



Ronald Roberto
Robert Bartolt
Mark Schupp
Dionne Owens
James Sidow

David DeMoss

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting
4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, January 25th, 2023 – 6:30 p.m.

1. Meeting called to order:

Pledge of Allegiance

Explanation of Procedures

Roll Call.

2. Swearing in: Appellants, attorneys, and all speakers in the cases.
3. Hearing of Appeals:

BZA2022-18:

The applicant who is representing the property owner, is requesting; a variance to §15.9.1 (C) & (D).

Location: 9024 Colerain Avenue

Parcel: 510-0104-0111-00

Applicant: Commercial Site Acquisitions, Inc. c/o Casto

Property Owner: McClusky Chevrolet, Inc

4. Unfinished Business: None
5. Approval of Minutes: December 21st, 2022.
6. Next Meeting: February 22nd, 2023*
7. Administrative Matters: None
8. Adjournment.

*Currently no application has been received by Colerain Township

REQUEST FOR VARIANCE

Department: Planning & Zoning

Department

Director: David Miller

BZA2022-18

Staff recommends Table of the requested variance:

- 1. The property owner is requesting a variance from §15.9.1 (C) & (D).*

Rational:

The attached staff report provides additional information for the basis of Staff's recommendation for Approval of the Variance as submitted subject to the above referenced conditions



Staff Report:	Board of Zoning Appeals Case # BZA2022-18
Request:	Variance to §15.9.1 (C) & (D)
Location:	9024 Colerain Ave.
Parcel:	510-0104-0111-00
Meeting Date:	January 25th, 2023
Prepared by:	Stephen Springsteen Development Officer

Applicant / Property Owner:

The applicant, Commercial Site Acquisitions, Inc. c/o Casto, on behalf of the property owner, McClucky Chevrolet Inc., is requesting:

1. Approval of a variance, pursuant to §15.9.1 (C) & (D).

Case History:

The property located at 9024 Colerain Ave. is zoned B-2 General Business District and is currently a vacant car dealership. This case was tabled at the December 21st, 2022 BZA meeting.

Current Proposal:

The applicant is proposing a freestanding sign that services both the parcel at 9024 Colerain Ave. and the adjacent parcel, 9040 Colerain Ave. The sign would be 15 FT in height, each panel would be approximately 33 SQ FT which would mean the total area of the sign would be 66 SQ FT.

Applicable Zoning Regulations:

It is Staff's opinion that the following are the primary Articles of the Colerain Township Zoning Resolution that are of most importance in the matters involved in this case:

Article 15 - 15.9 Off-Premise Signs (Billboards);

15.9.1 General Standards

(C) The sign shall not be located on a parcel that contains another principal structure or use.

(D) The sign shall be classified as a business and shall be subject to the lot area and setback requirements of the zoning district where it is located.

Article 16 – 16.2 Definitions

16.2 Definitions

Sign, Off-Premises shall mean any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

Sign, On-Premises shall mean a sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

15.9 Off-Premises Signs (Billboards)

Off-premises signs shall be classified as a business and shall be permitted on agricultural land exempt from zoning regulations pursuant to the ORC or in a business or industrial district subject to the provisions of this section.

15.9.1 General Standards

- (A) A Zoning Certificate shall be required for the sign.
- (B) Only one off-premises sign may be permitted per lot.
- (C) The sign shall not be located on a parcel that contains another principal structure or use.
- (D) The sign shall be classified as a business and shall be subject to the lot area and setback requirements of the zoning district where it is located.
- (E) The maximum sign area shall not exceed the equivalent of 1.0 square feet per each lineal foot of lot frontage. In no case shall the sign area exceed 150 square feet.
- (F) The maximum permitted sign height shall be 40 feet.
- (G) Off-premises signs shall be located a minimum of 300 feet from any recorded subdivision or any residential lots less than one acre in size.

-Sign, Nonconforming shall mean a sign that is erected legally but which does not comply with subsequently enacted sign restrictions and regulation. A nonconforming sign is also a sign that does not conform to the sign resolution requirements but for which a special permit has been issued.

