



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Minutes

4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, July 23, 2025 – 6:00 PM

1. Meeting Called to Order
Board Chair Mr. Roberto called the July 23, 2025 meeting to order at 6:00pm with all Board members present.
2. Pledge of Allegiance
All recited the Pledge of Allegiance.
3. Explanation of Procedures
Board Chair Mr. Roberto read over the rules and procedures for the Board of Zoning Appeals meeting.
4. Roll Call
Present and Voting: Board Member Bartlolt, Board Member Owens, Board Member Schupp, Board Member Sidow, Alternate Smith, Board Chair Roberto
Absent: Board Member Thiemann
5. Swearing in: appellants, attorneys, and all speakers in the cases
Board Chair Mr. Roberto swore in all those who would speak at the meeting.
6. Hearing of Appeals
 - a. **BZA-25-8:** The applicant is requesting a variance to allow for outdoor residential storage at 6066 Blue Rock Road.

- **Staff Presentation:** Given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a variance to allow storage containers to be on their property in the Rural Estate Residential zone of Colerain Township. To our knowledge, the owner has 4 storage containers located on their property. The owner recently relocated from out of state and uses the containers as storage for their belongings. With the help of satellite imagery, staff found that containers have been on site for over 20 years, which created the impression to the new owner that the containers were allowed by right given their timeline on the property. Staff has been in contact with the new property owner who stated they did not know the storage containers were not allowed by right but he also does not want to get rid of them either. The property owner stated they would be willing to put up some sort of screening to reduce the visual impact for the neighbors and travelers.

- **Staff Recommendation:** Denial
- **Applicant Presentation:** The applicant states he needs the storage space for his wood projects, given he is an artist. He is hoping to create a barrier between the road and the containers that will be more appealing for the neighbors and all to look at. He is also willing to reduce the storage container amount from 3 containers to 2 containers if that would yield a better outcome.
- **Meeting attendees speak in favor or against case:**
 - **In Favor:**
 - Steve Kerbie - 6074 Blue Rock Rd
 - Kim Kerbie - 6074 Blue Rock Rd
 - **Concerns:** The speakers stated they would not mind if the applicant kept the containers on the property. They believe the property has looked better since he purchases it and have no complaints about the containers.

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

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

- **Board Member Owens:** Asked staff if they can explain what a pie-shaped lot is and their hardship with the lot because of it being a pie-shaped. Mr. Peters explains that with a pie-shaped lot, there is more difficulties understanding what is the side yard, rear yard, or front yard of a property because it is not a standard shape. The applicant is on a vary large pie-shaped lot that is wooded, which does not give him much space to utilize, especially in the back yard where accessory structures are supposed to be located. This makes it difficult to determine backyard from the side yard. His property is very wooded so most of back yard is off limits. Ms. Owens asked how many shipping containers are on the property now. The applicant stated there are 3 now but would like to keep at least 2. Ms. Owens asked if he would be satisfied with just the two. The applicant stated yes.
- **Board Member Bartolt:** Asked staff if he could have the containers if his lot was not a pie-shaped lot. Mr. Peters responded with no, no one could have shipping containers as their accessory building, it would just be easier to define the yards if it was a regular lot.
- **Board Member Schupp:** Asked staff if we could put conditions on the motion if approved. Mr. Peters said yes and there is a condition requested by staff to have screening in front of the containers.
- **Board Member Sidow:** Mr. Sidow referenced the letter Mr. Hauchousen submitted and asked him to clarify when he stated he talked to a zoning administrator about the containers and the administrator said it was fine. Mr.

Sidow wanted to know if he had the name of the zoning administrator. Mr. Hauchousen was unsure about what the question was but he stated it was Mr. Peters who told him they were not permitted structures for an accessory building use. Mr. Roberto clarified the letter and stated the zoning administrator confirmed that they had been previously there but they did not grant them any reason for them to stay. Mr. Bartolt then stated that the lower paragraph, second from the end, is where it mentions he's willing to take reasonable steps to mitigate the visual impact as suggested by the Zoning Administrator. After the clarification, Mr. Sidow moved forward and asked the applicant if the reality agent said anything about the containers not being approved. Mr. Hauchousen replied that he did not know they were not allowed.

- **Board Chair Roberto:** Asked the applicant what kind of container are on the property. Mr. Roberto was asking for clarification on whether the containers are truck containers or cargo-shipping containers or a trailer that you pull with a truck. The applicant stated he has cargo shipping container. Mr. Roberto said he saw pictures from pervious years showing trailers from trucks. He is asking for the clarification on the type of containers because certain containers hold up to weathering better than others and would last longer on his site. The applicant stated they are heavy containers but plans to weatherize them if granted the variance

Motion: Board Member Bartolt motioned to approve this variance under the condition that a privacy fence be constructed to block the view from the public road and there could be at max 2 containers allowed. Board Member Sidow seconded the motion.

