

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, July 27, 2016 – 6:30 p.m.

1. Meeting called to order.
2. Pledge of Allegiance.
3. Explanation of Procedures.
4. Roll Call.
6. Swearing in: appellants, attorneys and all speakers in the cases.
7. Hearing of Appeals:
 - A. Case No.: BZA2016-09 – Variances requested from Section 8.3.1 pertaining to minimum front yard setback, Sections 15.8.3(G)(1) and (3) pertaining to the maximum allowable area for business wall signs, and Section 14.5.2(A)(1) pertaining to the rear yard buffer requirements between a B-2 General Business Zone and a R-4 Residential Zone.

Location: 3680, 3688, 3696, 3704, 3712 & 3720 Springdale Rd

Applicant/Owner: Tim Beischel, Beischel Investments Limited Partnership
 - B. Case No.: BZA2016-10 – Non Conforming Use changing from Auto Detailing to Auto Repair. Article/Section 11.7.3.

Location: 2816 W Galbraith Rd.

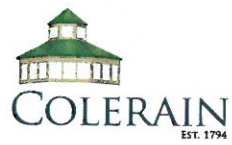
Applicant/Owner: Thomas Mallaley
 - C. Case No.: BZA2016-11 – Variance request for proposed accessory structure to be located in front of the existing residential house. Article/Section 10.2.1(C)

Location: 6370 Day Rd.

Applicant/Owner: Penelope Brooks
 - D. Case No.: BZA 2016-12 – Variance requested for rear yard setback requirement. Article 7.3.1.

Location: 11987 Waldon Drive

Applicant/Owner: Tim Cummins, Champion Inc.
 - E. Case No.: BZA 2016-13 – Variance request for an accessory structure to be constructed in the front yard. Article 10.2.1(C)



Location: 4800 Stone Mill Road

Applicant/Owner: Jeffery Newby

F. Case No.: BZA 2016-14 – Request Conditional Use Permit to install a modular classroom to the rear of the existing school in the R-6 Residential Zone. Article 4.4

Location: 2675 Civic Center Drive

Applicant/Owner: Dwan Moore, Hamilton County Math and Science Academy

8. Resolutions for Adoption: None.
9. Unfinished Business: None.
10. Approval of Minutes: June 22, 2016 meeting.
11. Next Meeting: September 28, 2016 meeting.
12. Administrative Matters: None.
13. 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 2016-09

Beischel Investments Limited

Owner: Gran Holdings LLC & Beischel Invest. Applicant: Partnership - Tim Beischel

Property Address: 3680, 3688, 3696, 3704, 3712 & 3720 Springdale Road

City: Cincinnati State/Zip: Ohio 45251

Applicant Address: 6007 Eden Place Drive

City: Cincinnati State Zip Ohio 45247

Phone: 513-623-2736

Auditor's Book-Page-Parcel Number: 510 -- 0103 -- 252, 75-78

Zoning Classification: "B2" General Business

Appeal to (check one): Refusal to issue Zoning Certificate XXXXX 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: _____

