



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting
4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, September 6, 2023 – 6:30 PM

1. Meeting Called to Order
2. Pledge of Allegiance
3. Explanation of Procedures
4. Roll Call
5. Swearing in: appellants, attorneys, and all speakers in the cases

6. Hearing of Appeals

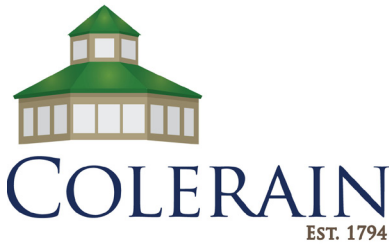
- a. **Case # BZA2023-11** - 4629 Raeann Drive

The applicant, Patrick Quante, is requesting a variance to allow for a preexisting, unpermitted commercial park lot to be expanded in a residential zone.

- b. **Case # BZA2023-12** - 6200 Colerain Avenue

The applicant, RNesa Hardman, is representing the property owner, is requesting a variance to §8 Table 8-1, §8.8.4 (B), and §8.8.4 (C) of the Colerain Township Zoning Ordinance.

7. Unfinished Business: NONE
8. Approval of Minutes: NONE
9. Next Meeting: September 27, 2023
10. Administrative Matters KZF Update: Processing files as they are received, preparing for more substantial update at next meeting.
11. Adjournment



*The Board of Zoning Appeals meets on the
4th Wednesday of each month at 6:30p.m.
in the Colerain Township Trustees'
Chamber 4200 Springdale Road
Colerain Township, Ohio 45251*

BOARD OF ZONING APPEALS

The Board of Zoning Appeals is a quasi-judicial board made up of a five members appointed by the Colerain Township Board of Trustees. The Board hears appeals of decisions of the Zoning Administrator, including permit application refusals and violation citations, as well as Conditional Use applications, Expansion of a Nonconforming use applications, and Compatible Nonconforming Use applications. The BZA may authorize, upon appeal, variances from the terms of the Zoning Resolution where practical difficulties exist and when the variance will not be contrary to the public interest.

All those speaking in favor of or against the appeal are sworn in. Please keep comments to the Board and Staff relevant and appropriate.

Brief explanation of the BZA process:

1. The Zoning Staff will present a brief summary or report of each appeal.
2. The Applicant will be given an opportunity to speak and present his/her evidence. Anyone else in favor of or in opposition of the appeal will be given an opportunity to speak.
3. The public portion of input for that case is closed and Board members may ask questions to the applicant, staff member, or others who testified.
4. After discussion, a motion will be made by a Board member to either approve, approve with conditions or deny the appeal. The decision becomes effective 30 days from the vote.

See back for **Duncan Factors**. These are the criteria used by the Board of Zoning Appeals in determining how to gauge practical difficulties.

We appreciate everyone's participation and cooperation in this process.

Duncan Factors

*In Ohio, a set of 7 guidelines are prescribed for officials and courts to employ in fairly and equitably considering how to gauge practical difficulties. These are informally referred to as the **Duncan Criteria or Duncan Factors** and are enshrined in *Duncan v. Middlefield* (1986) , 23 Ohio St. 3d 83:*

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.

We appreciate everyone's participation and cooperation in this process.

BZA2023-11

REQUEST FOR VARIANCE

Department: Planning & Zoning

Development Director: David Miller

Application: Variance to allow a parking lot in a residential district
Location: 4629 Raeann Dr.
Parcel(s): 510-0182-0033-00
Meeting Date: September 6, 2023

Applicant:

The applicant, Patrick Quante is the property owner of 4629 Raeann Dr.

Case Summary:

The applicant is requesting a variance to allow for a preexisting, unpermitted commercial parking lot to be expanded upon in a residential zone. The applicant is claiming that he needs constant access to his commercial vehicles and would like to use a parcel adjacent to his home for this purpose.

Staff Recommendation:

DENIAL of the requested variance allowing a commercial parking lot in a residential neighborhood.

Rationale:

The variance, if approved, would substantially alter the essential character of the neighborhood. Mr. Quante's property will yield a reasonable return without the variance and granting such a variance would create a precedent for other home occupied businesses.



Staff Report:	BZA2023-11
Request:	The applicant is requesting a variance to allow for the storage of commercial equipment and vehicles in a residential zone.
Location:	4629 Raeann Dr.
Parcel(s):	510-0182-0033-00
Meeting Date:	September 6, 2023
Prepared by:	David J. Peters Development Officer

Applicant / Property Owner:

The applicant, Patrick Quante, with IBC Electric, LLC, is the property owner.

Applicant's Request:

The applicant is requesting a variance to allow for a preexisting, unpermitted commercial parking lot to be expanded in a residential zone. The applicant is claiming that he needs constant access to his commercial vehicles and would like to use a parcel adjacent to his home for this purpose.

Case History:

The property is zoned "R-3" Suburban Low Residential District and was purchased by Patrick Quante on or about August 27, 2018 according to the Hamilton County Auditor's website. No zoning application or certificate exists on file for the parking lot that Mr. Quante has constructed on an unknown date. Mr. Quante has received no zoning approval for any use on this property and the only use permitted at this property is residential.

Applicable Zoning Regulations:

It is Staff's opinion that the following are the primary Articles, or Sections of the Colerain Township Zoning Resolution that are of most importance in the matters involved in this case: (Specifically, but not limited to...)

§2.11.1; §13.3.3; §13.6.5; & §10.3.1 (B); & §10.3.1 (I); & §10.3.2 (A) & §13.7.1 & §13.7.3:

"2.11.1 The Township shall charge appropriate fees for the review or issuance of Zoning Certificates, Conditional Use Certificates, Appeals, Variances, Zoning Amendments, Nonconforming Use Certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this Resolution. Such fees shall be paid to the Colerain Township Zoning Department, or its designee, and shall be paid in accordance to the Official Zoning Fee Schedule as established by the Board of Township Trustees and posted at the Colerain Township Administrative Building.

AND

13.3.3 Location of Off-Street Residential Parking Spaces

(A) For any residential use or parcel, off-street parking shall be prohibited in the front yard with the exception of driveways providing access from the street to the parking area.

(B) Within 10 feet of the right-of-way, the maximum width of the driveway shall be 24 feet.

(C) The maximum impervious surface coverage in the front yard on residential parcels with a width of 70 feet or greater, and on panhandle lots, is 35%. On lots with a width of 50 – 70 feet, the maximum impervious surface coverage in the front yard is 40%. On irregular shaped lots with reduced frontage at the end of a cul-de-sac, the maximum impervious surface coverage in the front yard is 50%.

AND

13.6.5 Recreational vehicles or utility trailers which are stored outside shall be stored not closer than the following distances from the side and rear lot lines:

(A) In the R-7, R-6, and R-5 Districts: 5 feet

(B) In the R-4 District: 10 feet

(C) In the R-3 District: 20 feet

(D) In the R-1 and R-2 Districts: 25 feet

AND

10.3.1 General Provisions

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;

(I) No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use shall be created;

AND

10.3.2 The following home occupations shall be prohibited in Colerain Township:

(A) Homes that serve as a gathering point for employees engaged in the business that takes place off the premises. This may include, but it is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation. Home occupations shall be required to meet the residential parking regulations of Subsection 13.7 (Vehicles Permitted in a Residential District)”

AND

13.7.1 Parking of vehicles accessory to a residential use shall be limited to those vehicles actually used by the resident for personal use, agricultural use, or temporary parking for guests. Vehicles not in keeping with residential character shall not be permitted.

AND

13.7.3 No truck, construction equipment, commercial trailer or other vehicle of a business or industrial nature shall be parked upon a residential lot except:

(A) A 1-ton pickup truck with a maximum length of 18 feet and maximum height of 7 feet including the bed, cap, tool boxes, or other accessories. No tow truck, stake body, or dump truck may be parked on a residential lot.

(B) A passenger van not to exceed 1 ton and 18 feet in length. No step van or chassis van shall be parked on a residential lot without approval from the Board of Zoning Appeals.

(C) Limousines or other stretch vehicles shall not be parked on a residential lot unless otherwise authorized by the Board of Zoning Appeals.

Staff Recommendation:

DENIAL of the requested variance allowing a commercial parking lot in a residential neighborhood.

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 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, and the Duncan Factors as listed above;)

1. It is Staff's opinion the property in question will yield a reasonable return WITHOUT the requested variance;
2. It is Staff's opinion that the request itself IS substantial in nature;
3. It is Staff's opinion the essential character of the neighborhood WOULD be substantially altered or that adjoining properties WOULD suffer a substantial detriment as a result of granting the requested variance;
4. It is Staff's opinion that granting the requested variance would NOT adversely affect the delivery of governmental services;
5. It is Staff's opinion the property owner who purchased the property DID have knowledge of the zoning restrictions;
6. It is Staff's opinion the property owner's predicament feasibly COULD 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 (with proper conditions of approval) the requested variance.

Respectfully submitted for the Colerain Township Board of Zoning Appeals' consideration,

COLERAIN

TOWNSHIP - OHIO

COLERAIN TOWNSHIP ZONING COMMISSION
4200 Springdale Road Cincinnati, OH 45251

(513) 385-7505 (513) 245-6503 (fax)

ZONING CERTIFICATE APPLICATION

No. Z _____

COMPLETE ALL PARTS IN INK—PLEASE PRINT

1. A. Street & Number Location 4629 Racoon Drive Zip 45252

B. BOOK 510 PAGE _____ PARCEL NO(S). _____ LOT NO. _____

2. Applicant Patrick Quante Address 4629 Racoon Dr
City Cincinnati State OH Zip 45252 Phone 765-220-1956

3. Owner _____ Address _____
City _____ State _____ Zip _____ Phone _____

4. Contractor _____ Address _____
City _____ State _____ Zip _____ Phone _____

5. Plans By _____ Address _____
City _____ State _____ Zip _____ Phone _____

6. TYPE OF IMPROVEMENT

RESIDENTIAL USE

- ☐ Single Family (___ w/Deck)
☐ Addition
☐ Accessory Structure
☐ Decks
☐ Swimming Pools (above or inground)
☐ Walls or Fences
☐ Temporary Uses
☐ Antennas and Satellite Dishes
☒ Other (specify) Gravel parking lot
☐ Multi-Family, No. of Units _____

NON-RESIDENTIAL USE

- ☐ Building(s)
Sq. Ft. of Floor Area: _____
☐ Change of Use
☐ Tents, Dates — From: _____ To: _____
☐ Pools and Tanks
☐ Antennas and Satellite Dishes
☐ Walls or Fences
☐ Signs Type _____ Temporary _____
☐ Landfill and/or Extraction
☐ Other (specify) _____

A site plan showing the dimensions and location of proposed improvement(s) and existing building(s) is required. The site plan must show the location of all public streets.