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

- b. **BZA-25-10:** The applicant is requesting a use variance to permit an event center in the SUR (Single Unit Residential) zoning district at 2744 Adams Road.

- **Staff Presentation:** Given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting to allow a multi-purpose space to be located at 2744 Adams Rd. This case has been requested for continuance till next month's meeting. This request has been submitted in advance of the public hearing and is intended to allow additional time for preparation or coordination. No decision will be rendered at this time, and the case will remain on the docket for future consideration.
- **Staff Recommendation:** Continuance

Motion: Board Member Schupp motioned to continue this case for the next meeting. Board Member Owens seconded the motion.



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

c. **BZA-25-15:** The applicant is requesting conditional use approval to permit a group home for children at 9391 Jericho Drive.

- **Staff Presentation:** Given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a conditional use to allow for a teen group home to be located at this proposed property. This property has no history of applications or variances. The location of this property is located in Colerain's Single-Unit Residential zone, which only conditionally allows Group Homes to be located in this zone. The applicant's property is located at the corner of Jericho Drive and Garrison Drive in a residential neighborhood. The surrounding area is primarily residential with a small mix of small businesses nearby on Adams Road. Staff requested the applicant to give documentation on staff recruitment plans, an org chart, key compliance considerations and a strategy for retention and budget. The applicant met all of our requests and were submitted for the board.
- **Staff Recommendation:** Staff seeks guidance
- **Applicant Presentation:** The applicant presents to the board on her faith and belief for operating a Group Home for children. Their goal is to open a Group Home that will serve as a place for refuge, healing and empowerment.
- **Meeting attendees speak in favor or against case:** None

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

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

Questions for the Applicant:

- **Board Member Owens:** Asked the applicant how many teens are going to be at the home. The applicant would like to have at max 5 but is looking to have 4 so each can have their own room. Ms. Owens then asked how many bedrooms are in this home. The applicant responded by saying there are 4 bedrooms and 2 1/2 baths. There will be a separate room for the staff and the half-bath will also be for staff. Ms. Owens asked how many staff members will be present at a time. The applicant responded by saying there will be 2 staff members there at all times. The state only requires 1 staff member to 8 children but they would like to have 2 staff members for 4 children. Ms. Owens then asked there is a particular type of child background you are going to be housing. The applicant stated they are going to be working with the state and Jobs and Family Services for children. The applicant continues by stating, the state will have kids from all different backgrounds, but there will be some backgrounds

that we will not be able to serve. It is because initially, we wouldn't be able to have a certain level of licensure needed to serve them. The applicant said they are not looking to service those with high emotional needs, like prison or related. They would like to focus their Group Home around kids similar to the foster system, not juvenile delinquency. Ms. Owens asked staff if this is the same zoning district as the others in the past. Mr. Peters said yes to her question.

- **Board Member Bartolt:** Asked the applicant where these kids geographically come from. The applicant stated they would all come from the state of Ohio. Their hope is primarily from Cincinnati, but that is out of their control and up to the state. The applicant stated that when you receive a referral, it could be a child from Dayton, Springfield or other areas. It is not guaranteed that all youths would be located in Cincinnati or Colerain Township. Mr. Bartolt then asked if all the kids would go to the local school district. The applicant confirmed that the teens would go to the local school district. Mr. Bartolt was assuming that these kids would have family that would come visit. He would like confirmation of his theory. The applicant stated that parents can see their children as long as their case manager has authorized it and the courts have authorized the visitation. Typically, the agent takes the child to a neutral site rather than to the home. Mr. Bartolt asked what their plans would be for "out of school season". The applicant stated there would absolutely be activities. Their hope is to have them more involved in sports, clubs, and social activities. They would also like them to be looking for jobs to understand authority, team building, time management and money management. Mr. Bartolt stated that his common concern for Group Homes is that the Conditional Use would stay with the property and if the Group Home Operator decides to leave, someone new could operate within 2 years of the pre-existing Group Home and could be a problematic operator. Mr. Peters asked Legal for advice on a Conditional Use operation. Legal stated that typically a conditional use would run with the property. However, there is nothing in the code that says that it doesn't have to be on the property, the board could put a reasonable restriction on the conditional use so that it is specific to this particular owner/operator and any future owner would have to come back to the board for a renewal of conditional use. Mr. Bartolt asked staff if we could set a condition for a yearly review with the township. Legal believed this request to be out of our scope as a township to list that as a condition.
- **Board Member Schupp:** Asked the applicant if they live at this property or have ever lived at the property. The applicant said no to both. Mr. Schupp asked what staff's training will extend to. The applicant stated that direct care staff will be required to have a GED. The staff will also go through extensive training such as training modules, in-person training, procedures manuals, discipline situations and behavioral situation management, KARP (an accredited agency), de-escalation/communication training for preventing rage,

household management, transportation guidelines, and logging journals. The applicant clarified that even overnight, there will be 2 people there. Mr. Schupp asked if we could put the condition of making this a non-profit like the applicant said they would like to become. Legal stated this would be out of Zoning and the Board's scope.

