

BOARD OF ZONING APPEALS

MINUTES

August 7, 2012

Members Present:	Lynne Thomas-Roth Glynn Marsh	Mayor O'Callaghan John Bruns
City Staff Members Present:	John Applegate Joe Moore	Denise Winemiller

Mrs. Thomas-Roth called the Board of Zoning Appeals meeting to order on August 7, 2012.

Attendance was taken and Mrs. Thomas-Roth, Mr. Marsh, Mr. Bruns and Mayor O'Callaghan were present.

1. Minutes of the May 1, 2012 meeting.

Mrs. Thomas-Roth asked if there were any corrections or additions to the Board of Zoning Appeals minutes from the May 1, 2012 meeting. There were no corrections so Mayor O'Callaghan moved that the May 1, 2012 minutes be accepted as prepared. Mr. Marsh seconded the motion. All concurred and the May 1, 2012 Board of Zoning Appeals minutes were accepted as prepared.

2. 12-05 - Zoning Variance request from Gary Sonner, 32 Laurelgrove, in the building set back to add a cover to a small porch on the front of the house.

Mrs. Thomas-Roth introduced Gary and Linda Sonner, the property owners, who were in attendance.

They would like to add a cover to their porch located at their residence at 32 Laurelgrove.

Mr. Applegate said the city has no objections to the roof added to the existing front porch. He said the property is very well maintained and the improvement will enhance the front façade of the home. He stated, for the record, that the front porch will not be enclosed.

Mrs. Thomas-Roth indicated that she had been by the property twice and was impressed with how pretty and how well the property is maintained.

Mr. Marsh confirmed with the property owners that they have contacted their neighbors and the neighbors have no objections to the change in the porch.

Mr. Marsh moved to grant the variance to install a roof over the porch for the property located at 32 Laurelgrove Drive. Mrs. Thomas-Roth seconded the motion.

All concurred and the motion was passed and the variance was granted.

3. Open Agenda

Mr. Applegate said he had distributed copies of a rough draft of a modified sign ordinance and said that Mr. Moore wanted to address the board.

Mr. Moore said the Union sign ordinance is approximately ten years old and he asked them to review some of the proposed changes and take a moment to read the “purpose clause”.

Mr. Moore said there are many new rules and case law regarding signs because it is a first amendment issue and the rules have to be updated as the case law develops. Mr. Moore said recently there was a case from another city and something was found to be incorrect so they had to consult a specialist in the sign codes in the Dayton area. His name is Kevin Lantz and he is assisting in updating the Union sign code too.

Since the City of Union sign code needs to be updated and reviewed, Mr. Applegate asked that the board members read the ordinance, consider the proposed

changes, and then they would meet again in September and discuss it. He said he wanted their input and wanted them to have the new sign ordinance ready to submit to the council for their review.

Mr. Applegate said another city in the area had been taken to court and that city had ended up paying a lot of additional attorney fees. Union's sign code modifications had been written by the same attorney so he wanted to update the regulations now and avoid any expensive litigation with attorney fees and change the code since it was ten years old.

Mr. Applegate said this is a rough draft and they will start to go through it. What the board has is the entire original code with items in red that need to be added or deleted. There are several new sections that incorporate all of the new case law that has occurred in the last ten years.

Mr. Applegate said this is necessary because as the area across the river develops, they will need to have updated regulations. Mr. Marsh said this process could take several months and Mr. Applegate said he wanted the planning commission to be satisfied with the changes and ready to recommend it to go before the council and have it prepared in a format that the council would accept.

Mr. Applegate said that at the next meeting, they will have Mr. Lantz, the specialist in legal matters about sign regulations attending and they will also have him come to the council meeting.

Mr. Applegate added that every sign code is unique to each community. If there are things that the city wants left in the sign code, they will see if it can be left in or reworded to satisfy all of the new laws. Mr. Moore reiterated that all of the current changes in case law that have occurred through the courts are reflected in the proposed sign ordinance that they have before them.

In other items for the open agenda, Mr. Marsh asked if there was an update on the remodeling of the Meadows of Martindale apartments. Mr. Applegate said

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the city has approved the plans including the new patios and the project is moving right along. The drawings were reviewed by the City of Union and a few comments were made.

Mr. Marsh asked if there were any changes in ownership in Union Terminal Apartments and Mr. Applegate said he had not heard any more about that.

Mr. Marsh asked about the foundation and overlook at Old Springfield Road and State Route 48. Mr. Applegate told him that the foundation had been filled in but they had not reshaped the ground. The city had so many projects going on and the barricade kept getting taken down so they decided to fill the area and close it up and they will make improvements to the site when they can. Mr. Applegate added that the pear tree was still alive and unharmed.

4. Mayor O'Callaghan moved that the Board of Zoning Appeals meeting be adjourned. Mr. Marsh seconded the motion. All concurred and the meeting was adjourned.