-Sign, Off-Premises shall mean any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

-Sign, On-Premises shall mean a sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

Review Criteria:

Article 4: Development Review and Procedures

4.4 Appeals, Variances, and Conditional Uses

§ 4.4.2 Variance Review Criteria

The following criteria shall be used to review all applications for variances:

- (A) The Board shall not be authorized to grant a variance for a use that is otherwise prohibited in the zoning district in which the property is located.
- (B) The Board may authorize a variance when such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;
- (C) The Board of Zoning Appeals may impose such conditions and restrictions upon the property benefited by a variance as the Board of Zoning Appeals may deem necessary to comply with the standards set forth in this section, to reduce or minimize the impact of such variance upon other property in the neighborhood and to further the purpose and intent of this Resolution.
- (D) No grant of a variance shall be authorized unless the Board of Zoning Appeals finds that such variance from the provisions or requirements of this Resolution will not be contrary to the public interest, and owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause unnecessary hardship. The Board of Zoning Appeals may attach thereto such conditions 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 Resolution and in the public interest.
- (E) No variance shall be considered or granted by the Board of Zoning Appeals, which would allow a change in use of a parcel, building or structure where such change of use could be accomplished by a redistricting of the subject property.

Duncan Factors

1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

4. Whether the variance would adversely affect the delivery of governmental services;
5. Whether the property owner purchased the property with the knowledge of the zoning restriction;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Recommendation:

Tabling of the requested variance from: §15.9.1 (C) & (D);

Staff Findings: (Based on the proposed site plan, the applicant's justification letter, Staff's interpretation of the Colerain Township Zoning Resolution, the Variance Review Criteria as listed above, and the Duncan Factors;)

The revised justification letter was received by staff Friday, January 20th, around 1:40 in the afternoon. In order to adequately address all points made in the revised justification letter, staff would have to delay the delivery of packets to the Board. As a result of insufficient time to prepare the staff report, staff is recommending tabling the meeting to the following month.

Duncan Factors:

1. It is Staff's opinion the property in question will yield a reasonable return without the variance;
2. It is Staff's opinion that the request itself is not substantial in nature;
3. It is Staff's opinion the essential character of the neighborhood would NOT be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. It is Staff's opinion that granting the variance would NOT adversely affect the delivery of governmental services;
5. It is Staff's opinion the property owner purchasing the property DOES have knowledge of the zoning restrictions;
6. It is Staff's opinion the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. It is Staff's opinion that the spirit and intent behind the zoning requirement would NOT be observed and substantial justice done by granting the variance.

Colerain Township – BZA Application
Commercial Site Acquisitions, Inc. (Applicant)
(9024 Colerain Avenue)
Justification of Variance

The Applicant is proposing a Freestanding Sign which would include a panel for the business located on the parcel the Freestanding Sign is located on, and Target, which is located on a separate but immediately adjacent parcel to the rear of the property the Freestanding Sign is located on.

The Colerain Township Zoning Resolution States:

15.9 Off-Premises Signs (Billboards)

15.9.1 General Standards

(A) A Zoning Certificate shall be required for the sign.

(B) Only one off-premises sign may be permitted per lot.

(C) The sign shall not be located on a parcel that contains another principal structure or use.

(D) The sign shall be classified as a business and shall be subject to the lot area and setback requirements of the zoning district where it is located.

(E) The maximum sign area shall not exceed the equivalent of 1.0 square feet per each lineal foot of lot frontage. In no case shall the sign area exceed 150 square feet.

(F) The maximum permitted sign height shall be 40 feet.

(G) Off-premises signs shall be located a minimum of 300 feet from any recorded subdivision or any residential lots less than one acre in size.

The Applicant is requesting a variance to the above Section 15.9.1 (C) and 15.9.1 (D) of the Zoning Resolution.

This Section addresses permitted off premises signs for a business. While multi-tenant signs are common in Colerain Township and along Colerain Avenue, this specific scenario requires a variance to permit an off-premises sign for a business located on a separate, but immediately adjacent, parcel, and to allow for the parcel to contain a principal structure and allow for a business to be located on the same parcel.

If not for the panel for a business located off-premises, the sign would be permitted under the standards for a freestanding sign as provided in 15.8.3 (D) of the Zoning Resolution. There is existing precedent in Colerain Township for multi-tenant signs for developments with more than one business, shared access, and acting as a cohesive development with multiple business. Solely due to parcel boundaries, this sign falls under Section 15.9 Off-Premises Signs (Billboards), rather than a more appropriate section of the Zoning Resolution.

