



Record Number: BZX-25-1

Approval of Meeting Minutes
Colerain Township Board of Zoning Appeals

4200 Springdale Rd

Cincinnati, OH 45251

Meeting Date: Wednesday, January 22, 2024 - 6:00 P.M.

Respectfully Submitted:

Mr. David J. Peters, Board of Zoning Appeals Administrator

2/27/2025
Date

Secretary:

Mark Schupp, Secretary

2/26/25
Date

Accepted By:

Ronald J. Roberto, Chairman

2/26/2025
Date



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting
4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, January 22nd, 2025 – 6:00 PM

1. **Meeting Called to Order**
 - a. Mr. Roberto called the meeting to order @ 6:03pm
2. **Pledge of Allegiance**
 - a. Mr. Roberto led the Pledge of Allegiance @ 6:03pm
3. **Explanation of Procedures**
 - a. Mr. Roberto explains the BZA Procedures
4. **Roll Call Attendance**
 - a. Mr. Bartolt: Here; Ms. Owens: absent; Mr. Schupp: Here; Mr. Sidow: Here; Mr. Roberto: Here
 - b. Ms. Smith will be the alternate for Ms. Owens, Mr. Miller swears in Ms. Smith
5. **Present as staff and legal staff**
 - a. BZA Administrator: David Peters
 - b. Assistant administrator: Juliana Petti
 - c. Development planner: Maggie Klein
 - d. Development director: David Miller
 - e. Legal Staff: None
6. **Swearing in:** appellants, attorneys, and all speakers in the cases
7. **Motion to combine case 35 and 39 together**
 - a. Mr. Schupp makes a motion to put cases together , Mr. Bartolt second the motion.
8. **Hearing of Appeals**
 - a. **BZA-24-33 | Conditional Use | 10988 Pippin Rd**
 - **Presentation:** Given by BZA Administrator, David Peters
 - **Details of case:** The applicant would like to tear down and rebuild the church on their property to be a larger facility for a new church. This location is considered SUR and churches are only conditionally allowed. Since the present church is there as a legal non-conforming, it would lose its status as such if it were to be torn down. Thus, the reason for the needed approval from the board to rebuild.
 - **Staff Recommendation:** Staff recommends APPROVAL with 2 conditions:
 - The church hours of operation and activities must remain consistent with those outlined in the application, unless otherwise approved by

the Township.

- The existing legal non-conforming ground sign for the church, which is said to be replaced, must follow our updated requirements on ground signs in the Zoning Resolution.
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
 - **In favor: None**
 - **Against: None**
- **Concerns: None**
- **Motion to close public hearing:**
 - Mr. Bartolt motioned to close the public hearing; Mr. Sidow second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes
- **Questions asked for applicant:**
 - **Mr. Bartolt: how much bigger is this building going to be? –** unsure.
 - **Mr. Peters informs that we are just approving for the non-conforming**
 - **Mr. Schupp:** Is there a home on the property? – yes, there is a church house on the property but it will also be demolished in this process.
 - **Mr. Sidow: None**
 - **Ms. Smith: None**
 - **Mr. Roberto: None**
- **Motion:**
 - Mr. Bartolt motioned to approve the conditional use with conditions listed by staff, Mr. Schupp second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes

b. **BZA-24-34 | Conditional Use | 3396 Gayheart Ct.**

- **Presentation:** Given by BZA Administrator, David Peters
- **Details of case:** The applicant is seeking approval for a group home for young men at 3396 Gayheart Ct. The home is located in the SUR zone of Colerain Township, which means it is conditionally allowed with the approval of the Board of Zoning Appeals. The applicant would like the group home to be dedicated to 12-17yr old boys in the township and would like to have up to six children.
- **Staff Recommendation:** Staff SEEKS GUIDANCE from the Board
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
 - **In Favor:** Joseph Fullman (business partner), Charlene Wells, Ariel Caller, Jarrod Bolden
 - **Against:** Joseph Freeman, Davie Wallace, Diana Breilfield
- **Concerns**
 - Parking issues, most members are retired and are worried about

security or the 'if' of the situation, worried about the density of the neighborhood and adding a group home. Why in a residential neighborhood and not Colerain Ave? who is responsible if a minor destructs something? Property value and tax worries.