SIGNAGE APPLICATIONS MUST SHOW BUILDING AND/OR STREET FRONTAGE DIMENSIONS.

7. EXISTING AND PROPOSED USES OF BUILDING AND PREMISES AND ESTIMATED COST OF PROJECT

EXISTING: _____ PROPOSED: _____ EST. COST: 20,000

The owner of this building or premises and the undersigned, do hereby covenant and agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Colerain Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

Patrick Quante
(Signature)
EMAIL PQuante@IBC Electric.com

05/12/23
(Date)

DO NOT WRITE BELOW THIS LINE—OFFICE USE ONLY

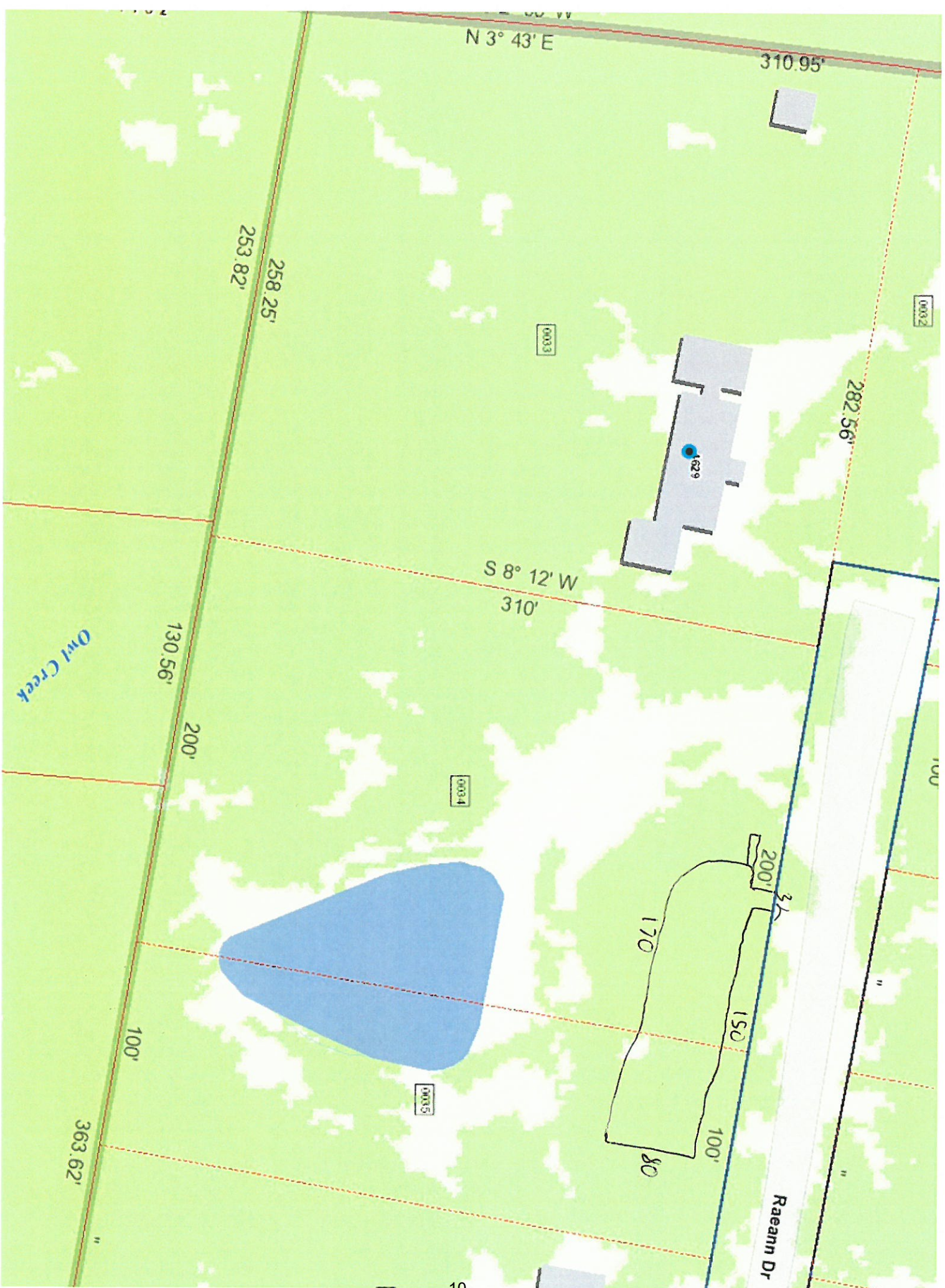
ISSUE DATE OF ZONING CERTIFICATE: _____

FEE PAID: _____

DATE OF DENIAL: _____

CC REF #: _____

PAYMENT RECIEVED BY: _____



NOTICE OF REFUSAL

June 12, 2023

RE: Application for Zoning Certificate

TO: Patrick Quante

Your Application for a Zoning Certificate for: 4629 Raeann Dr;

Parcel(s): 510-0182-0033;

Regarding: Proposed gravel lot;

is **hereby refused** on this Wednesday, June 14, 2023, under section(s):

§2.11.1; §13.3.3; §13.6.5; & §10.3.1 (B); & §10.3.1 (I); & §10.3.2 (A); of the Colerain Township Zoning Resolution, in that;

“2.11.1 The Township shall charge appropriate fees for the review or issuance of Zoning Certificates, Conditional Use Certificates, Appeals, Variances, Zoning Amendments, Nonconforming Use Certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this Resolution. Such fees shall be paid to the Colerain Township Zoning Department, or its designee, and shall be paid in accordance to the Official Zoning Fee Schedule as established by the Board of Township Trustees and posted at the Colerain Township Administrative Building.

13.3.3 Location of Off-Street Residential Parking Spaces

(A) For any residential use or parcel, off-street parking shall be prohibited in the front yard with the exception of driveways providing access from the street to the parking area.

(B) Within 10 feet of the right-of-way, the maximum width of the driveway shall be 24 feet.

(C) The maximum impervious surface coverage in the front yard on residential parcels with a width of 70 feet or greater, and on panhandle lots, is 35%. On lots with a width of 50 – 70 feet, the maximum impervious surface coverage in the front yard is 40%. On irregular shaped lots with reduced frontage at the end of a cul-de-sac, the maximum impervious surface coverage in the front yard is 50%.

AND

13.6.5 Recreational vehicles or utility trailers which are stored outside shall be stored not closer than the following distances from the side and rear lot lines:

(A) In the R-7, R-6, and R-5 Districts: 5 feet

(B) In the R-4 District: 10 feet

(C) In the R-3 District: 20 feet

Colerain Township • 4200 Springdale Road • Cincinnati, Ohio 45251 • Phone (513) 385-7505 • Fax (513) 245-6503

Trustees: Cathy Ulrich, Dan Unger, Matt Wahlert

Fiscal Officer: Jeff Baker

Administrator: Jeff Weckbach

(D) In the R-1 and R-2 Districts: 25 feet

AND

10.3.1 General Provisions

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;

*(I) No expansion of existing off-street parking shall be permitted. **Furthermore, no additional parking burden, due to the home occupational use shall be created;***

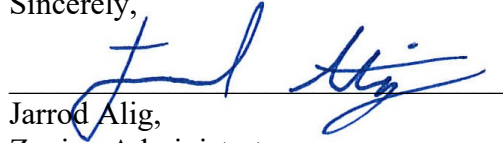
AND

10.3.2 The following home occupations shall be prohibited in Colerain Township:

(A) Homes that serve as a gathering point for employees engaged in the business that takes place off the premises. This may include, but it is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation. Home occupations shall be required to meet the residential parking regulations of Subsection 13.7 (Vehicles Permitted in a Residential District)”

An appeal from this decision to the Colerain Township Board of Zoning Appeals is governed under Section 4.4 of the Zoning Resolution, and an application for appeal is hereby attached.

Sincerely,


Jarrod Alig,
Zoning Administrator

NOTE: ANY APPEAL FROM THIS REFUSAL MUST BE FILED WITH THE BOARD OF ZONING APPEALS WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE. For further information, please contact the zoning department at 513-385-7505

Attachments:

Board of Zoning Appeals application
Board of Zoning Appeals fee schedule
Board of Zoning Appeals meeting schedule
Violation Notice from 6/7/23

**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: Patrick Quante Applicant: Patrick Quante

Property Address: 4629 Raeann Drive

City: Cincinnati State/Zip: OHIO 45252

Applicant Address: 4629 Raeann Drive

City: Cincinnati State Zip OHIO 45252

Phone: 765-220-1456

Auditor's Book-Page-Parcel Number: 510 -- 0182 -- 0033

Zoning Classification: R3

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.

RECEIVED

JUL 03 2023

COLERAIN ZONING

Office use only:	Appeal Fee:	350.00
	Legal Notice:	125.00
	Mailing/adjacent Property Owners:	9.60
	Total Amount Paid:	484.60

An application for appeal will not be accepted until all of the requirements are met. 499.14 cc
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.
Receipt 523017

Signature of Property Owner: Patrick Quante

Signature of Applicant (if not the Owner): _____

(over)

July 2, 2023

Letter of Intent for Zoning Variance For:
IBC Electric, LLC
4629 Raeann Drive
Colerain Township, OH 45252
Parcel ID# 510-0182-0033

Township of Colerain
Board of Zoning
4200 Springdale RD,
Cincinnati, OH 45251

Dear Planning and Zoning Board,

This letter is intended to request a variance for the above property to be used as a place to safely store necessary equipment for our powerline restoration company IBC Electric. IBC Electric responds to natural disasters and may aid in assisting first responders with clearing potential electrical dangers that may hinder their ability to aid victims. As the calls of need may come with little notice, it is beneficial to have the equipment in proximity as well as space for the contractors to secure their vehicles while responding to the call. The equipment is and would continue to be parked on a gravel lot when not in use and this does not affect our neighbor's access to their driveways or yards and causes no interference to access the end of our dead-end road, with us being the last house on the left. Due to the changes in elevation on the lot, parking would be unsafe anywhere else. It has been considered that if our neighbors requested, we would place greenery to block the view of equipment.