Signature of Applicant (if not the Owner): _____

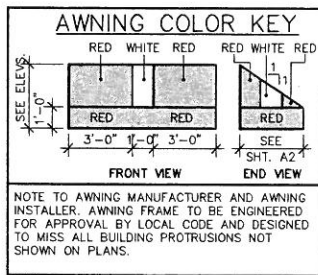
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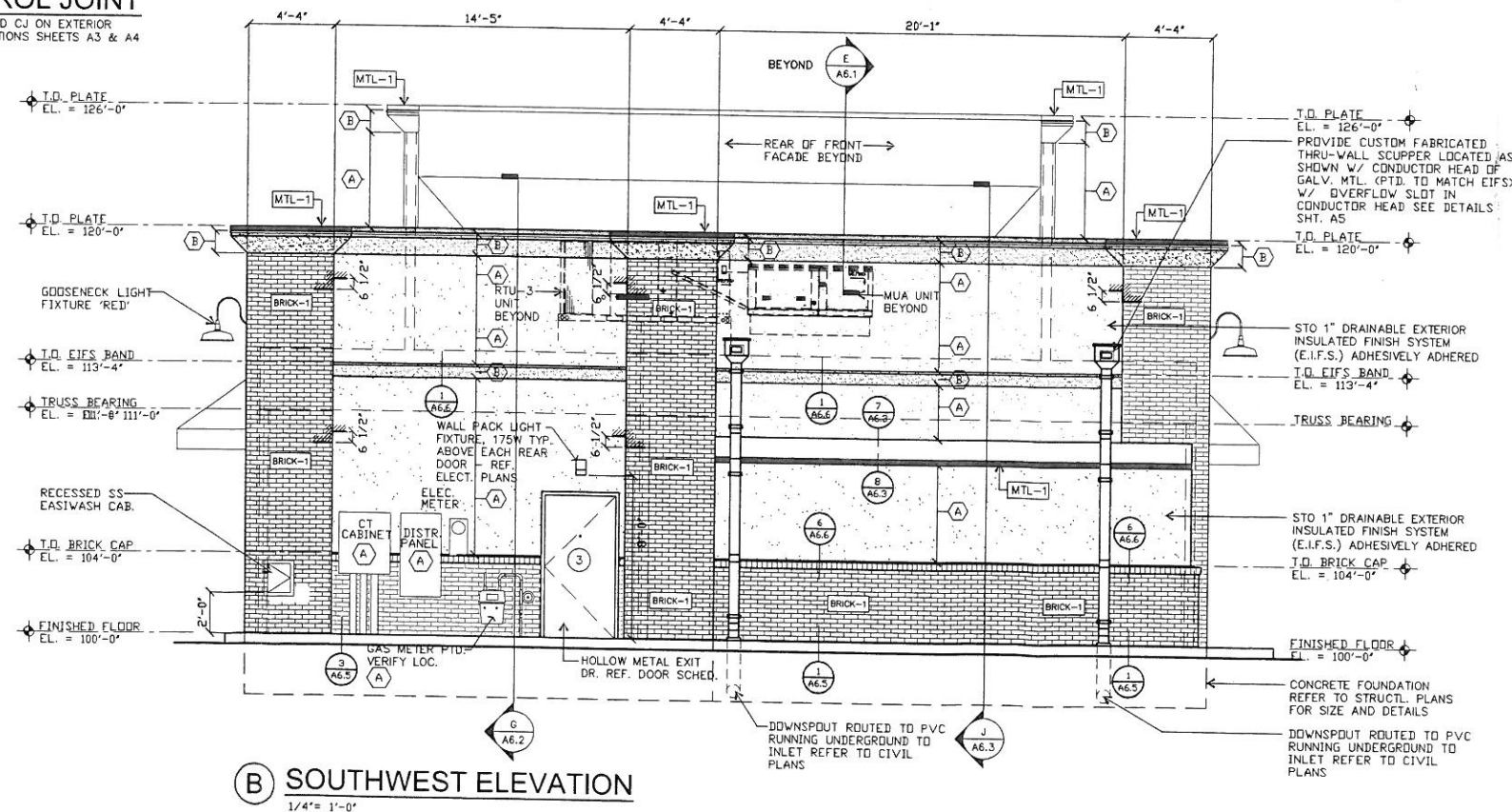
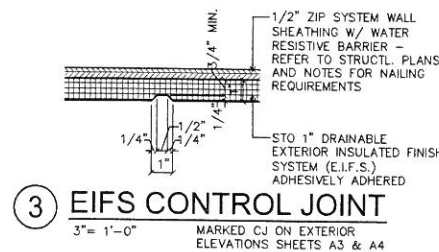
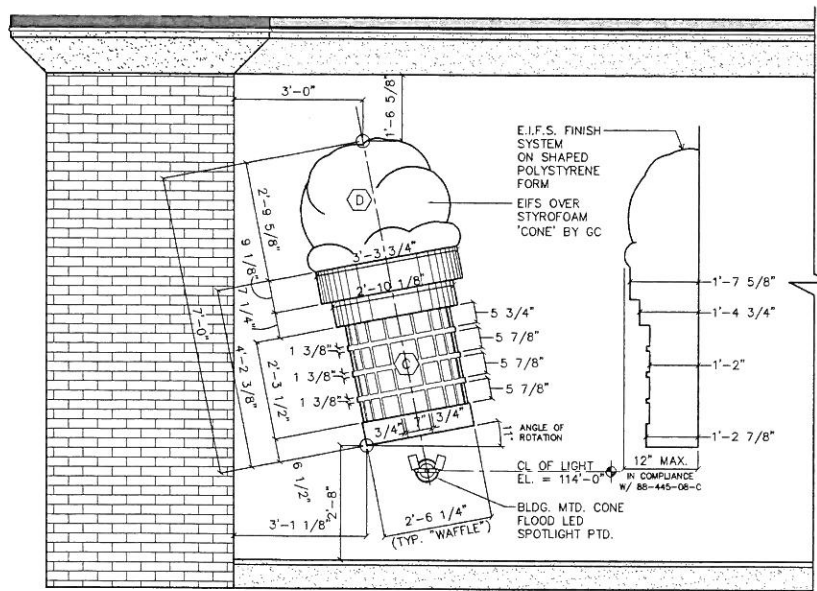
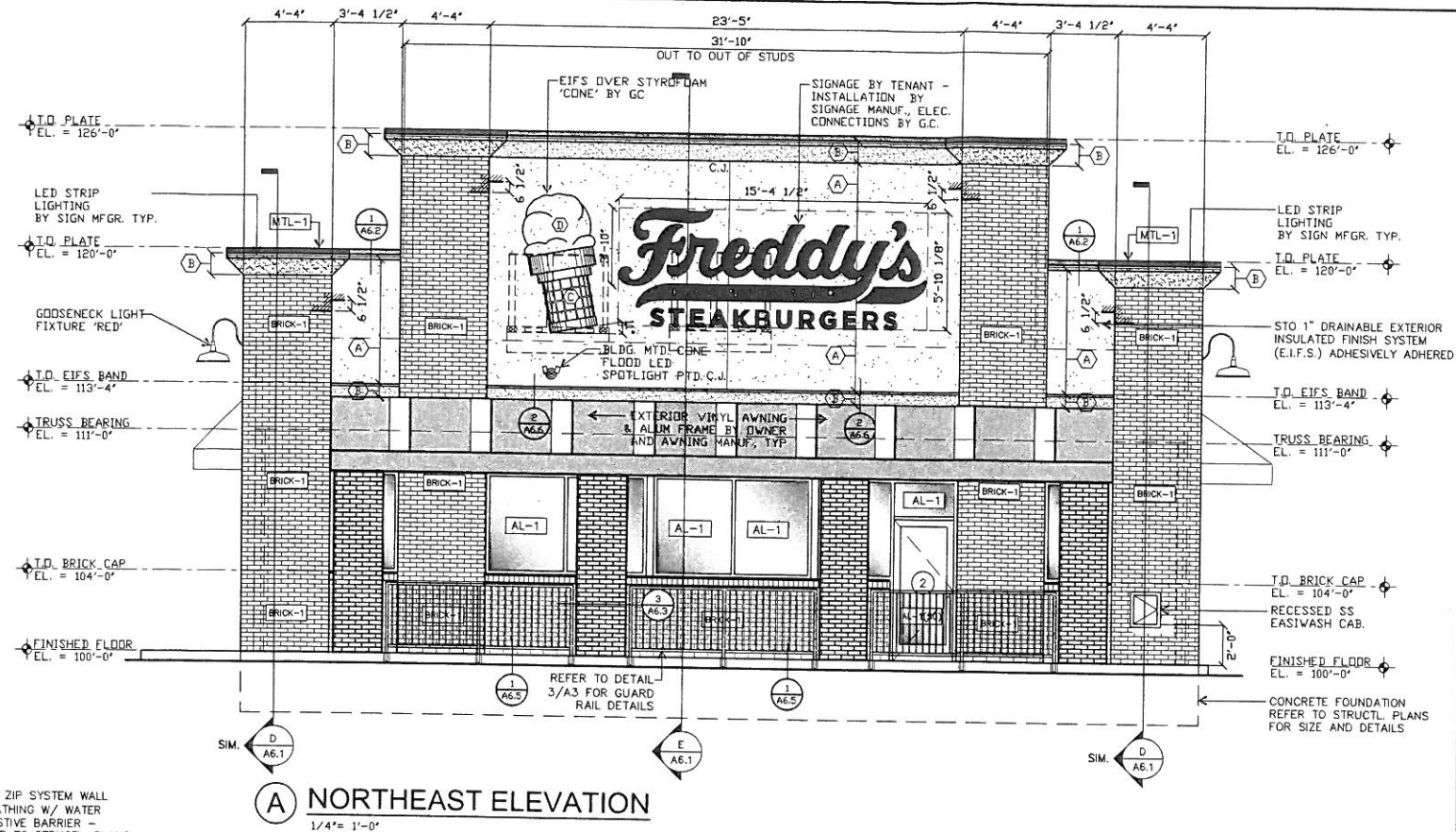
(over)