- **Board Chair Roberto:** Asked the applicant if this is their first group home. The applicant stated yes. Mr. Roberto asked how they will handle anger between the teens. The applicant said it depends on the nature of the situation. The applicant will really be driving home the idea of deescalation to remediate and remove the anger from the situation. After staff deescalate the situation and tempers have calmed, their therapists will come in and talk to them individually and then each will be required to spend time apart from each other, thus the push for 4 kids so each will have their own room. Mr. Roberto asked if this was for-profit or non-profit. The applicant stated they needed to register the property as an LLC because of timeline issues, but in the future, they would like it to be a non-profit. Mr. Roberto asked staff and legal if they could put a conditional approval on the current applicant and go away with the use when the owner leaves. Legal stated it would be a reasonable condition to place a condition on the owner specifically rather than the home. Mr. Roberto stated that was the conclusion he was trying to reach earlier in this discussion about the placement of the conditional use. If there is a bad player, it would be good for the township to interview this person prior to allowing another user to do the same sort of business. Mr. Bartolt exclaims that you typically won't know if they're a bad player until they become a bad player. Mr. Roberto answered back, true, and at that point you will then have the opportunity to see what the past record is if you approve it. The past record will give you a beaurance for the future because the past one was good or bad and we can judge accordingly for the new applicant. Legal chimes in and said it confirms that they're going to continue to operate the group home in very similar or the exact manner that it has been strictly operated, which in this case, has been very operator owner-specific. Mr. Roberto asked staff how far away the commercial properties are from this site. Mr. Peters had re-shown the imagery that indicated where the commercial properties are. Mr. Roberto believed the notion of "close commercial" to be invalidating for the general area as the commercial sites are not close to the home.

Motion: Board Member Bartolt motioned to deny the conditional use request. Board Member Sidow seconded the motion.

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

- d. **BZA-25-16:** The applicant is requesting a variance to allow an accessory structure in the front yard at 5766 Dry Ridge Road.

- **Staff Presentation:** Presentation given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a setback variance to allow their accessory structure to be placed in the front yard of their property. The lot is located in Colerain's Rural Estate Residential zoning district. The variance was requested to allow an accessory structure to be located closer than 200ft from the right of way and for being in-front of the house. The property is an underdeveloped 11 acre lot that is zoned for a residential home. The owner had stated to the staff that this barn must be placed in the location originally shown, due to restraints of the lot. Behind the future home is a drop-off and to the west of the house is a pond. The owner sees their proposed location as the only possible location for their future garage. Due to the location of the barn, it would not obstruct views from close neighbors and not intensify their neighborhood.
- **Staff Recommendation:** Approval
- **Applicant Presentation:** Said they had bought the property out of an estate and have taken down the barn that was previously located on the property. They understood the barn was unkept and for safety reasons, they got rid of the barn, meaning there are no buildings on the property at this given moment. Much of the undergrowth and honeysuckle had been taken out as well. They have kept a 50ft barrier of foliage on either side of their property to allow their neighbors to have privacy from their construction and their future home. The variance for the barn will be put up in conjunction with the home. They would like the barn to be on the property while the home is being built, so equipment does not go missing on their property.
- **Meeting attendees speak in favor or against case:**
 - **In Favor:** Rick Bernecker - 5767 Dry Ridge
 - **Concerns:** The speaker was initially concerned that the garage was going to be used as an event space rather than a home, given the history of the property. Now understanding what the applicant is asking, Mr. Bernecker is in-favor of this variance request.

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

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

Questions for the Applicant:

- **Board Chair Roberto:** Asked the staff if the applicant had built the house, and then they built the garage, would there still have been a need for the variance? Mr. Peters replied yes and stated they would still have needed a variance because they would still be building their garage in their front yard.

