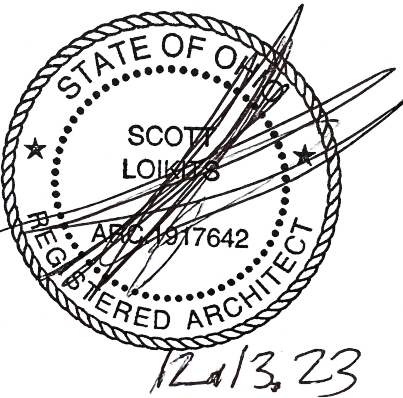
All Yes No All Yes No All

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Description</u>	<u>Result</u>	<u>Target End</u>	<u>Completed</u>	<u>M</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Received	Complete ✓	2/14/24 10A	2/14/24 11A	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fee Review	Done ✓	2/19/24 11A	2/14/24 11A	2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fees Paid?	Paid ✓	2/14/24 11A	2/14/24 2P	3
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hold For Internal Review (V...	Review Complete ✓	2/14/24 2P	2/15/24 9A	3
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit status	<input type="checkbox"/>	3/7/24 4A		3

Size: 60 Go Found: 5 Displaying 1 to 5

Notes

No Entries Found



FLOOR PLAN

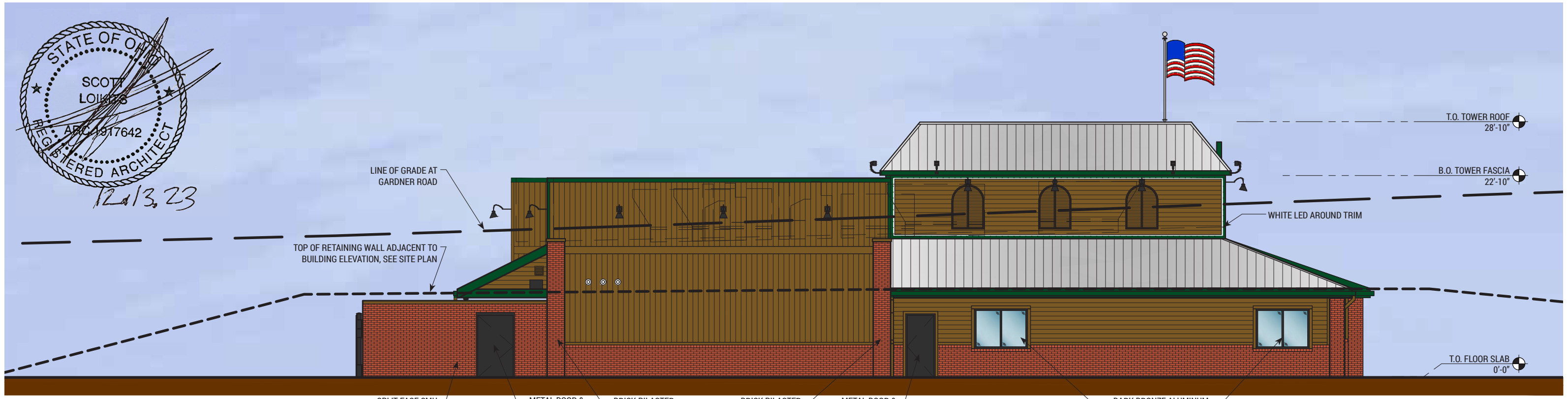
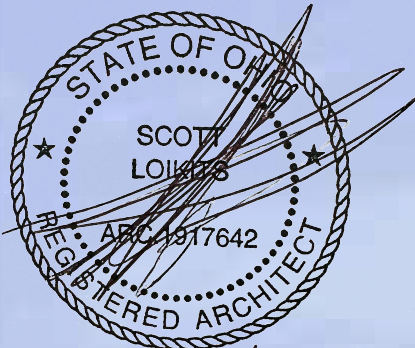
REFER TO SHEET A2.2 FOR EXTERIOR FINISH SCHEDULE



FRONT ELEVATION (SOUTH)



