



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Minutes

4200 Springdale Road – Cincinnati, Ohio 45251

Wednesday, August 27, 2025 – 6:00 PM

1. Meeting Called to Order
Mr. Roberto called the 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 Roberto gave an explanation of BZA Procedures.
4. Roll Call
Present: Board Member Owens, Board Member Schupp, Board Member Sidow, Board Member Smith, Board Chair Roberto
Absent: Board Member Bartolt
5. Swearing in: appellants, attorneys, and all speakers in the cases
Board Chair Roberto swore in all those who wished to speak.
6. Hearing of Appeals
 - a. **BZA-25-10:** The applicant is requesting a use variance to permit an event center in the SUR (Single Unit Residential) zoning district.
 - **Staff Presentation:** Presentation given by Senior Planner, David Peters
 - **Details of case:** The applicant is requesting a variance for a community engagement center to be at 2477 Adams Rd. This property is at the corner of Adams Rd and Coogan Dr in the Single Unit Residential zoning district of Colerain Township. There are two curb cuts on the property; one on Coogan Dr and one on Adams Rd. There was a BZA case approved in 2007 for a construction business, cabinet shop, and limited retail/office. There had been another BZA case in 2009 for a childcare facility. No approvals have ever been granted for a banquet hall/event space. Although there is a high density of residential housing to the south, there is a large abandoned school lot across the street and commercial retail about a mile west on Adams Rd. The event center would be located at the back of the building. Staff recommended denial but could see justification for approval if the owner agrees to close the curb cut on Adams Rd since it is seen as a safety issue given its distance from the intersection light and vision clearance issues.

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- **Staff Recommendation:** Denial. Sees approval if the curb cut on Adams Rd is closed.
- **Applicant Presentation:** The applicant refers to their event center as a family engagement center. They do not consider it an event center since this gives the notion it is a party center. They would like to keep it as a small engagement center since there is a day care operation in another area of the building. They want to keep it family-friendly. They would like to do training for CPR/FIRST AID, parent counseling, small birthday parties, baby showers etc. They will not allow any alcohol use on the premises. They want to keep it family and kid-friendly since they own the day care that is caddy corner to their proposed event center and has strong community ties to the area. The applicant stated they would agree to have the Adams curb cut closed because people use their two curbs as a cut through and do not want to be liable for crashes.
- **Meeting attendees speak in favor or against case:** None

Motion: Board Member Schupp 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 Owens:** Asked the applicant what plans they have in place to ensure there will be no teen parties or "craziness". The applicant stated they will have security cameras on the premises, and they will hold meetings with those who want to rent out the space. In those meetings, they will make clear that this space is smoke-free and alcohol-free. Their goal is not to impose a detriment to the surrounding area. Ms. Owens followed up by asking if this be open to the public and how many people can be in the space at once. The applicant stated yes to the space being open to the public and that the max occupancy is around 50 people. Ms. Owens then asked if there would be an application for people renting out the space, and how they would know what uses are allowed for renting. Staff stated that the allowed uses are what the applicant put on the justification letter he wrote. People who are interested in renting the space must follow one of those uses. Ms. Owens stated to staff that she understands that banquet halls are not allowed in this area but some uses the applicant stated were "event center", "training center", "party space". Ms. Owens asked staff if the applicant was to define it as a space for training and classroom presentation, would that still fall under the category of banquet hall? Mr. Peters replied by stating that if the use does not appear on the Use Table, then it is not permitted by definition. However, his use is similar to the definition of banquet hall, so that is what initiated the BZA hearing for his use.

His situation is similar to the event center that is up the street, where which the board created specific uses they could do there that would fall under the banquet hall definition. So far, we have not had any issues with this. Ms. Owens questioned if they could just do training and seminars. Mr. Peters stated, if they met the definition specifically of a different use that was permitted in the district, he would. Ms. Owens understands. Ms. Owens continued by reiterating that the applicant said they were okay with closing the curb cut on Adams Rd. The applicant stated yes, they believe it to be a great idea.

