



**COLERAIN TOWNSHIP
BOARD OF ZONING APPEALS**
Regular Meeting
Wednesday, May 28, 2014 - 7:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, Ohio 45251

1. Meeting called to order.
2. Pledge of Allegiance.
3. Explanation of procedures.
4. Roll Call.
5. Swearing in: appellants, attorneys and all speakers in the cases.
6. Hearing of Appeals:
 - A. Case No.: BZA2014-05 – Abandoned sign – Article/Section 15.6.11.
Location: 10140 Colerain Ave., Cincinnati, Ohio
Applicant/Owner: Louis Zettler, Jr.
 - B. Case No.: BZA2014-07 – Variance for rear yard setback for a sunroom – Article/Section 7.3.1, Table 7-2.
Location: 8515 Pollux, Cincinnati, Ohio
Applicant: Better Living Patio Rooms
Owner: Eugene & Bonita Campbell
 - C. Case No.: BZA2014-08 – Variance for rear yard setback for a partially covered deck – Article/Section 7.3.1, Table 7-2.
Location: 9949 Grasscreek, Cincinnati, Ohio
Applicant: Hudepohl Construction
Owner: Tom Sunderman
 - D. Case No.: BZA2014-09 – Variance for lot split with less than 1 acre – Article/Section 8.3.1, Table 8-2.
Location: 8993 Pippin, Cincinnati, Ohio
Applicant/Owner: Christopher D. Rybolt Properties
 - E. Case No.: BZA2014-10 – Home Occupation – Article/Section 10.3.
Location: 3441 Ringwood, Cincinnati, Ohio
Applicant: Christina Davis
Owner: Abode Choice LLC
7. Resolutions for Adoption:
 - A. Case No.: BZA2014-02
Application: Variance for privacy fence - Article/Section 12.8.4
Case No.: BZA2014-03
Application: Variance for accessory structure (tree house) Article/Section 10.2.3.
Location: 614 Bellbranch Ct., Cincinnati, Ohio
Applicant/Owner: Christopher R. Gaines

- B. Case No.: BZA2014-04
Application: Variances for redevelopment of gas station – Articles/Sections 8.3.1, 8.4.2(C), 8.4.6(C), 12.9.4, 14.6.1, 15.8.3(G)
Location: 9760/9780 Colerain Ave., Cincinnati, Ohio
Applicant/Owner: Gilligan Oil Company
- C. Case No.: BZA2014-06
Application: Variance for front yard setback – Article/Section 7.3.1, Table 7-2
Location: 2629 John Gray Rd., Cincinnati, Ohio
Applicant: Thomas Dunn
Owner: Michael Berry
8. Unfinished Business: None.
9. Approval of Minutes: April 23, 2014 meeting.
10. Administrative Matters: None.
11. Adjournment.

**APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS**

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2014-05

Owner: Louis Zettler, Jr., Trustee Applicant: Louis Zettler, Jr.

Property Address: 10140 Colerain Avenue

City: Cincinnati State/Zip: Ohio 45251

Applicant Address: 4425 Dixie Highway

City: Fairfield State Zip Ohio 45014

Phone: (513) 829-8022

Auditor's Book-Page-Parcel Number: 510 -- 114 -- 91

Zoning Classification: B-2 General Business District

Appeal to (check one): Refusal to issue Zoning Certificate _____ Citation for Violation XX

Required Documents:

- ☐ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.**
- ☐ Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies.**
- ☐ Names and addresses of adjacent property owners (use County Auditor's records) - **2 copies.**
- ☐ Plat showing adjacent property owners - **2 copies.**
- ☐ Fees.

Office use only:	Appeal Fee: _____
	Legal Notice: _____
	Mailing/adjacent Property Owners: _____
	Total Amount Paid: _____

***An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.***

Signature of Property Owner: /s/ Louis Zettler, Jr., Trustee

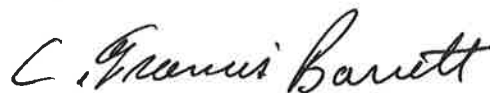
Signature of Applicant (if not the Owner): C. Francis Barrett
C. Francis Barrett, Attorney for Owner

(over)

JUSTIFICATION OF VARIANCE STATEMENT

1. In the event that the literal enforcement of the provisions of the Colerain Township Zoning Resolution prohibits the structure in question, a variance to allow the structure to remain is requested pursuant to Section 4.4.2 entitled "Variance Review Criteria" of the Colerain Township Zoning Resolution, as authorized by paragraph (B) thereunder.
2. The structure in question is located in the B-2 General Business District and this structure was duly constructed pursuant to a lawfully issued zoning certificate and pursuant to a lawfully issued building permit.
3. This request is not contrary to the public interest, as the structure in question poses no threat to the public safety, no health hazard, no danger to persons or property, and constitutes a valuable real property right entitled to protection under the Constitution and laws of the State of Ohio.
4. If the relevant provisions of the Colerain Township Zoning Resolution are interpreted in a manner such that the literal enforcement of the Zoning Resolution requires the removal of the structure in question, then a substantial property right would be taken, and severe economic loss would be imposed upon the property owner. The resulting hardship upon the property owner is not necessary for the preservation of the public health, safety, morals, or general welfare of Colerain Township. Further, the conditions related to the subject structure are unique to the subject property and unlike the conditions on any other property in the District and on all neighboring and surrounding properties.
5. The request for this variance is not the result of any action taken by the owner, as the owner has taken no action with respect to the subject structure which was erected in full compliance with the zoning certificate and building permit lawfully issued therefor. Rather, this request for a variance results from the interpretation of the Colerain Township Zoning Resolution by the Zoning Administrator and/or by the Code Enforcement Officer of Colerain Township.

Respectfully submitted,



C. Francis Barrett
Attorney for Louis Zettler, Jr., Trustee
Owner of the subject property at 10140 Colerain Avenue
Barrett & Weber
105 E. Fourth Street, Suite 500
Cincinnati, Ohio 45202
(513) 721-2120; (513) 721-2139 – facsimile
cfbarrett@barrettweber.com

**BOARD OF ZONING APPEALS
COLERAIN TOWNSHIP
HAMILTON COUNTY, OHIO**

In Re:

**Louis Zettler, Jr., Trustee
10140 Colerain Avenue
Cincinnati, Ohio 45251**

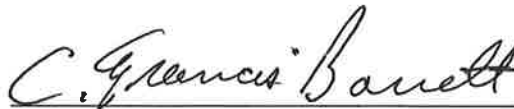
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NOTICE OF APPEAL

PLEASE TAKE NOTICE that Louis Zettler, Jr., Trustee, by and through counsel, hereby gives notice of his appeal from the Notice of Zoning Violation, a copy of which is attached hereto as Exhibit "A" and incorporated herein, to the Board of Zoning Appeals of Colerain Township, on the following grounds, in the alternative:

The order issued by the Colerain Township Code Enforcement Officer is in error; the interpretation of the Colerain Township Zoning Resolution is in error; the use in question is a valid conforming use; the use in question is a valid non-conforming use; the use in question is not an abandoned sign; the use in question does not constitute an abandoned sign; the use in question does not constitute a sign; the provisions of the Colerain Township Zoning Resolution sought to be applied to the use in question are unconstitutional; the actions taken by Colerain Township concerning the subject structure are contrary to law; the literal enforcement of the provisions of the Colerain Township Zoning Resolution will result in unnecessary hardship; and/or the property owner is entitled to a variance.