The variance being requested would be for a timeframe of 7 years to give the company time to expand and secure the resources needed to find a suitable place to house the business and continue restoring power to storm victims across the country. Currently, attempting to move the equipment would result in financial hardships as the company, having only being 3 years in, is still attempting to secure consistent contracts. The start of the company was ultimately a way to achieve a better work/life balance for a family of now 6 with parents wanting to have the ability to share with their young what sacrifice and hard work can achieve.

Thank you for your consideration,

Sincerely,



Property Owners

RECEIVED

JUL 03 2023

COLERAIN ZONING

BZA2023-12

REQUEST FOR VARIANCE

Department: Planning & Zoning

Development Director: David Miller

Application: Variance to allow a commercial kennel
Location: 6200 Colerain Avenue
Parcel(s): 510-0074-0033-00
Meeting Date: September 6, 2023

Applicant:

The applicant, R'Nesa Hardman, is the property owner of 6200 Colerain Avenue.

Case Summary:

The applicant is requesting approval to use her property as a commercial kennel. The applicant is already using the property for dog grooming and recently received a zoning certificate for that purpose. Staff considered the use of a commercial kennel, however, to be of improved intensity.

Staff Recommendation:

Staff recommends Approval of the requested appeal, subject to the following condition:

1. Installation of any sound barrier that the Board of Zoning Appeals feels could limit the disturbances to neighboring residencies caused by animal noises

Rationale:

Given the unique division of the lot between Colerain Township and Green Township, coupled with the lack of lot frontage on the lot that lies within Colerain Township, it is staff's opinion that, through no fault of the property owner, an undue burden is placed upon the property that will severely undermine the options for using the property in the future. As such, it is staff's opinion that a variance should be provided to the applicant to use this property as a commercial kennel.



Staff Report:	Board of Zoning Appeals Case # BZA2023-12
Request:	The property owner is requesting a variance from the Colerain Township Zoning Resolution.
Location:	6200 Colerain Avenue
Parcel:	510-0074-0033-00
Meeting Date:	September 6, 2023
Prepared by:	David J. Peters Development Officer

Applicant / Property Owner:

The applicant, R’Nesa Hardman, is requesting:

1. To use the property at 6200 Colerain Avenue as a commercial kennel for dogs.
 - a. This use is currently permitted in B-2, but only on lots that are greater than five acres in size. The property located at 6200 Colerain Avenue is 0.177 acres. The applicant also owns an adjacent property (6200 Colerain Avenue, Green Township), which is 0.247 acres. Given that the area of the combined properties is 8.48% of the five-acre requirement, the applicant is requesting a variance for the size requirement.
 - b. For properties used as commercial kennels, all structures (except fences, exterior storage, refuse and supplies) must be a minimum of 100 feet from all lot lines. Given the small size of the property, this requirement cannot be met, and the applicant is requesting a variance for the setback requirement.

Case History:

The property located at 6200 Colerain Avenue is zoned B-2 General Business District and is currently being used as pet care facility, which includes animal grooming. Prior to this use, the property had been used as a childcare facility.

Current Proposal:

In addition to uses permitted by right, such as pet care and dog grooming, the applicant is also proposing to use the property located at 6200 Colerain Avenue as a commercial kennel.

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 8 – Table 8-1: Business Use Table

Table 8-1: Business Use Table						
Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts					Additional Regulations Refer to Section:
	B-1	B-2	B-3	O-1	I-1	
<u>Brewery</u>					P	
<u>Broadcasting Studios</u>			P	P		
<u>Clubs</u>	C	P	P	P		
<u>Commercial Kennels</u>		P*	P*		P*	Section 8.4.4
<u>Contractor or Construction Sales</u>		P*	P		P	Section 8.4.5
Day Care Centers	P	P	P	P		
Distillery					P	
Distribution Facilities					P	

Article 8 – §8.4.4 Commercial Kennels

§8.8.4 (B): *There shall be a minimum lot area of 5 acres.*

§8.4.4 (C): *All structures except fences, exterior storage, refuse, or supplies shall be setback a minimum of 100 feet from all lot lines.*

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:

Approval of the requested variances to §8 Table 8-1, §8.8.4 (B), and §8.8.4 (C) with the following conditions:

1. Any sound barrier the Board of Zoning Appeals feels could limit the disturbances to neighboring residencies caused by animal noises.

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

1. It is Staff's opinion the property in question will NOT yield a reasonable return without the variances;
2. It is Staff's opinion that the request itself IS 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 variances;
4. It is Staff's opinion that granting the variances would NOT adversely affect the delivery of governmental services;
5. It is Staff's opinion the property owner who purchased the property DID have knowledge of the zoning restrictions;
6. It is Staff's opinion the property owner's predicament feasibly CANNOT be obviated through some method other than a variances; and
7. It is Staff's opinion that the spirit and intent behind the zoning requirement WOULD be observed and substantial justice done by granting the variances.

Rationale:

1. Given the unique division of the lot between Colerain Township and Green Township, coupled with the lack of lot frontage on the lot that lies within Colerain Township, it is staff's opinion that, through no fault of the property owner, an undue burden is placed upon the property that will severely undermine the options for using the property in the future. As such, it is staff's opinion that a variance should be provided to the applicant to use this property as a commercial kennel.

COLERAIN

COLERAIN TOWNSHIP ZONING COMMISSION
4200 Springdale Road Cincinnati, OH 45251

(513) 385-7505 (513) 245-6503 (fax)

ZONING CERTIFICATE APPLICATION

No. Z _____

JUN 27 REC'D

COMPLETE ALL PARTS IN INK—PLEASE PRINT

1. A. Street & Number Location 6200 Colerain ave Zip 45239
B. BOOK 510 PAGE _____ PARCEL NO(S). 651000740033 LOT NO. _____

2. Applicant Rnesa Hardman Address 3302 Camnic Terrace
City Cincinnati State Ohio Zip 45211 Phone 513-903-3622

3. Owner Berry Sardy, Ravi Address 341 Lafayette Ave
City Cincinnati State Ohio Zip 45220 Phone 513 349-7513

4. Contractor _____ Address _____
City _____ State _____ Zip _____ Phone _____

5. Plans By _____ Address _____
City _____ State _____ Zip _____ Phone _____

6. TYPE OF IMPROVEMENT

RESIDENTIAL USE

- ☐ Single Family (___ w/Deck)
☐ Addition
☐ Accessory Structure
☐ Decks
☐ Swimming Pools (above or inground)
☐ Walls or Fences
☐ Temporary Uses
☐ Antennas and Satellite Dishes
☐ Other (specify) _____
☐ Multi-Family, No. of Units _____

NON-RESIDENTIAL USE

- ☐ Building(s)
Sq. Ft. of Floor Area: _____
☒ Change of Use Change of use
☐ Tents, Dates — From: _____ To: _____
☐ Pools and Tanks
☐ Antennas and Satellite Dishes
☐ Walls or Fences
☐ Signs Type _____ Temporary _____
☐ Landfill and/or Extraction
☐ Other (specify) _____

A site plan showing the dimensions and location of proposed improvement(s) and existing building(s) is required. The site plan must show the location of all public streets.

SIGNAGE APPLICATIONS MUST SHOW BUILDING AND/OR STREET FRONTAGE DIMENSIONS.

7. EXISTING AND PROPOSED USES OF BUILDING AND PREMISES AND ESTIMATED COST OF PROJECT

EXISTING: Child care facility PROPOSED: Pet care except Veterinary Services EST. COST: _____

The owner of this building or premises and the undersigned, do hereby covenant and agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Colerain Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

(Signature) _____
EMAIL _____

(Date) 06/27/23

DO NOT WRITE BELOW THIS LINE—OFFICE USE ONLY

ISSUE DATE OF ZONING CERTIFICATE: _____

FEE PAID: 150⁰⁰ CASH

DATE OF DENIAL: _____

CC REF #: _____
PAYMENT RECEIVED BY: [Signature]