- **Motion to close public hearing:**
 - Mr. Sidow motioned to close the public hearing, Mr. Schupp second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; ; Mr. Roberto: Yes
- **Questions for applicant:**
 - **Mr. Bartolt:**
 - **Parking?** – area is small but driveway is large. They plan on having a staff member car and company car. They are mostly taking the children out of the area, not many coming in.
 - **Not all going to Colerain school, how do they get there?** – there is a company vehicle that will take them
 - **Why are you doing this there?** – his business is nearby and is close to activities
 - **How many bedrooms?** – four bedrooms and three baths
 - **First GH?** - Yes
 - **Mr. Schupp:**
 - **Supervision?** – There will be two staff members with 2 twelve hour shifts, no sleeping on job, there is surveillance around and in the home for security. Him and his partner will be there multiple times throughout the week
 - **Mr. Sidow: NONE**
 - **Ms. Smith:**
 - **how will the children be placed?** – come from social workers and come from different counties. They try to bring in kids from other areas and not close by
 - **school? Activities?** – all children will have a medical, psychological eval, all will go to school but doesn't mean they will go to school in Colerain (depends on where they are from)
 - **how is this funded?** – money comes from the state. The amount is determined based on the child
 - **Mr. Roberto:**
 - **Asks staff: how is this different from Novembers case?** - Its not in terms of it being a group home. The change is based on the operator.
 - **Asks staff: How is this different from the other locations?** - This is on a cul-de-sac and a little more densely populated and closer to services
 - **How do you cover the home?** - There will be two other staff members other than the two business men
 - **Who would pay for damages or property decrease?** - He believes its all a 'what if' situation, the business will carry insurance and will be liable for the children's actions and for the employees, and home.

- **What makes you qualified to have a group home? -** He has a customer that has a group home and has helped him get familiar with Group homes. He also feels he has been active enough in the community and have been hands on in the community.
 - **Why put a business in Gayheart? -** You have a lot of apartments in the area which means more people and density. You also have many businesses that are close by that makes the area busy.
 - **How is this a benefit to the neighborhood? -** The kids will have to learn life skills, get jobs and act as they want to be there. They will have to be helpful in their neighborhood.
 - **Motion:**
 - Mr. Bartolt motioned to deny the conditional use, Mr. Sidow second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes
- c. **BZA-24-35 & 39 | Variance | 11709 Hamilton Ave**
- **Presentation:** Given by BZA Administrator, David Peters
 - **Details of case:** The applicant is seeking two variances for property 11709 Hamilton Ave. The applicant would like to build a Dairy Queen on this property and needs a variance for the landscape buffer requirement to be dropped to 10ft rather than 15ft. The second variance is for the height of the retaining wall to be 12ft at the rear of the site when the allowed height is 6 at average grade.
 - **Staff Recommendation:** Staff recommends APPROVAL for BOTH variances with conditions set.
 - **Condition for buffer landscape:** Applicant must double the landscape
 - **Applicant gives presentation**
 - **Meeting attendees speak in favor or against case:**
 - **In Favor:** None
 - **Against:** None
 - **Concerns:**
 - None
 - **Motion to close public hearing:**
 - Mr. Schupp motioned to close the public hearing, Mr. Bartolt second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes
 - Mr. Bartolt makes a motion to close the public hearing for case 39, Mr. Schupp second
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes
 - **Questions for applicant:**
 - **Mr. Bartolt:**
 - **How many shrubs? Is double doable or necessary?**
 - **Staff answers:** we asked for double because of

the intensity the building will bring. The addition of more shrubs will reduce the intensity of the site.

- **When they are matured, will they be cramming each other?**
- **Mr. Schupp: None**
- **Mr. Sidow:**
 - **How tall are the shrubs going to be?** – matured shrubs will be 20-30 inches
- **Ms. Smith: None**
- **Mr. Roberto:**
 - **Are they going to be sprinkled? Are they going to be guaranteed then if they die?** – The applicant does not believe they will be sprinkled but there is a warranty on the plants if they die before they are expected to.
- **Motion:**
 - Mr. Schupp motioned to approve the buffer variance and accept staffs condition to double the needed shrubs, Mr. Sidow second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes

d. **BZA-24-39 | Variance | 11709 Hamilton Ave**

- **Presentation:** Given by BZA Administrator, David Peters
- **Details of case:** The applicant is seeking a variance for property 11709 Hamilton Ave. The applicant would like to build a Dairy Queen on this property and needs a variance for the height of the retaining wall to be 12ft at the rear of the site when the allowed height is 6 at average grade.
- **Staff Recommendation:** Staff recommends APPROVAL for this variance.
 - **Condition for buffer landscape:** Applicant must double the landscape
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
 - **In Favor:** None
 - **Against:** None
- **Concerns:**
 - None
- **Motion to close public hearing:**
 - Mr. Bartolt makes a motion to close the public meeting portion, Mr. Schupp second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes
- **Questions for applicant:**
 - **Mr. Bartolt:**
 - **Where is the retaining wall?** – It will be a whole line that goes behind the building and then all the way up to Hamilton Ave.

