

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, June 29th, 2022 – 6:30 p.m.

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

Pledge of Allegiance: led by Mr. Roberto.

Explanation of Procedures: presented by Mr. Roberto.

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

Mr. Sidow was seated in Mr. Wilson's absence

Present as Staff was: Mr. Jarrod Alig.

Present as Legal Staff was: Ms. Sarah Schild.

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

Hearing of Appeals:

BZA2022-06:

BZA2022-06: The applicant, representing the property owner, requested a variance to permit an expansion of a non-conforming use;

Location: 3100 (3118) Springdale Rd.
Applicant: Qiong Diaz
Owner: Springhill Shopping Center, L.L.C.

Mr. Roberto 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 variance review criteria per §4.4.2 as stated in the Colerain Township Zoning Resolution.

The Board inquired Staff as to how this property was rezoned as a residential district, when the use of the property had been nonresidential prior to the most recent comprehensive zoning map amendment (2006). Staff indicated that they did not know the reason that this property was rezoned to a zoning district that was not congruent with the use of the property. Staff mentioned the three processes which could be executed to request the property to be rezoned per *O.R.C. §519.12*.

Mr. Roberto asked the Applicant or Property Owner if they wished to present their case.

Mr. Gary Davis, introduced himself as the administrative member of Springhill Shopping Center, L.L.C.

Mr. Davis gave a presentation regarding the former use of the specific space in question being used as a church, and prior to that the space was used by the Northwest Local School Board. Mr. Davis stated that he was under the impression that he would need to rezone the property in the future. Mr. Davis asked Staff what the rezoning process would entail. Staff responded that they would discuss that process with Mr. Davis at a time and place in the near future if Mr. Davis would like to do so. Mr. Davis concluded his presentation and thanked the Board and Mr. David Miller for his assistance.

At the conclusion of the Property Owner's presentation, the applicant indicated their desire to present. Mr. Roberto informed the Applicant that because they had not signed in, and had not been sworn in, that they would be required to do so prior to presenting to the Board.

After signing in, Qiong Diaz, indicated her address as 3118 Springdale Road(, Cincinnati, OH, 45251) As Ms. Diaz began her presentation, Legal Staff interjected and inquired if the Applicant had been sworn in, at which time Mr. Roberto swore in the Applicant.

The Applicant stated that a prior use of the location had a wall sign, and that she didn't understand why she could not have a wall sign also. Mr. Roberto explained to the Applicant that as previously discussed in the hearing, upon the issuance of a change of use certificate to permit a church, the nonconforming status of the space permitting a business use was relinquished.

Upon the conclusion of the Applicant's testimony, Mr. Roberto requested a motion on the matter. Mr. Sidow made a motion to deny BZA2022-06, seconded by Mr. Bartolt.

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

Motion to **deny** case **BZA2022-06** carried unanimously.

BZA2022-08

BZA2022-08: The applicant, representing the property owner, is requesting a variance to §10.2 Accessory Buildings and Uses

Location: 2379 Roosevelt Ave.

Applicant/Owner: Edwin Dixon, Jr.

Mr. Roberto 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 described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions

Staff outlined the criteria for a Variance as stated §4.4.2 in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **APPROVAL** of the request for a variance to §10.2 *Accessory Buildings and Uses*; (A); (8) with the following conditions: None.

Mr. Roberto asked if any Board members had questions for Staff.

Mr. Bartolt asked Staff if the handwritten notes indicating setbacks on the plans provided to the Board were Staff's notes, and if any aspect of case BZA2022-08 was related to setbacks. Staff indicated that the handwritten notes were not Staff's notations, and that setbacks were not an issue for the proposed accessory structure.

Hearing no further questions for Staff, Mr. Roberto asked the Applicant if they wished to address the Board.

Mr. Edwin Dixon, Jr., 2379 Roosevelt Avenue, Cincinnati, OH, 45231 as the Applicant and Property Owner presented to the Board.

Mr. Dixon stated that as instructed during meetings with prior Colerain Township Planning and Zoning Staff, he performed a lot consolidation per zoning regulations preventing an accessory structure being permitted on a parcel absent a primary structure. Mr. Dixon stated that upon completing the requirements as instructed by previous Staff, current Staff denied his application for an accessory structure.

Mr. Roberto asked if any members of the audience wished to speak in favor, or in opposition to the Applicant's proposal.

Mr. Skip Adams 2426 Roosevelt Avenue, Cincinnati, OH, 4523 asked how tall the proposed accessory structure would be.

Staff answered that the mean height of an accessory structure is not permitted to exceed fifteen (15) feet.

Mr. Roberto asked if there were any other members of the audience who wished to speak, hearing none Mr. Roberto requested a motion to close the public portion of the hearing. Mr. Bartolt made a motion, seconded by Mr. Schupp.

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

Mr. Roberto asked if any members of the Board had any questions.