Mr. Roberto stated the picture to him looks as though the two would be close to each other. Mr. Peters clarified by showing the site plan in the presentation and explained that staff determines the front yard to be whatever goes in-front of the front plane of the house. Looking at the imaginary line going from the front of the house, across the property, the garage does protrude in-front of that line. Mr. Roberto reasoned with the staff that it was because it was in-front of the front plane of the house. Mr. Peters replied, correct. Mr. Roberto was satisfied with the clarification and had no further questions.

Motion: Board Member Schupp motioned to approve the barn to be located in the front yard of the property. Board Member Sidow seconded the motion.

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

- e. **BZA-25-17:** The applicant is requesting a variance to allow an accessory structure in the front yard at 8505 Althaus Road.

- **Staff Presentation:** Presentation given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a location variance to allow an accessory structure in the side yard of their property. The property is located in Colerain's Rural Estate Residential zoning district. This accessory structure will be used as a ticket booth for the lavender farm that was approved by the Board in November 2024. In the previous Board meeting, prior conditions were required for the operations of the lavender farm. This included a condition to have a ticketing office that supported the approved time ticket system for traffic control. The ticket booth will be located in the corner of their gravel driveway, which will be fenced off, making the ticketing booth the only area to enter/exit from the lavender farm. A site plan provided by the applicant shows that the accessory structure will be located in the side yard of the property, which is seen as a prohibited location in Colerain Township.
- **Staff Recommendation:** Approval
- **Applicant Presentation:** The applicant reiterates and recaps what they intend to do with their lavender farm, which was approved in November 2024. The applicant reminds the board of their ticketing system plan, which is to have a timed ticketing system which allows up to 18 guests at one time. Each ticket is good for an hour in the lavender farm, with an extra 30-minute grace period for the ticket holder. The front entrance will be facing the parking lot for initial entry. The back door will be utilized to enter the fields after check in. The design was decided upon to complement the character of their house. The applicant shows that all properties within a quarter mile of their property, have barns, giving the notion that his accessory structure will not be a detriment to the area.
- **Meeting attendees speak in favor or against case:**
 - **In Favor:** Carri Hom - 8511 Althaus Rd.

- **Concerns:** came to the meeting to ensure the structure was not going to be in her yard, which it will not be. The speaker also wanted to make sure that no visitors will be using her parking during lavender hours.

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)

Questions for the Applicant:

- **Board Member Bartolt:** Asked the applicant how they would address people that come without a ticket time. The applicant said their intention would be that if they don't have a full roster (which is 18 people), and people are arriving, then they would book them in online at the time, which would then take away others' opportunity to come there at that time. This will help them contain that traffic flow. Mr. Bartolt wanted staff to confirm that this structure is in the side yard rather than the front yard. Staff said yes. Mr. Bartolt then poses that variance is for a structure is in the front yard and wants to know if that matters and matters for what they approve. Mr. Peters reassures that the approval for the variance is for what is shown on the site plan. Mr. Bartolt is content with this answer..
- **Board Member Sidow:** Asked the applicant if the public would be using the neighbors easement or not. The applicant reinforced that the public will not be parking on their neighbor's property. Their parking lot will be fenced around for visitors. Mr. Sidow asked how big the building would be, and would it be for more than just ticketing? The applicant states that the shed will be a 16x20 shed. Their hope is to put some products in the barn to sell.
- **Board Chair Roberto:** Asked the applicant if there will be electricity in the building. The applicant said yes, there will be since they will need to access the internet for their online ticket system. Mr. Roberto then asked if there will be heating/Air conditioning. The applicant said yes. Mr. Roberto apologized that this structure was not caught in advance since they knew a ticketing system would have to be in place for their operations.

Motion: Board Member Sidow motioned to approve the ticketing shed in the side yard. Board Member Schupp seconded the motion.

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

- f. **BZA-25-19:** The applicant is requesting a variance to permit the construction of a



noncompliant accessory building at 8871 Colerain Avenue. *CANCELED*

The case has been withdrawn by the Colerain Township Zoning Administrator.

BZA-25-20: The applicant is requesting a variance to permit the construction of a
g. noncompliant accessory building at 8871 Colerain Avenue.

