



Record Number: **MIN-2**

Meeting Minutes

Colerain Township Board of Zoning Appeals

4200 Springdale Rd

Cincinnati, OH 45251

Meeting Date: Wednesday, November 29, 2023 - 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: Mr. Bartolt – aye, Ms. Owens – aye, Mr. Schupp – aye, Mr. Sidow – aye, Mr. Roberto – aye

Present as Staff was: Mr. David J. Peters.

Swearing In: Mr. Roberto swore in the appellants, attorneys, and all speakers in the cases.

Hearing of Appeals:

#1 **BZA2023-14:** The applicant is requesting a Withdrawal

Location: 3636 Semloh Av
Parcel Number: 510-0080-0330-00
Applicant: Michael Mattson
Property Owner: Musatee Investments, LLC.

Mr. Roberto introduced the case.

Presentation was provided by staff, Mr. David J. Peters. Staff noted that the applicant has asked to withdraw his application.;

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions;

and Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's recommendation was for **APPROVAL of the requested Withdrawl**, with the following conditions:

None.

This concluded Staff's presentation; any and all questions the Board has for Staff were satisfied.

The applicant was not present.

Mr. Bartolt made a motion to **APPROVE the requested Withdrawl**, with the following conditions:

None.;

and Mr. Sidow seconded.

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

The motion **PASSES** by a vote of 5-0.

Notes:

#2 **BZA2023-16:** The applicant is requesting a Variance the use of "office" in a residential zone.

Location: 2868 Compton Rd

Parcel Number: 510-0054-0157-00

Applicant: Janecia King

Property Owner: Janecia King

Mr. Roberto introduced the case.

Presentation was provided by staff, Mr. David J. Peters. Staff noted that Generally, staff would recommend denial of such a use in a residential neighborhood. However, considering the mixed-use nature of this residential neighborhood, as evidenced through other nonconforming uses occurring immediately adjacent to Ms. King's property, it does not appear that Ms. King's use of this property as an office would impact the character of the neighborhood. Ms. King's office has ample parking for visitors and will not have a large on-site staff. This should minimize any disruption to neighbors that use their properties as a residence;

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions;

and Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's recommendation was for **APPROVAL of the requested Variance**, with the following conditions:

No more than three staff members are present on-site at the office at any given time

This concluded Staff's presentation; any and all questions the Board has for Staff were satisfied.

The applicant was present and gave a presentation

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition, and the following people spoke:

Jennifer Dellahanny, 803 Compton Rd., spoke in favor

Mark Gilbert, 3734 Woodsong Dr., spoke in favor

With nobody else present wishing to speak, Ms. Owens motioned to close the public portion of the case. Mr. Bartolt seconded. Motion to close the public portion passes unanimously.

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Mr. Schupp asked the applicant a question regarding the number of staff members on site.
Mr. Bartolt asked the applicant a question about the foot traffic on site.
Mr. Roberto asked the applicant if she was aware of the zoning restrictions prior to purchasing the property.

Mr. Bartolt made a motion to **APPROVE the requested Variance**, with the following conditions:

No more than three staff members are present on-site at the office at any given time.

and Mr. Schupp seconded.

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

The motion **PASSES** by a vote of 5-0.

Notes:

#3 **BZA2023-17:** The applicant is requesting a Variance an accessory building that is up to 20' in height.

Location: 8656 Forfeit Run Rd
Parcel Number: 510-0341-0026-00
Applicant: Rick Davis
Property Owner: Andrew Obert

Mr. Roberto introduced the case.

Presentation was provided by staff, Mr. David J. Peters. Staff noted that while §10.2.3 (B) of the Colerain Township Zoning Resolution is important and is generally strictly enforced, topographical issues exist at the property that create the need for a variance at this site. The proposed structure would exceed 15' in one part of the structure, but would be far lower than 15' in other parts of the structure due to very steep terrain at the site.;

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions;

and Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's recommendation was for **APPROVAL of the requested Variance**, with the following conditions:

The driveway leading to the structure shall be paved.

This concluded Staff's presentation; any and all questions the Board has for Staff were satisfied.

The applicant was present and gave a presentation.

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition, and the following people spoke:

None.

With nobody else present wishing to speak, Mr. Bartolt motioned to close the public portion of the case. Mr. Schupp seconded.
Motion to close the public portion passes unanimously.

Mr. Sidow asked the applicant questions regarding the garage door height.
Mr. Bartolt asked staff a question regarding the recommendation condition regarding the driveway being paved.
Mr. Robert asked the applicant if more length could be added to the garage as an alternative remedy.

Mr. Schupp made a motion to **APPROVE the requested Variance**, with the following conditions:

The driveway leading to the structure shall be paved.;

and Mr. Sidow seconded.

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

The motion **PASSES** by a vote of 5-0.

Notes:

#4 **BZA2023-18:** The applicant is requesting a Variance the property in question to be used non-residentially.

Location: 2778 Banning Rd.
Parcel Number: 510-0074-0409-00
Applicant: Dwayne Shearer
Property Owner: Cinron Enterprises, LLC.

Mr. Roberto introduced the case.

