

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, May 25th, 2022 – 6:30 p.m.

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

Pledge of Allegiance: led by Mr. Bartolt.

Explanation of Procedures: presented by Mr. Bartolt.

Roll Call: Mr. Bartolt – aye, Ms. Owens – aye, Mr. Schupp – aye, Mr. Wilson – aye,
Mr. Roberto – absent.
Mr. Sidow was seated in Mr. Roberto's absence.

Present as Staff was: Mr. Jarrod Alig.

Present as Legal Staff was: Ms. Sarah Schild.

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

Swearing In: Legal Staff swore in the appellants, attorneys, and all speakers in the cases.

Hearing of Appeals:

BZA2022-05:

BZA2022-05: The applicant, representing the property owner, is requesting a Conditional Use(s) per §7.4.10 Religious Places of Worship;

Subject Property: 2550 W Galbraith Rd. (Parcel: 510-0061-0413-00)

Applicant: Dr. Mike Scruggs

Owner: Its Galbraith Rd, L.L.C.

Mr. Bartolt introduced the case.

Staff provided a presentation, noted the current zoning, topography, and surrounding conditions. Staff displayed the applicant's site plan, and described Staff's interpretation, based upon the Colerain Township Zoning Resolution, for which the request was being sought. Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions.

Staff outlined the criteria for a Conditional Use as stated in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **APPROVAL** of the request for a Conditional Use to permit a Religious Place of Worship within a B-1 Neighborhood Business District.

This Concluded Staff's Presentation.

Mr. Bartolt asked if the Applicant was present, and to state their name and address prior to the applicant addressing the Board.

The Applicants, Mike Scruggs, & Kisha Scruggs 6807 Jennifer Lynn Dr., Cincinnati, OH, 45248; presented to the Board.

Mr. Bartolt asked if anyone present in the audience wished to speak in favor, or in opposition on the matter. Hearing none, Mr. Bartolt requested a motion to close the public portion of the hearing.

Mr. Schupp made a motion to close the public portion of the hearing, seconded by Mr. Wilson.

Roll Call: Ms. Owens – aye, Mr. Schupp – aye, Mr. Sidow - aye, Mr. Wilson – aye, Mr. Bartolt – aye

Motion carried.

Mr. Bartolt asked members of the Board if they had any questions for the applicant.

Ms. Owens inquired as to the applicant's plans to renovate the property.

Applicant informed the Board that the primary focus of the renovations would be on the interior of the building.

Ms. Owens inquired as to the average size of the applicant's congregation.

Applicants informed the Board that the expected congregation would be between 200 – 350 attendees.

Mr. Bartolt asked members of the Board if they had any other questions for the applicant.

Staff mentioned to the Board that the current request was for a Conditional Use only. Approval of the Conditional Use would not alleviate the applicant from having to apply for a

Change of Use certificate, at which point in time the applicant would have to adhere to all requirements and regulations of the Zoning Resolution

Mr. Bartolt requested a motion for a vote on case BZA2022-05.

Mr. Schupp asked Staff if the issue of signage had been addressed.

Staff answered that signage was indicated on the submitted plan, and should the Board approve the requested Conditional Use, that signage would be evaluated once the Applicant applied for a change of use certificate.

Mr. Wilson made a motion to approve case ZA2022-05, Mr. Schupp seconded.

Mr. Bartolt requested a Roll Call vote.

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

Case **ZA2022-05** request for a **Conditional Use** to permit a **Religious Place of Worship** within a B-1 Neighborhood Business District for the property located at: **2550 W Galbraith Rd.** (parcel: 510-0061-0413-00) **APPROVED unanimously.**

BZA2022-06:

BZA2022-06: The applicant, representing the property owner, is requesting an expansion of a non-conforming use;

Subject Property: 3100 (3118) Springdale Rd. (Parcel: 510-0042-0022-00)

Applicant: Qiong Diaz

Owner: Springhill Shopping Center, L.L.C.

Mr. Bartolt introduced the case and noted that the original Agenda provided to the Board indicated that the case had been withdrawn.

Staff explained that the applicant had not submitted the required documentation by the indicated deadline, and that the applicant had provided Staff with the required material that morning (5-25-2022). However, because the applicant had paid the required fees, and because a legal advertisement had been issued declaring that a public hearing would be held on the matter, the Board could choose to hear the case, or table the matter.

Mr. Bartolt asked Staff for a brief overview of Case ZA2022-06.

Staff described that the applicant had received a Change of Use certificate in August of 2021. The proposed use listed on the application in August 2021 was “restaurant”, and the prior use of the space as indicated on the application was “church”.

In April of 2022, Staff received an application for a proposed wall sign for the “restaurant”, due to the property being located in an R-6 Urban Residential District, where “restaurant” is not an approved use, Staff denied the application.

After a brief discussion, the Board decided that tabling the matter to allow adequate time to review submitted material would be the best course of action.

Mr. Wilson made a motion to table case BZA2022-06 to the next Board of Zoning Appeals meeting, seconded by Ms. Owens.

Mr. Bartolt requested a Roll Call vote.

Roll Call: Mr. Schupp – aye, Mr. Sidow – aye, Mr. Wilson – aye, Ms. Owens - aye, Mr. Bartolt – aye

Case **ZA2022-06** request for an **Expansion of a Non-Conforming use** to permit a **Wall Sign** within a R-6 Urban Residential District for the property located at: **3100 (3118) Springdale Rd.** (Parcel: 510-0042-0022-00) **TABLED unanimously.**

A discussion occurred between Mr. Gary Davis, the Board, and Staff. However, the matter had been tabled and it was indicated that official discussion on the matter would occur during the next scheduled BZA hearing.