Respectfully submitted,



C. Francis Barrett
Attorney for Louis Zettler, Jr., Trustee,
Owner of the subject property at
10140 Colerain Avenue
Barrett & Weber
105 E. Fourth Street, Suite 500
Cincinnati, Ohio 45202
(513) 721-2120
(513) 721-2139 – facsimile
cfbarrett@barrettweber.com



COLERAIN
EST. 1794

Colerain Township • 4200 Springdale Road • Colerain Township, Ohio 45251
www.colerain.org • Phone (513) 385-7500 • Fax (513) 245-6503

**COLERAIN TOWNSHIP
NOTICE OF ZONING VIOLATION**

PROPERTY ADDRESS: 10140 COLERAIN, Cincinnati, OH

NOTICE ISSUED TO: LOUIS ZETTLER DATE: 3/4/14
4425 Dixie Highway, Fairfield OH 45014

- ☐ **COMMERCIAL VEHICLE** – Vehicles of a business nature are prohibited in residential districts – 13.7.
- ☐ **HOME OCCUPATION** – Your business operation is not a permitted Home Occupation – 10.3.
- ☐ **JUNK VEHICLE** – Vehicles are subject to the Junk Vehicle Resolution set forth in attachment – 13.7.5.
- ☐ **LAWN PARKING** – Parking areas shall be graded and paved with asphalt or concrete – 13.4.3.
- ☐ **LICENSING OF VEHICLES** – All vehicles, trucks, trailers, RVs that require State of Ohio license must maintain a valid license if it is stored or parked outside – 12.7.
- ☐ **PROPERTY MAINTENANCE** – See attached. _____ Days for violation to be corrected.
- ☐ **RECREATIONAL VEHICLES AND UTILITY TRAILERS** – Recreational vehicles and utility trailers shall be parked on a paved surface in the rear or side yard and subject to additional regulations set forth in attachment – 13.6.
- ☐ **WASTE RECEPTACLES** – Waste receptacles that are 32 gallons or larger in size must be located in side or rear yard – 12.5.2.
- ☐ **ZONING CERTIFICATE** – Zoning Certificate required for new construction, structure alterations, including accessory buildings, and change in use – 4.2.
- ☒ **OTHER** – ABANDONED SIGN

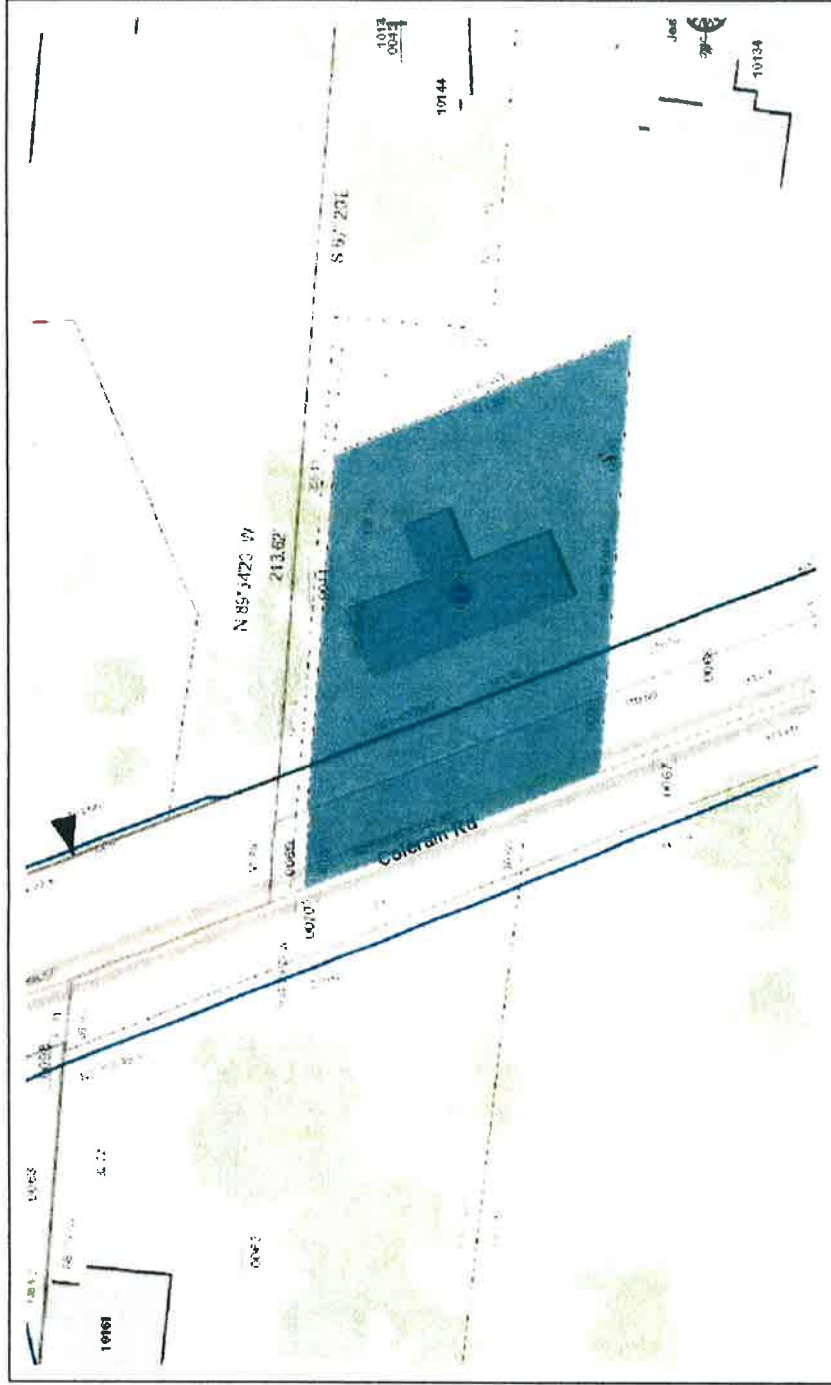
K. Frandoni

Colerain Township Code Enforcement Officer
4200 Springdale Rd.
Cincinnati, OH 45239
(513-385-7505)

TO AVOID PENALTIES, THIS VIOLATION MUST BE CORRECTED WITHIN 21 DAYS. An appeal from this Notice of Violation is governed under Sections 3.3.2 and 4.4 of the Zoning Resolution and must be filed within 20 days from the date of this notice.



COLERAIN



CAGIS Online Map

Printed: Mar 12, 2013 CAGIS©2012



Hamilton County Ohio

RECEIVED

APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

APR 11 2014

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

COLERAIN ZONING

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2014-07

Owner: Eugene + Bonita Campbell Applicant: Betterliving Patio Room

Property Address: 8515 Pollux Court

City: Colerain Twp. State/Zip: Ohio 45231

Applicant Address: 9784 Inter Ocean Drive

City: Springdale State Zip Ohio 45246

Phone: 513-860-9191

Auditor's Book-Page-Parcel Number: 510 -- 0063 -- 0348-00

Zoning Classification: Residential

Appeal to (check one): Refusal to issue Zoning Certificate ☒ Citation for Violation ☐

Required Documents:

- ☒ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - 8 copies.
- ☐ Site Plan (surveyor/engineer's seal may be required) and construction drawings - 8 copies.
- ☒ Names and addresses of adjacent property owners (use County Auditor's records) - 2 copies.
- ☒ Plat showing adjacent property owners - 2 copies.
- ☐ Fees.

Office use only:	Appeal Fee:	
	Legal Notice:	
	Mailing/adjacent Property Owners:	
	Total Amount Paid:	\$150

*An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.*

Signature of Property Owner:

Chris Allen Agent for Owner

Signature of Applicant (if not the Owner):

Chris Allen 4-11-14

(over)

April 11, 2014

To Whom It May Concern:

Subject: 8515 Pollux Court, Cincinnati, Ohio

We are respectfully requesting that you consider that you will allow us to rebuild our existing addition that was built on our home and does not meet zoning restrictions, 7.3.1 and 5.1. The addition was on the home at the time of purchase and its use is permitted in our zoning district as simply additional living space.