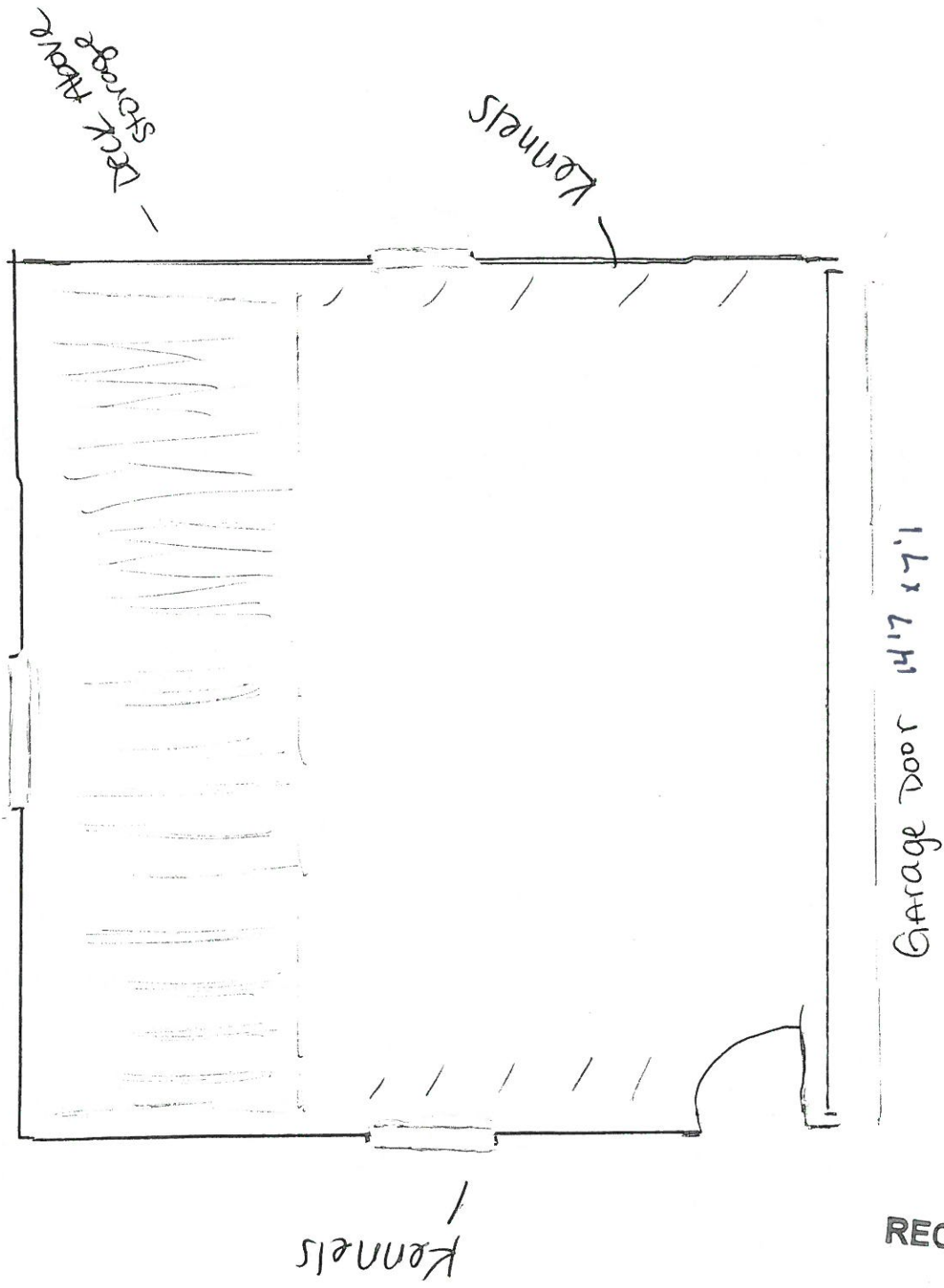
ZONING COMMISSION
COLERAIN TOWNSHIP
HAMILTON COUNTY, OH



RECEIVED

JUL 12 2023

COLERAIN ZONING

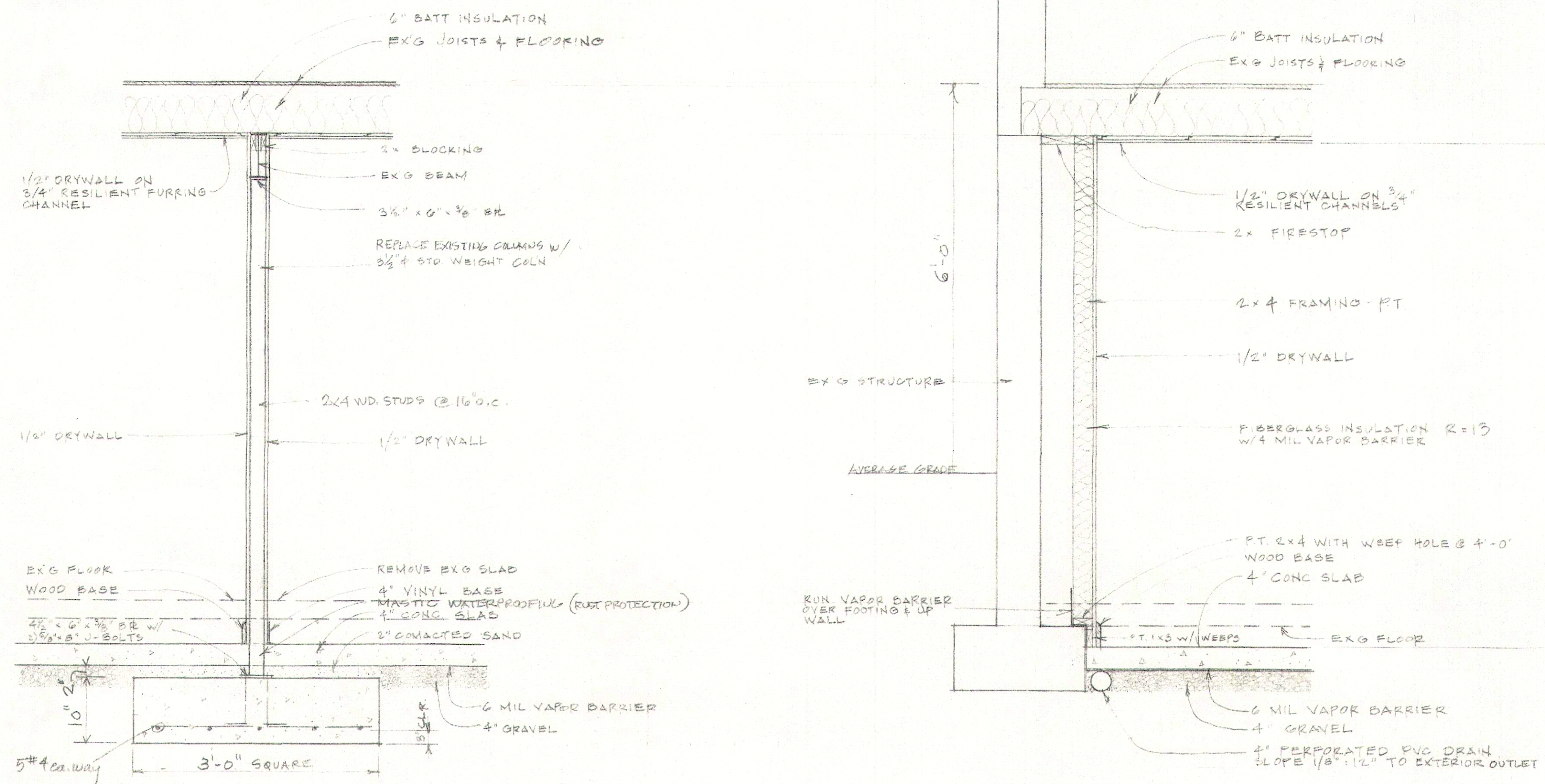


Building
22 x 19.5
Door
6'9" x 30"
Window
34 x 3'1"
Garage
side door
7'1" x 14'7"