REAR ELEVATION (NORTH)



LEFT ELEVATION (WEST)

EXTERIOR FINISH SCHEDULE	
FIBER CEMENT BOARD SIDING & TRIM	ALLURA LAP SIDING, RUSTIC CEDAR 8.25" (7" EXPOSURE) COLOR: SUMMER WHEAT ALLURA VERTICAL PANEL, RUSTIC 8" OC GROOVE, COLOR: SUMMER WHEAT
EXTERIOR SHUTTERS	WHOLESALE MILLWORK HIGH DENSITY POLYURETHANE, COLOR: SHERWIN WILLIAMS PAINTS, #6096 JUTE BROWN
FRONT ENTRANCE DOORS	SPECIAL-LITE SL-18 FRP DOOR OAK FINISH
FASCIA, FIBER CEMENT BOARD TRIM, METAL CAP FLASHING & GUTTERS	PAINT #1: SHERWIN WILLIAMS PAINTS, GREEN
DOWNSPOUTS & SPLIT-FACE CMU	PAINT #2: SHERWIN WILLIAMS PAINTS, #6117 "SMOKEY TOPAZ" FINISH COLOR TO MATCH FIBER CEMENT COLOR
METAL DOORS & FRAMES, DUMPSTER GATES & BOLLARDS	PAINT #3: SHERWIN WILLIAMS PAINTS, GLOSS BLACK
METAL RAILS & METAL GATE	PORTER PAINTS: EXTERIOR; COLOR: BLACK
BRICK	COMMERCIAL BRICK CORPORATION "HOMESTEAD"
BRICK (ALTERNATE)	GENERAL SHALE PHOENIX C652
METAL ROOF	METAL SALES 5V-CRIMP, GALVALUME

DISCLAIMER NOTE:
THE COLORS DEPICTED ON THESE ELEVATIONS ARE FOR GRAPHIC REPRESENTATION PURPOSES ONLY.
PLEASE REFER TO MATERIAL BOARD FOR ACTUAL SAMPLE OF COLORS AND TEXTURES



RIGHT ELEVATION (EAST)



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Suite 800N
Chicago, IL 60631
t: 847 788 9200

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PROJECT TEAM
CIVIL
GREENBERGFARROW
STRUCTURAL
GREENBERGFARROW
MECHANICAL
GREENBERGFARROW
PLUMBING
GREENBERGFARROW
ELECTRICAL
GREENBERGFARROW
KITCHEN FIXTURE & EQUIPMENT
TEXAS ROADHOUSE

ISSUE/REVISION RECORD

DATE	DESCRIPTION
05/19/23	PRELIMINARY OPC
10/16/23	PRE. LANDSCAPE PLAN
10/26/23	CITY SUBMITTAL
12/13/23	BZA SUBMITTAL
02/08/24	BZA RESUBMITTAL

PROFESSIONAL SEAL



02/08/2024

PROFESSIONAL IN CHARGE

ALEX MADDOX, P.L.A.

