



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Minutes

4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, June 25, 2025 – 6:00 PM

1. Meeting Called to Order
Board Chair Mr. Roberto Called the meeting to order at 6:00pm
2. Pledge of Allegiance
Board Chair Mr. Roberto led all in the Pledge of Allegiance.
3. Explanation of Procedures
Board Chair Mr. Roberto gave an explanation of BZA procedures.
4. Roll Call
Present and Voting: Board Member Mr. Bartolt, Board Member Mr. Schupp, Board Member Mr. Sidow, Alternate Board Member Mr. Thiemann, Board Chair Mr. Roberto
Absent: Board Member Ms. Owens
5. Swearing in: appellants, attorneys, and all speakers in the cases
Board Chair Mr. Roberto swore in all those who wish to speak during the meeting.
6. Hearing of Appeals

a. **BZA-25-8** Variance requested at 6066 Blue Rock Rd.

The applicant provided the Zoning Administrator with a request that the case be continued to the next regularly scheduled meeting of the Board of Zoning Appeals to allow for additional time for preparation and submission of supporting materials.

Staff recommends a continuance of the public hearing for the requested Variance. Staff also made clear to the applicant that due to this being the second requested continuance, if another continuance is requested, the applicant must give written documentation for the needed extension.

Motion: Board Member Mr. Schupp motioned to accept staff's recommendation for a continuance. Board Member Mr. Bartolt second the motion.

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

b. **BZA-25-10** Use Variance requested at 2477 Adams Rd.

The applicant provided the Zoning Administrator with a request to allow for a continuance on their case for the next regularly scheduled meeting of the Board of

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Zoning Appeals to allow for additional time to prepare and submit supporting materials for their case.

Staff recommends a continuance of the public hearing for the requested Variance. This is the applicant's first continuance request.

Motion: Board Member Mr. Bartolt motioned to take staff's recommendation and accept the continuance request for the next regularly scheduled meeting. Board Member Mr. Thiemann second the motion.

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

c. **BZA-25-12** Variance requested at 11686 Pippin Rd.

- **Staff Presentation:** Presentation given by Zoning Administrator
- **Details of case:** The applicant lives on a corner lot situated at the intersection of Pippin Rd and Cranbrook Dr. Corner lots are defined as having two front yards under the Zoning Resolution. The applicant was proposing to construct a 6-foot privacy fence going up the side of their driveway and along the frontage of Cranbrook Dr. Colerain's Zoning Resolution only permits 4-foot fences that are 50% opened to be located in the front yard. The property owner would like to have the 6-foot privacy fence because they are located near a school and children like to walk across their lawn when school breaks which becomes a safety concern for the applicant, and they would like privacy for themselves and for their service dog. The applicant states the design will preserve visibility and not obstruct traffic or driveways. The applicant's neighboring house is situated on a pie-shaped lot, meaning, if this neighboring property would like to build a privacy fence to our code, they would be allowed to build diagonally on their lot and to the mid-point of our applicant's front yard property. For this reason, staff recommended to reduce the fence frontage by 50% so it would be in line with the neighboring properties if they ever choose to build a privacy fence ever on their lot.
- **Staff Recommendation:** Approval with the condition that the 6-foot privacy fence will not extend further into Cranbrook Dr than the line drawn between the midpoint of the primary structure's front yard that faces Cranbrook and the front property line. This is indicated by the white line shown in the presentation.
 - Board chair Mr. Roberto asked staff if there was a given dimension for the applicant to work with rather than a screenplay image so we could define how far away the fence had to be from the road. Mr. Peters states that our measuring tool on CaGIS is only an estimate, so the language to define this midpoint is enough for a permit review. Mr. Roberto wants to ensure this will be quantifiable and enforceable for what our decision is and for someone to measure this distance in the

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future. Mr. Peters states that the language about being halfway between the property line and the furthest extent of the yard is going to be enforceable in our review.

- **Applicant Presentation:** Applicant gives presentation. The applicant is requesting a variance so she can have equal opportunity for privacy like everyone else in her neighborhood. The applicants
- Meeting attendees speak in favor or against case:
 - **In Favor:**
 - Dauna Schmite: agrees that a privacy fence would benefit the applicant because the speaker has also dealt with children crossing her yard after school, but once they put their fence up, they have had no problems with kids cutting through their lawn. The speaker also believes it to be important for the applicant to have the fence for the service animal.