RECEIVED

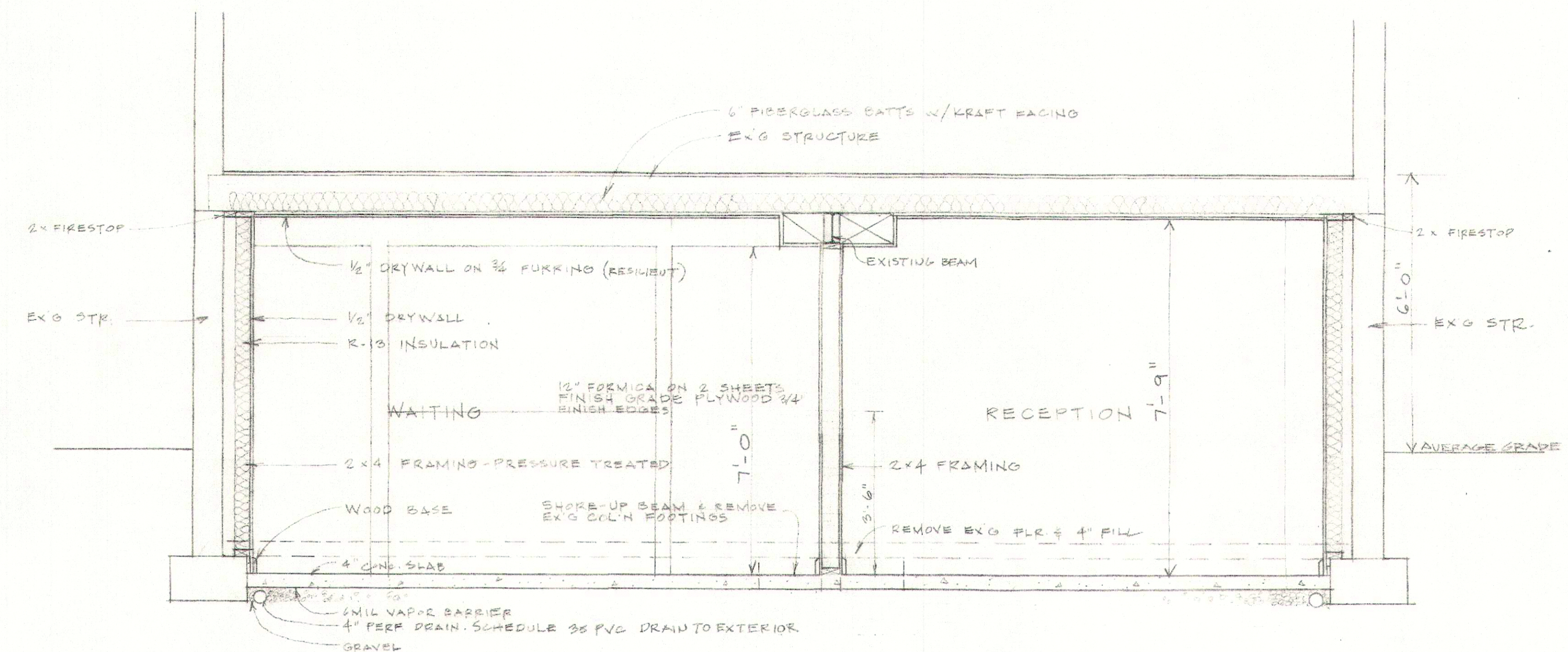
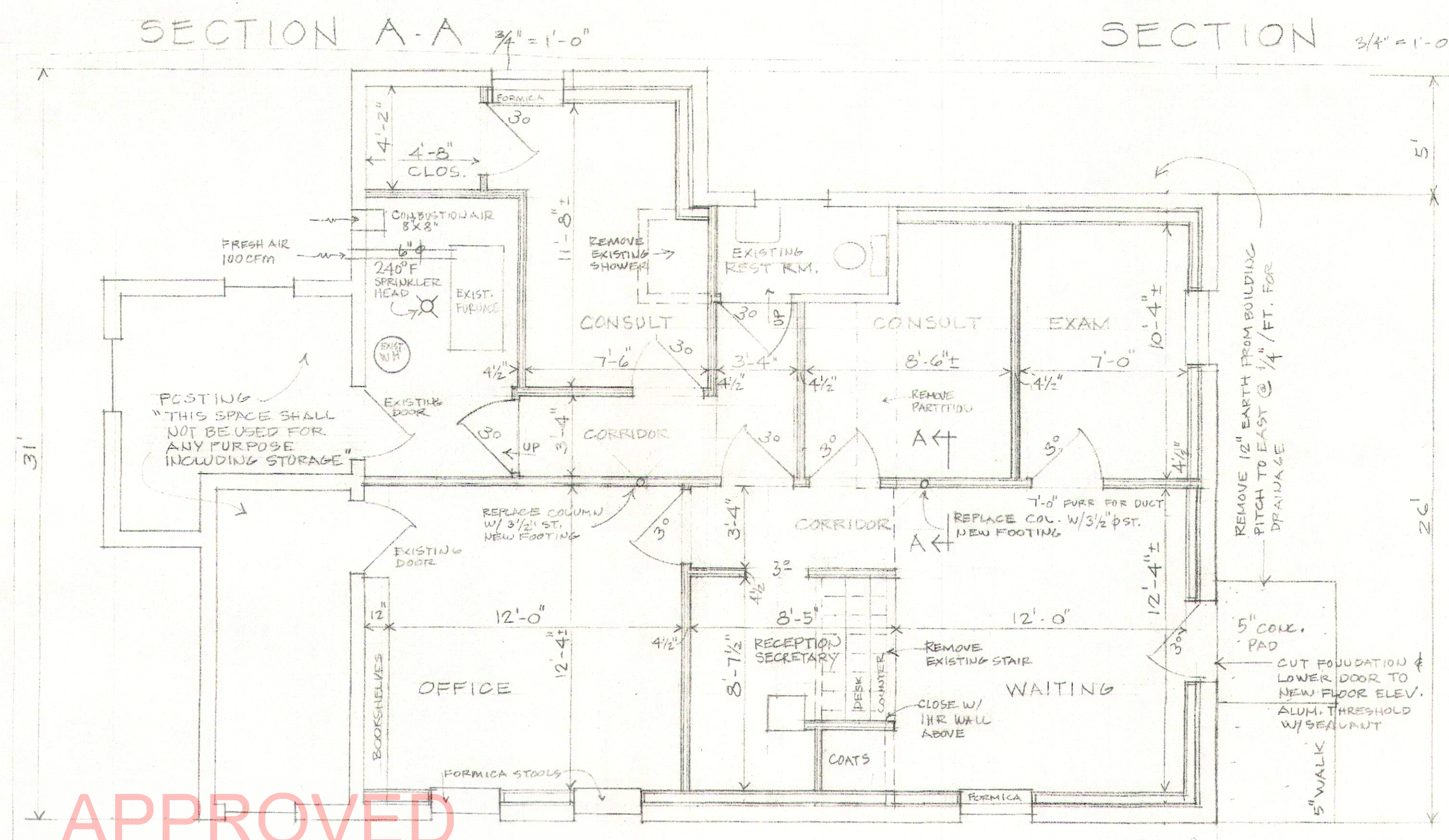
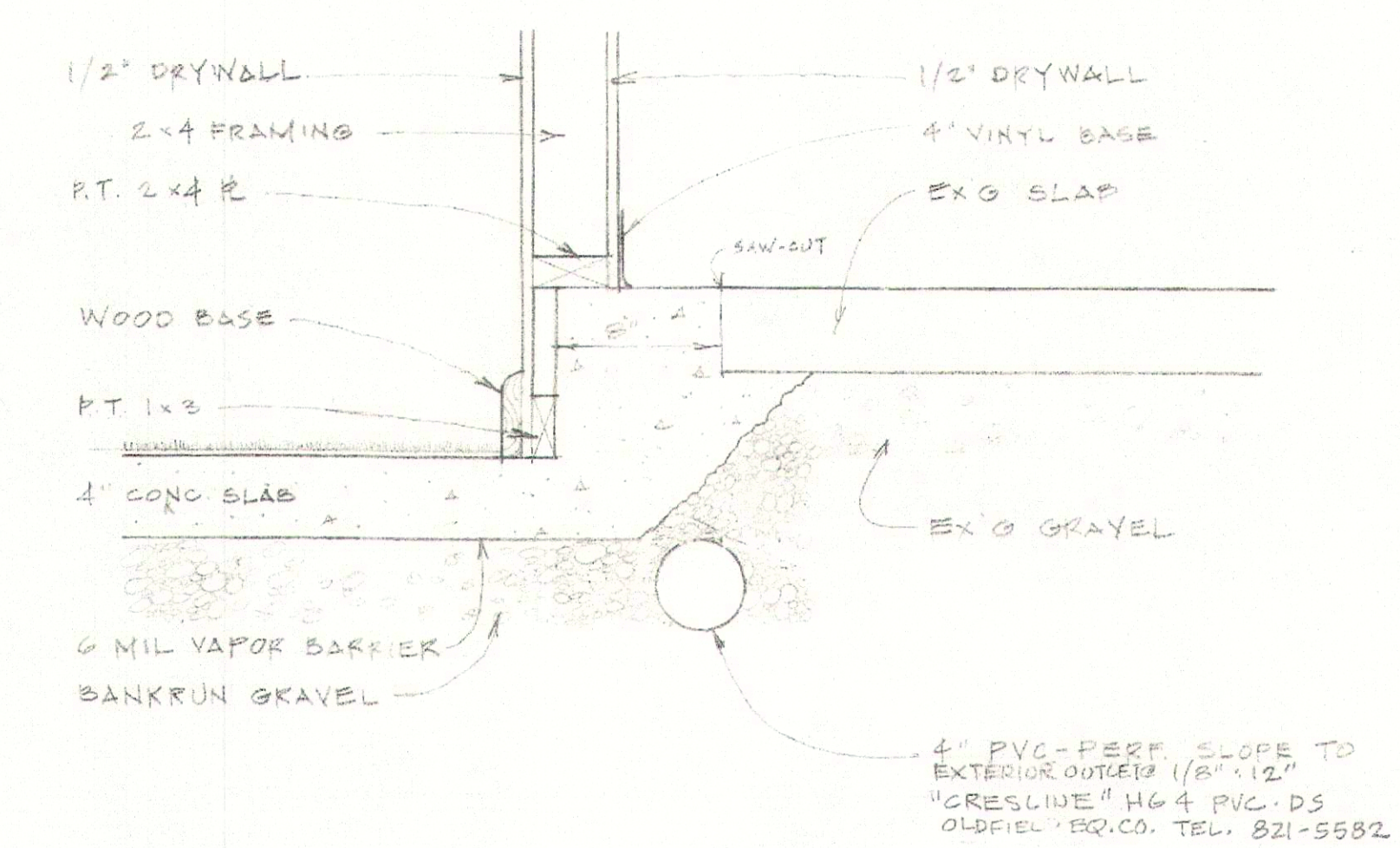
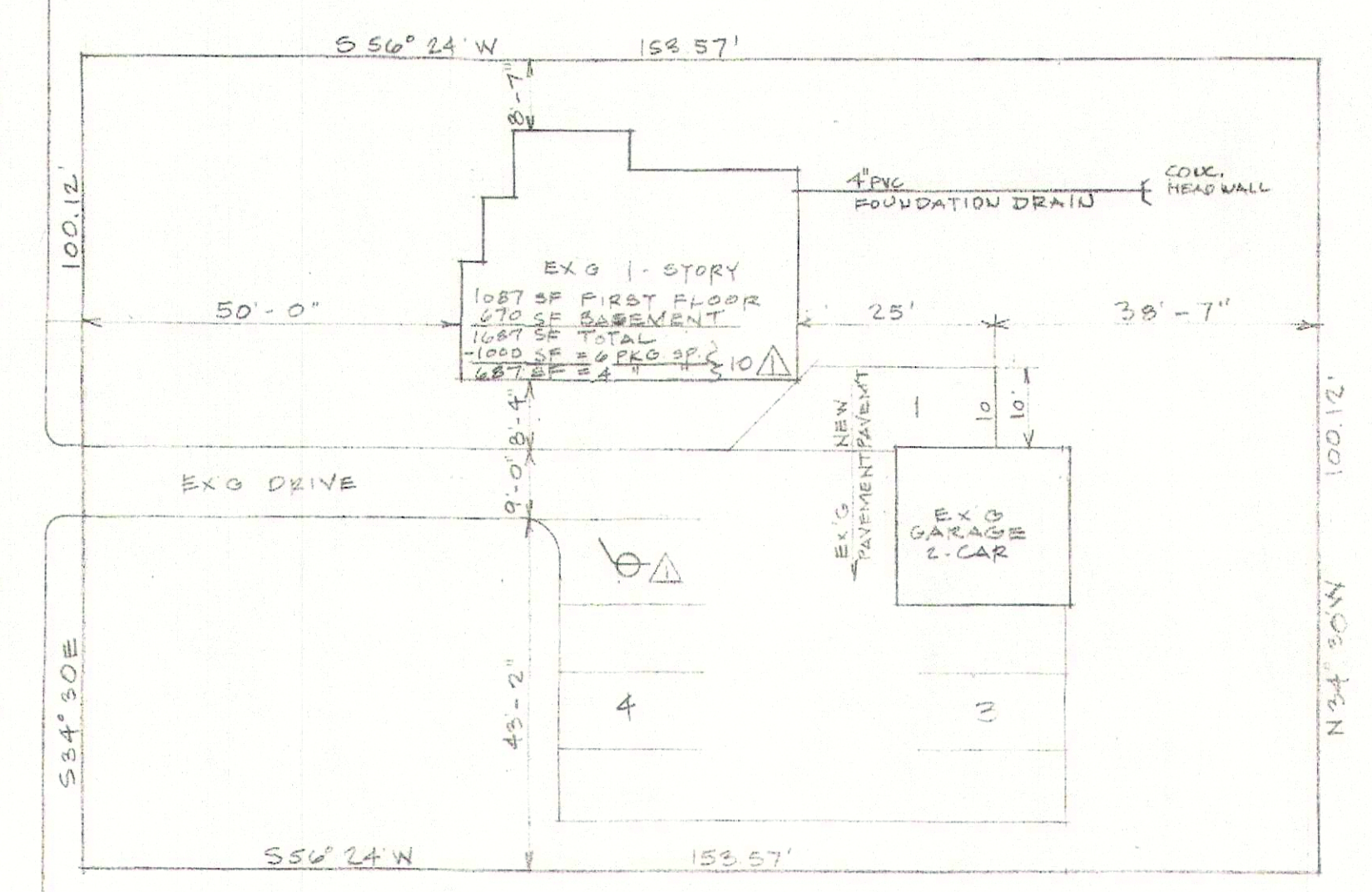
JUL 12 2023

COLERAIN ZONING



- ### GENERAL NOTES
1. 5' OCCUPANCY TYPE 1B CONSTRUCTION 842 SF FLOOR AREA
 2. PERFORM ALL INCIDENTAL FLOOR & HVAC WORK TO MAINTAIN MIN. 7'-0" CEILING HEIGHT IN ALL AREAS EXCEPT MECH. ROOM & AREAS MARKED #
 3. ALL INT. CONCRETE - 3000 PSI 47.5 A.E.
 4. SOIL DESIGN PRESSURE: 3000 PSI
 5. DEMOLITION SEQUENCE
 - a) REMOVE FLOOR
 - b) POUR NEW COLN FOOTINGS
 - c) SET NEW COLNS
 - d) REMOVE OLD COLNS & COLN FOOTINGS
- ATTEST *Walfred A. Mattson*
WALFRED A. MATTSON, ARCH.

