



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Meeting Minutes
4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, November 30th, 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:

BZA2022-15 The property owner, is requesting; a variance to 7.3: Table 7-2 *Side Yard Setback* and *Rear Yard Setback*;

Location: 5940 Day Rd.
Applicant/Owner: Evan Kramer.

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: **APPROVAL.**

This Concluded Staff's Presentation.

APPLICANT PRESENTATION:

Evan Kramer laid out his reasons for his request and gave further insight into the existing conditions of property. He did state that he changed his plan a little from the submission so the structure will be smaller in size.

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition.

Frank Cook, 5880 Day Road, shared his support for the project as one of the property's neighbors.

Mr. Bartolt 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. Hearing none he asked Staff for a Roll Call vote.

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

Motion to close the public portion passed unanimously

Mr. Bartolt asked the applicant the reason for the long breezeway as if it was shorter, it could eliminate one of the variances. Mr. Kramer responded that the need for the variance is because the existing home on the property has stairs with walls that stick out some, so bringing the structure closer to the house would make it more challenging to get his vehicles into his garage. Mr. Bartolt asked if the knee walls were on the right-hand side of the home; Mr. Kramer responded that they are on the back, far right-hand corner of the home.

Mr. Schupp asked staff if the destruction of the three buildings would be in the permit issued. Mr. Springsteen stated that it would not be required as part of the permit, as there is no permit related to demolishing of buildings in the Township. Mr. Springsteen continued that the applicant could add that information on the plan so it would be on the record, but it is not required to his knowledge.

Mr. Roberto asked the applicant if the building would be hooked up to a drain line or electrical.

Mr. Schupp made a motion to approve BZA2022-15; Mr. Wilson seconded.

Mr. Roberto asked if any Board members had any discussion on the matter. Hearing no requests for discussion, Mr. Roberto asked for a Roll Call vote.

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

**BZA2022-15 –Request for a variance to 7.3: Table 7-2 Side Yard Setback and
Rear Yard Setback.**

BZA2022-16 The property owner, is requesting a variance from §12.1.5 (D) and
§12.1.5 (E);

Location: 8590-8650 Pippin Rd.
Applicant/Owner: 4 Horizons Group LLC

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: **APPROVAL.**

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.

Mr. Bartolt stated that with 7 lots, there must be a worst-case lot in question. Mr. Bartolt continued that if the variances were approved, would the applicant get a free pass to build whatever they pleased. Mr. Springsteen said that he could list out the specific lots in question and detail how much of a variance each lot needed if the Board would like that, but the Board can add any conditions to the approval as well. Mr. Bartolt stated that if they approve the variances tonight the plan could change. Mr. Springsteen stated the motion could be to approve the variances for the plan as shown in the submission. Mr. Springsteen continued that he could point out the specific lots in question if the Board would like. Mr. Bartolt asked if the variances being requested are a big deal or if they are not that large. Mr. Springsteen said there is one lot that appears to be a big deal, Lot 24 which is along a panhandle lot is a corner lot because the private drive it abuts services three residences which make it a corner lot. The variance for that lot was 3,704.5 SQ FT from the lot area requirement. Mr. Springsteen stated it meets the standards of a typical lot, but because it is a

corner lot it has different standards. Mr. Springsteen continued that the rest of the rest of the lot area variances ranged from 1411 SQ FT to 1294 SQ FT. Mr. Springsteen added that most of the lots in question are close to the requirement, with the lot area in the high 9000 range. Mr. Springsteen reiterated that the previous staff when approving the preliminary development plan, approved the plans off of the Residential Site Development Standards, not the corner lot standards.

APPLICANT PRESENTATION:

Mike Perleberg from 4 Horizons Group LLC, 10905 Shaker Point Way, Harrison, OH 45030, gave a presentation.

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition.

Steve Bostwick, 8571 Pippin Road, stated his concern that the variance would eliminate the two front yards from the corner lots, and it would create alleys.

Steve Bostwick, 8571 Pippin Road, her concern that the variance would eliminate the two front yards from the corner lots

Robert Cuffe, 8692 Beckys Ridge Drive, stated his opinion on a lack of information available to residents for this project.