While Target has a monument sign, access was modified and limited at the entrance the sign is located, creating a hardship which was not caused by the Applicant or Target. The additional Target sign will signify shared access through the subject property with Target. The shared access can help provide relief from congestion with alternative means of ingress and egress to the subject property, and Target.

Additionally, while there is existing precedent for multi-tenant signs in Colerain Township, the Zoning Resolution creates a hardship due to the fact it does not comprehend a scenario where a cohesive development can have a multi-tenant sign for businesses which are technically on separate parcels, but still part of the same development. Shopping centers are very often developed in this manner, and it is an undue hardship to permit multi-tenant signs for centers developed in the same manner to be limited from a multi-tenant sign based only on parcel lines.

The need for these variances are not a result of the Applicant or Owner's actions. The proposed Freestanding Sign meets all other code requirements, including height, setback and total graphic area (including both panels) of a Freestanding Sign that would be permitted in Section 15.8.3 (D), except for the off-premises panel which causes it to be governed by Section 15.9 instead. Granting of the variances to ensure the sign is permissible is not contrary to public interest, and fits within existing precedent for multi-tenant signs.

COMMERCIAL SITE ACQUISITIONS, INC., dba CASTO

By: 

Name: Eric Lebaron

Title: VP

November 8, 2022

Jarrold Alig
Zoning Administrator
Colerain Township
4200 Springdale Road
Cincinnati, OH 45251

Re: BZA Application – 9024 Colerain Avenue

Jarrold,

Please find enclosed an application for our variance request related to the proposed sign discussed for the property at 9024 Colerain Avenue. This includes:

- 8 copies of the Justification of Variance Statement
- 8 copies of the site plan depicting the location of the sign
- 8 copies of the sign illustration
- 2 copies of the adjacent property owners list
- 2 copies of the CAGIS aerial depicting the surrounding properties
- A check for the associated fee

Please let me know of any questions upon your review. I look forward to continuing to work with you on this matter and appreciate your time and help with this process.

Sincerely,



Brent Myers

**APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS**

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA _____

Owner: McClusky Chevrolet, Inc. Applicant: Commercial Site Acquisitions, Inc. c/o Casto

Property Address: 9024 Colerain Avenue

City: Cincinnati (Colerain Township) State/Zip: OH 45215

Applicant Address: 250 Civic Center Drive, Suite 500

City: Columbus State Zip OH 43215

Phone: 614-228-5331

Auditor's Book-Page-Parcel Number: 510 -- 0104 -- 0111

Zoning Classification: B-2 General Business District

Appeal to
(check one): Refusal to issue Zoning Certificate _____ Citation for Violation _____

- Required Documents:
- ☐ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.**
 - ☐ Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies.**
 - ☐ Names and addresses of adjacent property owners within 200 Feet of subject parcel (use County Auditor's records) - **2 copies.**
 - ☐ Plat showing adjacent property owners - **2 copies.**
 - ☐ Fees.

Office use only:	Appeal Fee: _____
	Legal Notice: _____
	Mailing/adjacent Property Owners: _____

*An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.*

Signature of Property Owner: _____

Signature of Applicant (if not the Owner): _____

(over)

Justification of Variance statement:

1. Describe the variance requested, referring to the specific relevant sections of the Zoning Resolution (as indicated in the Refusal letter or Violation letter).
2. Affirm that the use requested is permitted in the zoning district where the property is located.
3. Describe how the variance is not contrary to the public interest.
4. Describe how a literal enforcement of the zoning resolution would result in unnecessary hardship. Describe the specific hardship(s) related to special conditions unique to the individual property for which a variance is being requested.
5. Affirm that the need for a variance is not a result of the applicant's or owner's actions.

**Colerain Township – BZA Application
Commercial Site Acquisitions, Inc. (Applicant)
(9024 Colerain Avenue)
Justification of Variance**

The Applicant is proposing a Freestanding Sign which would include a panel for the business located on the parcel the Freestanding Sign is located on, and Target, which is located on a separate but immediately adjacent parcel to the rear of the property the Freestanding Sign is located on.