COLERAIN ZONING

EXTERIOR FINISH SCHEDULE						
EXTERIOR PAINT	DESCRIPTION	FINISH NO.	MFGR.	MFGR. NO.	COLOR	REMARKS
BUILDING WALLS	PAINT	(A)	SHERWIN WILLIAMS	#7533	KHAKI SHADE	INCLUDE IN EIFS TOP COAT
BUILDING WALLS	PAINT	(B)	WILKO	#37.97	FREDDY'S BEIGE	PAINT WITH TWO COATS WILKO EXTERIOR LOW LUSTER LATEX HOUSE PAINT
BUILDING TRIM	PAINT	(C)	SHERWIN WILLIAMS	#128	NAVAJO WHITE	INCLUDE IN EIFS TOP COAT
CONE	PAINT	(D)	SHERWIN WILLIAMS	#33.37	FREDDY'S PEARL	PAINT WITH TWO COATS WILKO EXTERIOR LOW LUSTER LATEX HOUSE PAINT
CONE	PAINT	(E)	WILKO	#110	TANNY BISQUE	PAINT WITH ONE COAT WILKO EXTERIOR LOW LUSTER LATEX HOUSE PAINT
CUSTARD	PAINT	(F)	WILKO	#37.37	BISQUIT BEIGE	PAINT WITH TWO COATS WILKO EXTERIOR LOW LUSTER LATEX HOUSE PAINT
CUSTARD	PAINT	(G)	ICI	#2015	CLOUD WHITE	PAINT WITH ONE COAT WILKO EXTERIOR LOW LUSTER LATEX HOUSE PAINT
CUSTARD	PAINT	(H)	WILKO	#31.17	ICE WHITE	PAINT WITH TWO COATS WILKO EXTERIOR LOW LUSTER LATEX HOUSE PAINT
GUARD RAIL	PAINT	(I)	WILKO	#46.17	FREDDY'S JET BLACK	PAINT WITH TWO COATS WILKO EXTERIOR LOW LUSTER LATEX HOUSE PAINT
EXTERIOR BRICK	DESCRIPTION	FINISH NO.	MFGR.		COLOR	REMARKS
BUILDING BRICK	BRICK	BRICK-1	ACME		RED COLORADO "M" W/ NO. BLACK	GROUT COLOR - GRAY
ALTERNATE BUILDING BRICK	BRICK	BRICK-2	LUSCO		GENERAL SHALE	GROUT COLOR - GRAY
METAL COPING	DESCRIPTION	FINISH NO.			COLOR	REMARKS
BUILDING COPING	COPING	MTL-1	DURALAST		REDAL RED	2 PC COMPRESSION COPING CAP
ALUMINUM WINDOWS	DESCRIPTION	FINISH NO.			COLOR	REMARKS
STORE FRONT WINDOWS	AL-1				DARK BRONZE	ANOD. ALUM. STOREFRONT FRAMES W/THERMAL BREAK AND 1" INSULATED, TEMPERED LOW E GLASS



SIGNAGE AREA: NORTHEAST ELEVATION
 FREDDY'S = 90 SQ.FT.
 CONE = 18 SQ.FT.
 TOTAL = 108 SQ.FT.



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DAN WINTER, ARCHITECT

FREDDY'S FROZEN CUSTARD
 3696 SPRINGDALE RD
 CINCINNATI, OHIO 45252

WINTER ARCHITECTS

1024 EAST FIRST STREET
 WICHITA, KS. 67214
 PH. 316-267-7142

EXTERIOR ELEVATIONS

DATE
 7/01/2016

DRAWN BY:
 RB / WB
 CHECKED BY:
 DW

SHEET NO.
A3



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DAN WINTER, ARCHITECT

FREDDY'S FROZEN CUSTARD
3696 SPRINGDALE RD
CINCINNATI, OHIO 45252

WINTER ARCHITECTS

1024 EAST FIRST STREET
WICHITA, KS. 67214
PH. 316-267-7142

EXTERIOR ELEVATIONS

DATE
7/01/2016

DRAWN BY:
RB / WB
CHECKED BY:
DW

SHEET NO.
A4

AWNING COLOR KEY

RED WHITE RED RED WHITE RED

3'-0" 1'-0" 3'-0" SEE SHT. A2

FRONT VIEW END VIEW

NOTE TO AWNING MANUFACTURER AND AWNING INSTALLER: AWNING FRAME TO BE ENGINEERED FOR APPROVAL BY LOCAL CODE AND DESIGNED TO MISS ALL BUILDING PROTRUSIONS NOT SHOWN ON PLANS.