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

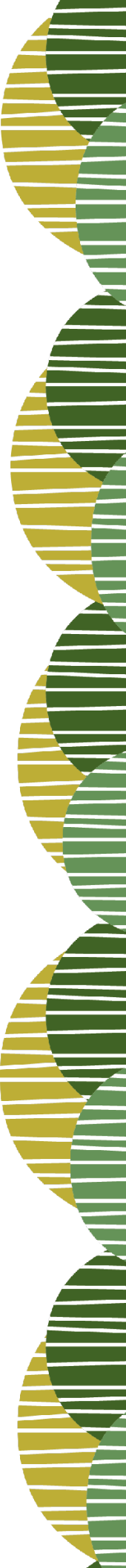
Mr. Roberto asked if the Board Members had any items to discuss. Hearing none he asked Staff for a Roll Call vote.

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

Motion to close the public portion passed unanimously

Mr. Wilson invited the applicant to address some of the concerns laid out in the public portion. Mr. Perleberg stated the lots in his subdivision are more or less identical to the surrounding neighborhoods, that is where the problem was as some of the homes in surrounding neighborhoods don't meet the current Resolution's standards.

Mr. Bartolt asked staff if there were any issues with the two front yard complaints raised by staff. Mr. Springsteen responded that the front yard standards would still apply just like any other corner lot. The rules still apply no matter the size of the lot. Mr. Bartolt also clarified that if a homeowner of one of the corner lots in question looked to build a fence, they would still need to meet Colerain's Zoning Standards. Mr. Springsteen confirmed that is correct.



Mr. Bartolt made a motion to approve case BZA2022-16 as shown in the submitted site plan for the seven lots in question. Mr. Wilson seconded.

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

BZA2022-16 –Request for a variance from §12.1.5 (D) and §12.1.5 (E) was approved 5-0.

Approval of the Minutes:

October 26th, 2022, Minutes:

Mr. Roberto asked a motion to be made to approve the minutes from October 26th, 2022.

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

Mr. Roberto requested a Roll Call vote.

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

Administrative Matters:

Mr. Roberto stated he had done research on Robert's Rules of Orders and found that chairs of Boards are not supposed to make motions or vote except for a deciding factor so that will be practiced on the Board of Zoning Appeals starting. Mr. Springsteen asked to confirm that will starting in January of 2023, to which Mr. Roberto confirmed. Mr. Roberto continued that the organizational meeting will also be moved from February to January to mirror the other when new. Mr. Springsteen affirmed Mr. Roberto's remarks and stated that the changes would not take place until next year, the December meeting would run as all meetings in 2022 had run.

Mr. Springsteen then reviewed the proposed dates for the BZA submission deadline and meeting dates for 2023 and shared if the Board had feedback, they can relay that to staff.

Adjournment:

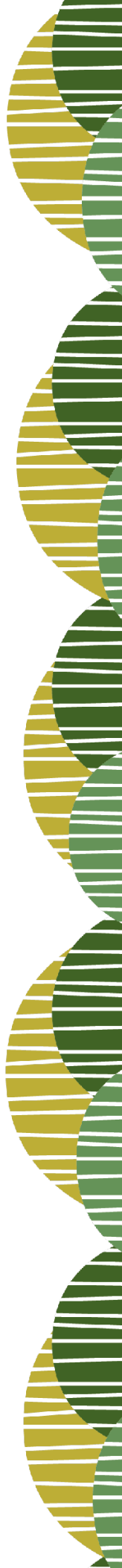
A motion was made by Mr. Wilson, and seconded by Mr. Bartolt, to adjourn the meeting at approximately 7:10 P.M.

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

Meeting adjourned.



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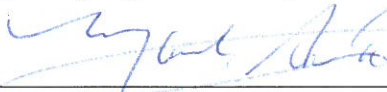
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Respectfully Submitted:



Stephen Springsteen, Development Officer

Secretary:



Mark Schupp, Secretary

Accepted by:



Ronald J. Roberto, Chairperson