PROJECT MANAGER

J. RATH

QUALITY CONTROL

J. RATH

DRAWN BY

D. JARRARD

PROJECT NAME

TEXAS ROADHOUSE

HAMILTON, OHIO



PROJECT NUMBER

20210697.0

SHEET TITLE

LANDSCAPE PLAN

SHEET NUMBER

L1.0

PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	ROOT	CAL
TREES						
	ARF	8	ACER RUBRUM 'FRANK JR.' STRONG CENTRAL LEADER	REDPOINTE® MAPLE	B & B	2.5' CAL
	CC	6	CERCIS CANADENSIS	EASTERN REDBUD	B & B	2.5' CAL
	GTS	3	GLEDTISIA TRIACANTHOS 'INERMIS' 'SUNBURST' STRONG CENTRAL LEADER	SUNBURST® HONEY LOCUST	B & B	2.5' CAL
	GD	4	GYMNOCLADUS DIOICA 'ESPRESSO' STRONG CENTRAL LEADER	KENTUCKY COFFEETREE	B & B	2.5' CAL
	TAR	8	TILIA AMERICANA 'REDMOND' STRONG CENTRAL LEADER	REDMOND AMERICAN LINDEN	B & B	2.5' CAL
SHRUBS						
	JCF	12	JUNIPERUS CHINENSIS 'FAIRVIEW'	FAIRVIEW JUNIPER	B & B	7' HT. MIN
	RAG	70	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	3 GAL	
	TMD	32	TAXUS X MEDIA 'DENSIFORMIS'	DENSE ANGLO-JAPANESE YEW	B & B	36" MIN.
SOD/SEED						
	PP	30,762 SF	POA PRATENSIS 30% PARK KENTUCKY BLUEGRASS 30% DAWSON CREEPING RED FESCUE 30% FULTS PUCCINELLIA DISTANS 10% PENNFINE PERENNIAL RYEGRASS	KENTUCKY BLUEGRASS BLEND	SEED	
				RIVER ROCK MULCH		
				SHREDDED BARK MULCH		

*SHRUB HEIGHT MEASUREMENTS ARE TO BE AS MEASURED FROM TOP OF ROOTBALL (TYP.) AT TIME OF PLANTING.

LANDSCAPE CALCULATIONS

	REQUIRED:	PROVIDED:
LANDSCAPING		
TREES	29*	29
(CALCULATION: 2.10ac(43560sf) = 91,476 / 5000sf = 18.29 TREES)		
*Additional trees required by City (50% increase = 10 trees)		
SHRUBS (OPTION B)	87*	114
(CALCULATION: 19(TREES) (3) = 57)		
*Additional shrubs required by City (50% increase = 30 shrubs)		
BUFFER YARD		YES
(10' MINIMUM WIDTH, MUST BE LANDSCAPED -- REQUIRED BUFFER TREES ARE PLANTED OUTSIDE BUFFER AREA ON SITE TO AVOID UTILITIES AND EASEMENTS)		
PARKING LOT	N/A	

GENERAL NOTES:

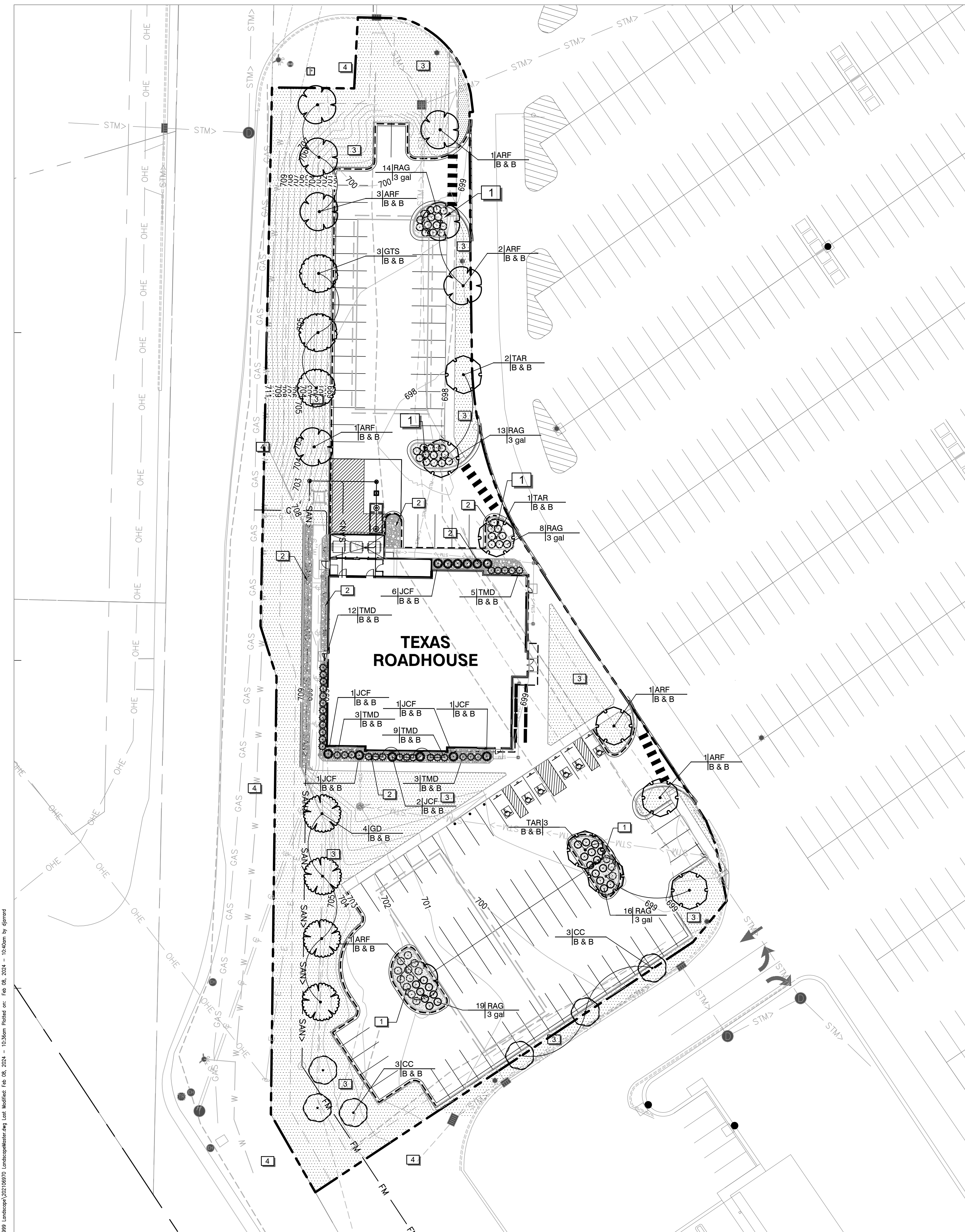
- GRAPHIC SYMBOLS TAKE PRECEDENCE OVER WRITTEN QUANTITIES AND KEYS ON PLAN.
- CONTRACTOR TO REPAIR AND REPLACE ANY PLANT MATERIAL DAMAGED BY THIS CONSTRUCTION OUTSIDE PROJECT LIMITS. ANY EXISTING PLANT MATERIAL DAMAGED BY CONTRACTOR DURING CONSTRUCTION SHALL BE REPLACED WITH LIKE MATERIAL OF SIMILAR SPECIES AND SIZE AT THE CONTRACTOR'S EXPENSE WITH NO ADDITIONAL COST TO OWNER OR TENANT.
- TWO WEEKS PRIOR TO PLANTING, THE CONTRACTOR SHALL SUBMIT TO THE OWNER / OWNER'S REPRESENTATIVE A PLANT PHOTO SUBMITTAL FOR APPROVAL. IF REQUESTED, BY THE OWNER, THE LANDSCAPE ARCHITECT WILL TAG THE MATERIAL.
- EACH PHOTO SHALL CLEARLY SHOW THE SIZE, FORM, AND BRANCHING STRUCTURE AND QUALITY OF THE PLANT.
- EACH PHOTO SHALL HAVE THE PLANT NAME, SIZE AND SPECIFICATIONS LABELED ON THE PHOTO.
- ANY PHOTO SHOWING A GROUP OF PLANTS CLOSE TOGETHER WILL NOT BE ACCEPTED.
- NO PARTIAL OR INCOMPLETE SUBMITTAL WILL BE ACCEPTED FOR REVIEW. ANY REJECTED SPECIES WILL BE SUBJECT TO RESUBMITTAL.
- CONTRACTOR TO DESIGN AND INSTALL A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM PROVIDING 100% COVERAGE OF ALL PLANTED AREAS. SHRUB BEDS AND LAWN AREAS TO BE ON SEPARATE ZONES. IRRIGATION SYSTEM TO BE DESIGN AND INSTALLED IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL CODES.