The existing structure does not encroach on adjoining properties and has not caused any drainage issues to surrounding properties including ours. We have lived in our home since 1970 and the adjoining properties owners have never complained about our addition.

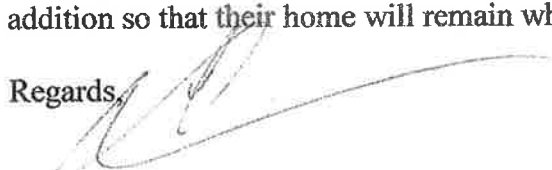
Mr. and Mrs. Eugene Campbell purchased their Pollux Court home in 1970. They purchased their home because of its expanded square footage that included an addition that had been added to the home. The 10' X 24' addition has served as an extension of their home giving them great place to entertain family and friends.

Overtime the addition has deteriorated beyond repair, so they decided the only option was to remove and replace it with a new addition. It has now come to their attention that the addition that has been on their home for an unknown amount of time was built without a building permit. Upon applying for the zoning permit it was discovered that the addition on their home was not build it compliance with the local zoning requirements, the room extends less than 3' past the rear set back that is required by the zoning rules.

The Campbell's are now elderly and are not as mobile as they were when they purchased their home in 1970 and the new addition is much needed for their safety and continued enjoyment of their home that they have grown accustomed to. The proposed new addition would allow them to maintain the square footage that they purchased many years ago, and improve the neighborhood while at the same time be safe and esthetically pleasing.

We pray that the Zoning Department will allow Mr. and Mrs. Campbell to rebuild their addition so that their home will remain whole.

Regards,

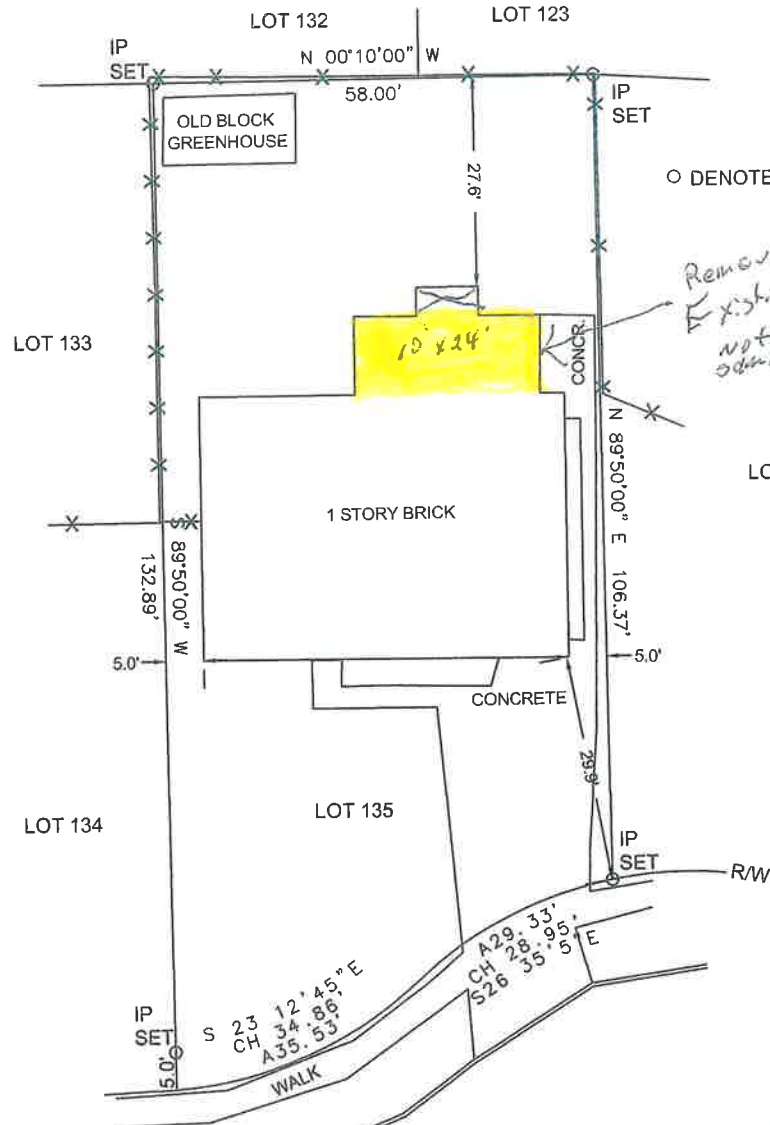


Chris Allen, Owner/Installation Manager
Tri State Enclosures, Inc. dba Betterliving Patio & Sunrooms
9786 Inter Ocean Drive
Springdale, Ohio 45246
513-860-9191

REGISTERED LAND CERT. NO 39479
SKYLINE ACRES SUBDIVISION REVISED BLOCK "C" PART 2
SECT 2, T.2, E.R.1
COLERAIN TWP.
HAMILTON COUNTY, OHIO



BEARINGS BASED ON SYLINE
ACRES SUBD. PLAT



○ DENOTES CAPPED 5/8" IRON PIN SET

*Remove and replace
Existing Addition with sun room
not chimney
same size 10' x 24'*

LOT 136

RECEIVED

APR 11 2014

COLERAIN ZONING

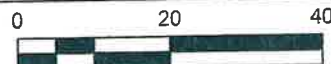


POLLUX COURT

I HEREBY CERTIFY THAT THIS PLAT IS BASED
UPON A FIELD SURVEY MADE UNDER MY DIRECTION.

Robert N Davidson 4/03/2014
ROBERT N. DAVIDSON
OHIO PROFESSIONAL SURVEYOR NO. 7640

QCM INC.
9808 WINDISCH ROAD
West Chester, Ohio 45069
(613) 779-8425



DRAWN R.M. DATE 4-02-14 APPROVED R.D. SCALE 1"= 20' PROJECT NO. 2014.117

SURVEY PLAT

FIGURE























RECEIVED

APR 17 2014

APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS COLERAIN ZONING

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2014-08

Owner: Tom Sunderman Applicant: Hudspeth Construction

Property Address: 9949 Grasscreek

City: Cincinnati State/Zip: OH 45231

Applicant Address: 6057 State Route 128

City: Cleves State Zip: OH 45002

Phone: (513) 353-2222

Auditor's Book-Page-Parcel Number: 510 -- 0044 -- 0215

Zoning Classification: R-6 Residential

Appeal to (check one): Refusal to issue Zoning Certificate ☒ Citation for Violation ☐

Required Documents:

- ☐ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.**
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- ☐ Plat showing adjacent property owners - **2 copies.**
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Office use only:	Appeal Fee:	
	Legal Notice:	
	Mailing/adjacent Property Owners:	
	Total Amount Paid:	<u>\$150.00</u>

An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.

Signature of Property Owner:

Signature of Applicant (if not the Owner):

Tom Sunderman
Jim Hudspeth

(over)

6057 State Route 128
Clevs, Ohio 45002-9530



Telephone: 513-353-2222
Fax: 513-353-4708
www.hudepohlconstruction.com

Colerain Township Board of Zoning Appeals
4200 Springdale Rd.
Cincinnati, OH 45251

Re: Zoning Certificate No.: Z2014-00077
Property Address: 9949 Grasscreek, Cincinnati, OH 45231

April 17, 2014

Justification of Variance Statement

The variance requested is for the addition of an unenclosed partially covered deck, to be constructed over an existing concrete patio located at the rear of the home at 9949 Grasscreek Ct. Per the zoning ordinance, this wood deck complies with Article 12.3.2 in all respects except for the proposed roof over a portion of the deck. The variance is requested to allow a portion of the deck to be covered, to shield the residents from the elements during inclement weather. This variance is requested based on **Sections 7.3.1 and 5.1** in the Zoning Resolution.

