



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Minutes

4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, February 26, 2025 – 6:00 PM

1. Meeting Called to Order
Board Chair Roberto called the meeting to order at 6:01.
2. Pledge of Allegiance
All recited the Pledge of Allegiance.
4. Roll Call
Present and Voting: Board Member Bartolt, Board Member Owens, Board Member Schupp, Board Member Sidow, Board Chair Roberto
Present and Not Voting: Alternate Theimann, Alternate Smith

(Roberto switched 3 and 4)
3. Explanation of Procedures
Board Chair Roberto explained the Board of Zoning Appeals procedures and gave a brief overview of the meeting's agenda.
5. Election of Officers
 - a. Election of a Board Chairperson
Motion: Board Member Schupp motioned to elect Mr. Roberto as Board Chairperson. Board Member Sidow seconded the motion.
Vote Result: Passed. Yes (5), No (0), Abstained (0)
 - b. Election of a Vice Chairperson
Motion: Board Member Sidow motioned to elect Mr. Bartolt as the Vice Chairperson. Board Chair Roberto seconded the motion.
Vote Result: Passed. Yes (5), No (0), Abstained (0)
 - c. Election of a Secretary
Motion: Board Member Sidow motioned to elect Mr. Schupp as the Board Secretary. None seconded the motion.
Vote Result: Passed. Yes (3), No (2), Abstained (0)
Yes: Board Member Schupp, Board Member Sidow, Board Chair Roberto
No: Board Member Bartolt, Board Member Owens
6. Swearing in: appellants, attorneys, and all speakers in the cases

7. Hearing of Appeals

- a. **BZA-24-36:** *Continued from the 1/22/25 Meeting* - Applicant is requesting a height variance for an accessory structure at 12080 Birchhill Drive.

- **Presentation:** Colerain Township Staff, Juliana Petti
- **Details of case:** The applicant is requesting a height variance for a detached garage at 12080 Birchhill Drive. This is a continued case from the last meeting. The height the applicant is requesting is taller than the allowable height in the Colerain Township Zoning Resolution. The applicant explained that he brought the roof down to the legal limit for RVs. The applicant wanted to bring the height down as close as he could to 15 feet, but there were some architectural challenges to doing this.
- **Staff Recommendation:** Denial
- **Applicant Presentation:** The applicant, Don Smith, presented different variations for potential roof pitches. One variation showed a pitched roof with a max height of 17ft, making the midpoint of the roof 15.25ft in height. This midpoint height allows the applicant to be approvable by the township Zoning Code.
- **Meeting attendees speak in favor or against case:**
 - No one in attendance spoke in favor or against.

Motion: Board Member Owens motioned to close the public hearing. Board Member Bartolt seconded the motion.

Vote Result: . Yes (5), No (0), Abstained (0)

- **Board Questions:**
 - Mr. Peters asked Mr. Roberto if this case should be dismissed since the proposed roof pitches would meet the zoning standards for the township.
 - Mr Roberto agreed with staffs recommendation to dismiss the case.

Motion: Board Member Bartolt motioned to dismiss the case based on the fact that the wall is 13 feet and the total height is 17. Board Member Schupp seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

- b. **BZA-25-1:** Applicant is requesting a Use Variance to operate a Type A Day Care at 6353 Duet Lane.

- **Presentation:** Colerain Township Staff, Juliana Petti
- **Details of case:** The applicant is requesting a Use Variance to operate a Type A Day Care at 6353 Duet Lane. The applicant resides in the SUR zoning district. Currently, the applicant can receive a license to have up to 12 children for day care but does not obtain the license yet. A Type-A Family Day Care Home is defined in Colerain's Zoning Resolution as a permanent residence of the provider in which a child day care or publicly funded day-care is provided for seven to 12 children at one time. The applicant states they are not looking to have 12 children at one given time, she would like to have a 7-8 children in the morning and then a separate shift of another 7-8 for after-school hours.
- **Staff Recommendation:** Denial
- **Applicant Presentation:** The applicant, Lashawnta Mathews presented regarding this case. The applicant is currently operating a Home Day Care. The applicant stated that she currently cares for four children at a time and transports all the children herself, so there will not be a traffic impact. The applicant's goal is to work with her husband so he can be home more. The applicant feels that this will be financially beneficial.
- **Meeting attendees speak in favor or against case:**
 - No one in attendance spoke in favor or against.

Motion: Board Member Schupp motioned to close public portion. Board Member Bartolt seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Questions for the Applicant:

- **Board Member Owens:** Asked the applicant if she is operating a Type B license. The applicant does not have a license currently. She is currently working towards a Type-A license at the moment. Ms. Owens asked for clarification between type A and Type B daycare. The applicant stated, type B allows up to 6 children to be cared for at a time whereas Type A allows between 7-12 to be cared for at a given time.
- **Board Member Bartolt:** No questions
- **Board Member Schupp:** Asked the applicant where the children are from and how people know about your home day care. The applicant stated that most live around their area and people know of their daycare because of word of mouth.
- **Board Member Sidow:** Asked the applicant what she meant by "we", who will be working with the children. The applicant stated that it would just be her and her husband operating the day care and maybe someone to help when on vacations. how many kids in total will be being cared for. Mr. Sidow also asked

how many children they have themselves. The applicant responded by saying they have 4 children themselves, but only one is day-care age and would be counted towards the total number of kids in the day care.