The Colerain Township Zoning Resolution States:

15.8.3 Signs Permitted in any "B-2", "B-3", "I-1", "SWD", "ME", "PD-B", "PD-I", or "PD-M" District Provides:

(D) Freestanding Signs

One freestanding pole or ground mounted sign per parcel, lot, or site subject to the following Requirements:

- (1) The height of the sign shall not exceed 15 feet.*
- (2) The maximum sign area of the freestanding sign shall be equivalent to 0.5 square feet for each lineal foot of lot frontage. In no case shall the sign area exceed 150 square feet.*

The Applicant is requesting a variance to the above Section 15.8.3 of the Zoning Resolution.

This Section addresses permitted Freestanding Signs for the B-2 Zoning District which the subject property is located in. This section of the Zoning Resolution does not address off-premises signage serving a business located on a separate parcel from the parcel the Freestanding Sign is located on, and does not expressly permit or prohibit such a sign. Furthermore, *Colerain Township Zoning Resolution Section 15.6 Prohibited Signs* addresses signs which are prohibited signs in all zoning districts. This code section intended to identify prohibited signs does not including Freestanding Signs serving a business located off-premises, and thus does not prohibit such a sign.

In seeking confirmation the proposed Freestanding Sign is permissible, the Zoning Resolution creates a hardship due to the inability to be able to affirmatively determine if a Freestanding Sign is permitted to serve a business located on a separate parcel. While it is not expressly prohibited within the Zoning Resolution, the Applicant is requesting a variance to Section 15.8.3 to definitively permit the off-premises sign panel on the Applicant's proposed sign. The need for this variance is a result of such ambiguity in the Zoning Resolution, and is not a result of the Applicant or Owner's actions.

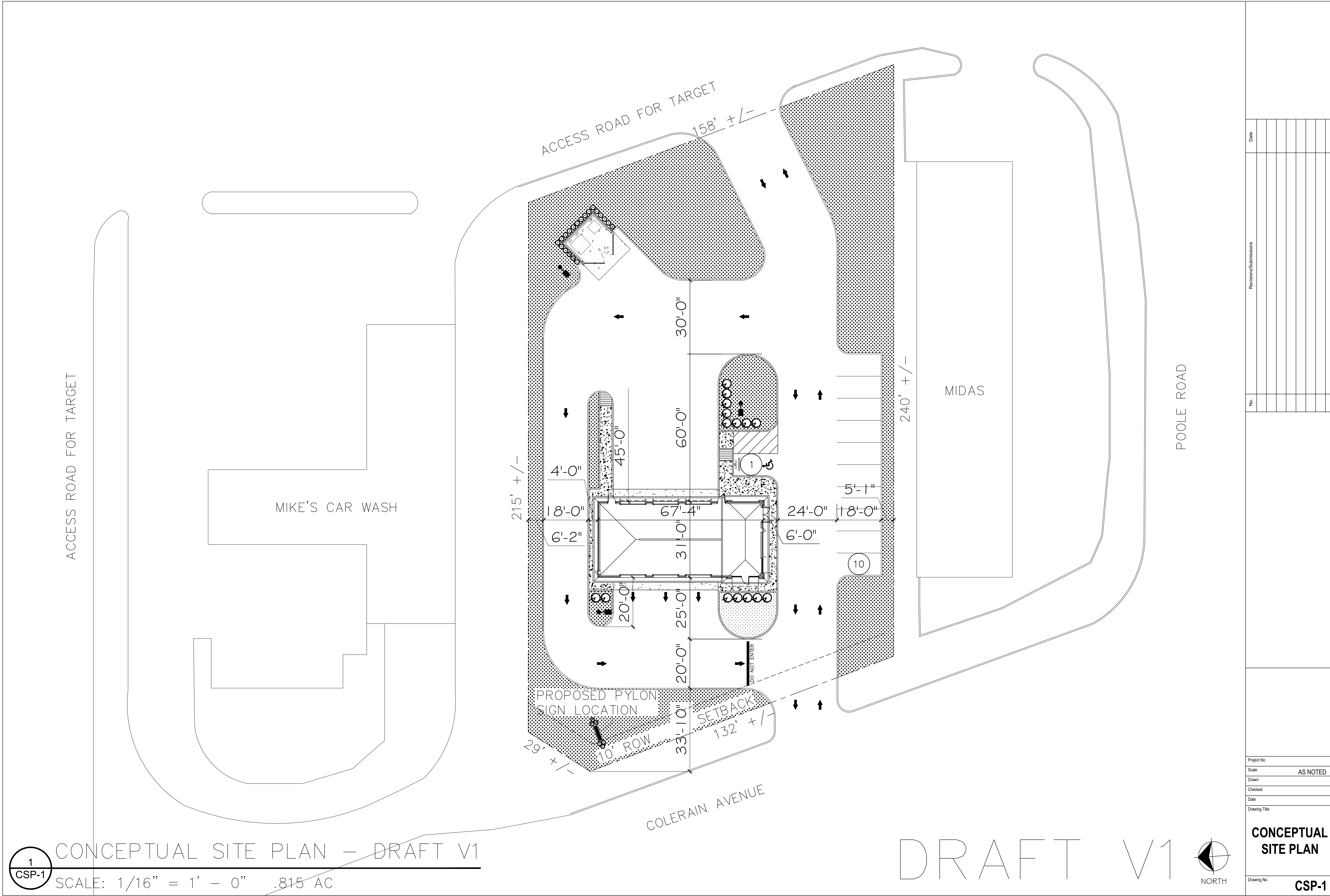
The proposed Freestanding Sign meets all other code requirements, including height, setback and total graphic area (including both panels), and as proposed is permissible outside of the uncertainty regarding the panel serving Target. Granting of the variance to ensure the sign is permissible is not contrary to public interest.