Mr. Schupp asked the Applicant how tall the proposed structure would be. Mr. Dixon answered that the proposed height was twelve (12) feet.

Staff clarified that the height of an accessory structure was limited to a mean height of fifteen (15) feet.

Mr. Roberto asked if any members of the Board had any other questions, hearing none he asked for a recommendation on the matter.

Mr. Bartolt made a motion to approve case BZA2022-08 as presented, seconded by Ms. Owens.

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

Case **BZA2022-08**, request for a 270 ft² variance to *§10.2 Accessory Buildings and Uses; (A); (8)*, for the property located at: 2379 Roosevelt Avenue, Cincinnati, OH, 45231. (Parcel: 510-0031-0795-00) **APPROVED unanimously, absent any conditions.**

BZA2022-09

BZA2022-09: The applicant, representing the property owner, is requesting a variance to §10.2 Accessory Buildings and Uses

Location: 10234 Snowflake Lane, Cincinnati, OH, 45251

Applicant/Owner: Gregory D. Spencer & Tiffany D. Spencer

Mr. Roberto 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 described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions

Staff outlined the criteria for a Variance as stated §4.4.2 in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **APPROVAL** of the request for a variance to §10.2 *Accessory Buildings and Uses; (A); (8)* with the following conditions: None.

Mr. Roberto asked if any Board members had questions for Staff. Hearing none Mr. Roberto asked the Applicant if they wished to address the Board.

Ms. Tiffany Spencer, 10234 Snowflake Lane, Cincinnati, OH, 45251 as the Applicant and Property Owner presented to the Board.

Ms. Spencer stated that on behalf of her and her husband (Mr. Gregory D. Spencer) she requested a variance for a garage which exceeded the permissible footprint.

Ms. Spencer stated that she currently owns two (2) businesses, owns both commercial and residential property within Colerain Township, and that she requested the variance to free up the limited parking on her street, and to clean up the sightline in front of her house.

Mr. Roberto asked if any members of the audience wished to speak in favor, or in opposition to the Applicant's proposal, seeing none Mr. Roberto requested a motion to close the public portion of the hearing.

Mr. Sidow made a motion, seconded by Mr. Schupp. Mr. Roberto asked the Board members if they had any discussion, hearing none he requested a Roll Call vote.

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

Mr. Roberto asked if any of the Board members had any questions for the Applicant.

Mr. Schupp stated that the proposed site plan appeared to indicate that the accessory structure was off center (relative to the primary structure) and asked the Applicant if there was a reason for that offset.

Ms. Spencer indicated that the reason for the offset was to line up the proposed accessory structure with the existing driveway.

Mr. Bartolt referred to the aerial image presented during Staff's presentation and asked what was represented on the image in the rear yard of the property.

Staff stated that the image was an aerial image provided by CAGIS, and Staff's interpretation of the image appeared to indicate that a concrete slab had been constructed in

the rear yard. Ms. Spencer confirmed that a concrete slab had been constructed in the rear yard.

Mr. Bartolt asked the Applicant to clarify that there was no intention to park commercial vehicles within the proposed accessory structure.

Ms. Spencer clarified that she did not, nor was she proposing to conduct any commercial operations upon the subject property.

Staff clarified that any vehicles permitted in residential district pursuant to Article 13 would continue be permitted.

Mr. Sidow and Ms. Owens both indicated their concern with the mention of commercial operations within a residential district as well.

Mr. Roberto asked if any members of the Board had any other questions, hearing none he asked for a recommendation on the matter.

Mr. Schupp made a motion to approve case BZA2022-09 as presented, seconded by Mr. Bartolt. Mr. Roberto requested a Roll Call vote.

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

Case **BZA2022-09**, request for a 186ft² variance to *§10.2 Accessory Buildings and Uses; (A); (8)*, for the property located at: 10234 Snowflake Lane, Cincinnati, OH, 45251. (Parcel: 510-0042-0325-00) **APPROVED unanimously, absent any conditions.**

BZA2022-10

BZA2022-10:	The applicant, representing the property owner, is requesting; variance(s) to Article 13: Off-Street Parking and Loadings
Location:	9804 Colerain Ave.
Applicant:	O'Sam Mardin, with P.D.A., Inc.
Owner:	Colerain Building, L.L.C.

Mr. Roberto 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 described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions

Staff outlined the criteria for a Variance as stated §4.4.2 in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **APPROVAL** of the request for a variance(s) to §13.3.2 *Required Number of Spaces*; with the following conditions: None.

Mr. Roberto asked if any Board members had questions for Staff.

Mr. Bartolt asked Staff how many existing parking spaces were currently located upon the property. There were 32 spaces currently existing at the proposed property

Hearing no further questions for Staff, Mr. Roberto asked the Applicant if they wished to address the Board.