- **Board Member Schupp:** Asked staff if the variance is granted, would someone new be able to continue the use or take it to the next level of use? Mr. Peters stated that if you are going to make this an approval over a denial, we need to set specific parameters, like the event center up the street, so there is more control over what can occur in this space.
- **Board Member Sidow:** Asked the applicant where they live if not in the building. The applicant stated that they live in Fairfield now but used to live around the corner from the building. The reasoning behind Mr. Sidow's question was because if they lived near this building, they could have better control over it, if needed. The applicant stated that they now live 15 minutes away, so they would still be able to make it to the building in a timely matter.
- **Board Member Smith:** Asked the applicant what the other current uses in the building. The applicant stated that there is a daycare currently open that they have owned for 16 years and just recently gave ownership to their friend that ran it with them. The applicant wanted to clarify that they own the building, but not the day care. Mr. Peters also responded by saying staff met the applicant to tour the site and staff can confirm that there is an active day care on site. Ms. Smith then asked if this new use would disrupt the current use that is there. The applicant stated no, they are adding parking for the event center and the daycare hours will be off-set with the event space. Ms. Smith then asked if this would mainly be a rental space or a charity-style space. The applicant stated it would be a rental space, mostly wanting to use it for training. Lastly, Ms. Smith asked if there would be a liability form? The applicant stated yes.
- **Board Chair Roberto:** Asked the applicant what type of personnel will be on site when an event happens? The applicant stated they have not completely solidified their plans on staffing since they were unsure if they would be approved for this variance, but it would most likely be the applicant or his wife that would greet the renters and either stay or leave, depending on the event taking place. Mr. Roberto brought up that staff mentioned closing the curb cut. If the applicant closes the curb cut, the traffic flow will need to be redesigned to adhere to that. The applicant agreed and understands it'll be different than what was submitted to them. Mr. Roberto stated that in order to establish this as an event center, like the one on Pippin, we will have to establish the hours, what the use is going to be used for and others that fall within conditional

approval. Mr. Roberto asked if the applicant was prepared to make those decisions on the spot. The applicant agreed to setting these terms. The following parameters are what was determined between the board and the applicant: Hours; 8am-10pm. Uses; Gender reveal parties, baby showers, family training center for medical classes, birthday parties for 10 and under, occupancy of 50 people, security cameras, curb cut closed with a berm off of Adams Rd. During this discussion, Ms. Owens asked if the hours would be related to the whole building or just their use. Mr. Peters confirmed that the hours are only for this use and not for the other areas of the building. Mr. Peters asked the applicant if 10pm end time would be on the weekends as well. The applicant stated yes. Mr. Peters asked legal if the conditions just discussed are within the Board's parameters to define. Legal stated yes but since the curb will be closing, the engineering of the site and the traffic patterns would have to be reviewed by different agencies rather than just us. Mr. Roberto agrees and stated that the applicant would have to take this site plan to Hamilton County Engineers office to get this traffic pattern and berm approved.

Motion: Board Member Owens motioned to approve this variance with the following conditions:

- 1) The space will be allowed to be used for baby showers, birthday parties for children under the age of 10, family training centers, gender reveal, and birthing or any medical classes,
 - 2) The max occupancy will either be 50 people or for what is approved by the Colerain's Fire Department
 - 3) There shall be security cameras put in place
 - 4) The curb cut on Adams Rd will be closed and replaced with a permanent berm.
 - 5) The hours will be from 8am-10pm.
- Board Member Sidow seconded the motion.

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

- b. **BZA-25-25:** The applicant is requesting a variance to permit the construction of a privacy fence in an unpermitted portion of the applicant's yard.

- **Staff Presentation:** Presentation given by Assistant Zoning Administrator, Juliana Petti
- **Details of case:** The applicant lives off a cul-de-sac in Colerain's Single Unit Residential zoning district. The applicant's house has historically had a fence going along the parameter of their property but the status of its conformity to Township's Regulations, have changed. Their previous fence was constructed to have a 6ft privacy fence encroach into their front yard on the pool side of

their property in order to have screening from neighbors. The south side of this property, which has the pool, faces the backyards of 3-4 neighbors. The applicant is requesting to do a one for one replacement of their fence so they can keep the screening that they have always had on their property.