COLERAIN AVE.



APPROVED
06/28/2023

ZONING COMMISSION
COLERAIN TOWNSHIP
HAMILTON COUNTY, OH

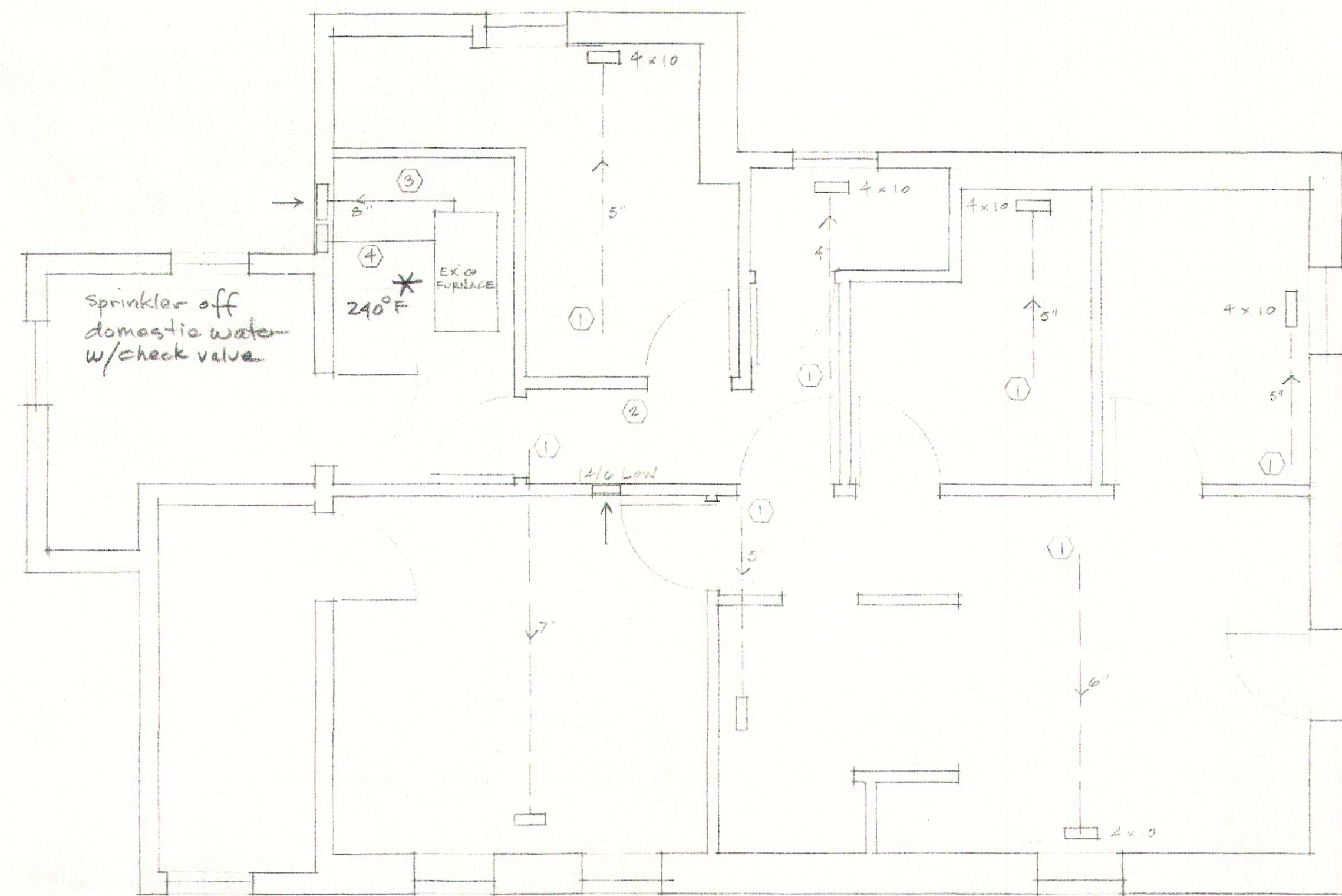
LOWER LEVEL CONVERSION - A
for **RAVI B. BERRY, M.D.**
6200 COLERAIN AVE. CINCINNATI, OH 45239

WALFRED A. MATTSON
ARCHITECT
1456 COLERAIN AVENUE
CINCINNATI, OH 45239

APR 7 1998

REV. JAN 4 1998
REV. MAR 26 1998
MAR 29 1998

STATE OF OHIO
WALFRED A. MATTSON
REGISTERED ARCHITECT
2488



LOWER LEVEL PLAN - HVAC

- NOTES:
1. CONNECT NEW SUPPLY & RETURN DUCTS TO EX. SYSTEM
 2. REPLACE RECTANGULAR DUCT WHERE REQ'D.
 3. 8" Ø PIPE BACK TO FURNACE FOR COMB. AIR.
 4. FRESH AIR 100 CFM

NOTES

1. REMOVE ALL ELECTRICAL WIRE & EQUIPMENT UNLESS OTHERWISE STATED
2. RE-BOND WATER METER GROUND
3. WASHER & DRYER CKTS TO BE REMOVED FROM PANEL
4. ALL 20 AMP CIRCUITS #12 WIRE

LEGEND

- PULL CHAIN FIXTURE 60W
- DUPLEX RECEPTACLE 18" AFF
- SPST SWITCH
- WALL MOUNTED WEATHERPROOF LOW FIXT.
- 2X4 2 TUBE FLUORESCANT FIXTURE (SURFACE MTD.)
- 2X4 4 TUBE FLUORESCANT FIXTURE (SURFACE MTD.)
- CIRCUIT NO. SEE SCHEDULE
- TELEPHONE OUTLET
- CEILING MTD BATH FIXT 60W

