



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting
4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, November 20th, 2024 – 6:30 PM

1. **Meeting Called to Order**
 - a. Mr. Roberto called the meeting to order @ 6:30pm
2. **Pledge of Allegiance**
 - a. Mr. Roberto led the Pledge of Allegiance @ 6:30pm
3. **Explanation of Procedures**
 - a. Mr. Roberto explains the BZA Procedures
4. **Roll Call**
 - a. Mr. Bartolt: Here; Ms. Owens: Present; Mr. Schupp: Here; Mr. Sidow: Here;
Mr. Roberto: Here
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: Scott Sollman
6. **Motion to change the order of cases heard.**
 - a. Mr. Peters requested to change the order of the cases heard. This would mean all group home cases would go first, all others would follow.
 - Mr. Sidow motioned to accept the request to change the order in which the cases were heard, Ms. Owens seconds the motion.
 - Roll call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes
7. **Swearing in:** appellants, attorneys, and all speakers in the cases
8. **Hearing of Appeals**
 - a. BZA-24-28 | Conditional Use | 9872 Greenriver Dr.
 - **Presentation:** Given by BZA Administrator, David Peters

- **Details of case:** The applicant (Amber Butler), would like to turn her residential property in zone SUR into a group home for six young-teen boys, ages 10-18. The property is in a densely populated residential neighborhood. This would require a conditional use certificate since this is a conditional use zone and not approvable by right.
- **Staff Recommendation:** Staff seeks guidance from board
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
- **In favor:** Shandra Gray
- **Against:** Reginald Sawyer
- **Against:** Richard Parker (Next door Nbr)
- **Against:** Joshua Gary
- **Against:** Candy Pierce Gary
- **Concerns:** Are about property value depletion and tax raises, apprehension about security from the group homes, how will parking be addressed with limited parking, will police be involved more? What is the appeal of this NBH since its land locked with no walking amenities.
- **Motion to close public hearing:**
- Mr. Schupp motioned to close the public hearing, Mr. Bartolt seconds the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes
- **Questions asked for applicant:**
- **Ms. Owens:** how do you get your placement for group home and age range and other operations?
- By the county, 10-18, no
- **Mr. Bartolt:** first group home? Location choice? Did you look at new properties after your certificate expired?
- First group home but has worked in the field, its all around safer and more secure than other locations.
- The applicant stated that she already had a certificate to start but let it expire and then the zoning changed, causing this meeting.
- No, applicant stated that when she first started the process, it was allowed by right and I didn't look anywhere else.
- **Mr. Peters address questions stated by residents**
- **Mr. Roberto:** What is the parking like, traffic flow, and staff service?
- Cars would stay on the property. As far as traffic flow, staff will be taking kids to programs. The staff don't stay there (as in sleep) but they work 24/7 so someone is always there.
- **Motion:**

- Mr. Bartolt motioned to deny the conditional use, Mr. Sidow second the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes

b. BZA-24-30 | Conditional Use | 3204 Sienna Dr.

- **Presentation:** Given by BZA Administrator, David Peters
- **Details of case:** The applicant (Danikka Jones), would like to turn her

residential property in zone SUR into a group home for six children with medical issues and/or disabilities, abuse and neglect. This is a low-density residential neighborhood and at the corner of Pottinger and Sienna. This would require a conditional use certificate since this is a conditional use zone and not approvable by right.

- **Staff Recommendation:** Staff seeks guidance
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
- **In Favor:** Shanda Gray
- **In Favor:** Amber Butler
- **Against:** Michael Kuhl
- **Against:** Chad Ballard
- **Against:** Jeff Powell
- **Against:** Randy Hart
- **Against:** Whitney Whitecker
- **Against:** Rob Yoakum
- **Motion to close public hearing:**
- Mr. Bartolt motioned to close the public hearing, Mr. Schupp second the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes ; Mr. Roberto: Yes
- **Questions for applicant:**
- **Mr. Sidow: How many children, What age? How many bedrooms? Did or do you live there? Are you still a Colerain resident?**
- 6 children
- 12-18 years old
- 3 upstairs bedrooms and one lower
- I did live there while my daughters were growing up but recently moved to the other side of Colerain.
- Yes
- **Mr. Schupp: Where are the kids coming from?**
- Hamilton county job and family services