- **Staff Recommendation:** Conditionally Approved
 - Condition 1: The applicant is permitted to put the fence to their desired location on the pool side of the lot.
 - Condition 2: The fence between their property and 11740 Kettering Dr. is only permitted to be 50 percent up the side of their house, extending from the rear yard.
- **Applicant Presentation:** The applicant further explains their reasoning for having the privacy fence extend to where it is located now. For them, it is a matter of privacy and consistency with what they have built on their property for years. Originally, the applicant was intending to replace just a section of the fence, but with further inspection upon the fence, it made more sense to replace all of it rather than just a section.
- **Meeting attendees speak in favor or against case:** None

Motion: Board Member Schupp 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 Owens:** No questions
- **Board Member Schupp:** No questions
- **Board Member Sidow:** No questions
- **Board Member Smith:** No questions
- **Board Chair Roberto:** Reiterates the proposed fence standards that the applicant is requesting and follows up by asking if this will be a one-for-one replacement of the fence. The applicant stated yes. Their original plan was to do a partial repair, but that would not give them the outcome they wanted so they decided to replace the whole fence rather than just a portion. The applicant stated that when they were getting a quote on their fence, the fencing company mentioned there might be a problem with height and opacity standards. Mr. Roberto asked for reassurance that this would be professionally installed. The applicant stated yes.

Motion: Board Member Schupp motioned to approve the variance with staff's two conditions of allowing their fence to be up to their desired location and for the fence between their property and 11740 Kettering Dr. is only permitted to be 50 percent up

the side of their house, extending from their rear yard. Board Member Owens seconded the motion.

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

c. **BZA-25-26:** The applicant is requesting an appeal to allow for the reactivation of a nonconforming sign.

- **Staff Presentation:** Given by Zoning Administrator, David Peters
- **Details of case:** The applicant is appealing their master sign plan denial. The applicant believes their sign is not abandoned and did not lose their non-conforming status to the sign since there has been an active lease for that site since March 2023. Sign faces were blank/removed while awaiting new graphics and Township approval. Additional zoning issues at 9405 prevented installation of new sign graphics. The space later leased to Mimi's Nail Salon; permit for her panels was denied. Applicant argues the sign was never abandoned since it remains under lease. The applicant claims that the Township's abandoned sign standard is arbitrary and that because there were blank signs in the panels, it looked abandoned. Staff's response to the applicant's letter is included in the packet and to summarize that response, the appeal concerns a denied permit to install new faces on an abandoned pole sign at 9403 Colerain Ave. The non-conforming status was lost due to it not displaying a bonafied business in the past 2 years, which is in articles 4 and 5 in the Zoning Resolution. The lease agreements do not equate to land uses and zoning requires continuous physical use, not private contracts. Blank faces or outdated panels both count as abandonment; intent for future graphics is not recognized under law. Enforcement is consistent and fact-specific, not arbitrary; evidence of abandonment is clear. Comprehensive Plan calls for eliminating obsolete pole signs to revitalize Colerain Ave. Staff has offered lawful alternatives for new signage; revival of this structure would be legally impermissible. Staff's recommended action is to uphold the denial and require demolition. The Township will assist with modern, compliant signage solutions.
- **Staff Recommendation:** Staff seeks guidance
- **Applicant Presentation:** The applicant stated that he is adamant that his sign was never abandoned. He as owned that building for 32 years and for the first 27 years, it was totally leased and the sign was always used. Then in 2020, the pandemic came along and the occupation got weird. He leased it to a tenant and the tenant had paid their dues but had never actually moved into the building. He felt he was in a tough situation to force them to put up a sign if they had not moved into the building. So, what they were leasing, was the building and the sign. His thought was that it wasn't abandoned and was being used, given the lease terms. When Check and go moved out, he required them

to put up the white panels on both sides of the pole sign. he understood that they were sitting there, but to him, they were not a nuisance and not abandoned. However, things had transpired over the past couple of years, and they have had some zoning issues which delayed getting the sign faces on there and put them in this spot.

- **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 Owens:** No questions
- **Board Member Schupp:** No questions
- **Board Member Sidow:** Asked the applicant who the last tenant was and why they didn't put up a sign. The applicant stated that check and go was their previous owner who had been a tenant for at least 20 years. They then took over both units in the building. They had a sign up until 2020 and when they left, the applicant requested that check and go put up white faces in the cabinets. In 2020, Check and go left both spaces and then it was rented out by a company in Columbus for 2 years that dealt with home health care but they never moved in. Then it was rented to a medical supply company after them, who also never moved into the space. He believed that the medical company put a temporary sign up but never moved in. He stated that the previous tenant at 9405 was getting ready to put up new signs but he had stopped them because he was unsure if the tenants had gone through zoning for a permit. They tenant never put up those signs. The new tenant, Mimi's Nails, wanted to put up a sign but was then denied. The applicant wanted to note that this tenants do not speak much English and are immigrants so they do not know all of the rules and regulations so he encourages them to come up to the Township office to work out any issues or questions they might have.
- **Board Member Smith:** No questions
- **Board Chair Roberto:** Asked the applicant if they have a lease agreement that states your tenants are supposed to uphold the regulations of the Township to assure they are in compliance with the Township. The applicant responded with absolutely. Mr. Roberto then asked, as the owner, enforce it when they had a vacant sign as a tenant? Why did it not get enforced by you, the owner? The owner sees that as a difficult situation. Mr Roberto stated, no it isn't because since it is written in the lease agreement. The owner said that at the time, he did not envision them adhering to the law by not putting up the sign. It never crossed his mind. Mr. Roberto stated that's what the zoning ordinance