- **Staff Presentation:** Presentation given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a location variance to allow an accessory structure in the front yard of their property, less than 200 feet from Colerain Ave. There had been a building built in the late 1990s or early 2000s, when such placement was permitted. Due to the resolution rewrite in 2024, this building became legal non-conforming and sustained such a status until it was torn down. Due to the loss of legal non-conforming status, a new structure would not be allowed in the side yard.
- **Staff Recommendation:** Approval
- **Applicant Presentation:** The applicant believes the old building was allowed by right on the property. The applicant does not believe there to be any variances granted under the old zoning regulations. The applicant wanted to highlight the hardships of the property, particularly moving the structure to the rear yard. The applicant asked the board if he could submit a photograph of the side yard of the property, where they are hoping to place their new construction. The Board allowed the submission and took in the photograph. The photo shows duke energy equipment just west of their proposed location. This equipment restricts the construction site of the building. The applicant states that if you move further west, the streetbank comes up close to the parking lot and is not practical to construct a building.
- **Meeting attendees speak in favor or against case:**
 - **In Favor:** Diana Noelcke - 4913 North Raven Dr.
 - **Concerns:** The speaker was a representative from the church. She stated to the board their reasoning behind the new construction, which was that they outgrew their old facility and needed a new one for their youth. Their idea was to build a larger building to hold the youth and for other activities.

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

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

Questions for the Applicant:

- **Board Member Bartolt:** Asked the applicant how big the building will be.

The applicant stated it would be 4800 sqft. Mr. Bartolt asked what the building will be used for. The applicant stated that it will be a multi-purpose area. The space will be used for church equipment, classroom equipment, instruments, etc. Mr. Bartolt asked for confirmation of whether it will be a permanent building, not a trailer. The applicant reassured Mr. Bartolt that it will be permanent.

- **Board Chair Roberto:** Asked the applicant why it won't be attached to the church. The applicant said that it is most likely because they wanted something similar to their previous structure. The applicant refers to the public speaker when they said they outgrew their original building and that previous building wasn't a permanent building so now they have the vision of where they want to go and expand their youth program and that's why they wanted the new building.

Motion: Board Member Bartolt motioned to approve the variance for the accessory structure location. Board Member Schupp seconded the motion.

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

- h. **BZA-25-21:** The applicant is requesting a variance to permit the construction of a noncompliant accessory building at 5000 Hanley Road.

- **Staff Presentation:** Presentation given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a location variance to allow an accessory structure to be located in the front yard of their property. Since this property is located on a private drive, the 200ft setback would start at the end of the private drive. This would make the setback 12ft between the proposed structure and the right of way. The original structure was built prior to zoning in Colerain Township and has never been replaced until now. Due to Colerain's location standards for accessory structures, this new construction would be in violation of Colerain's Zoning Resolution.
- **Staff Recommendation:** Approval
- **Applicant Presentation:** The applicant bought the property in 2011. The property was in disarray and abandoned for some time before their purchase. Their hope was to revitalize the property as time went on, which led them to the application for a new barn. The barn was said to be unsalvageable and needed to be replaced. The barn was thought to be placed on the property in 1897 on a 19 acre lot. That lot is now divided into many smaller lots, leaving the shed to be on the applicants. The new barn is intended to be 2 levels, a little bit shorter in length but a couple feet more in width. The structure will architecturally match the house in color, design and roof pitch.
- **Meeting attendees speak in favor or against case:** None

Motion: Board Member Bartolt motioned to close public portion. Board Member



Sidow seconded the motion.

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

Questions for the Applicant:

- No questions for the applicant from the Board.

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

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

- i. **BZA-25-22:** The applicant is requesting a variance to permit the construction of a noncompliant accessory building at 12055 Lick Road.

- **Staff Presentation:** Presentation given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a location variance to allow an accessory structure in the front yard of their property. The property is located in the GOR zoning district of Colerain township and is adjacent to Walnut Creek Stables across the street. This is an extremely rural area of the township.
- **Staff Recommendation:** Approval
- **Applicant Presentation:** The applicant understands that the lot is not a regular-facing lot and that it is the cause of their issues with their application. The applicant states that due to a medical emergency in the past year, their 2-car garage had to become one with a ramp installed for ADA access. The second garage would allow them to keep their other car on their property rather than at a storage site. The applicant did not know previous to their garage application, that their front door was not facing their front yard. Now that they are aware of what is considered the front yard, the applicant reiterated that there is not much around their street except for horses and their closest neighbors are a quarter mile away and that this garage would not cause any disturbance to the neighbors.
- **Meeting attendees speak in favor or against case:** None

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

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

Questions for the Applicant:

- **Board Member Bartolt:** Asked staff for confirmation that anything built in the front yard with this variance would be within the height and size

requirements of the township. Mr. Peters confirms Mr. Bartolt's question on the matter.

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

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

BZA-25-23: The applicant is requesting a use variance to permit Automotive j. Service in the MUR (Multi-Unit Residential) zoning district at 3360 Galbraith Road.

Before staff gave the presentation, Board Chair Roberto addressed the audience that he had received a few emails regarding this case because he is a neighbor to this property. He stated he had not had any conversation with anyone about the case nor about the email he received, except for forwarding the email to staff. Mr. Roberto gives the applicant the option of Mr Roberto recusing himself from this case since he is in close proximity to the case, he will do so with their request. The applicant states they have no objections for Mr. Roberto staying on this case.