- **Mr. Schupp: None**
- **Mr. Sidow:**
 - **Is the height of the wall based on the easement?** – yes, part of it is the easement and the grade level because of the water retention area and because of the existing driving grade, they have to keep the height of CVS or driving grade to help keep an even entry.
 - **Based on Hamilton Ave, how tall does the wall need to be in relation to the road?** – it will have to be leveled
- **Ms. Smith: None**
- **Mr. Roberto:**
 - **Are there any issues of undercutting the wall?** – The applicant does not believe there to be any issues with the ground undercutting the wall. They are still trying to work out what materials they want to use for the wall though. The applicant does not believe the residence on the other side of the tree line should be able to see the wall or that it would be a nuisance to them.
- **Motion:**
 - Mr. Bartolt motioned to APPROVE the retaining wall with staffs recommendation, Mr. Schupp second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes

e. **BZA-24-36 | Variance | 12080 Birchhill Dr.**

- **Presentation:** was given by BZA Administrator, David Peters
- **Details of case:** The applicant is seeking a variance request from the Board of Zoning Appeals to have an accessory structure be 20ft tall when the maximum allowed height in the township for accessory structures is 15ft tall. The applicant's structure will be in the front yard, more than 200ft back from the easement. The applicant is requesting this variance because the height of their RV is 13'6" and it will not fit in a structure that has a 15ft height maximum. The applicant also argues that their land is surrounded by trees and has a tree line against the subdivision homes along his property, meaning the structure will not bother anyone.
- **Staff Recommendation:** Staffs recommends DENIAL for this applicant.
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against:**
 - **In Favor:** None
 - **Against:** None
- **Concerns:**
 - None
- **Motion to close public portion:**
 - Mr. Bartolt motioned to close the public portion; Mr. Schupp seconds the motion.
 - Roll call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes
- **Questions for Applicant:**

- **Mr. Bartolt:**
 - **The roof is metal?** – Yes
 - **Would you be willing to table this case and come back with more information and better architectural designs?** – yes, the applicant would be willing to table this case for next month.
- **Mr. Schupp:**
 - **Is there the ability to attach this to your home or anywhere else?** – No. Applicant states it is because of the slopes around his home
- **Mr. Sidow: None**
- **Ms. Smith: None**
- **Mr. Roberto: None**
- **Motion**
 - Mr. Schupp motioned to table the case and requests more architectural plans for the February meeting, Mr. Sidow second the motion.
 - Roll call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: No; Ms. Smith: Yes; Mr. Roberto: Yes

f. **BZA-24-38 | Use Variance | 8263 Clara Rd.**

- **Presentation:** Given by BZA Administrator, David Peters
- **Details of case:** The applicant is seeking a Use Variance request from the Board of Zoning Appeals so they can operate as auto sales in the NBM zone, which is a prohibited use in this Township's zone. The surrounding area includes a mix of commercial and residential uses, but automotive sales are not allowed in this area of the Township due to its potential impact on the character and functionality of the area. The proposed business plan includes selling affordable, used, and clean cars for their community.
- **Staff recommendation:** staff recommends DENIAL for this Use Variance.
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
 - **Against: None**
 - **In Favor: None**
- **Concerns**
 - That
- **Motion to close public hearing:**
 - Ms. Bartolt motioned to close the public hearing, Mr. Sidow second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes
- **Questions for applicant:**
 - **Mr. Bartolt:**
 - **Is the yellow section in your diagram the area of work?** The yellow section is a two bay garage, has office space, and has a shower/kitchen.

- **In the diagram, which part does the applicant own?**
The applicant owns the bottom yellow rectangle, the top rectangle is a separate property. The spaces in green that are beside the garage are theirs.
 - **Will the cars be drivable in to the garage? Will they be coming in on semis?** – The cars will be drivable and not on semis.
 - **How many people will be working with you? – It will be the two owners and maybe one mechanic.**
 - **Mr. Schupp:**
 - **Mr. Sidow:**
 - **Can you enter going south bound on Colerain Ave?** – No, the cars will have to go to W Galbraith and then on to Clara
 - **Asks staff about use: -**
 - **Ms. Smith:**
 - **Why this property since it is set back from the main road and not one zoned for this use?** – most of their marketing is online rather than in person. If they were going to move more north on Colerain, the price of building occupancy will be more.
 - **Mr. Roberto:**
 - **Motion:**
 - Mr. Bartolt motioned to approve the variance with the condition to approve what is sectioned off in blue, Mr. Schupp second the motion.
 - Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: No
9. **Unfinished Business:**
- a. NONE
10. **Approval of Minutes:**
- a. Mr. Bartolt made a motion to amend the November 20th, 2024 meeting minutes to which Mr. Sidow's roll call response for two cases will be added, Mr. Schupp second the motion.
- b. Roll call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Abstained
Mr. Roberto: Yes
- c. Mr. Sidow made a motion to approve the amended minutes for November 20th 2024 meeting, Mr. Schupp second the motion.
- d. Roll call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Abstained
Mr. Roberto: Yes
11. **Next Meeting:**
- a. February 26th 2025 @ 6pm
12. **Administrative Matters:**
- a. NONE
13. **Adjournment (8:15 pm)**

- a. Mr. Schupp made a motion to adjourn, Ms. Smith second the motion.
 - Roll Call: Mr. Bartolt: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Ms. Smith: Yes; Mr. Roberto: Yes