COMMERCIAL SITE ACQUISITIONS, INC., dba CASTO

By: Eric Leibowitz

Name: Eric Leibowitz

Title: VP



1
CSP-1

CONCEPTUAL SITE PLAN – DRAFT V1

SCALE: 1/16" = 1' – 0" .815 AC

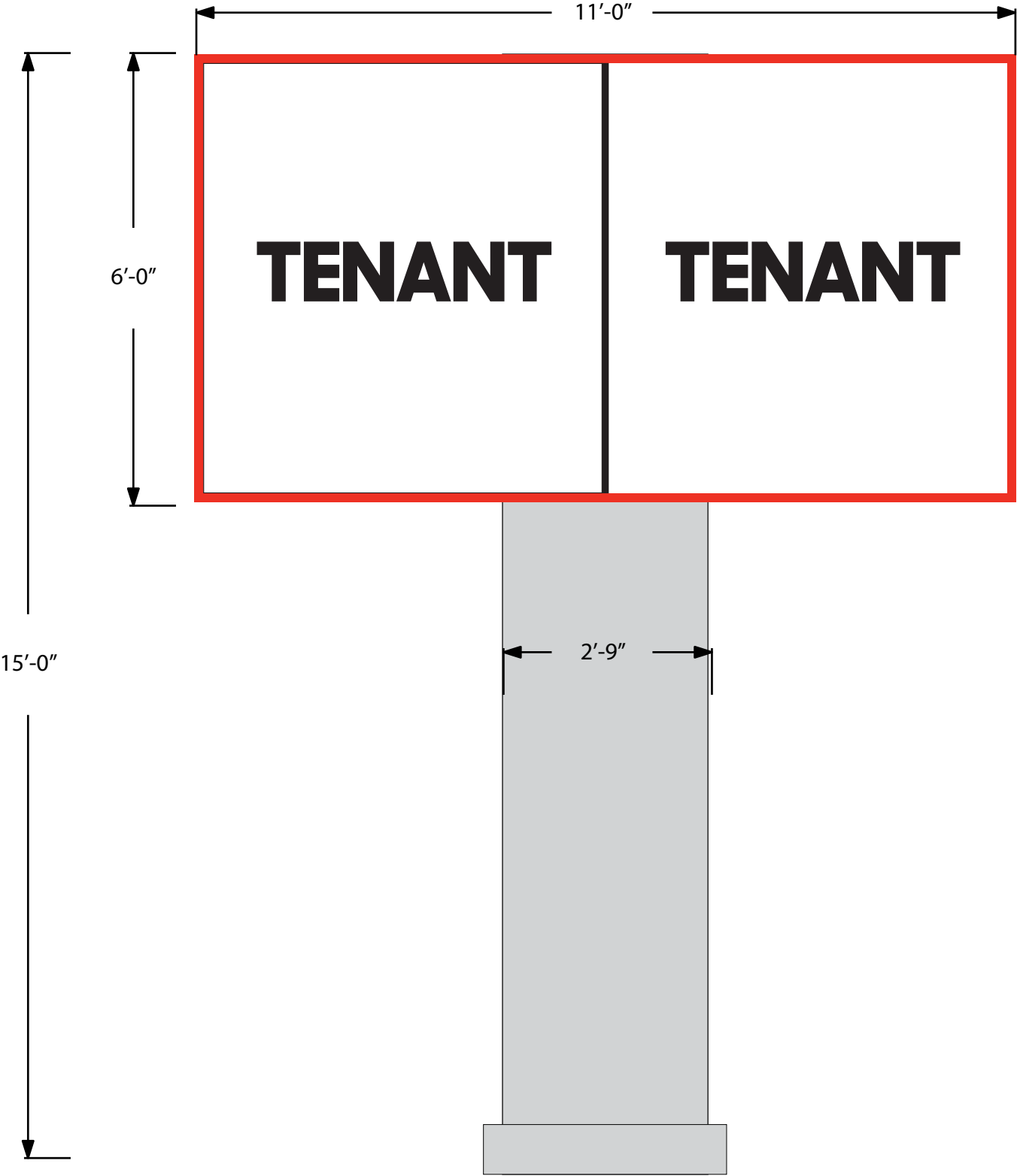
DRAFT V1

NORTH

Project No.	
Scale	AS NOTED
Drawn	
Checked	
Date	
Drawing Title	CONCEPTUAL SITE PLAN
Drawing No.	CSP-1
Revisions/Submissions	
No.	
Date	

9024 Colerain Avenue | Colerain TWP, OH

NOTE: Renderings below utilize sample dimensions.



FAIRMONT
SIGN COMPANY

3750 East Outer Drive
Detroit, MI 48234
t: 313.368.4000 f: 313.368.9335
www.fairmontsign.com

Client:

9024 Colerain Ave
Colerain Twp, OH

Date:
10/28/22

File:

Designer:
RNB

Scale:
NA

Job#	Sheet#
00000	1 of 1

Revision #	Date:
0	00-00

Revision Description:

Customer
Approval:

THIS DRAWING REMAINS THE EXCLUSIVE PROPERTY OF FAIRMONT SIGN COMPANY. THIS DESIGN CANNOT BE COPIED IN WHOLE OR IN PART, ALTERED, OR EXHIBITED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF FAIRMONT SIGN COMPANY. THE EXCEPTION IS ANY PREVIOUSLY COPYRIGHTED ARTWORK SUPPLIED BY THE CLIENT.

UNLESS OTHERWISE NOTED, ALL COLORS PORTRAYED ARE REPRESENTATIVE ONLY.

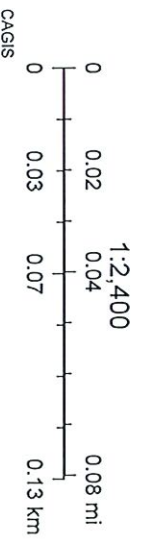
ALL DIMENSIONS TO BE
FIELD VERIFIED PRIOR TO