Motion: Board Member Mr. Schupp motioned to close the public hearing portion.

Board Member Mr. Sidow second the motion.

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

Questions for the Applicant:

- **Board Member Sidow:** Asked the applicant where the fence would be placed. The applicant states the white line indicates how far the fence will be from the street. Mr. Peters also states this line indicates the midpoint of the yard. Mr. Sidow asked how tall the fence would be. The applicant stated it would be 6 feet tall.

Motion: Board Member Mr. Bartolt motioned to approve staff recommendation with the condition that the fence line parallel to Cranbrook be the midpoint between the farthest most point of the house and property line. Board Member Mr. Thiemann second the motion.

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

d. **BZA-25-14** Variance requested at 4704 Hubble Rd.

- **Staff Presentation:** Presentation was given by the Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a double Decker fireplace. This fireplace would exceed the height allowance for accessory structures. The applicant would like the accessory structure to be 19ft tall but the Zoning Code's max height allowance for accessory structures are 15 feet. The home's

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topography puts the home in a valley. The nearest residences are over 300-feet to the north/south and over 1,000-feet to the east/west. Staff believed that due to the distance and elevation, the structure will not effect the neighbors.

- **Staff Recommendation:** Approval with no conditions
- **Applicant Presentation:** Mr. Endres gives a presentation. The applicant states they would like to build a new deck and patio for their home. The applicant spoke to an engineer about materials and was told to use prefab, as in lava rock. He looked into the measurements of the total build, and it would reach a height of 19ft. He then reached out to the township to find out our regulations on the project and was told this would constitute as an accessory structure and shall follow the regulations of such. This means the max height would have to be 15ft tall. Staff encouraged him to apply for his double Decker fire place, get denied, then apply for Board of Zoning Appeals to request a variance on the structure height. Mr. Endres understands the height requirement of 15-feet but believes his lot would be an exception to the height because the house sits in a valley and surrounding neighbors sit higher than him, which would result in no view obstruction for his neighbors. Mr. Endres went to ask his neighbors how they felt about the construction and they seemed to have no issues. From there, Mr. Endres had engineered and sketched up the proposed fireplace and believes to generate a lot of revenue for contractors, increase their property value, enhance the area, and their lifestyle. Mr. Endres needs 19-feet because his deck is 11ft tall and there's a firebox that is recommended to have a flue height of 8-feet over the top of their deck, which puts them at 19-feet.
- **Meeting attendees speak in favor or against case:**
 - None

Motion: Board Member Mr. Bartolt motioned to close the public hearing portion.
Board Member Mr. Schupp second the motion.

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

Questions for the Applicant:

- **Board Member Thiemann:** Asked the applicant if it would be a woodfire fireplace. The applicant said yes. Mr. Thiemann follows up by asking, who tells you about the safety aspects of the fireplace? The applicant states he has been in contact with the manufacturer of the prefab fireboxes. He has talked to their engineering support about safety. Mr. Thiemann also asked if they could tell you how far from the house and if the applicant would be the one building the fireplace. The applicant states yes and that he also has a contractor who has built numerous fireplaces of this height and he's the one building it, not himself.

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- **Board Member Bartolt:** Asked the applicant how far away it is from the house. Applicant states the firebox is 14ft and some odd inches away. More than the 10-foot rule of adjacent roofs.
- **Board Member Sidow:** Asked the applicant asked if this would be a pass-through fireplace. The applicant states there will not be a pass-through fireplace. It will only be on the inside of the patio, as well as the deck level facing the deck.
- **Board Chair Roberto:** Asked the staff for clarification that if this structure were attached to the house, it wouldn't even require a variance. Mr. Peters states a clarifying yes and because it is not attached to the primary structure and is subordinate in use to the primary structure. For this, accessory structure and must follow the regulations of such.

Motion: Board Member Mr. Sidow motioned to approve the variance. Board Member Mr. Schupp seconded the motion.