I affirm that the use requested is permitted in the zoning district where the property is located per the current Colerain Township Zoning Resolution, Article 7, Section 7.2.

This request is not contrary to the public interest in that it is a partially covered, unenclosed wood deck in the rear of the residence for the private enjoyment of the residents and is being constructed per current residential building codes.

The home is situated on an "end of cul-de-sac" lot with less overall depth than any of the adjoining lots or other lots in the neighborhood which creates a hardship for the property owners. The rear setback of the house is 30 ft. and the average rear yard setback for the other houses on Grasscreek is 59 ft (see attached map). Any additions to the rear of the home will encroach into the required setback. A concrete patio currently exists within this rear yard and rear yard setback.

I affirm that the need for a variance is not a result of the applicant's or owner's actions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Hudepohl'. The signature is written in a cursive, flowing style.

Chris Hudepohl, President
Hudepohl Construction Company



[illegible]

C - 100 SITE PLAN & FLOOR PLAN
A - 100 ELEVATIONS & SECTIONS;
STRUCTURAL NOTES

APPLICABLE CODES: 2013 RESIDENTIAL
CODE OF OHIO.

LOT 215
AUDITOR PARCEL ID
NO. 510-044-0215-00

EXISTING SHED

PROPOSED
ADDITION

EXIST'G 2 STORY
HOUSE

EXISTING DRIVE

PROPERTY LINE 119.45'

PROPERTY LINE 110.50'

PROPERTY LINE 122.22'

PROPERTY LINE 30.94'

PROPERTY LINE 30.94'

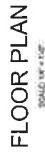
GRASSCREEK COURT

PROPERTY OWNERS:
TOM & NINA BARBERMAN
9900 W. 10TH AVE. LOT
CINCINNATI, OH 45241

SITE PLAN PREPARED FROM A
SURVEY PROVIDED BY THE OWNER.

SITE PLAN
SCALE: 1/4" = 10'-0"

A100



ALL CONTINUOUS FOOTINGS ARE TO BE 24" X 10" WITH (2) #4 BARS CONTINUOUS UNLESS OTHERWISE NOTED.

CONCRETE SLABS TO BE 12" THICK, OVER 6 MIL. PAPER BARRIER, OVER 6" MINIMUM UNFINISHED GRAVEL. REINFORCEMENT TO BE 1" MAX. C/C EACH WAY UNLESS OTHERWISE NOTED. CONTROL JOINTS TO BE PROVIDED AT 10'-0" C/C MAXIMUM AND 1' DEEP. SLOPE GARAGE SLABS TO FLOOR FINISH. SLOPE GARAGE SLABS 1" PER FOOT MINIMUM AND 1/4" PER FOOT MAXIMUM TOWARDS GARAGE DOORS.

BEAM TO BE SET TO MINIMUM DEPTH OF STEEL, TO BE 1" WIDER THAN THE BEAM FLANGES, AND TO HAVE A MINIMUM OF 6" BEAM BEARING AREA INTO THE MOUTH OF THE CONCRETE WALL.

OPENINGS IN FULL HEIGHT OF THE (2) #4 BARS VERTICAL AT EACH SIDE OF OPENING, 10" C/C. HEIGHT OF THE CONCRETE POOL, CONCRETE INTERLACE TO BE (2) #4 BARS DIRECTLY ABOVE THE OPENINGS AND EXTEND 1' TO TOP OF WALL. TO BE CONTINUOUS ACROSS INTERLACE.

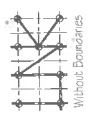
DEAD	LIVE	USE (LB / SQUARE FOOT)
------	------	------------------------

DEAD LOAD	LIVE LOAD	USE (LB./SQUARE FOOT)
10	40	EXTERIOR DECKS
	12.4	WIND PRESSURE: BUILDINGS UP TO 30 FT AT 90 MPH
	150 PSF	MINIMUM SOIL BEARING PRESSURE
		ALLOWABLE HEIGHT H = HEIGHT L = LENGTH
	L/100	RAFTERS HAVING SLOPES GREATER THAN 3/4" PER 12"
		TO RAFTERS
	H/160	INTERIOR WALLS AND PARTITIONS

WALL STUDS TO BE STUD GRADE NO. YELLOW PINE. ALL OTHER LUMBER TO BE SOUTHERN PINE 1 IN. MIN. MICRO-LAM MEMBERS TO HAVE AN AF - 2800 PRESSURE TREATED LUMBER TO BE ANPA WATERBORNE (COA) TREATED YELLOW PINE, GRADE 2 FOR ABOVE GROUND USE. ALL CONSTRUCTION GRADE WOOD IN CONTACT WITH CONCRETE OR WITHIN 4" OF RESTING ON CONCRETE TO BE PRESSURE TREATED. ALL STRUCTURAL LUMBER EXPOSED TO EXTERIOR TO BE PRESSURE TREATED OR APPROVED SPECIES. PLUMBING LUMBER, GRADE 1 OR BETTER, TO BE DRY KILN DRIED. ALL LUMBER, PLYWOOD SHALL BE OBTAINED AS PER AIA RECOMMENDATIONS ON WEATHER SHIELD AT THE FRAMES JOINTS TO BE 2X6 UNLESS OTHERWISE NOTED.

ALL CONCRETE WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE SECTIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI)'S MOST RECENT EDITION OF THE FOLLOWING GUIDELINES AND SPECIFICATIONS:

ACI 318 I. BUILDING CODE REQUIREMENTS FOR STRUCTURAL PLAIN
CONCRETE AND ACI 308I SPECIFICATIONS FOR STRUCTURAL CONCRETE
ACI 318.4 AND 318R BUILDING CODE REQUIREMENTS FOR REINFORCED
CONCRETE CAST-IN-PLACE CONCRETE SHALL BE F-3000 PSI;
ASTM C84; CONCRETE FOR FOOTINGS TO BE F-3000 PSI;
ASTM C84; CONCRETE FOR FLOORS TO BE F-3000 PSI;
AND REINFORCED CONCRETE TO BE F-2500 PSI ALL
STRENGTHS MEASURED AT 28 DAYS.
ALL REINFORCING STEEL TO BE ASTM 615 (GRADE 60) WITH 60,000 PSI
MINIMUM YIELD STRENGTH AND 65,000 PSI MINIMUM TENSILE STRENGTH
CONCRETE SHALL BE 12" MINIMUM DEPTH AT EXTERIOR WALLS, 10" AT
INTERIOR WALLS, 8" AND 6" DEPTH, UNLESS OTHERWISE NOTED.
CONCRETE FORMWORK TO BE ADEQUATELY TIED AND BRACED, FORM SHALL
NOT BE STRIPPED UNTIL THE WALL IS CURED FOR SEVEN DAYS.
ALL CONCRETE SHALL BE PLACED IN 4' MAXIMUM LIFT.
COLD JOINTS AND VIBRATED AEGUALLY TO PREVENT AIR POCKETS
AND HONEYCOMB EFFECTS IF A COLD JOINT CANNOT BE AVOIDED,
REINFORCING SHALL EXTEND THROUGH THE COLD JOINT UNLESS
OTHERWISE NOTED. COLD JOINTS ARE THE RESPONSIBILITY OF THE
CONTRACTOR.