- **Board Chair Roberto:** Asked the applicant if she is currently operating a silenced Type B Day Care. The applicant stated that you are not required to be licensed for a Type B Day Care in the State of Ohio

Motion: Board Member Bartolt motioned to deny the variance. Board Member Sidow seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

- c. **BZA-25-2:** Applicant is requesting a Variance for a proposed addition to an detached garage at 5370 W. Kemper Road.

- **Presentation:** Colerain Township Staff, Juliana Petti
- **Details of case:** The applicant is requesting a variance for a proposed addition to a detached garage at 5370 West Kemper Road that would be larger than their primary structure. The applicant also has another accessory structure on their property that would add to the accumulative accessory square footage on their property, making a larger difference between the square footage of the primary vs the accessory structures.
- **Staff Recommendation:** Denial
- **Applicant Presentation:** Max Lupfer
- **Meeting attendees speak in favor or against case:**
 - No one spoke during the open portion.

Motion: Board Member Bartolt motioned to close the public hearing. Board Member Owens seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Questions for the Applicant:

- **Board Member Owens:** No questions
- **Board Member Bartolt:** commented that by using the auditors' primary square footage measurement, the applicant would only be 15% over the allowed accessory structure square footage. If the applicant is willing to remove the existing shed from the property, that would bring down the accessory square footage and be closer to the primary structure's total square footage.
- **Board Member Schupp:** No questions
- **Board Member Sidow:** No questions



- **Board Chair Roberto:** No questions

Motion: Board Member Bartolt motioned to approve the variance under the requirement that the existing shed be removed from the property. Board Member Sidow seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

8. Unfinished Business

None

9. Minutes

a. January 18, 2025

Motion: Board Member Schupp motioned to approve the January 18, 2025, minutes. Board Member Sidow seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

10. Next Meeting: March 26, 2025

There were no cases to be heard for the month of March, thus no meeting will be held on March 26, 2025.

Next meeting will be on April 23, 2025.

11. Administrative Matters

Abandoned signs

a. **BZA-25-3:** Declaration of Abandonment at 9391 Pippin Road.

- **Presentation:** Colerain Township Staff, David Peters
- **Details of case:** The signage at this property is deemed abandoned by Zoning staff. The signage is considered abandoned when the sign no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity. Abandoned signage are hereby deemed a public nuisance that causes deterioration and blight influence to nearby properties. The zoning department had sent out certified mail to notify the owner of their abandoned sign violation. The applicant had not rectified their abandoned sign by the February 26, 2025 meeting.
- **Staff Recommendation:** To determine whether this sign is abandoned

Motion: Board Member Bartolt motioned to Close the Public Hearing. Board Member Schupp seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)



- The Board discussed with the Zoning Administrator about what actions need to be taken on these administrative matters since they are a new concept. It was agreed that the Board would vote to approve or deny staff's recommendation to which the cases would then move to the trustees if deemed abandoned.

Motion: Board Member Sidow motioned to Declare the Sign Abandoned. Board Member Bartolt seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

- b. **BZA-25-4:** Declaration of Abandonment at 8253 Colerain Avenue.
APPLICATION HAS BEEN WITHDRAWN

The violation was corrected before the meeting. Case withdrawn.

- c. **BZA-25-5:** Declaration of Abandonment at 3633 Blue Rock Road.

- **Presentation:** Colerain Township Staff, David Peters
- **Details of case:** This sign is in the Neighborhood Mixed District of Colerain Township. The first notice was given in November 2024. A certified letter was sent to inform the property owner of their abandoned sign violation. The property owner had not rectified the violation prior to the February 26, 2025 meeting.
- **Staff Recommendation:** To determine the signage as abandoned.

Speaker & Board Notes

- A speaker from the audience suggested to the Board that the owner may be reopening this business. Ms. Cane was confused about which sign was being brought before the board.

Motion: Board Member Schupp motioned to Close the Public Hearing. Board Member Owens seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

- Mr. Roberto asked the staff, if the owner puts a for-sale sign up, would the abandoned sign become a legitimate sign and is it a non-conforming sign? Mr. Peters states, if the ice cream shop is not going to operate in that location, it will have to come down and to the second question, yes, it is a non-



conforming sign.

Motion: Board Member Bartolt motioned to Declare the Sign as abandoned. Board Member Owens seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

- d. **BZA-25-6:** Declaration of Abandonment at 9035 Colerain Avenue.
APPLICATION HAS BEEN WITHDRAWN

The violation had been corrected before the meeting. Case withdrawn.

- e. **BZA-25-7:** Declaration of Abandonment at 9403 Colerain Avenue. *TABLED*

12. Adjournment

Approval of Meeting Minutes

Colerain Township Board of Zoning Appeals

4200 Springdale Rd

Cincinnati, OH 45251

Meeting Date: Wednesday, February 26, 2025 - 6:00 P.M.

Respectfully Submitted:



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

6/17/25
Date

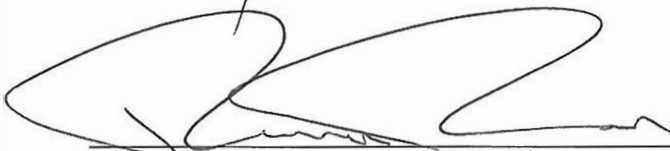
Secretary:



Mark Schupp, Secretary

5/28/25
Date

Accepted By:



Mr. Ronald Roberto, Chairman

5/28/25
Date