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

Motion: Board Member Mr. Schupp motioned to approve the motion with the condition that we would allow the structure to reach nineteen and a half feet in height. Board Member Mr. Bartolt second the motion.

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

7. Unfinished Business: None

There is no unfinished business.

8. Approval of Minutes: May 28, 2025

Motion: Board Member Mr. Bartolt motioned to approve minutes as is. Board Member Mr. Thiemann second the motion.

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

9. Next Meeting: July 23, 2025

10. Administrative Matters

a. **ZCE-25-7** Abandoned signage at 2539 W. Galbraith Rd.

- **Staff Presentation:** Given by Zoning administrator, David Peters
- **Details of case:** First photo was taken in February 2025. A photo from 2007 showed the original sign with an active business. The 2025 photo shows the

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sign being neglected. The owner states this is a bonafide business, but the staff argues that it is not based on Hamilton County's identification code numbers, which indicate it as a single-family home. Images from 2025 show this property to be non-functional for an active business, there are cars blocking one another in, there is no circulation in the parking lot, and there is nothing that indicates it as an active business. The sign in question also has a phone number on the sign. This number was shown to be disconnected.

- **Staff Recommendation:** Declare the sign abandoned and should be viewed as such.
- **Applicant Presentation:** The applicant states that the phone number is disconnected, but there is a training center in the building. He states his brother occupies the space for personal training and when he got the letter, the brother thought he could just turn the sign around to remediate the issue, but understands that was not the intent of the letter. The applicant is unsure about a permit for the sign because it has been on site since 1980s. The applicant states he understands that the poles look neglected but the paint that was put on would not withstand for a long period of time. The applicant talked with David Miller about fixing the signage but had a misunderstanding about the definition of an abandoned sign.
- **Meeting attendees speak in favor or against case:** None

Motion: Board Member Mr. Bartolt motioned to close public hearing. Board Member Mr. Thiemann second the motion.

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

Questions for the Applicant:

- **Board Member Bartolt:** States to staff that we are going to be getting applicants who say it's a business and staff findings that say it's not a business. Would it be up to us to determine who's right and who's wrong? How do we proceed? do we determine abandoned signs if a business is bonafide business on the property. Mr. Peters reiterate Mr. Bartolt question clarifying that he is asking you're making determination based on his claim that the sign recommendation for abandonment is valid or not valid. Part of what would go into that is if there is a bonafide business on the site, which would only be if there were words up on the sign still. The applicant in this case is claiming his brothers personal training equipment being stored on the property should be considered a bonafide business. So the question is, does that require a ground sign now or no? Mr. Bartolt claims that if we take the owners word, it is a business, vs some sort of proof of it being a business, ie tax records, customer service. Without that information, it's heresay.
- **Board Member Schupp:** Asked staff to explain a Joint Identification sign. Mr.

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Peters explains that it is a monument sign with up to five slots for different businesses.

- **Board Chair Roberto:** Asked the applicant do they have an established ENI number or an LLC to show these properties as a bonafide business? The best person to be here would be the brother to explain his business. The applicant states his brother should be here as he could answer if he has an LLC or others. Mr. Roberto acknowledges that even though the sign was flipped, it's still a sign for a business we are considering a business. The applicant said they flipped it around because the phone number doesn't work. He still trains people but it's one on one and you have to contact him through his active number. The applicant states he now owns the corner building and all of the buildings around that corner, including the sign. But the property owner never erected the signs like the township believes he did. Mr. Roberto explains that even if the owner didn't put it on the property himself, it is still there, not representing the active business. The owner states he has two years for a nonconforming sign to be reactivated before it loses its non-conforming status. Mr. Roberto claims that this sign has not had an active business for over two years. Looking back at the previous photo from 2007 and we're in 2025, it has been more than two years and should not be an argument to be made. If the owner's brother is stating he will move next door, would it be possible to put a new sign there and terminate the one in-front of your house? The property owner is trying to justify that he did not put up the sign and that it has been there for generations. He has just recently accepted the property for ownership and feels he is being pinpointed for his signs. The owner threw out a question that if he were to consolidate the lot, could he keep the sign? Mr. Roberto says he is already over allotted sign allowance for the property. The property owner debates whether to update the sign, Mr. Roberto interjects, to Kennedy motors, it would work. Mr. Peters said this would not work for this sign because of the non-conformity of this sign. Mr. Peters states the owner could apply for a joint identification monument sign that would work for all of his properties. He would unlikely meet all requirements for the monument sign but the board might be more open to the signs given the case heard at the meeting. Mr. Peters also explains why this sign would not follow our non-conforming status for signs. Even though our resolution changed in October 2024, these signs had other non-conforming status issues that were prevalent in the old zoning code. Such as, the height of the sign is greater than the max allowance of 15-feet and it was closer than 10ft to the right of way. The two years starts if it was a conforming sign until October 10, 2024 but since there were other violations, it had already met its maximum allotted time, plus the 90 days written out by the zoning resolution for abandoned signage.