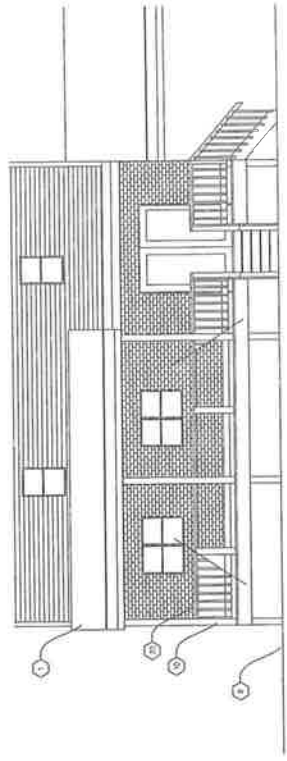
Larry N. Keith
Architect
4775 Burdett Road
Wilmington, OH 45176
513-556-7149 fax
513-724-3313 voice

ELEVATIONS
SECTION

PROPOSED ADDITION
TO THE
SUNDERMAN RESIDENCE
9949 GRASS CREEK CT
CINCINNATI, OH

DATE	1/1/2011
BY	LK
CHECKED	LK
SCALE	AS SHOWN
PROJECT	9949 GRASS CREEK
OWNER	MR. & MRS. S. J. SUNDARMAN
ARCHITECT	LARRY N. KEITH ARCHITECT

A101



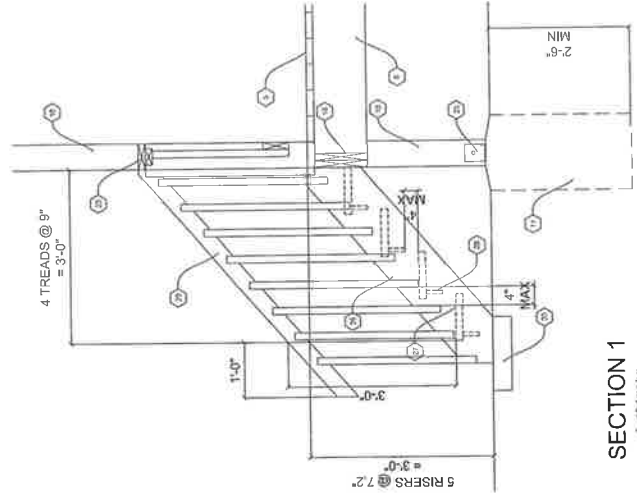
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

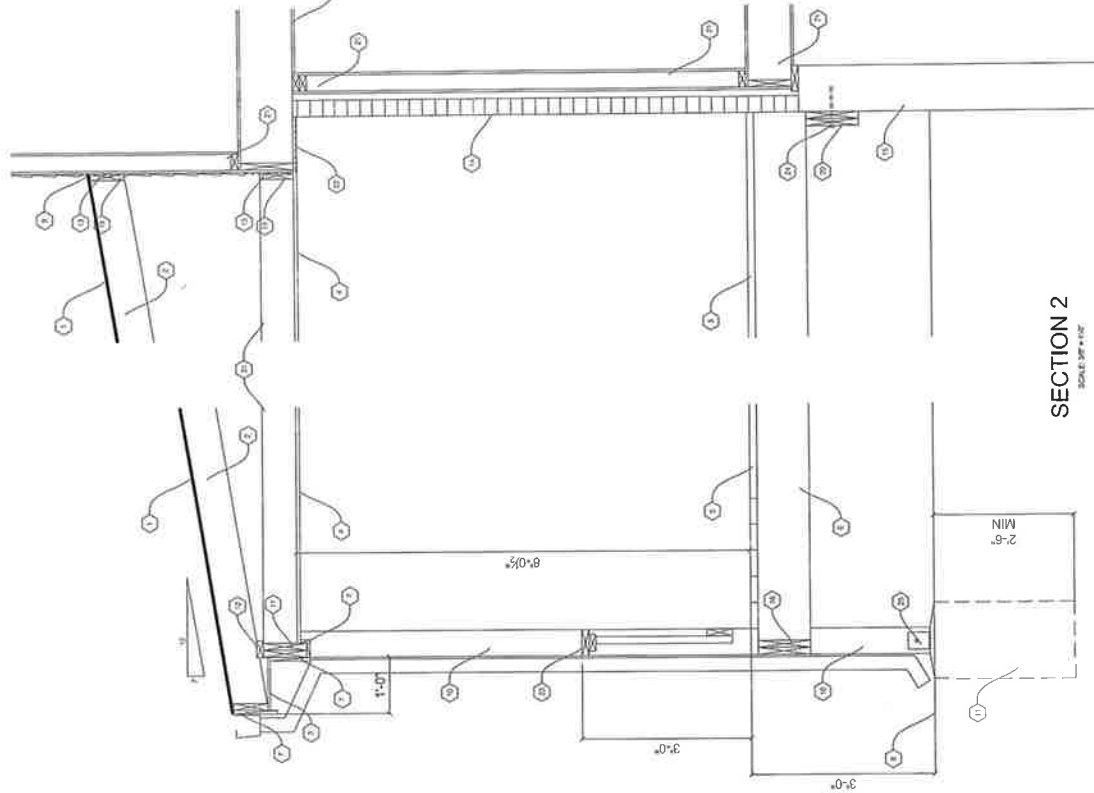
- ALL DIMENSIONS TO THE FACE OF STUD, CENTERLINE OF COLUMN, OR FACE OF EXISTING SURFACE UNLESS NOTED OTHERWISE.
- WHERE NEW CONSTRUCTION ABUTS EXISTING, THE FINISH FACES ARE TO ALIGN.
- FIELD VENTILATION SHALL BE PROVIDED TO START OF CONSTRUCTION FROM THE START OF CONSTRUCTION. NOTIFY THE OWNER AND ARCHITECT IMMEDIATELY FOR RESOLUTION IF ANY DISCREPANCIES ARE DISCOVERED.

NOTES THIS SHEET

- FIBERGLASS/ASPHALT SHINGLES ON SELF ADHERING "ICE SHIELD" ON 5/8" CDX ROOF SHEATHING
- 2 X 8 RAFTERS @ 16" O.C. FASTENED TO WITHSTAND A MIN UPLIFT FORCE OF 175#
- CONTINUOUS PERFORATED SOFFIT VENT
- 3/4" T & G KNOTTY PINE WOOD CEILING
- 5/4 TREATED WOOD DECKING
- 2 X 12 STRINGERS @ 16" O.C. INSTALL W/ JOIST HANGERS @ 16" O.C.
- 1 X PAINTED WOOD TRIM
- GRADE
- METAL FLASHING, RUN UNDER SIDING
- 6 X 6 TREATED WOOD POSTS
- 16" DIA CONCRETE FOOTING W/ 2 # 5 VERTICAL REBAR
- 2 X 4 PLATE
- REMOVE PORTION OF EXISTING SIDING
- EXISTING BRICK
- EXISTING CONC FOUNDATION
- TWO TREATED 2 X 12 BEAM
- TWO TREATED 2 X 12 DOWNPOUT
- 8 X 8 STUDS W/ RINGSHANK POLE BARN NAILS
- 2 X 12 LEDGER
- EXISTING CONSTRUCTION TO REMAIN
- REMOVE PORTION OF EXISTING SOFFIT
- TREATED WOOD RAIL CONSISTING OF 2 X 6 TOP, 2 X 4 UNDER, 2 X 6 LOWER RAIL AND 2 X 2 BALLUSTERS @ 5.5' O.C.
- 1/2" DIA EXPANSION BOLTS @ 21" O.C.
- SIMPSON STRONG TIE GALV POST ANCHOR
- TREATED 2 X 12 STRINGER
- TREATED 2 X 10 TREADS
- 1 X TREATED 2 X 10 RISER
- TREATED 2 X 6 WOOD RAIL W/ 2 X 2 BALLUSTERS @ 5.5' O.C.
- 4" THICK CONCRETE LANDING PAD
- 2 X 8 CEILING JOISTS @ 16" O.C. INSTALL W/ JOIST HANGERS @ EACH END