- **Ms. Owens: How long have you owned the property? Can you explain the kids medical disabilities? hat is the average stay for the children?**
- 2016 but moved recently
- This does not mean physical, it can be mental or behavioral disorders but we are not allowing violent children. Screening is done to secure the safety in the home.
- The stay is based on the child and their growth progression.
- **Mr. Bartolt: You picked the location for what reason? Is this your first attempt?**
- The applicant lived there and liked that there are activities around it.
- Yes, but the county's family services has been backed up and slowed down the process.
- **Mr. Roberto: Staffing? Parking? How will you handle the children?**
- There will be staffing 24/7 but therapist will not be on site all the time.
- One car driveway, there will be two cars but shifts will rotate so there will not be a backup of cars • Kids will be in school, sports, arts, field trips, therapy
- **Motion:**
- Mr. Bartolt motioned to deny the conditional use, Mr. Schupp second the motion.
- **Discussion:** Ms. Owens asked Mr. Peters about his statement earlier about making conditionals temporary. Mr. Peters replied: adding temp would have been needed before the meeting, but the conditional use can go away if the group home is not in works for two years.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Abstained; Mr. Schupp: Yes; Mr. Sidow: Yes ; Mr. Roberto: Yes

c. BZA-24-32

Conditional Use | 3102 Glenaire Dr.

- **Presentation:** Given by BZA Administrator, David Peters
- **Details of case:** The applicant (Angelique Payne), would like to turn her residential property in zone SUR into a group home for 12-24 year olds. The youth could be there from 6-18 months. The goal is for them to return home to their families and counties. This would require a conditional use certificate since this is a conditional use zone ad not approvable by right.
- **Staff Recommendation:** Staff seeks guidance
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
- **Against:** Chad Ballard
- **Against:** Dan & Kim Hampton
- **Against:** Tia Lawson
- **Against:** Silvia Beyer
- **Against:** Tracy Bossy

- **Motion to close public hearing:**
- Mr. Sidow motioned to close the public hearing, Mr. Schupp second the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes
- **Questions for applicant:**
- **Mr. Schupp: What does discharge mean? Explain requirements for staff?**
- It is just like at a hospital, there is a process the children have to go through and pass.
- They need trauma inform care, BCI and other background checks and certifications.
- **Mr. Sidow: What is the difference between GH and foster?**
- GH is required/mandated to have programs in place and activities.
- **Ms. Owens: Can you address the cops comment?**
- The applicant stated that police might show up for various reasons, they do not all have to be extreme circumstances. Sometimes its physical with each other or if someone is struggling we have police come. Group homes have to have checkups by police twice a year.
- **Mr. Bartolt: Why this property? Why SUR over MUR?**
- It was safe and was in a good location.
- Part of it is negligence on my behalf. I did not know originally about this regulation.
- **Mr. Roberto: The community feels as though a GH is a threat, how would you address this?**
- She argues that a regular home could have the same number of children in their home or have the same problems as a group home.
- **Motion:**
- Mr. Schupp motioned to deny the conditional use, Mr. Sidow second the motion.
- Reasoning for denial: Mr. Schupp states that it has to do with it being a SUR not MUR and it can effect the neighborhood.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes ; Mr. Roberto: Yes

d. BZA-24-27 | Variance | 9899 Capstan Dr.

- **Presentation:** was given by BZA Administrator, David Peters
- **Details of case:** The applicant (Piper Grimm) is requesting a variance that will allow for the construction of a shed to be located closer than 5 feet from the property line. The shed would be located on the driveway. The applicant's rebuttal regards the fact that there were two sheds that previously existed in the same spot but have recently been torn down because of safety concerns. The applicant believes that they should be able to have the new shed since it's located in the same spot as the old shed.
- **Zoning Code**

- Section 4.2.3(A)(10)
- Accessory buildings and uses shall be located a minimum of 5 feet from all lot lines.
- **Staff Recommendation:** Denial
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against:**
- No one speaks for or against
- **Motion to close public portion:**
- Mr. Bartolt motioned to close the public portion, Mr. Schupp seconds the motion.
- Roll call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes;
- **Questions for Applicant:**
- **Mr. Bartolt: Could you move the shed over into your yard 3 more feet? If you want it to stay on the driveway you could pour a small pad to extend it.**
- The applicant said that would be difficult since the driveway is straight back and it would not sit all on the driveway now, which was the purpose of the shed.
- **Motion**
- Mr. Bartolt motioned to deny the variance, Ms. Owens seconds the motion.
- Roll call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: No; Mr. Roberto: Yes

e. BZA-24-29 | Variance | 8425 Althaus Rd.

- **Presentation:** Given by BZA Administrator, David Peters
- **Details of case:** The applicant (Gabriel Lyon), is hoping to purchase land to put a U-Pick Lavender Farm on. To have a farm, the zoning code states you have to have 5 acres, this property only has 4 acres. Mr. Lyon's stated he was unable to find any other property that was 5 acres and thus settled on this one. They are pleading for a variance for the lavender farm to be 4 acres rather than 5 acres.
- **Staff recommendation:** Conditional Approval
- **Conditions stated:**
- A master parking plan must be submitted to outline their parking for the property
- Operation must be between April and September to minimize traffic and disruption to agricultural land.
- Public access shall be restricted to daylight hours, such as 9am-7pm
- A time ticketing system must be implemented for traffic control
- All parking must occur on-site ONLY
- There shall be no signage on the property or adjacent properties