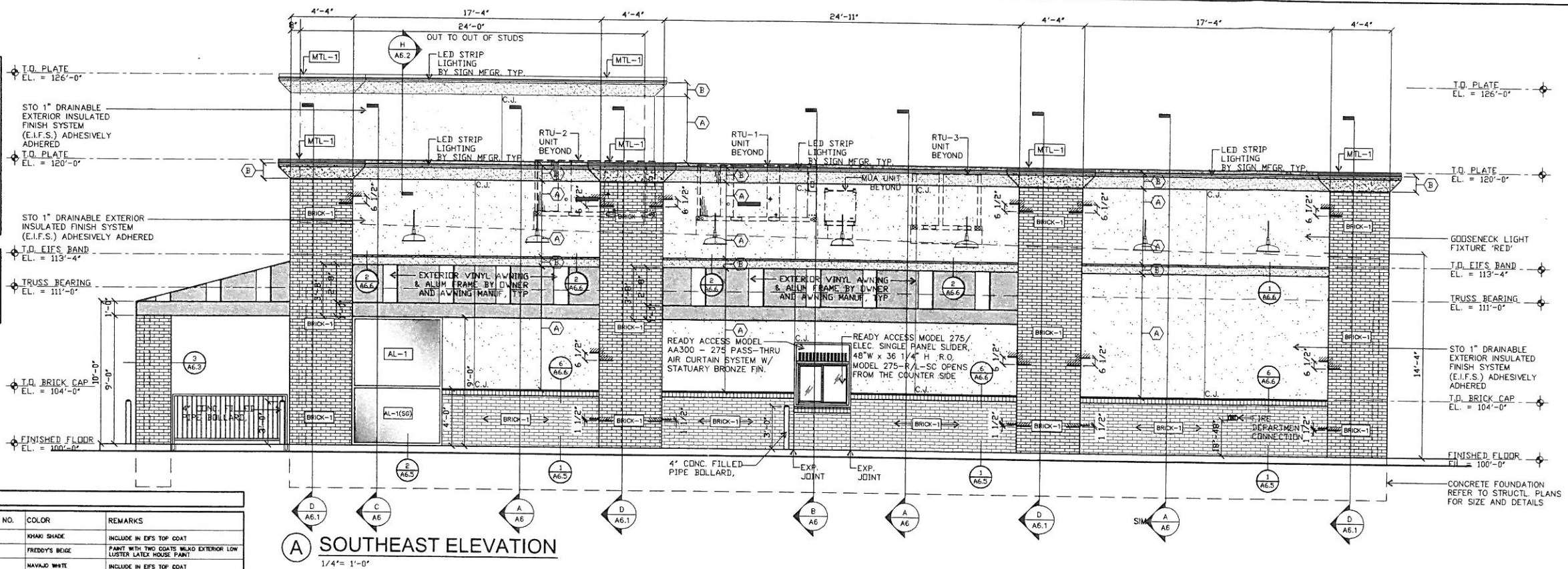
SIGNAGE AREA: NORTHWEST ELEVATION

CHICAGO DOGS = 14 SQ.FT.
STEAKBURGERS = 15 SQ.FT.
TURTLE SUNDAYS = 16 SQ.FT.

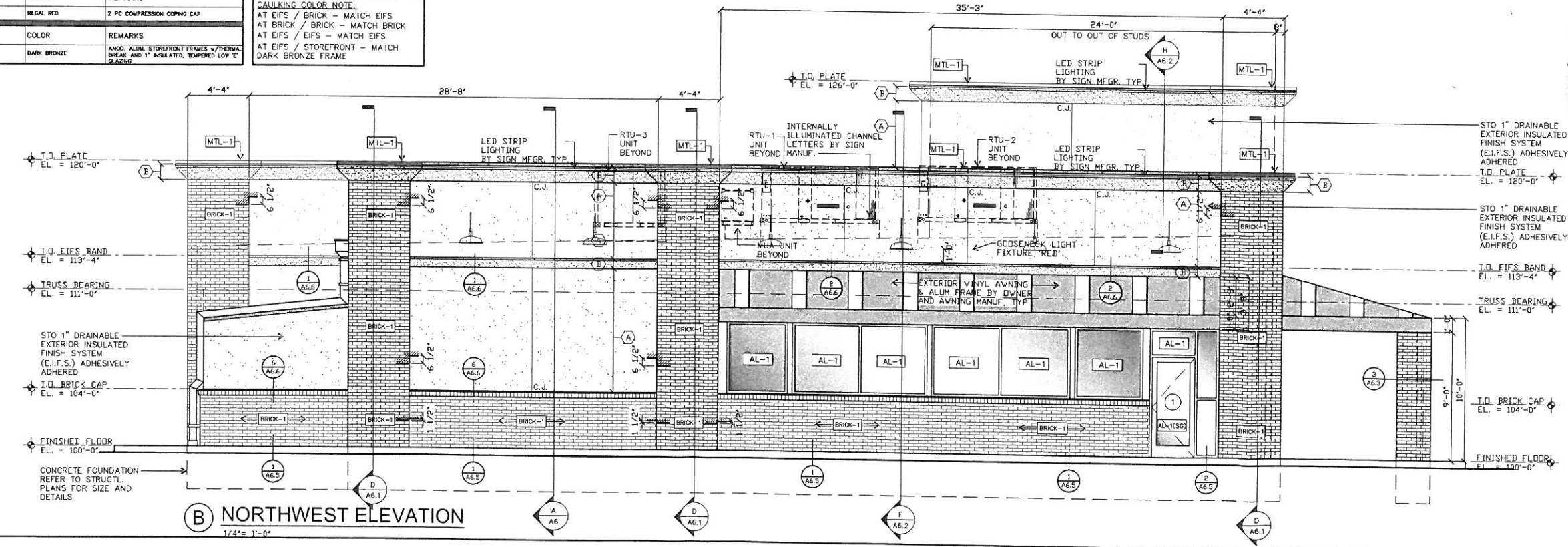
TOTAL = 45 SQ.FT.

EXTERIOR FINISH SCHEDULE					
EXTERIOR PAINT	DESCRIPTION	FINISH NO.	MFGR.	MFGR. NO.	COLOR
BUILDING WALLS	PAINT	(A)	SHERWIN WILLIAMS	#7533	KHAKI SHADE
	PAINT	(A)	WILKO	#37.97	FREDDY'S BEIGE
BUILDING TRIM	PAINT	(B)	SHERWIN WILLIAMS	#1126	NAVAJO WHITE
	PAINT	(B)	WILKO	#33.37	FREDDY'S PEARL
CORNER	PAINT	(C)	SHERWIN WILLIAMS	#1110	TANNED BROWN
	PAINT	(C)	WILKO	#37.37	BISQUIT BEIGE
CUSTARD	PAINT	(D)	ICI	#2015	CLOUD WHITE
	PAINT	(D)	WILKO	#31.17	ICE WHITE
GUARD RAIL	PAINT	(E)	WILKO	#46.17	FREDDY'S JET BLACK
EXTERIOR BRICK					
BUILDING BRICK	BRICK	(BRICK-1)	ACME		RED COLORADO "H" W/ NO BLACK
	BRICK	(BRICK-1)	LUSCO		GENERAL SHALE FREDDY'S BLEND
METAL COPING					
BUILDING COPING	COPING	(MTL-1)	DUROLAST		REGAL RED
ALUMINUM WINDOWS					
BUILDING WINDOWS	STONE FRONT WINDOWS	(AL-1)			DARK BRONZE