SECTION 1
SCALE: 1/8" = 1'-0"



SECTION 2
SCALE: 3/8" = 1'-0"

RECEIVED

APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

APR 21 2014

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

COLERAIN ZONING

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2014-09

Owner: CDR Properties of Cincinnati, LLC. Applicant: Christopher D. Rybolt

Property Address: 8993 Pippin Rd, Cincinnati, Ohio 45251

City: Cincinnati State/Zip: Ohio 45251

Applicant Address: 8993 Pippin Road

City: Cincinnati State Zip Ohio 45251

Phone: 513-521-7200

Auditor's Book-Page-Parcel Number: 510 -- 0053 -- 0413

Zoning Classification: B-3 Commercial

Appeal to (check one): Refusal to issue Zoning Certificate X Citation for Violation _____

Required Documents:

- ☐ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies**.
- ☐ Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies**.
- ☐ Names and addresses of adjacent property owners (use County Auditor's records) - **2 copies**.
- ☐ Plat showing adjacent property owners - **2 copies**.
- ☐ Fees.

Office use only:	Appeal Fee:	_____
	Legal Notice:	_____
	Mailing/adjacent Property Owners:	_____
	Total Amount Paid:	_____

*An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.*

Signature of Property Owner: CDR Properties of Cincinnati, LLC.

Signature of Applicant (if not the Owner): By: [Signature]
Christopher D. Rybolt, Sole Member

(over)

CHARLES E. MITCHELL

ATTORNEY AT LAW
6059 BRIDGETOWN ROAD
SUITE 101
CINCINNATI, OHIO 45248-3045

April 18, 2014

TELEPHONE (513) 574-0606
FACSIMILE (513) 574-0641

cemitchellatty@aol.com

Colerain Township Board of Zoning Appeals
4200 Springdale Road
Cincinnati, Ohio 45251

Re: CDR Properties of Cincinnati, LLC
8993 Pippin Road
Colerain Township, Hamilton County, Ohio

Dear Honorable Board:

CDR Properties of Cincinnati, LLC., an Ohio limited liability company (CDR), is the owner of the real property located at 8993 Pippin Road, Colerain Township, Hamilton County, Ohio, also known as Hamilton County Auditor's Parcel 510-0053-0413, being .8693 acres, pursuant to a survey made by Thomas Graham Associates, Inc., on March 13, 2014, the necessary copies of which are submitted herewith. CDR acquired title to the property from Christopher D. Rybolt, the sole member of CDR, on February 1, 2005. Christopher D. Rybolt acquired title to the property on March 5, 1991.

Earlier this month, Mr. Rybolt discussed the cut-up of his parcel into two parcels to facilitate the sale of the commercial building on his property. Geoffrey Milz, the Planning and Zoning Director of Colerain Township, verbally denied the request for the lot split because the parcel was not one acre, which is the minimum site development standard pursuant to Table 8-2 (Section 8.3.1) of the Colerain Township Zoning Resolution. As the sole member of CDR, Mr. Rybolt is appealing this denial pursuant to Section 4.4, *et. seq.*, of the Zoning Resolution.

When Mr. Rybolt acquired title to the property, there was a residential home and a several bay garage, both located on the southern portion of the parcel. At this time, the parcel was zoned F-Light Industrial by the Hamilton County Zoning Resolution. Soon after he took title to the property, Mr. Rybolt applied for, and obtained a zoning certificate and a building permit to construct a light industrial building on the northern portion of the parcel. He built the building soon after obtaining the necessary approvals and permits. When the building was completed, there were actually three separate uses on the parcel: 1) a light industrial building; 2) an automotive garage which is now used as a body repair shop; and 3) a residential house. In essence, the parcel itself became a transitional use to the residential district to the south.

CDR's parcel is currently zoned as a B-3 Commercial parcel. The property across Pippin Road from CDR is a large light industrial building owned by MWG Real Estate LLC., and is also zoned B-3. The property immediately adjacent to the north is fifty-foot wide vacant lot, and the parcel to the north of it is a Duke Energy power transmission station. The property to the west is a trailer home site and is buffered from the subject parcel by heavy trees and vegetation, steep slopes, and a creek. To the south, and located next to the single family home on the subject parcel, is an apartment building.

Mr. Rybolt has had his property listed for sale for over three years. He would like to retire for health reasons, but cannot do so until he sells his property. He has tried to sell the entire parcel, but has not had one offer. He now has an offer to sell the light industrial building; however, the prospective purchaser will not purchase the garage and house, only the building and land up to several feet off the south line of the building. When he approached Mr. Milz with the cut-up plat, he was told that Mr. Milz did not have the authority to approve the split due to the requirements of Table 8-2. In September, 2010, Mr. Rybolt discussed the possibility of a cut-up with Susan Roschke, who led Mr. Rybolt to believe he would have no problem with this lot split. A copy of the Fax from Ms. Roschke to Rybolt Welding is attached to this correspondence.

On behalf of CDR, Mr. Rybolt is requesting a variance from the literal terms of the zoning resolution in order to split the industrial building part of the property from the garage and house portion of the property. This appears to be the only way he is able to sell the light industrial building, and retire.

Pursuant to Section 4.4.2, Variance Review Criteria, of the Zoning Resolution, which was drafted considering the decisions of the Ohio Supreme Court and Ohio Appellate Courts, your Board, in considering a request for a variance, must consider the criteria in paragraphs A through E of this section. Addressing these criteria in order with respect to this specific case, Mr. Rybolt sets forth his position as follows:

A. With respect to Criteria A, there will be absolutely no change in the use of the property. All that is being requested is the insertion of a property line as depicted on the submitted survey plat.

B. The request will not be contrary to the public interest. No one will see any change in the property whatsoever, except that once Mr. Rybolt retires, he will have time to devote to improving the appearance of the remainder of the property not sold. Failure to obtain the variance will result in an unreasonable and unnecessary hardship upon him for health and other reasons. In this instance, the special condition is that the prospective purchaser will not purchase the garage and house. This is not a condition created by my client. He has diligently tried to sell the parcel, as is, without success. Further, the spirit of the zoning resolution will be observed, because the light industrial

use is being separated from the other uses. Since there will be no impact created by the granting of the variance on surrounding properties, and on the community in general, substantial justice will be done.

C. Since there will be no impact on the surrounding adjacent properties or surrounding community, and the only change is the creation of a new parcel by the drawing of property line on the survey plat, there should be no need for the imposition of any further conditions or restrictions on the property benefitted.

D. Mr. Rybolt requests that his Board find that the variance requested will not be contrary to the public interest, as there will be no visible change in the structures or uses, and that due to the previous unsuccessful efforts of Mr. Rybolt to sell the parcel intact, and his need to retire and not leave the building vacant, the literal enforcement of the one acre requirement in Table 8-2 would cause him unnecessary hardship.

E. There will be no change in the use of the parcel, any buildings or structures thereon, and a redistricting of the parcel is impracticable.

For the reasons stated above, Mr. Rybolt believes his materially satisfies the guidelines for a variance which are commonly referred to as the "Duncan Criteria or Duncan Factors:"

1. In order to sell the light industrial building he must be permitted to split the parcel. Otherwise the building will likely sit vacant.

2. The variance requested is insignificant and will not be noticed by, or affect any surrounding property owners or users, or the community in general.

3. The character of the neighborhood will not be affected, and the adjoining properties will not suffer a detriment.

4. The proposed variance will not affect the delivery of governmental services.

5. Mr. Rybolt did not know at the time he purchased the property that he would be unable to sell the parcel in its entirety, and that the only prospective purchaser will not purchase the entire parcel.