- **Staff Presentation:** Presentation given by Zoning Administrator, David Peters
- **Details of case:** The applicant is requesting a use variance from the Board to allow auto-service to be located in Neighborhood Mixed zoning district. This property was historically owned by the Township as fire station 26. The proposed business, California Cars, is not a permitted use in this zone. The proposed use represents a shift in intensity from a low-traffic, community based use (fire station) to a higher-intensity commercial use. The shift in intensity may introduce concerns related to traffic, noise, operation hours, and compatibility with the surrounding area. The surrounding area consists of mobile homes, single unit residential homes, and a couple of businesses. However, it is zoned to be Multi-Unit Residential, so what's currently on the ground, is different from the zoning district because our land use goals are projected for long-term use, rather than what is there right now. The fire station has a curb cut right next to a side street off of W Galbraith road. There is also an additional wide curb cut along W Galbraith that was intended for the fire trucks.
 - Mr. Roberto asked staff to clarify their statement about signage. The question of, if all signage were to be removed, staff would then not permit a sign, was proposed. Staff stated that the applicant would be allowed to have any sign that is permitted within the Multi-Unit Residential district, which are mostly building signs. Mr. Roberto asked if they wanted a ground sign, would they have to come back to the board. Mr. Peters states if the applicant wanted a sign that didn't meet the code, then they would need to go in front of the board. Mr.

Roberto said that right now, there is a building sign that says "sparky" or similar on it. He asked if those be considered allowed by the township? Mr. Peters stated there would be signs on the wall that are allowed by right. Mr. Peters expands on the thought behind sign allowance. Signs are limited in the Multi Unit Residential zone because they are often seen as too intense for the area. If allowed to have a ground sign, it wouldn't cohesively work with the zoning district. If they did want a ground sign, they would need a variance. Mr. Roberto continued by saying, if anybody were to be going into that location, they would be under the same situation? Mr. Peters said, because of the landscape buffer condition, the space would be even more limited to where it could be, and the spacing would not work well if there were to be a ground sign, especially if the curb cut off of W Galbraith were to be closed off more. Mr. Peters noted that he had talked to the applicant about all the potential conditions that were to be presented to the board and the applicant agreed to all that are being proposed but there could be some negotiation as needed. Mr. Roberto then stated that he doesn't believe we are being fair to a business if we're not allowing them signage, especially when the two adjacent properties now have signs, even if they are considered illegal signs due to zoning change. Mr. Peters said that if they could still keep the sign and still manage to get to those garage doors, he believes that could work.

- **Staff Recommendation:** Staff seeks guidance. Staff had potential conditions if approved
- **Applicant Presentation:** California car is Car-reconditioning operation. They are dealership-aligned operations and does not do retail with the general public. California Cars is required to have their cars in and out within 48 hours. Their job is to do dealership prep, reconditioning, used car reconditioning. Very light work in the environment. This property was attractive because of the bay windows. They want to bring dealership, management, ownership into this area. The parking area will be used for staff parking. They are looking to have 5-8 people initially, and then up to 8-12 staff further down the line. The applicant discussed with staff the signage plan for the property. The applicant states they do want signage on the property so people know who they are. They would like to use the signage that is already on the property but it is not decided on its use. The applicant states they agree with all potential conditions stated by staff. The applicant states that if they need to come back for a sign variance, they would be agreeable to it.
- **Meeting attendees speak in favor or against case:** None



Motion: Board Member Owens motioned to close the public portion. Board Member Sidow seconded the motion.

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

Questions for the Applicant:

- **Board Member Bartolt:** Asked the applicant if these conditions are good with the applicant. The applicant states that the presented conditions are just potential conditions. The master parking plan is the parking lot as it is today. It will serve the same purpose as the current lot. Mr Bartolt addressed staff and asked if they would just submit their same parking plan. Mr. Peters said he could agree to that if the applicant is willing to do the conditions that were in bold in the presentation. He said he could see a fair compromise in the board for making a motion where they do not need to do a master parking plan upon an approval. The applicant steps in and said he has no problem with their ideas and that what is being asked, is something that can be easily done. The applicants biggest concern is the buffer zone. He stated it would have to really be lined out to understand what that distance is. They are willing to do something there to enhance the property and help the neighborhood. Mr. Bartolt steps in to ask the applicant if they would combine the three parcels into one. The applicant does not know if that is something they are responsible for or if the Township would be the ones to do that. Mr. Roberto said yes and Mr. Peters said if it is a condition, then yes. Mr. Roberto states that you have to go to Hamilton County for the lot consolidation and that it is not a difficult process to uphold. Mr. Bartolt addresses concerns from the Trustees meeting about loading trucks on site. The applicant states that loading trucks will not be staying on the property. They drop off cars and then leave. Mr. Bartolt wanted confirmation that the operations is basically reconditioning of brand new cars and used cars. The applicant stated that it will be for dealership new and used cars. it will also be a car shop that will be fixing dents, scrapes. Mr. Bartolt asked if the overhead doors would always be open. Mr. Bartolt then addresses the name of their service since it does not specifically match a use in Colerain's Zoning Resolution. Mr. Peters stated that when something doesn't perfectly fit into the Use Table, we use the general category. Mr. Bartolt then asked if this company leaves, the next company could be an auto body shop? Legal intervened and stated that since the applicant is requesting a use variance, we can fit it in to the category of automotive services but you can restrict this use to just this particular automotive services within the broader category. Mr. Bartolt then asked if they should restrict it to say automobile reconditioning service. Legal states that they should still call it automotive services because that's what it is defined as in our code but they can restrict them with only certain services being provided. The applicant doesn't believe they would be because of their conditioning process. Mr. Bartolt asked if we could shift the landscaping over to the east to close the "in" driveway and make it a dead end

lot.

- **Board Member Sidow:** Asked the applicant if this is specifically with dealerships. The applicant stated yes. Mr. Sidow asked if cars from off the street would be able to come in and recondition their car. The applicant stated the general public would not be allowed to come in and get their car reconditioned, as of right now. He does not know if that would change in the future.
- **Board Chair Roberto:** Asked the applicant if they would revitalize the building and parcel. The applicant states they expect enhancements to the building and grounds so it is more desirable to look at. The whole hook is that the company is neat and clean, that is what they are striving to do with this property. The applicant noted they are specifically looking at updating the doors. Mr. Roberto states he does not agree with the potential condition of signage. Mr. Peters defers to legal by asking if there is a condition that could be made, so the applicant can move the existing sign somewhere else on the site that meets the 10ft setback. Legal said yes and continued by saying what would be best is to suggest a broad condition that requires that existing parking, building, and signage layout to remain as they are and if any changes are made, they have to come in front of the board for further approval. As far as the sign goes, that could be cut out, and the board could say "as long as it's the same dimensions and meets our setback requirements, it can be placed elsewhere on the property with a certificate from staff." Mr. Roberto stated that the sign would need to be brought up to current code since it does not meet it as is. Mr. Peters stated the current code is a monument sign. Mr. Roberto stated that if they are to have a sign, it should be a monument sign and has to be up to current code. The applicant stated, they believe he will use the current sign, Mr. Roberto said that right now, the instructions are that the sign has to go, all signage has to go, which Mr. Roberto stated he is objecting to. He believes it would be unfair to restrict the applicant from not allowing a sign and it is creating an unnecessary hardship on the applicant. He restated that if the applicant were to have a sign on the property, it would have to be a monument sign. On the ground with a base. The applicant looked back at his colleague and asked if they could do the monument sign. The applicant then stated into the mic that a monument sign should not be a problem. The applicant stated that their biggest concern is the 10ft setback and the 15ft on their buffer zone. He is unsure about the spacing of everything but will try to make it work. Mr. Roberto asked staff to bring up their circulation plan for the property. Mr. Roberto then posed the question of how they are planning on getting into the bays. The applicant stated he is unsure because of the proposed circulation plan. Mr. Peters shows a couple of options for where the sign could go on the property since the applicant is concerned about the size of the buffer and the size requirement for a ground sign. Mr. Roberto asked how they are going to flow through the bays. The applicant stated that they will be moving from back

to front through the bays but will still need some turn radius outside of the bays. Mr. Bartolt suggested that if the buffer is moved to the west, and move the buffer to be in line with one or two of the bays, they could pull straight in to those bays and leave out the back. Mr. Peters stated he does not have a problem with this change but it would be up to Hamilton County for curb cuts. Mr. Peters stated that he contacted Hamilton County about closing curbs and they did not respond. Mr. Roberto believes Mr. Bartolt's idea is a great suggestion. Mr. Roberto reiterates Mr. Bartolt's Idea to the public. Mr. Peters suggested that the curb cut next to Stahley Dr. be closed off since it is a dangerous curb. The applicant believed the suggestion from staff and the board were a better option than what was originally presented. Mr. Roberto asked if they could give staff the discretion to review that and approve it. Mr. Peters stated yes but then the applicant should be let out of the rest of the parking plan if that were to be the motion. Mr. Peters asked Legal staff if they see an issue with this change. Legal said no.