CAULKING COLOR NOTE:
AT EIFS / BRICK - MATCH EIFS
AT BRICK / BRICK - MATCH BRICK
AT EIFS / EIFS - MATCH EIFS
AT EIFS / STOREFRONT - MATCH DARK BRONZE FRAME



(A) SOUTHEAST ELEVATION
1/4" = 1'-0"



(B) NORTHWEST ELEVATION
1/4" = 1'-0"

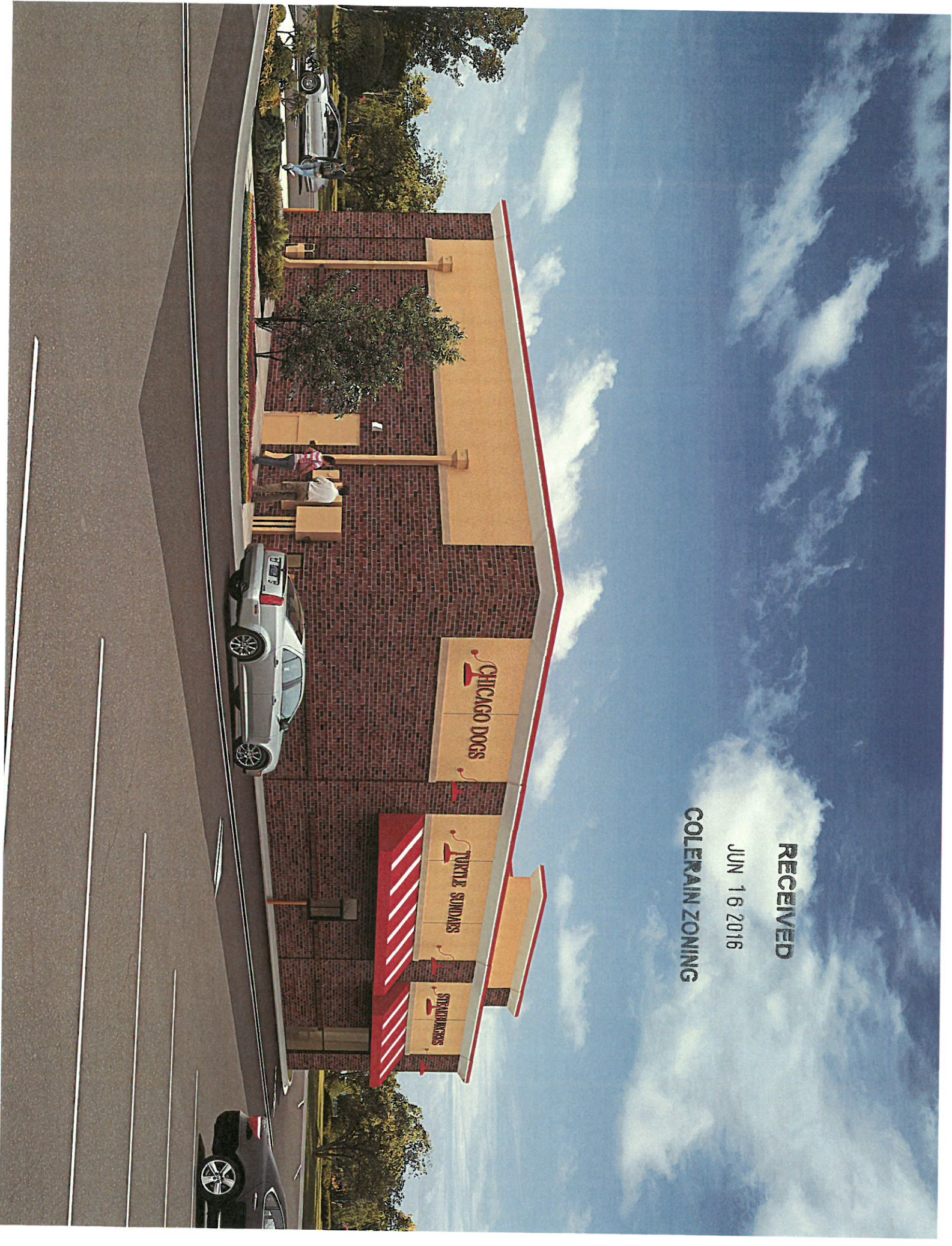
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COLERAIN ZONING



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COLERAIN ZONING

June 15, 2016

Colerain Township
Planning & Zoning
4200 Springdale Road
Cincinnati, Ohio 45251

Attn: Marty Koehler, Senior Planner

Ref: Beischel Investments Partnership/Gran Holdings Site
3680, 3688, 3696, 3704, 3712 & 3720 Springdale Road
Our Job No. 15-0089-A

Dear Mr. Koehler:

On behalf of Beischel Investments Limited Partnership & Gran Holdings LLC, please find attached application to apply to the Colerain Township Board of Zoning Appeals for a variance to reduce the rear boundary buffer to thirty (30) feet for the above-referenced site. The owners of this property wish to construct a rear driveway to connect the various parcels as they are developed after the Goodyear building is complete in order to provide for better & safer traffic flow. This also will provide the required space to accommodate the restaurant users which will face Springdale Road, will allow for minimum parking requirements & enable the drive thru for both buildings to function properly. This driveway is referred to as "Drive C" on page 4 of the attached approved Traffic Impact Study & will greatly enhance the connectivity of the overall project for the various future users. This traffic study/plan was approved by Hamilton County Engineer's Office on March 14, 2016. The proposed rear curb line for the overall development is at a setback consistent with the adjacent Cincinnati property which previously was granted a variance to the rear boundary buffer by the Board of Zoning Appeals.