MAINTENANCE OF LANDSCAPING:

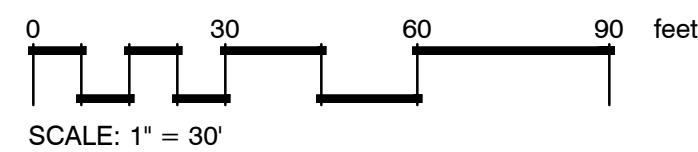
THE OWNER, TENANT, OR AGENT, IF ANY, SHALL BE RESPONSIBLE FOR PROVIDING, PROTECTING AND MAINTAINING ALL LANDSCAPING IN HEALTHY GROWING CONDITIONS, REPLACING IT WHEN NECESSARY TO ENSURE CONTINUOUS CONFORMANCE WITH THESE GUIDELINES AND KEEPING IT FREE FROM REFUSE AND DEBRIS. MAINTENANCE SHALL INCLUDE THE REPLACEMENT OF ALL DEAD PLANT MATERIAL WITHIN THE GUARANTEED CONTRACT PERIOD.

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
	3" DEPTH SHREDDED BARK MULCH ON WEED BARRIER IN ALL ISLANDS TYPICAL UNLESS OTHERWISE NOTED ON PLAN.
	INSTALL RIVER ROCK MULCH 5"-7" DIAMETER ON WEED BARRIER IN PLANT BED ADJACENT TO BUILDING FOUNDATION AND WHERE INDICATED ON PLAN. RIVER ROCK MULCH TO BE INSTALLED FLUSH WITH TOP OF SIDEWALK.
	SEEDED LAWNS WITH KENTUCKY BLUEGRASS COMMON TO LOCALITY. INSTALL EROSION CONTROL BLANKET AFTER SEEDING. BLANKET TO BE STAPLED TO THE GROUND TO PREVENT UPLIFT FROM WIND.
	ANY DAMAGE TO ADJACENT PROPERTY OR AREAS OF WORK BY OTHERS IS TO BE REPAIRED TO ITS ORIGINAL CONDITION WITH NO ADDITIONAL COST TO THE OWNER.



LANDSCAPE PLAN





8600 W Bryn Mawr Avenue
Suite 800N
Chicago, IL 60631
847.788.9200
www.greenbergfarrow.com
Designing Solutions Together

Memorandum

February 8, 2024

To: City of Hamilton Planning Department	Project	Texas Roadhouse Hamilton OH
	Project #	20210697.0
	From	Marisa Kolman
	Re	Variance Application
	Copies	Danielle Benedict

On behalf of our client Texas Roadhouse Inc. (TXRH), below is a description of the proposed scope of work for the Texas Roadhouse Hamilton Ohio project. This project involves the construction of a new 9,309-square foot Texas Roadhouse sit-down restaurant, which includes new parking, drive aisles, landscaping, site lighting, pick-up window, sidewalks, outdoor waiting area and required utilities to be located at 1558 Main Street, Hamilton, OH 45013, a Meijer outparcel.

Texas Roadhouse intends to purchase an approximately 1.96-acre parcel for this new development. The site is currently vacant and will be developed with a new Texas Roadhouse restaurant that will be used to accommodate a sit-down restaurant with alcohol sales. The restaurant design will feature brick, fiber cement siding, galvalume metal roof and accent trim. In order to construct the Texas Roadhouse, we are requesting the variances from Section 1905 B. Transparency Requirements.