Presentation was provided by staff, Mr. David J. Peters. Staff noted that the applicant is requesting to use the property located at 2778 Banning Rd. in many ways that are not currently approved in the R-6 Residential Zone, including meetings for men's and women's groups, childcare, faith-based ministry, couple's counseling, and education, among others. Staff asked the applicant if this could be described as a 'Church', and the applicant replied by saying 'sort of, but not exactly'. Staff has had difficulty determining the exact intended uses being requested. The applicant told staff that their group already owns the business next door, at 2780 Banning Rd., yet the property records show that this property is owned by "Rymine Property LLC.". Staff requests that the applicant explain this relationship to the board. Other properties directly adjacent to 2778 Banning Rd. are clearly used in a non-residential manner, even though they are also zoned R-6 Residential. It is staff's opinion that a service-based business, such as the one proposed, would not adversely affect the character of the adjacent properties.;

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions;

and Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's recommendation was for **HOLD of the requested Variance**, with the following conditions:

This concluded Staff's presentation; any and all questions the Board has for Staff were satisfied.

The applicant was present and gave a presentation.

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition, and the following people spoke:

David Ernst, 2808 Banning Rd., spoke in opposition.
Jeff Wyler, 2800 Banning Rd., spoke in opposition.

With nobody else present wishing to speak, Mr. Bartolt motioned to close the public portion of the case. Mr. Schupp seconded. Motion to close the public portion passes unanimously.

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Mr. Schupp asked a question to the applicant regarding the water drainage problem addressed by neighbors speaking in opposition.

Mr. Schupp asked if the applicant intended to rent the property out, and the applicant stated that he did not.

Mr. Sidow asked the applicant a question regarding green space.

Ms. Owens asked the applicant a question regarding the applicant's history of business operations in other locations.

Ms. Owens asked the applicant a question regarding the capacity of the building and the hours that the business would operate.

Ms. Owens asked the applicant a question regarding the foot traffic expected at the site.
Mr. Bartolt asked the applicant a question regarding the parking and green space.
Mr. Roberto asked if the applicant would provide financial counselling.
Mr. Roberto asked if the applicant could combine parcels with their adjacent business and the applicant stated that he could not do that.
Mr. Roberto asked the applicant when he would purchase the business and the applicant stated that he would do so as soon as possible.
Mr. Roberto asked the applicant if they would be able to help alleviate the water drainage issue.

Mr. Bartolt made a motion to **APPROVE the requested Variance**, with the following conditions:

The property may be used in the following business-type manners: childcare, benevolent services, mentoring, and education.;

and Mr. Schupp seconded.

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

The motion **PASSES** by a vote of unanimously.

Notes:

#5 **BZA2023-19:** The applicant is requesting a Variance a pole sign that is 22'-6".

Location: 10197 Colerain Av
Parcel Number: 510-0182-0160-00
Applicant: Mike Cassedy
Property Owner: Chili Three, LLC.

Mr. Roberto introduced the case.

Presentation was provided by staff, Mr. David J. Peters. Staff noted that the applicant argues that the current sign is partially blocked by an ODOT sign (if heading northbound on Colerain Ave.), in turn limiting visibility and advertising capabilities. The restaurant is located on 0.785 acres, with approximately 195 feet of frontage along Colerain Av. It is staff's opinion that the restaurant itself has extremely good visibility compared to most restaurants in Colerain Township, and the current pole sign has extremely good visibility from most angles along Colerain Av.

Staff also noted that there are many examples throughout the Township of other signs that are blocked in places by adjacent signage and that granting a variance will create precedent to these other businesses.
;

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions;

and Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's recommendation was for **DENIAL of the requested Variance**, with the following conditions:

This concluded Staff's presentation; any and all questions the Board has for Staff were satisfied.

The applicant was not present.

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition, and the following people spoke:

None.

With nobody else present wishing to speak, Mr. Bartolt motioned to close the public portion of the case. Mr. Schupp seconded. Motion to close the public portion passes unanimously.

None..

Mr. Sidow made a motion to **DENY the requested Variance**, with the following conditions:

;

and Ms. Owens seconded.

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

The motion **PASSES** by a vote of unanimously.

Notes:

Unfinished Business:

Approval of Minutes:

Minutes for the meeting(s) listed above were approved unanimously.

Administrative Matters:

Adjournment: A motion was made by Mr. Bartolt, and seconded by Mr. Schupp, to adjourn the meeting at approximately 7:49 P.M.. The motion passed unanimously.

Meeting adjourned.



Approval of Meeting Minutes
Colerain Township Board of Zoning Appeals

4200 Springdale Rd
Cincinnati, OH 45251

Meeting Date: Wednesday, November 29, 2023 - 6:30 P.M.

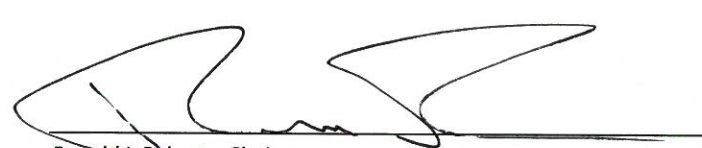
Respectfully Submitted:


David J. Peters, Zoning Administration Staff

Secretary:


Dionne Owens, Secretary

Accepted By:


Ronald J. Roberto, Chairman