- Amplified sound systems or bright lighting is PROHIBITED
- Any community-based workshops or events shall be limited to 25 participants with time ticketed sessions.
- The farm must comply with all applicable local, state, and federal laws. Including health, safety, and agricultural standards.
- The approval of this request is granted to only the portion of property shown in the submitted site plans.
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
- **Against:** Dale Schweltmann
- **Against:** Debby Pease • **In Favor:** Lori McMullen
- **Motion to close public hearing:**
- Ms. Owens motioned to close the public hearing, Mr. Schupp second the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes ; Mr. Roberto: Yes
- **Questions for applicant:**
- **Ms. Owens: Can I have clarification on what the variance is for? The use of retail space or for the house to be built?**
- Mr. Peters clarifies it is for the type of retail and conditions will need to be set. Having a house on the lot is not the issue, it is if she is allowed to sell lavender/honey.
- **Mr. Bartolt: The house is yours? Will the house hold classes or where will they be? Is topography an issue? How many bee stations will you have? Signage?**
- Yes
- The house is just for the applicants family, they were thinking of having 2 classes but those will be outside.
- Hills are needed for the lavender, they need drainage, driveway is gravel, and the house will be on the flat part. The owners will not be watering, it will be from rain.
- Per the resolution, the applicant have up to 12 bee hives but they only want 2.
- They don't have plans yet but they might do one. They just want to follow your guidelines.
- **Mr. Sidow: How are you enforcing parking?**
- The ticket will note one hour and that 30 minute grace period. It will enforce if people try to stay longer than they are anticipated and if it becomes an issue with parking.
- The sale of lavender is a separate fee from the initial time slot fee
- **Mr. Schupp: What is the retail portion?**

- The applicant stated they really want to focus their time during the weekend and one or two days during the week.
- **Asks panel question:**
- Can there be screening for parking?
- **Mr. Roberto: Will there be mulching around them? What about lavenders water retention? What is the yellow box?**
- We planned on putting plastic or the mesh around them, lavender does not like water so it will do its natural water flow as always, the yellow box was an idea for the bee placement.
- **Motion:**
- Mr. Bartolt motioned to conditionally approve the variance with staff conditions and any additional landscaping for parking (10ft road buffer), Ms. Owens second the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes

f. **BZA-24-31 | Variance | 7853 Thompson Rd.**

- **Presentation:** Given by Senior Planner, David Peters
- **Details of case:** The applicant (Barry Miller) would like a variance for a carport since is property has very suitable land to build. His property is located in RER of Colerain Township and his property sits on top of a hill making the grade of his property difficult to build on. The variance will be for the construction of the carport to be setback 38 feet from the rear line rather than the 60 feet we require in the Township.
- **Staff Recommendation:** Approve
- **Applicant gives presentation**
- **Meeting attendees speak in favor or against case:**
- **No one speaks**
- **Motion to close public hearing:**
- Mr. Schupp motioned to close the public hearing, Ms. Owens second the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes
- **Questions for applicant:**
- None
- **Motion:**
- Mr. Schupp motioned to approve variance with staff conditions, Ms. Owens second the motion.
- Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes

9. **Unfinished Business:**

- a. NONE

10. **Approval of Minutes:**

- a. Ms. Owens made a motion to approve August 20th, 2024 meeting minutes, Mr. Sidow second the motion.
- b. Roll call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes
- c. Mr. Sidow made a motion to approve September 25th, 2024 minutes, Mr. Bartolt second the motion.
- d. Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes

11. **Next Meeting:**

- a. No December meeting, January meeting is not finalized

12. **Administrative Matters:**

- a. Amending wordage in the bylaws to fit today's operation within the Township.
- b. Mr. Schupp made a motion to approve administrative matters, Mr. Sidow seconds the motion.
- c. Roll call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes

13. **Adjournment (10:09 pm)**

- a. Ms. Owens made a motion to adjourn, Mr. Bartolt seconds.
 - Roll Call: Mr. Bartolt: Yes; Ms. Owens: Yes; Mr. Schupp: Yes; Mr. Sidow: Yes; Mr. Roberto: Yes

Approval of Meeting Minutes
Colerain Township Board of Zoning Appeals

4200 Springdale Rd

Cincinnati, OH 45251

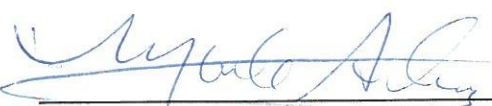
Meeting Date: Wednesday, November 20, 2024 - 6:30 P.M.

Respectfully Submitted:


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

1/22/25
Date

Secretary:


Mark Schupp, Secretary

1/22/25
Date

Accepted By:


Ronald J. Roberto, Chairman

1/22/25
Date