6. Mr. Rybolt's proposal to split the parcel in two is the most simplistic resolution of the issues he faces, and, quite frankly, is the most common sense approach to a reasonable solution.

7. Nothing in Mr. Rybolt's request would be contrary to the spirit and intent of the zoning resolution, and justice would be observed by the granting of the variance.

Colerain Township Board of Zoning Appeals
Page 4

For the reasons set forth above, and the relative insignificance of the requested variance, Mr. Rybolt, as the sole member of CDR respectfully requests this Board to grant his variance request, and allow the parcel to be divided as depicted on the survey plat, so he may sell the light industrial building, and retire.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles E. Mitchell".

Charles E. Mitchell

Cem:em

cc: Christopher P. Rybolt

A large, stylized handwritten signature in black ink, appearing to read "Christopher P. Rybolt".

4200 Springdale Rd.
Cincinnati, Ohio 45251
513-385-7805
513-245-8502
www.coleraintwp.org/zoning.cfm

Colerain Township Planning & Zoning

Fax

To:	Rybolt Welding	From:	Susan H. Roschke, Ph.D.
Fax:	521-7200	Pages:	2 including cover
Phone:		Date:	September 23, 2010
Re:	Pippin Rd site	cc:	n/a

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☒ Please Recycle

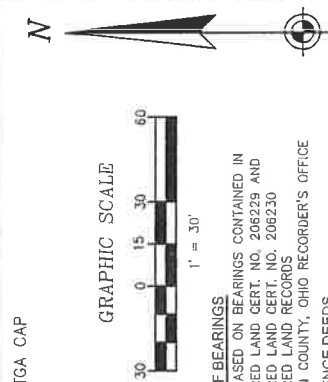
• Comments:

See attached. Dotted line is right-of-way, parcel dimensions and directional references are also shown. It appears your building extends onto the Heritage property, although CAGIS is not an official survey, so you may want to check into this when you have the property surveyed for your split.

Please call with any questions.

Contact:

Susan H. Roschke, Ph.D.
Planning & Zoning Administrator
513-385-7505
sroschke@coleraintwp.org



SET IRON PIN DENOTES A 5/8" DIA. x 30" LONG IRON ROD WITH TGA CAP

SURVEY NOTES

- 1.) OCCUPATION IN GENERAL FITS SURVEY.
- 2.) THERE IS NO EVIDENCE OF OCCUPATION OTHER THAN SHOWN.
- 3.) ALL FOUND MONUMENTATION WAS STRAIGHT AND IN GOOD CONDITION UNLESS OTHERWISE NOTED.
- 4.) DOCUMENTS USED AS SHOWN.

BASIS OF BEARINGS

NORTH BASED ON BEARINGS CONTAINED IN
 REGISTERED LAND CERT. NO. 206229 AND
 REGISTERED LAND CERT. NO. 206230
 REGISTERED LAND RECORDS
 HAMILTON COUNTY, OHIO RECORDER'S OFFICE

REFERENCE DEEDS

REGISTERED LAND CERT. NO. 206229 (PARCELS 'B' & 'C')
 REGISTERED LAND CERT. NO. 206230 (PARCELS 'A' & 'D')
 REGISTERED LAND RECORDS
 HAMILTON COUNTY, OHIO RECORDER'S OFFICE

BOUNDARY SURVEY BY THOMAS GRAHAM ASSOCIATES, INC.
 DATED DECEMBER, 1991

Date: MARCH 13, 2014
 Scale: 1" = 30'
 Job No: 6253
 Revisions
 No. Date

SURVEY OF PROPERTY

SECTION 3, TOWN 2, E. RANGE 1, N.P.,
 COLERAIN TOWNSHIP
 HAMILTON COUNTY, STATE OF OHIO

ACAD FILENAME: 6253_2014_SURVEY.dwg

Drawn By: J. KAFFENBERGER
 Job No: 6253-14

PARCEL 'D'

Course	Bearing	Distance	PT#	Northing	Easting
2-13	S 22°17'00" E	136.6800	13	9842.2884	10054.6286
13-14	N 89°14'10" W	135.8000	14	9715.6157	10116.4559
14-15	N 16°15'00" W	96.6500	15	9717.6262	9980.6680
15-16	N 73°59'01" E	115.4900	16	9842.2801	9953.6225
Closure error distance					0.00837836
Error Bearing					S 06°01'14" E
Closure Precision					1 in 57841.8974
Total Distance Traversed					484.6200
Area					0.3242 Acres

PARCEL 'B'

Course	Bearing	Distance	PT#	Northing	Easting
9-8	S 16°15'00" E	158.7100	9	9962.7933	9909.2080
8-7	S 73°59'01" W	124.8600	8	9810.4638	9953.7247
7-6	N 16°15'00" W	96.6500	7	9953.3132	9886.0770
6-17	N 67°43'00" E	136.1200	17	9962.7988	9909.2100
Closure error distance					0.00197961
Error Bearing					S 77°08'13" E
Closure Precision					1 in 184152.1718
Total Distance Traversed					364.3500
Area					0.0898 Acres

PARCEL 'C'

Course	Bearing	Distance	PT#	Northing	Easting
12-11	S 16°15'00" E	96.6500	12	9810.4279	9953.6209
11-10	N 89°14'10" W	26.0000	10	9717.6391	9980.6663
10-7	N 16°15'00" W	89.1400	7	9717.9858	9954.6687
7-18	N 73°59'01" E	24.8600	18	9803.5846	9929.7247
Closure error distance					0.00432393
Error Bearing					S 15°40'45" W
Closure Precision					1 in 54730.2592
Total Distance Traversed					236.6500
Area					0.0530 Acres

PARCEL 'A'

GROSS AREA = 0.4023 Acres (17,526.1707 Sq. Feet)
 RW AREA = 0.1162 Acres (5,063.7359 Sq. Feet)
 NET AREA = 0.2861 Acres (12,462.4348 Sq. Feet)

PARCEL 'D'