PANEL DESIGNATION LP-1

LOCATION AS SHOWN

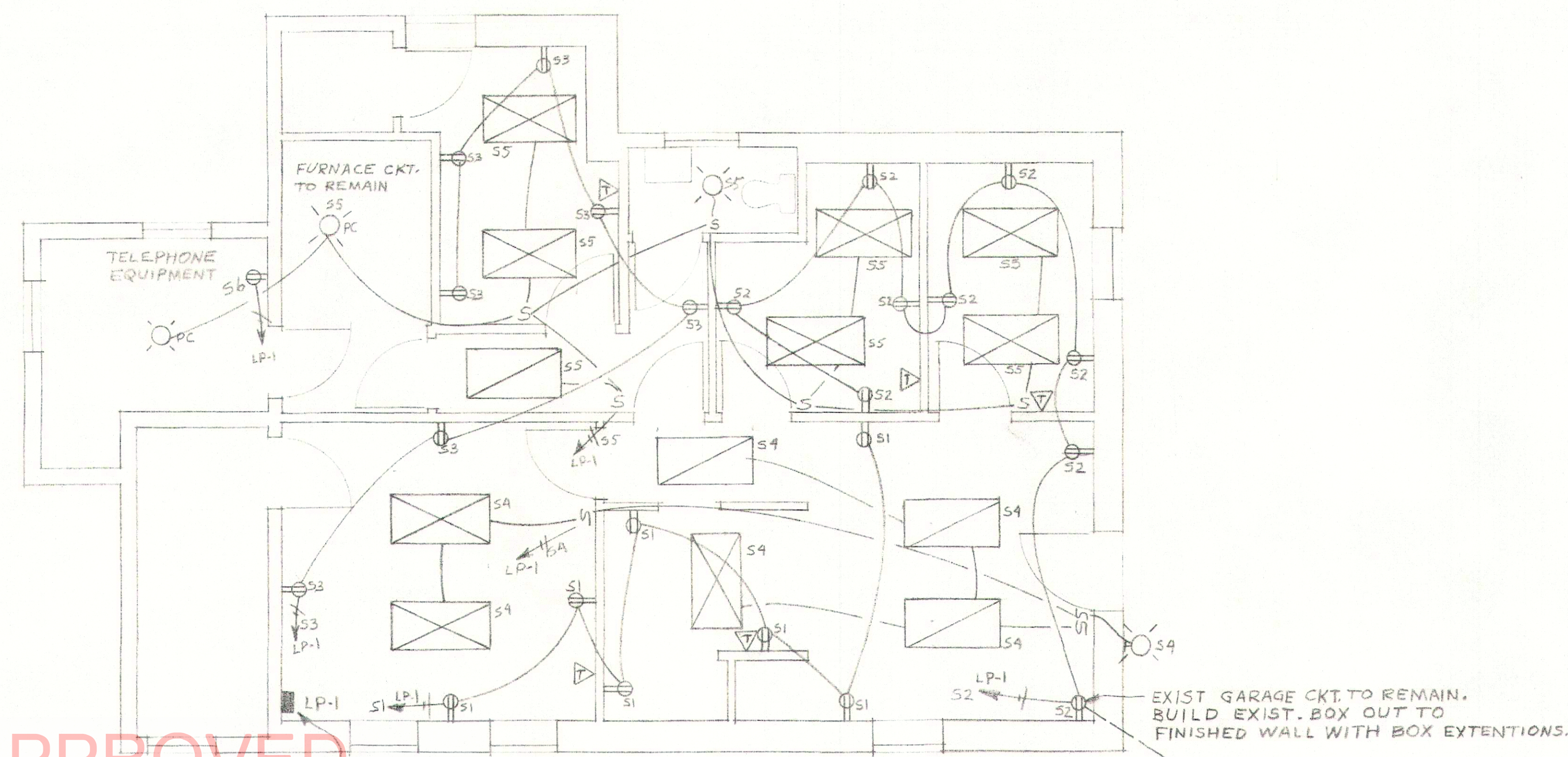
120/240 VOLT 1 PHASE

125 AMP MAIN BREAKER

WATTS	DESIGNATION	AMPS	CKT
EXISTING HOUSE CKTS			
1400	OUTLETS	20	S1
1400	OUTLETS	20	S2
1885	N.LTG	20	S3

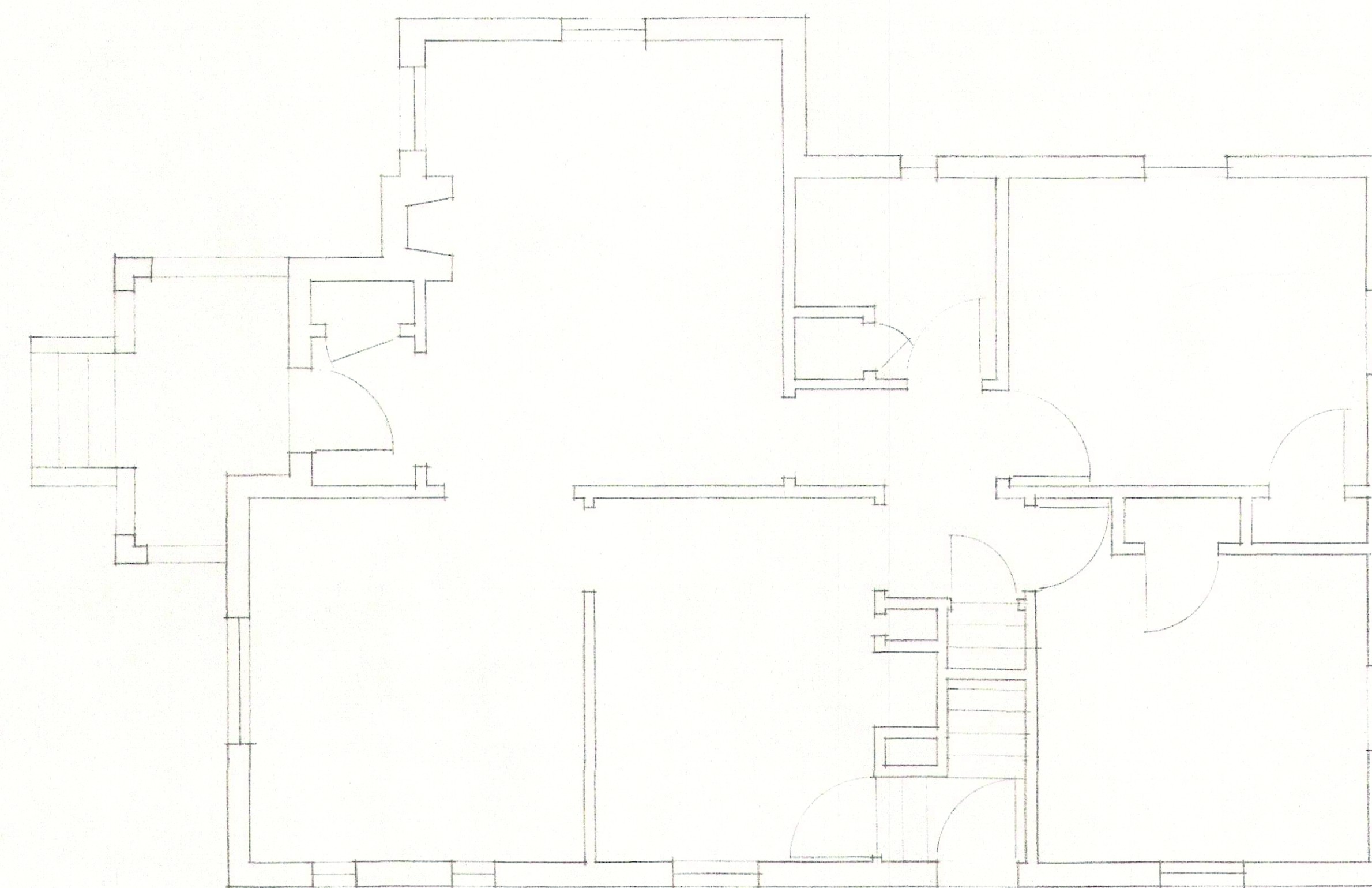
CKT	AMPS	DESIGNATION	WATTS
EXISTING HOUSE CKTS			
S2	20	OUTLETS	1800
S3	20	S.LTG	1225
S4	20	TELEPHONE	

ADDITIONAL CONN. LOAD 33 AMPS



LOWER LEVEL PLAN - ELECTRIC

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



UPPER LEVEL PLAN

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

APPROVED
06/28/2023

ZONING COMMISSION
COLERAIN TOWNSHIP
HAMILTON COUNTY, OH

LOWER LEVEL CONVERSION
for RAVI B. BERRY M.D.
6200 COLERAIN AVE. CINCINNATI, OHIO 45239

HVAC & ELECTRICAL

WALFRED A. MATTSOHN
ARCHITECT
1426 COLERAIN AVENUE
CINCINNATI, OHIO 45239

APRIL 20, 1985



**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)

SAROF & RAN BERRY

Application number: BZA _____

Owner: Berry Family Practices LLC Applicant: R'nesa Hardman

Property Address: 60200 Colerain Ave

City: Cincinnati State/Zip: Ohio 45239

Phone: 513-903-3642 Applicant

Auditor's Book-Page-Parcel Number: **510** -- --

Zoning Classification: _____

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

Required Documents (8 copies of each of the following):

- ☒ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page.
- ☒ Site Plan (surveyor/engineer's seal may be required)
- ☒ Names and addresses of Property Owners within 200 feet (use County Auditor's records).
- ☒ Plat showing Property Owners within 200 feet.
- ☐ Fees

Office use only:	Appeal Fee:	\$ 350. ⁰⁰
	Legal Notice:	\$ 125. ⁰⁰
	Certified Mail:	\$ 9. ⁶⁰
	Total Amount Paid:	\$ 484. ⁶⁰

RECEIVED

JUL 12 2023

COLERAIN ZONING

Signature of Property Owner: _____

Signature of Applicant (if not the Owner): _____

An application for appeal will not be accepted until and unless all of the above requirements are met.

Failure to appear at the scheduled public hearing may result in dismissal of the appeal.

(over)

Shine Bright Like a Diamond Dogs was founded in 2016. I created the company out of my love, passion, and fascination with dogs. The vision of Shine Bright Like a Diamond Dogs is to be a one stop, all-inclusive shop, for dog owner's and dog lovers. Shine Bright Like a Diamond Dogs provides an array of dog services. Services include dog grooming, dog training, dog sitting and boarding, and customized dog supplies. Our mission is to be a state of the art, safe haven; training and educational hub for dogs and their owners.

Dogs are my life! I have over 28 years of personal and professional experience, combined. My inspiration started just at the age of three with my German Shepard mix, named Sox. I was the only child, so Sox was my big brother. Sox taught me everything I needed to know about dogs. From daily walks to school, to the territorial bite to my dad, for invading his property unannounced. We ate together, slept together, learned tricks, got in trouble together, but most importantly Sox showed me unconditional love. It was Sox that made me want to get into the dog industry, after I witnessed him save my grandmother's life from a bad fall in the shower.

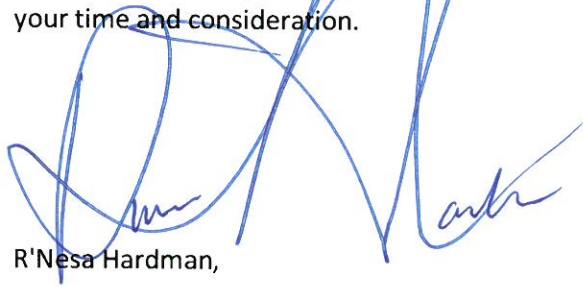
My experiences afford me the opportunity to do more than just wash and groom dogs. Shine Bright Like a Diamond Dogs caters to the needs of the dog owner and the well-being of dogs. Shine Bright Like a Diamond Dogs also does community outreach. We provide education on stray dogs and how members of the community should behave around a stray dog to avoid being bit. Shine Bright Like a Diamond Dogs also specializes in training and handling dogs with various and special needs. We provide education and training for dogs and their owners. We also provide education and training for dog owners that need assistance with dogs who exhibit aggressive or anxious behavior.

Shine Bright Like a Diamond Dogs intends to provide a safe space that caters to the work schedule and leisure schedule of many dog owners. Leaving dogs alone for an extended period of time contributes to disobedience, boredom, property destruction, and other undesirable behaviors. Behaviors include breaking out, hopping fences, and breaking leashes, to name a few. Dog owners not having a safe space to board their dogs can contribute to dog abuse or an increase in stray dogs. Being permitted to operate a kennel will not only be a benefit to the dog owner, but also to the dog, and the Colerain Township community. Pet sitting and boarding will provide dog owners a safe haven to leave their dogs, for an extended time, knowing their dogs will be safe, fed, attended to, and well-kept. This will not only keep dogs energized, but it will also contribute to the mood and life of the dog. Proper and effective dog training is essential to being a dog owner. Being permitted to operate the kennel will also allow us adequate spacing to provide training.

Not being permitted to operate a kennel will prevent us from carrying out our mission and will be a detriment to our business model. Our business name Shine Bright Like a Diamond Dogs is just that. Our kennel will be well maintained, with minimal to no barking. The model and structure of our kennels are not average. We do not condone keeping dogs caged all day. Our kennels will allow for the dogs to freely roam in a secured gated setting. This structure and model will help minimize and reduce loud

barking. Our dogs will receive a daily interactive regiment. Not being afforded the opportunity to train, pet sit, and board dogs, will diminish and dim a light on the ultimate diamond experience for dogs and their owners. Dogs require a high level of attention. It will be difficult to help dog owners fully understand the power of their pooch, if our efforts in doing so are denied. Limiting our ability to have a kennel will contribute to the negligence of dog ownership.