Motion: Board Member Mr. Bartolt motioned to declare this sign as a valid violation. Board Member Mr. Sidow second the motion.

Vote Result: Passed. Yes (4), No (0), Abstained (1)

b. ZCE-25-9 Abandoned signage at 2545 W. Galbraith Rd.

- **Staff Presentation:** Given by Zoning Administrator, David Peters
- **Details of case:** Owner stated this property does not have a valid business at this location. Blue rock motors does not seem to exist to this day. The sign face has been turned around.
- **Staff Recommendation:** Declare this signage as abandoned

Questions for the Applicant

The owner states that he just bought the property. He doesn't understand how the pole is in violation. The applicant is unsure what makes this abandoned

The owner asked what the distance from the road needed to be in order to fit regulations. Mr. Peters states, 10-feet.

The owner asked staff what the max height a sign could be. Mr. Peters states, 15-feet.

The owner asked if he could take down the sign, leave the pole and turn it into a light fixture instead. Mr. Peters is unsure and would have to look further into the request.

However, the pole was erected for a sign, so the pole would likely have to come down because there is no sign on it anymore.

Mr. Peters wants to clarify that this sign has advertised a business that has not occupied the space for more than 2 years. Due to this, if a business were to go into the building and the sign has a permit application for a face change, Mr. Peters would not approve it because its non-conforming status was extinguished.

Board Chair Mr. Roberto: Mr. Roberto tried to remediate the situation by reminding the owner he has electricity going through the base and if you remove the pole, there will be electric at the base to create a new light pole for the property, given it meets the zoning requirements. Mr. Roberto asked if he meets the required setback for a monument sign. Mr. Peters states the owner would not meet the required setback for a monument sign but it can be brought to the board for discussion on placement. The owner's property would be more than likely recommended for approval based on the hardships of his property. The property owner says the electric in the pole sign is connected to his building.

Motion: Board Member Mr. Thiemann motioned to take staff's determination relative to this sign as valid. Board Member Mr. Bartolt seconded the motion.

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

c. ZCE-25-13 Illegally placed signage at 8854 Pippin Rd.

- **Staff Presentation:** Given by Zoning Administrator, David Peters

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- **Details of case:** This sign is an illegally placed banner sign that has no permit and communication with the owner has been nonexistent. There was a picture taken in 1996 that shows the pole signage pre-existing our zoning department. However, these signs today have never applied for a face change permit on the sign. Today, there is a banner sign attached to the existing posts.
- **Staff Recommendation:** declare this sign as illegal and should be removed.
- **Applicant Presentation:** None
- **Meeting attendees speak in favor or against case:** None

Discussion

Mr. Roberto asked staff if they are going to go back to declare what they needed to do to rectify the situation. Yes, after the trustee meeting we will work with them to be in compliance with our zoning code. We only require them to take down the banner sign, not the poles.

Motion: Board Member Mr. Schupp motioned to agree with the staff recommendation that the sign was a valid violation. Board Member Mr. Thiemann second the motion.

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

d. ZCE-25-15 Illegally placed signage at 9090 Pippin Rd.