In order to fit the required pavement, drive aisles, drive thru access, parking stalls & the restaurant buildings (which are approximately 90' deep) onto the site, a variance of ten (10) feet to a thirty (30) foot rear boundary buffer is required along with reductions to the minimum 50' front building setbacks as shown. Due to the timing of the Winters property acquisition (which occurred in June 2016), its current rezoning process & the fact that Goodyear had to begin construction in late 2015/early 2016 in order to allow for demolition of its current building prior to Kroger beginning their construction, it was not feasible to submit this project as a planned development. Thus, it is necessary to apply for the rear boundary buffer variance via the Board of Zoning Appeals.

In response to the previous hearing & to provide a more attractive landscape buffer than can be better viewed from adjacent properties, a landscape buffering plan showing a revised rear fence location is part of this submittal. The location of this fence behind the proposed curb line will provide for the back of the subject to be more aesthetically pleasing.

In addition to the two site variances as stated above, Freddy's wishes to receive approval of the following variances in relation to signage:

1. Front Building Elevation: The square footage allowed by code for the street elevation of the building will look inappropriate for the building. Approval of a minimum of 108 square feet of signage for the front building elevation as proposed (which appears aesthetically correct for the space) is requested. The cone is 17.64 square feet and the Freddy's logo is 89.85 square feet.
2. Side Building Elevations: A typical Freddy's restaurant has the (Patty Melts, Chicago Dogs, Steakburgers) letters on the side elevation. This is part of the Trademarked image that Freddy's is projecting on all new builds. The accumulative square footage of the (3) letter sets per elevation is 42.83 square feet & Freddy's would like to request to be able continue on with their trademarked image in Colerain Township.
3. Pole Sign: The allotted square footage by code is 109 square feet. If all of the above building signage can be approved a significant amount of square footage could be forfeited for the monument sign. An electronic message center will be incorporated in the pole sign.
4. Drive Thru Elements: The preview board, height bar, menu & canopy at point of order. There will be LED/Outline lighting around the perimeter of the building. It is unclear if outline lighting requires a variance. This lighting is rated at 27.26 lumens per foot.
5. Awnings are non-illuminated with no copy. Please advise if any variances are required for awnings.

Would you please place this on the July 20, 2016 agenda of the Colerain Township Board of Zoning Appeals & contact me with any questions at your earliest convenience.

Sincerely,

ABERCROMBIE & ASSOCIATES, INC.



Craig T. Abercrombie, P.S./LEED AP
Vice-President of Operations

Attachment



C1
Delta=90°31'39"
R=12.50'
L=18.75'
Chd.=17.76' @
N 57°36'50" W

FLATTOP DRIVE

N 12°10'0" W

Authors Parcel
510-103-29
Lester R. Sr. & Lillian F. Clark, Jr.

Prop. Goodyear Tire Building
8,000 S.F.
(Under Construction)

Authors Parcel
510-103-252
Gren Holdings LLC

32' Prop. Ingress/Egress
& Utility Easement

Prop. 30' Boundary Buffer
(Variance Required)

Delta=22°38'00"
R=1170.00'
L=462.18'
Chd.=458.18' @
N 66°20'00" E

Authors Parcel
510-103-56
William R. & Joanne G. Ulin

Authors Parcel
510-103-57
Gage Ann Baker

Authors Parcel
510-103-58
Jacqueline S. & Thomas A. Galar

Authors Parcel
510-103-59
Dorey J. Dore

Authors Parcel
510-103-76 & 78
Deborah L. Sledge & Linn Company

Future Retail
(Not Part Of BLP Project)

Future Retail-Land
Access By Bridge

Future Restaurant
Development Site

Future Restaurant
0.87 Acre(s)

0.97 Acre(s)

Prop. Freddie's
Pick-Up Window

Authors Parcel
510-103-75, 76, 77 & 78
Subsidiary Investments
United Partnership

Variance Required
From 50' Min. Front
Yard Setback

Prop. "Right
In/Right Out"
Access

Prop. Property
Or Lease Line

Prop. Full
Movement
Access

Variance Required
From 50' Min. Front
Yard Setback

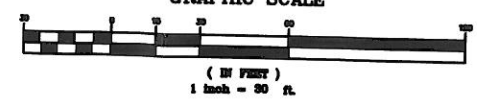
SPRINGDALE ROAD

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COLERAIN ZONING

GRAPHIC SCALE



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herein are the property of
Abercrombie & Associates, Inc. and may not be used,
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Date	6-13-16
Drawn By	CA
Checked By	CA

ZONING VARIANCE PLAN
BLP COMMERCIAL DEVELOPMENT
SECTION-9, TOWN-2, ENTIRE RANGE-1
MAINT PURCHASE, COLERAIN TOWNSHIP
HAMILTON COUNTY, OHIO

Abercrombie
& Associates, Inc.
Civil Engineering + Surveying
3377 Compton Road, Suite 120
Cincinnati, Ohio 45221
513.385.5757
www.abercrombie-associates.com

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Plant Key				
Symbol	Botanical Name	Common Name	Qty.	Size
AFA	Acer x Free 'Autumn Blaze'	Autumn Blaze Maple	4	25" DBD
HPL	Hydrangea P. 'Limelight'	Limelight Hydrangea	16	#10 3/4"
PAN	Picea Abies 'Norway Spruce'	Norway Spruce	11	6" DBD
PSW	Pinus Strobus 'White Pine'	White Pine	14	6" DBD
VRA	Viburnum Rhyti 'Alleghany'	Alleghany Viburnum	14	3/4"
VXB	Viburnum x 'Burkwoodii'	Burkwood Viburnum	20	3/4"

OHIO UTILITIES PROTECTION SERVICE (OUPS)

CALL 48 HOURS BEFORE YOU DIG
800-362-2764 (Toll Free)
"Call First - It's The Law!"