BZA2022-07

BZA2022-07: The applicant, representing the property owner, is requesting Variance(s) to Article(s) 8, 13, & 14;

Subject Property: 8265 (8261) Colerain Ave. (Parcel: 510-0060-0026-00)

Applicant: Jelani Jackson

Owner: Richie S Enterprises, L.L.C.

Mr. Bartolt introduced the case.

Staff provided a presentation, noted the current zoning, topography, and surrounding conditions. Staff displayed the applicant’s site plan, and described Staff’s interpretation, based upon the Colerain Township Zoning Resolution, for which the request was being sought. Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions.

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Staff outlined the criteria for a Variance as stated in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **APPROVAL** of the request for a Variance(s) to §8.3; §13.2.1; and §14.2.2, with the following conditions:

1. The variances shall be applicable to the proposed expansion as presented by the applicant in case BZA2022-07 to the Colerain Township Board of Appeals.
2. The variances shall terminate upon the Hamilton County Building Department issuing a Certificate of Occupancy and / or providing the current applicant / owners with a "pass" upon their final inspection related to the permit for the expansion proposed in this application.

This Concluded Staff's Presentation.

Mr. Bartolt asked if the Board had any questions for Staff.

Mr. Wilson asked if once the proposed construction was completed, and the variance terminated, if the lot would be non-compliant.

Staff answered that a non-conforming use already existed based upon the existing lot and structure. Approval of the proposed expansion would effectively maintain the current status of the property. The intent of terminating the variances upon completion of the proposed expansion is to prevent perpetual expansion upon the property.

Mr. Bartolt asked if the Board had any further questions for Staff. No Board member indicated any remaining questions for Staff.

Mr. Bartolt asked if the applicant was present, and to state their name and address prior to addressing the Board.

The Applicants, Jelani Jackson & Danielle Jackson 4020 Beechwood Ave. Cincinnati, OH, 45229.

The applicants presented their case to the Board. Applicants described their desire to create a "daughter brand" of the current franchise.

Mr. Bartolt asked if anyone present in the audience wished to speak in favor, or in opposition on the matter. Hearing no desire to speak on the matter, Mr. Bartolt requested a motion to close the public portion of the hearing.

Mr. Wilson made a motion, seconded by Mr. Sidow.

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

Motion carried.

Mr. Bartolt asked if the Board had any questions for the applicants.

Mr. Bartolt asked the applicants if there were other Richie's location in town.

Ms. Jackson answered in the affirmative, but that this location would be the first location in the area with the proposed specific "branding".

Mr. Bartolt asked the applicants if they were planning on staying open during the renovation.

The applicants answered that they hoped to remain open, but were unsure.

With no further questions for the applicants, Mr. Bartolt requested a motion on the matter.

Mr. Schupp made a motion to approve case BZA2022-07 with the condition's recommended by Staff, seconded by Mr. Wilson.

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

Case **ZA2022-07** request for Variance(s) to **§8.3; §13.2.1; and §14.2.2**, for the property located at: 8265 (8261) Colerain Ave. (Parcel: 510-0060-0026-00) **APPROVED unanimously, with the following conditions:**

1. The variances shall be applicable to the proposed expansion as presented by the applicant in case BZA2022-07 to the Colerain Township Board of Appeals.
2. The variances shall terminate upon the Hamilton County Building Department issuing a Certificate of Occupancy and / or providing the current applicant / owners with a "pass" upon their final inspection related to the permit for the expansion proposed in this application.

Unfinished Business: None

Approval of the Minutes:

February 23rd, 2022 Minutes:

Staff indicated that an editorial correction had been made to the minutes to add the omitted "s" from "Ms. Owens" last name in the draft version submitted to the Board members for review.

Mr. Bartolt requested a motion be made to approve the minutes.

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

Mr. Bartolt requested a Roll Call vote.

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

Motion to approve the Minutes of the February 23rd, 2022 meeting approved unanimously.

Administrative Matters: Staff mentioned an update regarding the APA Ohio Citizen Planner Training course.

Adjournment:

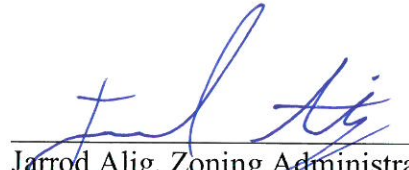
Mr. Bartolt requested a motion to adjourn the meeting.

A motion was made by Mr. Sidow, and seconded by Mr. Wilson.

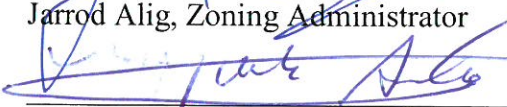
Roll Call: Ms. Owens – aye, Mr. Schupp – aye, Mr. Sidow – aye, Mr. Wilson – aye, Mr. Bartolt – aye

Meeting adjourned at approximately 7:19 P.M.

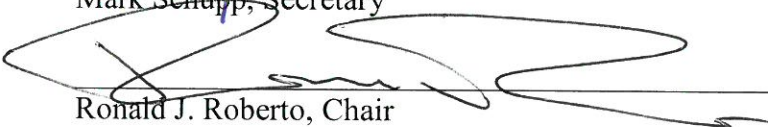
Respectfully Submitted:


Jarrod Alig, Zoning Administrator

Secretary:


Mark Schupp, Secretary

Accepted by:


Ronald J. Roberto, Chair