Tony Robbins once said, "Life is a gift, and it offers us the privilege, opportunity, and responsibility to give something back by becoming more. Being granted the opportunity to operate a kennel, will allow Shine Bright Like a Diamond Dogs to become more. Becoming more, will not only benefit Shine Bright Like a Diamond Dogs, it will also benefit the Colerain Township Community. Thank you in advance for your time and consideration.

A handwritten signature in blue ink, appearing to read 'R'Nesa Hardman', is written over the text of the letter. The signature is stylized with large loops and a long horizontal stroke extending to the right.

R'Nesa Hardman,

Owner/Operator of Shine Bright Diamond Dogs

Zoning Certificate

Colerain Township

Hamilton County, Ohio

Planning & Zoning Department

4200 Springdale Road

Colerain Township, Ohio 45251

(513) 385-7505 (513) 245-6503 fax

Zoning Certificate Number:

Z2019-0319

ADDRESS: 6200 Colerain Avenue

PARCEL NO: 510-0074-0033

ZONING: B-2

LOT:

UNITS:

ISSUED TO: Rochelle Bankhead
6200 Colerain Avenue
Cincinnati, OH 45239

CERTIFICATE TYPE: Change of Use

DETAILS: Change from Auto Sales to Daycare

CERTIFICATE DATE: 08-06-2019 BZA CASE NO:

FEE: \$150.00

EXPIRE DATE: 08-06-2020



It is hereby certified that the above use on the plats and plans submitted with the application conforms with all applicable provisions of the Colerain Township Zoning Resolution. The issuance of this Certificate does not allow the violation of the Township Zoning Resolution of other governing resolutions.

The applicant is responsible for obtaining a building permit (if required) prior to commencing work on the proposed improvement. A final zoning inspection must be scheduled by the applicant for commercial projects prior to the issuance of a Certificate of Occupancy by the Hamilton County Building Commissioner.

APPROVED BY:

DATE: 08-06-2019

Zoning Inspector

Zoning Department Copy

\$150



COLERAIN TOWNSHIP ZONING COMMISSION

4200 Springdale Road
Colerain Township, OH 45251
(513) 385-7505 (513) 245-6503 (fax)

ZONING CERTIFICATE APPLICATION

No. Z 2019-0319

COMPLETE ALL PARTS IN INK—PLEASE PRINT

1. A. Street & Number Location 6200 Colerain Ave Zip 45239

B. BOOK 510 PAGE 0074 PARCEL NO(S). 0033 LOT NO. _____

2. Applicant Rochelle Bankhead Address 6200 Colerain Ave
City Cincinnati State OH Zip 45239 Phone (513) 473-3979 *

3. Owner Ravi + Saroj Berry Address 6200 Colerain Ave
City Cinti State OH Zip 45239 Phone (513) 349-7513

4. Contractor _____ Address _____
City _____ State _____ Zip _____ Phone _____

5. Plans By _____ Address _____
City _____ State _____ Zip _____ Phone _____

6. TYPE OF IMPROVEMENT

RESIDENTIAL USE

- ☐ Single Family (___ w/Deck)
☐ Addition
☐ Accessory Structure
☐ Decks
☐ Swimming Pools (above or inground)
☐ Walls or Fences
☐ Temporary Uses
☐ Antennas and Satellite Dishes
☐ Other (specify) _____
☐ Multi-Family, No. of Units _____

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AUG 05 2019

COLERAIN ZONING

NON-RESIDENTIAL USE

- ☐ Building(s)
☐ Sq. Ft. of Floor Area: _____
☒ Change of Use Car sales to daycare
☐ Tents, Dates — From: _____
☐ Pools and Tanks
☐ Antennas and Satellite Dishes
☐ Walls or Fences
☐ Signs Type _____ Temporary _____
☐ Landfill and/or Extraction
☐ Other (specify) _____

APPROVED

AUG 06 2019

ZONING COMMISSION
COLERAIN TOWNSHIP
HAMILTON COUNTY, OHIO

A site plan showing the dimensions and location of proposed improvement(s) and existing building(s) is required. The site plan must show the location of all public streets.

SIGNAGE APPLICATIONS MUST SHOW BUILDING AND/OR STREET FRONTAGE DIMENSIONS.

7. EXISTING AND PROPOSED USES OF BUILDING AND PREMISES AND ESTIMATED COST OF PROJECT

EXISTING: Commercial PROPOSED: Daycare Type A EST. COST: _____

The owner of this building or premises and the undersigned, do hereby covenant and agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Colerain Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

Rochelle Bankhead
(Signature)
EMAIL Rochelle.bankhead22@gmail.com

8/5/19
(Date)

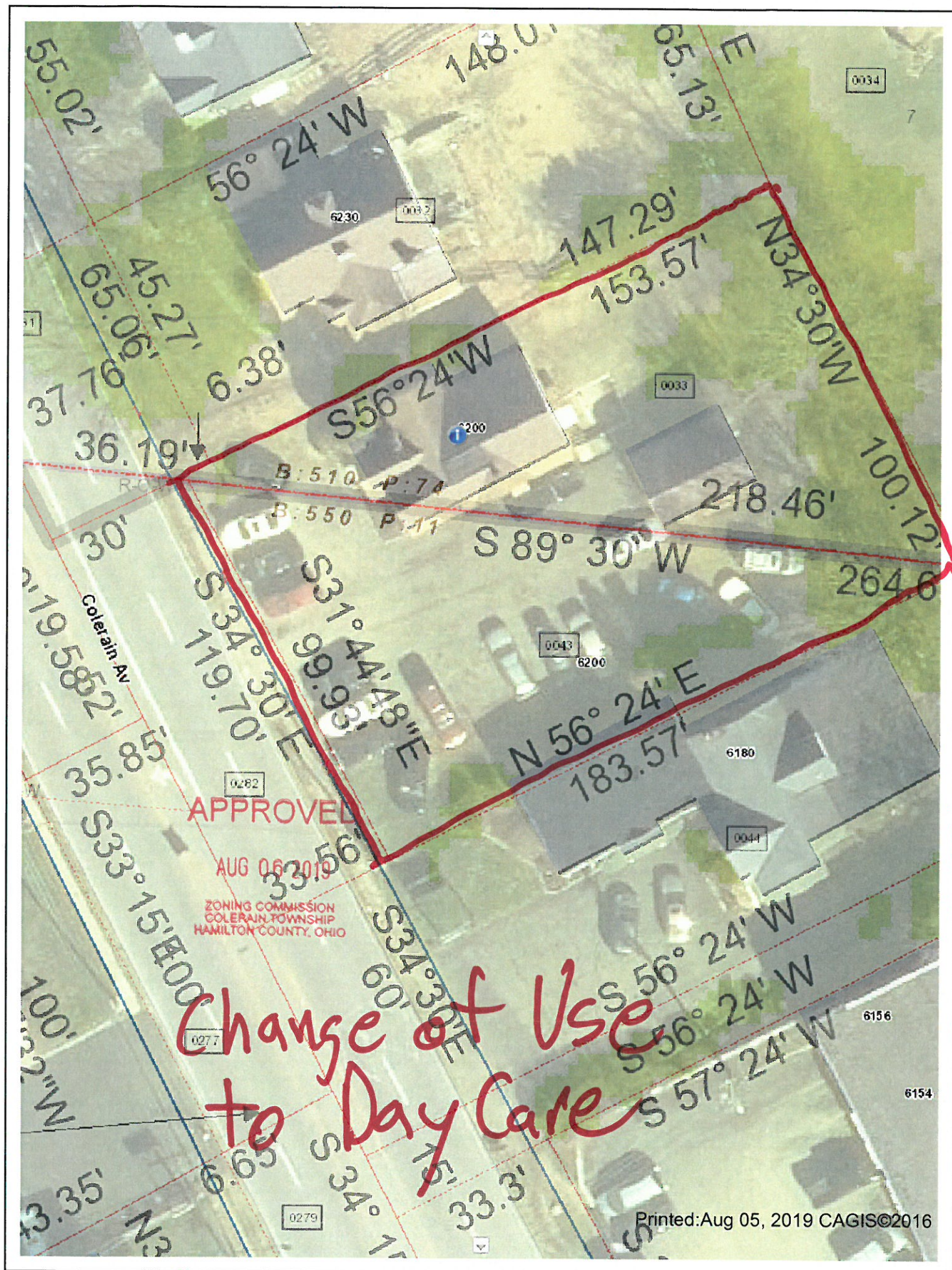
DO NOT WRITE BELOW THIS LINE—OFFICE USE ONLY

ISSUE DATE OF ZONING CERTIFICATE: _____

FEE PAID: 154.50 CC 0552

DATE OF DENIAL: _____

Call when ready email





Zoning Certificate

Colerain Township

Hamilton County, Ohio
Planning & Zoning Department
4200 Springdale Road
Colerain Township, Ohio 45251

Zoning Certificate Number: Z2023-296

ADDRESS: 6200 COLERAIN RD Colerain OH 45239

PARCEL NO: 51000740033

ZONING: B-2 General Business District

Rnesa Hardman

ISSUED TO: 6200 COLERAIN AVE
Cincinnati, OH 45239

CERTIFICATE
TYPE: Commercial

DETAILS: Change of use from child care facility to pet care.

CERTIFICATE
DATE: June 28, 2023

BZA CASE NUMBER:

FEE: 150

EXPIRE DATE: June 28, 2023

It is hereby certified that the above use on the plats and plans submitted with the application conforms with all applicable provisions of the Colerain Township Zoning Resolution. The issuance of this Certificate does not allow the violation of the Township Zoning Resolution of other governing resolutions. The applicant is responsible for obtaining a building permit (if required) prior to commencing work on the proposed improvement. A final zoning inspection must be scheduled by the applicant for commercial projects prior to the issuance of a Certificate of Occupancy by the Hamilton County Building Commissioner.

STAFF COMMENTS: Permit approved for change of use and interior commercial alterations. Permit is not for anything on the exterior including signage, frontage or parking. Approval for exterior uses must go through Green Township.

APPROVED BY:

DATE: June 28, 2023

David Peters

Zoning Inspector: David Peters

APPLICATION NUMBER: SAPP-23-3