Have the following checklist ready before you call:

- ☐ County, City, or Township
- ☐ Location of Work - Street Address
- ☐ New or Existing Street/Road
- ☐ Distance from Intersection/Corner
- ☐ Extent of Work (Length, Width, Depth)
- ☐ Date of Excavation
- ☐ Start Time of Day
- ☐ Type of Work
- ☐ Utility's Name
- ☐ Contact Person/Contact Number
- ☐ Contact Person/Additional Information

Color Codes for Utility Lines

- ☐ Red - Electric Power Lines, Cables, Conductors, and Lighting Cables
- ☐ Yellow - Gas, Oil, Steam, Petroleum, or Gaseous Materials
- ☐ Orange - Communications, Alarm, or Signal Lines, Cables, or Conductors
- ☐ Blue - Water, Irrigation, and Storm Lines
- ☐ Green - Sewers and Drain Lines
- ☐ Pink - Temporary Survey Markings
- ☐ White - Proposed Excavation

NON-MEMBERS MUST BE NOTIFIED INDIVIDUALLY !!

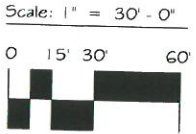
**Tolerance Zone: Width of Underground Facility Plus 18" on Each Side

- PREPARATION AND PLANTING NOTES**
- *LOCATE ALL UNDERGROUND UTILITIES PRIOR TO STARTING WORK. THROUGH THE OHIO UTILITIES PROTECT SERVICE.
 - *PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES, AND LAWNS AND EXISTING EXTERIOR PLANTS FROM DAMAGE CAUSED BY PLANTING OPERATIONS.
 - *ALL PLANTING BEDS ARE TO BE PREPARED AS FOLLOWS:
 - LOOSEN SUB-GRADE TO A DEPTH OF 4 - 6". REMOVE STONES LARGER THAN 1" IN ANY DIMENSION AND STICKS, ROOTS & RUBBISH.
 - SPREAD COMPOST AT A DEPTH OF 4 - 6" AND TILL INTO THE LOOSENED SUB GRADE. MIXING THOROUGHLY.
 - EDGE ALL LANDSCAPE BEDS & INDIVIDUAL TREE RINGS 3 - 4" DEEP.
 - *IT IS THE CONTRACTOR'S OPTION WHETHER OR NOT TO STAKE A TREE, BUT IT IS ALSO THE CONTRACTOR'S RESPONSIBILITY TO ASSURE PLANTS REMAIN IN AN UPRIGHT POSITION UNTIL THE END OF THE WARRANTY PERIOD.
 - *ALL PLANTING BEDS AND INDIVIDUAL TREES AND SHRUBS ARE TO BE MULCHED AT A DEPTH OF 2 - 3". APPLY PRE-EMERGENT HERBICIDE BEFORE MULCHING PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
 - *FOR ALL PLANT MATERIALS, PRUNE TO REMOVE DEAD OR INJURED BRANCHES ONLY, UNLESS OTHERWISE DIRECTED BY LANDSCAPE ARCHITECT.
 - *IT IS THE CONTRACTOR'S RESPONSIBILITY TO:
 - KEEP ADJACENT PAVINGS AND CONSTRUCTION CLEAN, AND MAINTAIN WORK AREA IN AN ORDERLY CONDITION, FOR DURATION OF PROJECT.
 - PROTECT EXTERIOR PLANTS FROM DAMAGE DUE TO LANDSCAPE OPERATIONS, OPERATIONS BY OTHER CONTRACTORS AND TRADES, AND OTHERS. MAINTAIN PROTECTION DURING INSTALLATION.
 - REMOVE SURPLUS SOIL AND WASTE MATERIAL, INCLUDING EXCESS SUBSOIL, UNSUITABLE SOIL, TRASH, AND DEBRIS, AND LEGALLY DISPOSE OF THEM OFF OWNERS' PROPERTY.
- SEEDING:**
- *SEED ALL DISTURBED AREAS w/ a FINE-BLADED FESCUE SEED.
 - *SEED AT THE MANUFACTURER'S WRITTEN RECOMMENDED RATE.
 - *APPLY A HIGH PHOSPHORUS FERTILIZER AT THE RATE OF 2-3 LB PER 1000 SF.
 - *PROTECT ALL SEEDING AREAS WITH AN APPLICATION OF STRAW.
 - *PROTECT SEEDING AREAS WITH SLOPES EXCEEDING 5:1 WITH EROSION-CONTROL FIBER MESH INSTALLED AND STAPLED ACCORDING TO MANUFACTURER'S WRITTEN INSTRUCTIONS.

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COLERAIN ZONING



Client:
Abercrombie & Assoc.
3377 Compton Rd.
Cincinnati, Ohio 45251

BEISCHEL INVESTMENT PROPERTY
LANDSCAPE IMPROVEMENT PROJECT

Tepe Environmental Services, Ltd.
7021 Cleves Warsaw Road
Cincinnati, OH 45233
(513) 941-4500 tepeservices.com

Issue Date:
JUNE 7, 2016

Revisions:

Sheet Title:
BOUNDARY BUFFER

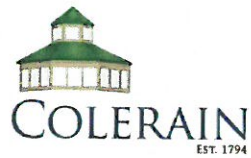
Designer:
David M. Kuchenbuch

Project Number:
13474

Scale:
1" = 30'

Sheet:
L100

A3



Staff Report:	Board of Zoning Appeals
Case#	BZA2016-09
Variance Requests:	Reduction of required buffer yard width, front yard setback, wall sign size
Location:	3680-3720 Springdale Rd.
Meeting Date:	July 27, 2016
Prepared by:	Marty Kohler, Senior Planner

Tim Beischel representing property owner Gran Holdings LLC, and Beischel Investments has applied for three variances pertaining to proposed development at the property located at 3680 to 3720 Springdale Rd. The first is a variance from sections 14.5.2(A)(1) to allow for a 30-foot-wide landscape buffer instead of the required 40-foot width in order to accommodate a shared access driveway to the rear of the Goodyear Tire Store and two other adjacent proposed developments in the B-2 General Business District. The second request is for a variance from section 8.3.1 for a 3 foot 11-inch reduction from the required 50-foot front yard setback for the construction of a new fast food restaurant. The third request for a variance from section 15.8.3(G)(1) for an increase of wall sign area of 64.5 over the allowable maximum size of 47.5 square feet for the proposed fast food restaurant.

Case History:

The subject properties formerly contained several single family homes and were re-zoned in 2015 to B-2 General Business District. A zoning certificate was issued for the construction of a Goodyear Tire Center in November of 2015 which met with all Colerain zoning requirements including a 40 foot wide buffer yard with six foot tall privacy fence along the rear of the property which borders single family residential property. This buffer strip also retains two large shade trees from the original homes plus additional landscaping.