- **Legal Member Sherman:** Asked staff where the code about the monument sign is coming from as their legal team is newer to Township and still learning Colerain's regulations. Legals questioned that if there is no signage allowed in the MUR, then what is the guide point for the regulations applicable to this monument sign being discussed. Mr. Roberto answered by stating if the board is requiring a sign, it is required to be a monument sign, per zoning requirements. They could also do a building sign since there is currently a legal non-conforming sign on the property. Legal then asked if dimensional requirements and regulations for monument signs, consistent with any zoning district where they're allowed? Mr. Peters answered, in a residential zoning district, monument signs are not allowed, so the Township does not allow any ground signs in residential zoning districts. Legal then asked, for the districts where they are allowed, are the regulations consistent? Mr. Peters said he could pull up the regulations for monument signs. In a commercial district, such as this one, a person can have up to 50sqft or 75sqft on a corner lot. Legal asked if other commercial properties in this corridor have monument signs and if they are consistent with the regulations we have. Mr. Roberto stated there are no monument signs in that district. They are all pole signs and the regulations were recently changed so that pole signs are prohibited from zoning. The ones that have been located on the lots before October of 2024 are considered legal non-conforming. After gathering information, legal suggested is that the board should select the monument sign regulations applicable to commercial districts if you are going to allow a monument sign. Mr. Peters asked if the board is going to allow two or one since it is a corner lot? Mr. Roberto believed one monument sign would be enough. Mr. Peters asked legal if they could limit the applicant to one monument sign. Legal said yes since technically, the applicant wouldn't be allowed any signage at the moment. Mr. Peters asked legal if they would be able to help with the rewording for a motion on the signage

condition. Legal states their version of a potential motion the board could make to the applicant.

Discussion:

Mr. Bartolt believed that condition 5, the master parking plan should stay because of the potential curb cut change and circulation changes. Mr. Peters stated that with the new construction of a monument sign and a streetscape buffer, he would recommend that they do not have to do a master parking plan. Mr. Peters continued by stating if they require the applicant to do a master parking plan, they'll have to do interior landscape islands which costs more money for the applicant. Mr. Roberto stated his recommendation would be staff approves the parking plan based upon some sort of proof. Mr. Peters interjected and explained that with review and approve an updated plan that addresses the streetscape buffer when they apply for their change of use. Mr. Roberto asked if anything else needed to be addressed. Mr. Bartolt then said number two said existing curb cut shall be permanently closed but that may or may not be true anymore. Mr. Peters said he would suggest putting that the applicant would be allowed up to 40 feet of curb cut along W Galbraith and any additional footage should be closed off.

Motion: Board Member Bartolt makes a motion to approve the use variance that would specifically allow reconditioning and/or preps new and used vehicles only, with the following conditions:

- 1) All existing signage and signage structures will be removed from the property. The applicant is allowed to construct one monument sign that meets the requirements of the commercial zoning district.
- 2) The existing curb cuts shall be removed permanently except for a maximum of 40 feet along W Galbraith Rd.
- 3) All parcels will be combined to record
- 4) A 15 feet wide street buffer shall be installed along W Galbraith which shall include at least 8 ornamental trees, minimum of 300 feet of landscaping area with the remaining for pavement, parking, and storage.
- 5) All dumpsters shall be enclosed with solid screening in compliance with zoning requirements
- 6) There will be no outdoor storage of junk, debris or inoperable vehicles on the property.

Board Member Mr. Sidow seconded the motion.

Vote: Passed. Yes (5), No(0), Abstain(0)



8. Approval of Minutes

a. June 25, 2025 Minutes

Motion: Board Member Bartolt motioned to approve the June 25, 2025 Meeting Minutes. Board Member Schupp seconded the motion.

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

9. Next Meeting: August 27, 2025

10. Administrative Matters

None

11. Adjournment

Motion: Board Member Owens motioned to adjourn the meeting. Board Member Sidow seconded the motion.

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



Approval of Meeting Minutes

Colerain Township Board of Zoning Appeals

4200 Springdale Rd

Cincinnati, OH 45251

Meeting Date: Wednesday, July 23, 2025 - 6:00 P.M.

Respectfully Submitted:

A blue ink signature of David J. Peters, written over a horizontal line.

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

8/27/25

Date

Secretary:

A blue ink signature of Mark Schupp, written over a horizontal line.

Mark Schupp, Secretary

8/27/25

Date

Accepted By:

A blue ink signature of Ronald Roberto, written over a horizontal line.

Mr. Ronald Roberto, Chairman

8/27/25

Date