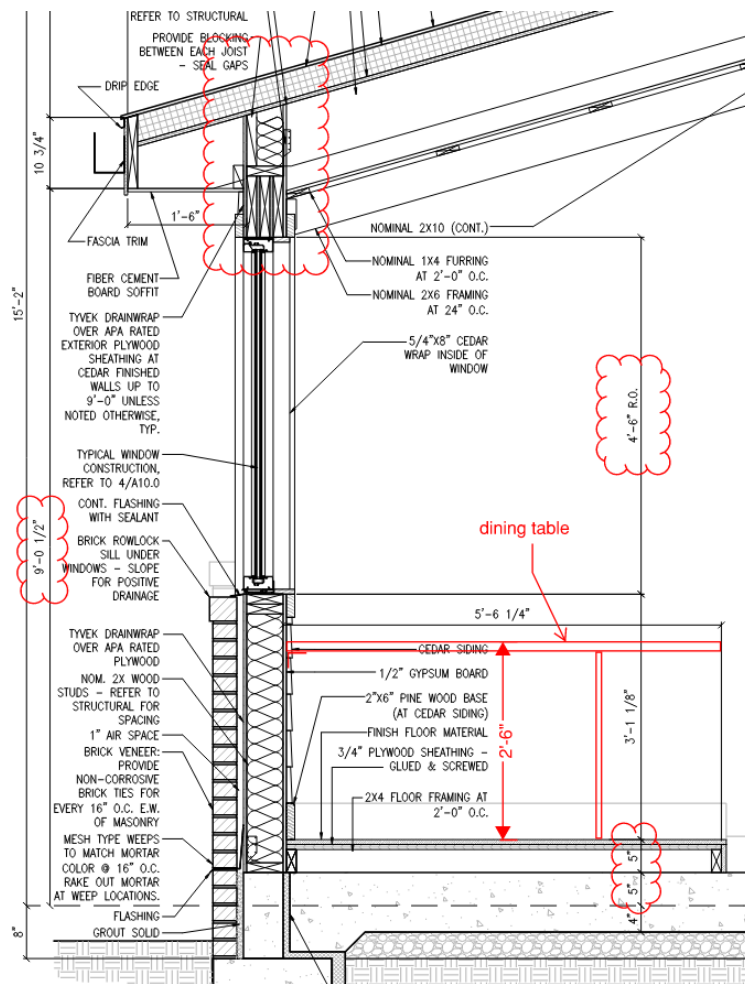
1) Façade Transparency: The elevation of a building shall provide at least thirty-five (35) percent transparency at the pedestrian level. Side elevations that face a public roadway or which are highly visible from the right of way shall provide at least thirty (30) percent window or transparency at the pedestrian level. Transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five (35) percent transparency in length.) The installed height of transparency shall be a minimum height of six (6) feet. Dark tinted glass beyond 35% darkening or glass manufactured to reflect light shall not be permitted.

We are proposing the following reductions to transparency and window height as outlined below:

- The Left Elevation (West facing Gardner Road) provides 10.62% transparency with 26.56% Spandrel/Faux Windows for a total glazing of 37.18%. The northern half of the elevation is back of house operations which would view into the restrooms, storage and mechanical rooms. Please refer to the building's floor plan that is included in the application. Additionally, due to the site conditions the building's elevation will be 20-feet below Gardner Road and therefore not highly visible from the right-of-way. Please refer to the enclosed line of site exhibit for view corridor from Gardner Road to the building elevation.



- The Rear Elevation (North facing) provides 16.96% Spandrel/Faux Windows. Again, the restaurant's back of house operations are located in the rear of the building. This includes the restaurant's kitchen and coolers as indicated on the floor plan enclosed. Per Texas Roadhouse's operations, windows cannot be added to the rear elevation, however faux windows are proposed to help meet the intent of the code.
- The Right Elevation (East facing Meijer) provides 26.6% transparency with 10.62% Spandrel/Faux Windows for a total glazing of 37.22%.
- The Front Elevation (South facing) exceeds the 35% transparency requirement, providing 37.9% transparency.
- Overall the required transparency is inconsistent with the operational requirements of the restaurant as mentioned. The addition of Spandrel/Faux Windows provides the aesthetic of transparency without affecting operational requirements for the restaurant.
- The prototypical window height proposed is 4'6". This is driven by the seating table height and the interior finish floor height being above grade. There is no space to increase the window height upwards given it is already at the roofline. A marked-up section is provided further below in this letter for your reference of the window placement and constraints.



Thank you for your consideration of this important project in Hamilton. I look forward to receiving your input with respect to this Variance submittal. Please feel free to contact me if you require any additional information mkolman@greenbergfarrow.com or 708-705-3980.