INSTALLATION

CAGIS Map



1/7/2022, 5:49:06 PM

Property Boundaries



APPLICANT

Commercial Site Acquisitions
c/o CASTO
250 Civic Center Dr, Ste 500
Columbus, OH 43215

PROPERTY OWNER

McCluskey Chevrolet Inc
435 Galbraith Rd
Cincinnati, OH 45215

**SURROUNDING PROPERTY
OWNERS**

Target Corporation
PO Box 9456
Minneapolis, MN 55440-9456

Mikes No 27 LLC
100 Northeast Drive
Loveland, OH 45140

SBW Properties LLC
20 Muirfield Ln
Cincinnati, OH 45241

Pond Realty Company
250 East Fifth St
Suite 285
Cincinnati, OH 45202

Sports Real Estate LTD
9033 Colerain Ave
Cincinnati, OH 45251

Schroth Properties LLC
9019 Colerain Ave
Cincinnati, OH 45251

The Board of Park Commission
Hamilton County Park District
10245 Winton Road
Cincinnati, OH 45231

Mountain Agency LLC
401 Milford Pkwy #A
Milford, OH 45150

State of Ohio
Ohio Dept of Transportation District 8
505 State Route 741
Lebanon, OH 45036

Colerain Township Board of Trustees
4200 Springdale Rd
Cincinnati, OH 45251-1419

Hamilton County Board of
Commissioners
138 E Court Street, Room 603
Cincinnati, OH 45202



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Meeting Minutes
4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, December 21st, 2022 – 6:30 p.m.