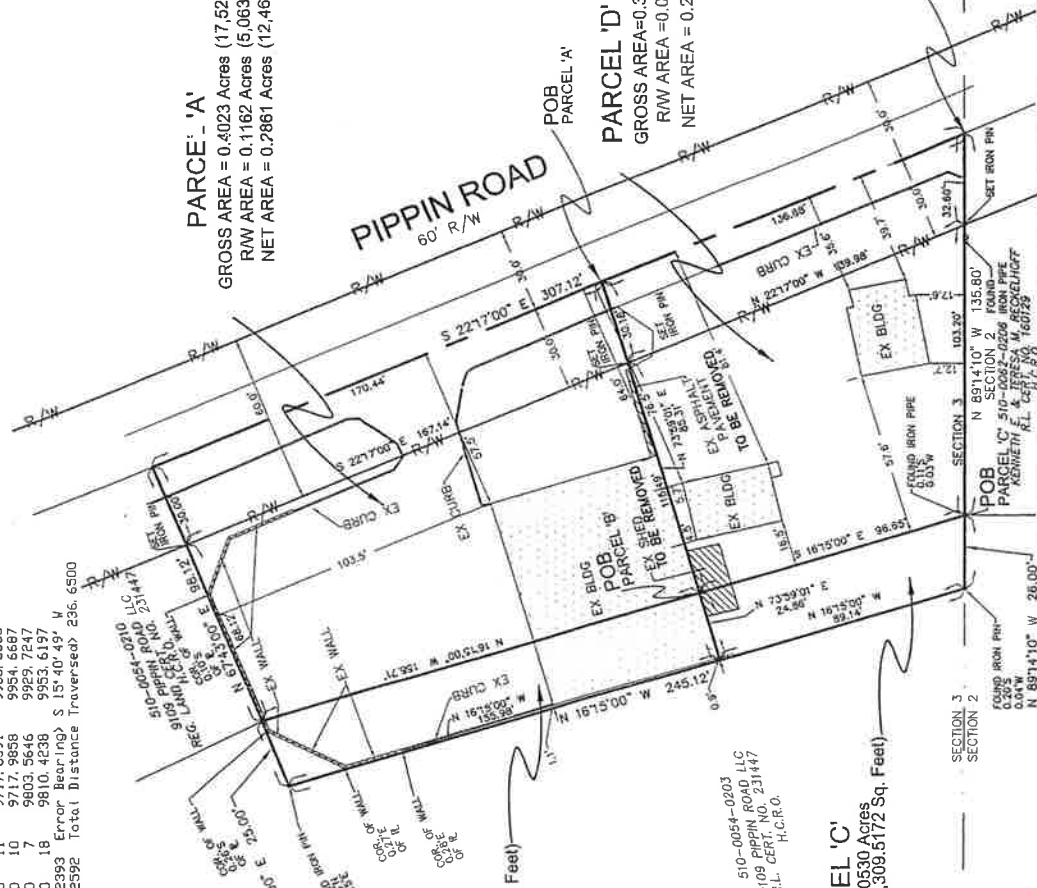
GROSS AREA = 0.3242 Acres (14,120.4233 Sq. Feet)
 RW AREA = 0.0909 Acres (3,957.9495 Sq. Feet)
 NET AREA = 0.2333 Acres (10,162.4738 Sq. Feet)

PARCEL 'B'

AREA = 0.0898 Acres
 (3,911.5499 Sq. Feet)

PARCEL 'C'

AREA = 0.0530 Acres
 (2,309.5172 Sq. Feet)



I hereby certify that this is true and correct plat of property shown hereon, and that I have verified dimensions as shown.

James L. Kaffenberger
 Registered Surveyor #8428 in Ohio



POB PARCEL 'D'
 POC PARCEL 'A', 'B', & 'C'
 SECTION 2

The utility information shown on this plat was obtained from existing records. It is the contractor's responsibility to verify the location and depth of all utilities before construction. The utility information shown on this plat is not to be used for any other purpose. If the utility information is found to be incorrect, the contractor must be notified immediately.

3 WORKING DAYS
 BEFORE YOU DIG
 PHONE 1-800-881-2764
 OR VISIT WWW.DIGSAFE.ORG
 800-881-2764 MUST BE CALLED IMMEDIATELY

RECEIVED

APPLICATION FOR APPEAL
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

APR 21 2014

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

COLERAIN ZONING

An appeal must be filed within 20 calendar days of the action causing the appeal (ORC 519.15)

Application number: BZA 2014-10

Owner: Abode Choice, LLC Applicant: Christina Davis

Property Address: 3441 Ringwood ~~Road~~ St.

City: Cincinnati State/Zip: OH, 45239

Applicant Address: (Same as above)

City: _____ State Zip _____

Phone: 513-293-3792

Auditor's Book-Page-Parcel Number: 510 -- 0090 -- 0216-00

Zoning Classification: Residential

Appeal to (check one): Refusal to issue Zoning Certificate _____ Citation for Violation X

Required Documents:

- ☐ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.**
- ☐ Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies.**
- ☐ Names and addresses of adjacent property owners (use County Auditor's records) - **2 copies.**
- ☐ Plat showing adjacent property owners - **2 copies.**
- ☐ Fees.

Office use only:	Appeal Fee:	_____
	Legal Notice:	_____
	Mailing/adjacent Property Owners:	_____
	Total Amount Paid:	<u>134.50 (4.50 cc)</u>

***An application for appeal will not be accepted until all of the requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the appeal.***

Signature of Property Owner:

Signature of Applicant (if not the Owner):

[Signature] for Abode Choice LLC
Christina Davis

Subject: ring wood justification
From: christina davis (HelloPosh@email.com)
To: yujianzhao@ymail.com;
Date: Thursday, April 10, 2014 9:42 PM

Hello I'm Christina Davis , resident living in the beautiful Colerain Township in Cincinnati of Ohio. I am requesting a permit and/or what is needed to perform work from my residential Home in zone 6# "urban residential area". My need to work from home comes from having two children ages 16 and 12 and a husband of 13 years whom recently had acute Kidney Failure, Having studied and a student of the "western Hills School of beauty and hair design" also a partner of the privately owned "Hornsby Group" one of the few Accredited beauty colleges available in Cincinnati, I have training in Both "relaxation Massage" as well as "hot stone massage" I've completed these training classes.

I offer a safe and clean environment for Non-medical massage, the state of Ohio medical board requires "No license " to perform "relaxation based massages". I've attached the print out found on their web site. Although education is not required to perform , I am educated to perform these basic relaxation massages for health and wellness, I am one of the few who took time to do this the right way, I work mostly with only family and friends/neighbors who look for a more personal and less clinical experience .

Unfortunately with the abundance of women offering massage online, it has presented personal massage in a bad light and now has a stigma that follows.

Family and friends are not just afraid to go to a salon or massage parlor, they flat out avoid it even though the benefits of massage should greatly outweigh public views of the profession. I have many family and friends that tell me they are scared if their car is seen outside a massage facility that rumors will spread ruining their reputation while they had no illegal intentions while there.

Massage is a great addition to a healthy lifestyle and helps with digestion, promotes faster healing after illness and surgeries, and most of all it allows a person to unwind after a hard 50+ hour work week and in a private setting there is no fear of ridicule.

I present no signs from my home, there is absolutely nothing on my home that indicates a business, the traffic is extremely minimal as I work only 3-4 days a week maximum and only 2-4 clients per work day. There will be no parking taking from neighbors as my driveway is used exclusively by my friends and family when there for massage.

There is no medical procedures provided.

I took the time to pay for a Vendors license with the state of Ohio (also attached), I've filed taxes with every dime I've earned, I've always been honest with my landlord and I only allow very mature family and friends come for a session.

My husband is home 100% of the time due to his illness and to provide additional comfort for everyone. It's a basic relaxing massage for friends and family who otherwise would avoid getting a massage and miss out on the benefits both massage provides for all body, mind and soul.

I'd never want any neighbors or friends uncomfortable with my working from home, I've spoke with and given out free massages to allow them to see my professional set up and relaxing environment, I've never had a complaint!

My second home business is I am an "Ordained Minister", with the "Universal Life Church Monastery". I have included a scan copy of my credentials also, this certifies me to perform all of

Baptisms, marriages and Funerals. I consult with the clients of these from my home, again this is by appointment only as with relaxation massage therefor there is no unwanted excess traffic nor parking on the street needed as my driveway is provided for clients. This also is NOT ADVERTISED outside my home!

I keep great neighbor standards and would never allow any at home parties or weddings with out written permission by a Colerain Township and an in person request to all neighbors just to make sure it would not bother anyone in any way.

I'd like to continue working from home if you permit of course, if I can not work from home this will cause our bills to go unpaid and I will be forced to move to a Cincinnati or other area that allows, It would cause much stress to move my children from school to another and we like it here , we love our neighbors and only want to continue being productive residents here in Colerain Township.

Renting a store front or office would not only cost more than I'd earn , it also would make any massage friends an family clients feel as if they are now at a massage parlor which is what is wanted to avoid due to the terrible stigma that follows.

Thank you for hearing and taking time to read my request for permit to work from home.

Sincerely
Christina Davis

A handwritten signature in cursive script that reads "Christina Davis". The signature is written in dark ink and is positioned diagonally across the page.