- **Staff Presentation:** Given by the Zoning Administrator, David Peters
- **Details of case:** Staff's determination is that this is an illegally placed sign. There are a number of banner signs that would not be approved with our new resolution. However, they never received a permit from the township. Mr. Peters reads the definition of a banner sign. Banner signs are described as temporary in this definition. Staff believe these are bonafide businesses and the LLC is active. However, there was never an approved permit for the banner signs.
- **Staff Recommendation:** To declare this sign illegally placed
- **Applicant Presentation:** N/A
- **Meeting attendees speak in favor or against case:**
 - None

Discussion with the Board:

Board Chair Mr. Roberto: Asked staff to clarify the definition between temporary signage and permanent signage. Mr. Peters defines temporary as flexible signs whereas permanent signs are non-flexible. Mr. Roberto said some of these signs are in plexiglass. Would these be temporary or permanent then? Mr. Peters reads the

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definition of a banner sign from the Zoning Resolution, "banner signs are made from flexible materials like vinyl or fabric and designed to be quickly installed or easily removed. These are mounted to the ground or supported by poles, sticks or fastened to buildings or other structures." Permanent temporary signs are relatively similar in definition. Mr. Roberto says he's seen people take vinyl signs and put it in a frame. Would that be legal? Mr. Peters says that is a gray area, and it would come down to the Zoning Administrators' discretion. If denied, then it would be up to the board's discretion.

Motion: Board Member Mr. Bartolt motioned to declare the violation of the signs valid. Board Member Mr. Schupp second the motion.

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

e. **ZCE-25-16** Illegally placed signage at 9109 Pippin Rd.

The sign was taken down and is no longer in violation.

Mr. Roberto asked if they had any ability to represent their company. Mr. Peters states they do not have any frontage on this location and should not place there.

No further action needs to be taken.

f. **ZCE-25-17** Abandoned signage at 9406 Pippin Rd.

- **Staff Presentation:** Given by Zoning Administrator, David Peters
- **Details of case:** The sign has not had a face on the pole since 2022. Due to the lack of signage on the poles, it has exhausted its 2-year non-conforming status along with its 90-day abandonment period. This would allow staff to deem this sign as abandoned.
- **Staff Recommendation:** To declare this sign abandoned
- **Meeting attendees speak in favor or against case:** None

Discussion with the Board:

- **Board Chair Roberto:** Asked staff if there is a bonafied business at this property. Mr. Peters states there is not a business but even if one would go on the property, they would not be able to use the sign since it has not been used for 2 years. Mr. Roberto states that if there is a bonafide business at this property, we should help them, if they would like to have a sign, to go about it properly and help them get a sign. Mr. Peters agrees and said we will help in anyway we can.

Motion: Board Member Mr. Schupp motioned to agree with staff's determination that the sign is abandoned. Board Member Mr. Bartolt second the motion.



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

11. Adjournment

The meeting is adjourned at 7:32 pm.

Approval of Meeting Minutes

Colerain Township Board of Zoning Appeals

4200 Springdale Road • Cincinnati, OH 45251

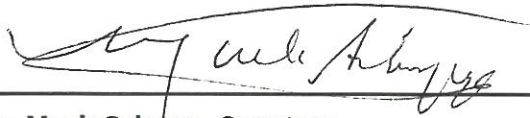
Meeting Date: Wednesday, June 25, 2025 – 6:00 P.M.



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

7/21/25

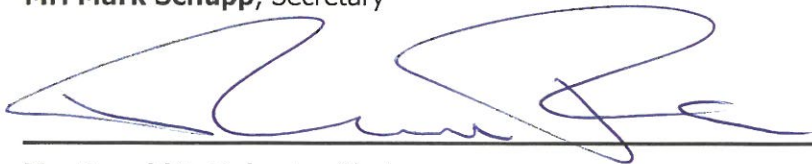
Date



Mr. Mark Schupp, Secretary

7/23/25

Date



Mr. Ronald J. Roberto, Chairman

7/23/25

Date

Official Record Retention: Approved meeting minutes are archived in the following locations:

- A printed copy in the Colerain Township Board of Zoning Appeals Minutes Book
- A digital file on the Zoning Administration drive at **08 Board of Zoning Appeals > 05 Minutes**, labeled with the **BZZ** prefix and record number listed above
- An electronic copy in CivicClerk, associated with the relevant meeting

Meeting minutes prepared by **Ms. Juliana Petti**, Assistant Board of Zoning Appeals Administrator