Mr. O'Sam Mardin, with P.D.A. Inc., located at: 3627 West Fork Road, Cincinnati, OH, 45247 as representative for the property Owner presented to the Board.

(Mr. Mardin requested that Staff display his presentation for the Board, however, the projector used by Staff for meeting presentations turned off and would not immediately turn on. As Staff attempted to rectify the issue Mr. Mardin continued with his presentation absent the visual material he had requested Staff to project for the Board.)

Mr. Mardin stated that a hardship was created due to the previous use being a nail salon, and a hair salon in an adjoining space. Both of those uses occupied approximately 3,550 ft², and the current proposal seeks to occupy the same space. The land locked site also created a hardship. And the delta between the two methods to determine the required number of spaces as listed in Table 13-1 Required Number of Spaces created a hardship on the Property Owner.

Mr. Roberto asked if any members of the audience wished to speak in favor, or in opposition to the Applicant's proposal, seeing none Mr. Roberto requested a motion to close the public portion of the hearing.

Ms. Owens made a motion, seconded by Mr. Schupp. Mr. Roberto asked the Board members if they had any discussion, hearing none he requested a Roll Call vote.

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

Mr. Roberto asked if any of the Board members had any questions for the Applicant.

Ms. Owens asked the Applicant if the other existing tenants would remain within the existing structure.

The Applicant indicated that the tenant to the right of the proposed use (south) currently occupied by "Cricket" and the tenant to the left of the proposed use (north) "Batteries + Bulbs" would remain. The Applicant also indicated that there was a vacant unit at the northern most portion of the existing structure.

Mr. Schupp asked if the Applicant was aware of how many stations existed with the previous hair and nail salons.

Mr. Mardin stated that he did not know how many stations existed previously.

Legal Staff indicated that typically Ambiance Nail salons have more stations than nail technicians working at any given moment. Mr. Schupp expanded on this and asked the Applicant to describe the operations.

Mr. Mardin agreed with Legal Staff and stated that the proposed setup was to allow for flexibility in accommodating large parties, and that it was unlikely that all stations could or would be simultaneously occupied. Additionally, the amount of staff required to occupy all nail stations would not be feasible.

Ms. Owens stated her concern that the popularity of this company coupled with the limited parking which exists on the site could be a problem. And when combined with the existing tenants presented even more concern.

Mr. Sidow asked if there was a rear entrance to the facility to allow entrance from the Red Lobster parking lot.

Mr. Mardin stated that there was an employee entrance in the rear. Additionally, the Property Owner did approach Red Lobster to enter into a parking agreement, but wanted to avoid having a specific requirement placed upon him to provide for the ability to properly negotiate.

Mr. Bartolt stated that he had concerns for the existing tenants relative to potential parking issues. He noted that designated parking spaces for each tenant could be a potential solution. Mr. Bartolt also indicated his concern over A.D.A. parking spaces.

Mr. Roberto stated that his initial reaction to the proposed plan created concern over the potential parking.

Mr. Roberto asked if any members of the Board had any other questions, hearing none he asked for a recommendation on the matter.

Mr. Sidow made a motion to approve case BZA2022-10 as presented, seconded by Mr. Schupp. Mr. Roberto requested a Roll Call vote.

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

Case **BZA2022-10**, request for a variance to §13.3.2 *Required Number of Spaces*, for the property located at: 9810 Colerain Avenue (specifically the units addressed as 9806, and 9808), Cincinnati, OH, 45251. (Parcel: 510-0111-0057-00) **APPROVED 4-1, absent any conditions.**

Unfinished Business: None.

Approval of the Minutes: None.

Administrative Matters: Staff mentioned an update regarding the APA Ohio Citizen Planner Training course that funds were approved by the Board of Trustees.

Adjournment:

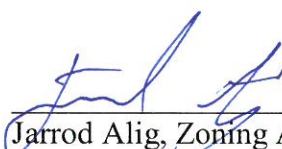
Mr. Roberto requested a motion to adjourn the meeting.

A motion was made by Mr. Bartolt, and seconded by Ms. Owens.

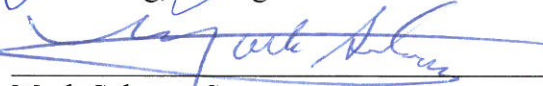
Roll Call: Mr. Bartolt – aye, Ms. Owens – aye, Mr. Schupp – aye, Mr. Sidow – aye, Mr. Roberto – aye

Meeting adjourned at approximately 8:00 P.M.

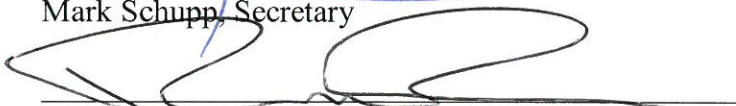
Respectfully Submitted:


Jarrod Alig, Zoning Administrator

Secretary:


Mark Schupp, Secretary

Accepted by:


Ronald J. Roberto, Chair