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was put in place for, and for being the business owner, it would be their responsibility to adhere to the zoning code and to enforce the lease agreement that was signed. The applicant still believes contests the board's response. Mr. Roberto then states that there is a difference between a residential buyer and a commercial buyer, the commercial buyer should be savvy enough and know about business to stay within the law. The applicant states that there is an unusual situation at hand because a tenant is leasing the space but never moved in, in his perspective, it would be wrong to put a sign up for a company that's not in the space. Mr. Roberto then states that it is the applicants space ultimately, not the tenant's. It is your then the owners responsibility to keep the sign in a condition that is a viable sign, to which this one isn't since it is not representing anything and has not represented anything in the past two years. The owner believes this to be an unusual situation and to make the tenant put up the sign seems to be an unusual requirement. Mr. Roberto then asked if it is in their lease agreement with the tenant. The applicant starts speaking about his lease agreement. Mr. Roberto then reiterates that it is the owners responsibility to uphold their agreement with the tenant. Mr. Roberto said he understands because he is a commercial owner as well. The applicant still believed that with a tenant not physically in the space, that would be difficult to enforce. Mr. Roberto questioned why because his thought was that as the owner, you could evict them if they are not going to uphold the lease agreement that was established with the tenant. The owner reasoned that it was during COVID-19 times and was just happy to have the tenant. Mr. Roberto understood but then stated that it would then fall on you, the owner, to uphold the Township code to keep the sign active. Mr. Roberto follows up by stating that staff had created a presentation on how the applicant could legally have a sign on their property. what would be the problem with their suggestion? The applicant stated that staff wants him to lower the sign and he does not like the idea because visibility would go down. The other issue is that the area could be redeveloped and if it is redeveloped, then he doesn't want to put in the time and money to put up a new sign. Mr. Roberto then asked staff if the applicant has wall signs. Staff stated yes. Mr. Roberto then questioned to all, why does the pole sign matter if there is a wall sign? Mr. Roberto asked why this sign is so valuable if the area is going to be redeveloped? The applicant responds by stating the redevelopment is complicated because they are hoping to do something with the road leading to the mall and they have been working on that for 5 or 6 years. The other reason is because Mimi, for Mimi's nails, has put a lot of money into the space and he wants to help her out with the sign. Mr. Roberto then asked if there will be signage on the building for Mimi. The applicant stated yes but it would be a much better find in his opinion.

Motion: Alternate Smith motioned to deny the appeal. Board Member Schupp seconded the motion.



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

7. Unfinished Business
None

8. Approval of Minutes

- a. July 23, 2025 Minutes

Motion: Board Member Schupp motioned to approve the minutes from July 25, 2025.
Board Member Sidow seconded the motion.

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

9. Next Meeting: September 24, 2025

10. Administrative Matters

11. Adjournment

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

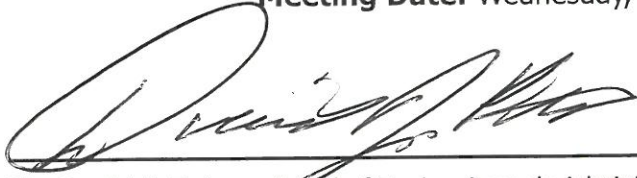
Vote Result: Passed. Yes (5), No (0), Abstained (0)

Approval of Meeting Minutes

Colerain Township Board of Zoning Appeals

4200 Springdale Road • Cincinnati, OH 45251

Meeting Date: Wednesday, August 27, 2025 – 6:00 P.M.



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

9/29/25

Date

— NOT PRESENT —

Mr. Mark Schupp, Secretary

Date



Mr. Ronald J. Roberto, Chairman

9/24/25

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