Meeting Called to Order by: Mr. Roberto at 6:30 p.m.

Pledge of Allegiance: Led by: Mr. Roberto.

The Explanation of Procedures was presented by: Mr. Roberto.

Roll Call: Ms. Owens – aye; Mr. Bartolt – aye, – Mr. Schupp – aye, Mr. Wilson – aye,
Mr. Roberto – aye.

Present as Staff was: Mr. Stephen Springsteen.

Present as Legal Staff was: Ms. Sarah Schild

Swearing In: Mr. Roberto swore in the appellants, attorneys, and all speakers in the cases.

Hearing of Appeals:

BZA2022-17: The applicant, who is representing the property owner, is appealing the Zoning Administrator's decision for refusal to issue a Zoning Certificate for an accessory structure.

Location: 7539 Colerain Avenue

Applicant: SMJ International

Property Owner: Ganapathi LLC

Mr. Bartolt recused himself from the case, Mr. Sidow was seated in Mr. Bartolt's absence.

Mr. Roberto introduced the case.

Presentation was provided by Staff. Staff noted the current zoning, topography, and surrounding conditions. Staff displayed the site plan and described the reason the variances were being sought based upon the proposed site plan.

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions

Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **DENIAL.**
This Concluded Staff's Presentation.

Mr. Roberto asked if the cell tower was in violation or if the adjacent property was in violation. Mr. Alig responded that the adjacent property would be the property in violation. Mr. Roberto confirmed that the Board could make a decision regardless of staff's ability to make the decision. Mr. Alig confirmed that was accurate. Mr. Roberto asked if the Board had any additional questions for staff. Hearing none, Mr. Roberto asked if anyone else was present to speak in favor, or in opposition.

APPLICANT PRESENTATION:

The applicant was not present.

Mr. Wilson made a motion to close the public portion; Mr. Schupp seconded the motion.

Mr. Roberto asked if the Board Members had any items to discuss. Ms. Owens asked staff if the generators and accessory structures for the tower fall under Colerain Township's jurisdiction since the tower itself does not. Mr. Alig stated that he believes staff does have the authority. Mr. Schupp made the comment that without the replacement of the generator,

Mr. Roberto asked if the Board Members had any additional items to discuss. Hearing none he asked Staff for a Roll Call vote.

Roll Call: Ms. Owens – aye; Mr. Sidow – aye, Mr. Schupp – aye,
Mr. Wilson – aye, Mr. Roberto – aye

Motion to close the public portion passed unanimously.

Mr. Roberto shared he felt there was a hardship being done to the applicant given the circumstances at play. Mr. Alig stated that he feels that the Zoning Resolution prohibits him from issuing the Zoning Certificate. He continued that if it was any other property, there would likely be no other issue.

Ms. Owens asked if there could be any liability on the Township if the variance was approved and an emergency situation happened where that emergency access would be needed. Mr. Roberto stated that he felt the Township should not be liable. Mr. Alig stated the Board's conversation is exactly the position he was in. Mr. Roberto asked if moving the generator could help satisfy the needs of the fire department while also adequately serving the needs of the tower. Mr. Alig stated he believes that it could be possible.

Mr. Alig stated that he wants to be sure that if an emergency happens at the adjacent property, he wants to make sure the Township did all it could mitigate problems relating to health, safety, and welfare. Mr. Roberto confirmed that the only reason the structure could not be approved is because the Trustee Resolution relating to adjacent property owner is in violation. Mr. Alig confirmed that to be true.

Mr. Wilson made a motion to approve BZA2022-17; Mr. Sidow seconded.

Mr. Roberto asked if any Board members had any discussion on the matter.

Mr. Schupp stated he wondered if it would make sense to add a condition that the proposed structure couldn't exceed the size of the current structure. Upon discussion, it was decided that the condition was not necessary.

Hearing no further requests for discussion, Mr. Roberto asked for a Roll Call vote.

Roll Call: Ms. Owens – nay; Mr. Sidow – aye, Mr. Schupp – aye, Mr. Wilson – aye, Mr. Roberto – aye

BZA2022-15 – The appeal to the Zoning Administrator's decision for refusal to issue a Zoning Certificate for an accessory structure was APPROVED 4-1.

BZA2022-18 The applicant who is representing the property owner, is requesting; a variance to §15.8.3 (D) Freestanding Signs;

Location: 9024 Colerain Avenue
Applicant: Commercial Site Acquisitions, Inc. c/o Casto
Property Owner: McClusky Chevrolet, Inc

Mr. Roberto introduced the case.

Presentation was provided by Staff. Staff noted the current zoning, topography, and surrounding conditions. Staff displayed the site plan and described the reason the variances were being sought based upon the proposed site plan.

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions

Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **TABLING.**

This Concluded Staff's Presentation.

Mr. Roberto asked if the Board had any questions for staff. Hearing none, Mr. Roberto asked if the applicant was present.

APPLICANT PRESENTATION:

Brent Myers and Eric Leibowitz from Commercial Site Acquisitions, Inc. c/o Casto, 250 Civic Center Drive, Suite 500, Columbus, Ohio 43215, gave a presentation.

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition. Ms. Owens made a motion to close the public portion, Mr. Wilson seconded.

Roll Call: Ms. Owens – aye; Mr. Sidow – aye, Mr. Schupp – aye,
Mr. Wilson – aye, Mr. Roberto – aye

Motion to close the public portion passed unanimously.

Mr. Schupp wanted to confirm that Target would be on the second panel, to which the applicant confirmed that to be accurate.

Ms. Owens asked if Target planned to remove the sign the currently have on Colerain Avenue. The applicant stated that the was no plans to remove any current signage, Target is simply looking to add an additional sign.

Mr. Roberto asked if they were to have Target on the sign, would people need to be able to access Target through that property. The applicant and Jarrod Alig shared that there is currently access running through the property. The applicant continued that the access exists, however, it is not recorded. Mr. Leibowitz shared that to obtain a recorded access easement through the Target development, Target wanted additional signage in return.

Mr. Alig shared points of clarification pertaining to what the Zoning Resolution allows. Mr. Leibowitz shared the thought process behind the application submitted by Casto.

Mr. Alig and the applicant shared context to the history of the property and the process Casto has undergone to date to satisfy the needs of the potential user of the property and the owner of the access easement, Target.

Mr. Roberto asked if they were granting access to Target without an easement. Mr. Leibowitz stated that there is currently access, however, it is not a formal easement, but they are working to get a formal easement. Mr. Roberto stated if there was a formal easement then Target could advertise their property. Staff stated that to their understanding, that is not accurate. Jarrod stated that from his research, cross access easements don't convey ownership.

Mr. Alig continued that what staff was hoping to get from this project was to find a better solution than what was presented. Mr. Leibowitz stated that Target would likely be more than willing to access other options if presented with some. Mr. Roberto asked if tabling the case for a month was sufficient for adequate dialogue to take place between staff and the applicant to come up with possible alternative solutions. The applicant and staff discussed potential angles to approach the challenge and agreed that a month should be suitable to engage in discussions.

Mr. Sidow made a motion to table case BZA2022-18. Mr. Schupp seconded.

Roll Call: Ms. Owens – aye; Mr. Sidow – aye, Mr. Schupp – aye,
Mr. Wilson – aye, Mr. Roberto – aye

BZA2022-18 –Request for a variance from §15.8.3 (D) was TABLED 5-0.

Approval of the Minutes:

November 30th, 2022, Minutes:

Mr. Roberto asked a motion to be made to approve the minutes from November 30th, 2022.

Mr. Schupp made a motion to approve, seconded by Mr. Wilson.

Mr. Roberto requested a Roll Call vote.

Roll Call: Ms. Owens – aye; Mr. Sidow – aye, Mr. Schupp – aye,
Mr. Wilson – aye, Mr. Roberto – aye

Administrative Matters:

Mr. Springsteen stated that the Board of Trustees approved the dates that were presented on the projector and appointed members. Mr. Springsteen continued that Mr. Wilson was departing the Board of Zoning Appeals.

Adjournment:

A motion was made by Mr. Wilson, and seconded by Ms. Owens, to adjourn the meeting at approximately 7:40 P.M.

Roll Call: Ms. Owens – aye; Mr. Sidow – aye, Mr. Schupp – aye,
Mr. Wilson – aye, Mr. Roberto – aye



Meeting adjourned.

Respectfully Submitted:

Stephen Springsteen, Development Officer

Secretary:

Mark Schupp, Secretary

Accepted by:

Ronald J. Roberto, Chairperson