The Goodyear site will have vehicle access from both Springdale Rd. and Flattop Dr. The Springdale Rd. access is approved by the Hamilton County Engineer for right-in and right-out traffic only from west bound Springdale Rd. (no access from east bound Springdale Rd.) The intersections at Flattop and future Kroger/Northgate Mall will continue to have traffic signals in their current configuration.

An additional site plan has been received for a proposed Freddy's Steakburger restaurant directly adjacent to Goodyear to the east. A conceptual plan has been included for a future fast food restaurant further to the east which indicates a possible need for a front yard variance, however since the exact use of the property is not yet known, staff has not accepted a front yard application for this property at this time.

The property is bordered by Flattop Dr. and single family residences to the west, single family residences to the north, Cincinnati Savings and Loan property to the east, and

Northgate Mall across Springdale Road to the south. The surrounding zoning is R-4 Suburban Single Family to the west and north, B-2 General Business to the east, and PD-B Planned Business to the south.

Current Proposal

The applicant has recently purchased several lots to the east of the Goodyear property on Springdale Road for commercial development. It is the desire of the owner to have a common access driveway connecting the properties along the rear in order to enhance accessibility. The shared access concept was not anticipated when the Goodyear site was planned and the current rear of the property was to contain employee parking and a 24 foot wide access drive directly adjacent to the rear wall of the building. This configuration allowed for the minimum 40 foot wide buffer strip across the rear of the property. In order to accommodate the shared access drive, it is desirable to not have the driveway directly adjacent to the rear wall of the building, therefore 10 feet of additional driveway width is proposed to accommodate the shared access drive.

Based on comments from the BZA's previous review of this proposal, a revised landscape plan has been prepared which places a privacy fence on the side towards Goodyear, Freddy's, and other future commercial development and the landscaping is on the side of the fence facing the adjacent residential properties. A major concern with the previous request for the buffer yard variance was that the configuration of the property to the east of Goodyear was not known at the time. Since that time we have received a site plan for that property which more clearly illustrates the need for the buffer reduction.

The site plan for Freddy's includes floor plans and exterior elevations. The design for this type of restaurant is for a narrow building with indoor seating and an outdoor patio. The depth of the building would require both the requested reduction of the rear buffer yard and an additional front yard setback variance of 3' 11". An open covered porch over an outdoor dining area in front of the building would further extend and additional 10 feet into the front yard setback which is allowable in the B-2 zone.

The third variance request within this application pertains to the proposed wall sign on the side of the building facing Springdale Road. The allowable sign area based on the frontage width of the building is 47.5 square feet and the proposed sign area is 112 square feet. The proposed sign consists of the wording "Freddy's Steakburgers" with a subscript of "Frozen Custard" for a total of 90 square feet and a frozen custard cone which is an additional 22 square feet. Any symbol that represents or advertises the nature of the business or product sold falls within the definition of a sign.

Staff Findings:

1. The buffer yard reduction requested is substantial since the zoning resolution encourages the separation and buffering of incompatible land uses. The front yard variance request is substantial since it represents about a 7% reduction of

the setback. The sign area request is substantial since it represents about a 236 percent increase over the allowable sign area.

2. The granting of the rear yard variance would help reduce traffic conflicts on Springdale Rd. for the Goodyear Tire, Freddy's Steakburgers, and future development to the east of the site and would also provide full access for two sites east of Goodyear which will only receive approval for right-in/right-out access on Springdale Road.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property if additional mitigation measures are implemented to protect the adjoining residential properties.
5. Approval of the variance would not affect the delivery of government services.
6. There are no unusual topographic or site configuration issues related to this property which would prevent the reasonable application of the buffer yard, front setback or sign area regulations.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by granting the variance to allow for better access to the subject property and property to the east, allow for the front yard setback as proposed and better name recognition with the additional sign area.

Recommendation:

APPROVAL of the three variances as requested.

BZA 2016-10

NON-CONFORMING USE CERTIFICATE APPLICATION

CERTIFICATE NUMBER: _____

**COLERAIN TOWNSHIP
ZONING COMMISSION**
4200 SPRINGDALE ROAD
CINCINNATI, OHIO 45251
PH: (513) 385-7505 FAX: 245-6503

Complete all parts in ink – please print

PROPERTY IDENTIFICATION

STREET ADDRESS 2816 W. GALBRAITH RD
BOOK _____ 510 PAGE _____ PARCEL NUMBER 510-0061-0333
APPLICANT Thomas Mallaly ADDRESS P.O. Box 239
CITY Oxford STATE OH ZIP 45056 PHONE (513) 307-9509
OWNER Thomas Mallaly ADDRESS P.O. Box 239
CITY Oxford STATE OHIO ZIP 45056 PHONE (513) 307-9509

PRIOR CERTIFICATE

HAS A PRIOR NON-CONFORMING USE CERTIFICATE BEEN ISSUED? YES ☒ NO ☐
DATE ISSUED 5-10-95 CERTIFICATE NUMBER NC002-95A
WHAT DATE DID THIS USE ORIGINATE? 5-10-95
IS SUFFICIENT RECORD AVAILABLE TO VALIDATE THE ABOVE? YES ☒ NO ☐ IF SO, PLEASE ATTACH.

DESCRIPTION OF NON-CONFORMING USE

(PLEASE SUBMIT TWO (2) COPIES OF THE SITE PLAN SHOWING THE FOLLOWING)

RECEIVED

NATURE OF USE AUTO REPAIR
NUMBER OF STRUCTURES 1 AVAILABLE PARKING YES ☒ NO ☐ MAY 31 2016
SIGNAGE YES ☒ NO ☐ # _____ LOCATION WALL SIGN **COLERAIN ZONING**
OTHER _____

The above-described condition is not in conformance with the Zoning Resolution for the unincorporated territory of Colerain Township, Hamilton County, Ohio. Such non-conformity is permitted within Article 11 if such non-conformity does, in all other respects conform to the Resolutions of Colerain Township and the laws of the State of Ohio.

Thomas Mallaly
SIGNATURE OF APPLICANT

5-31-16
DATE

SIGNATURE OF OWNER

DATE

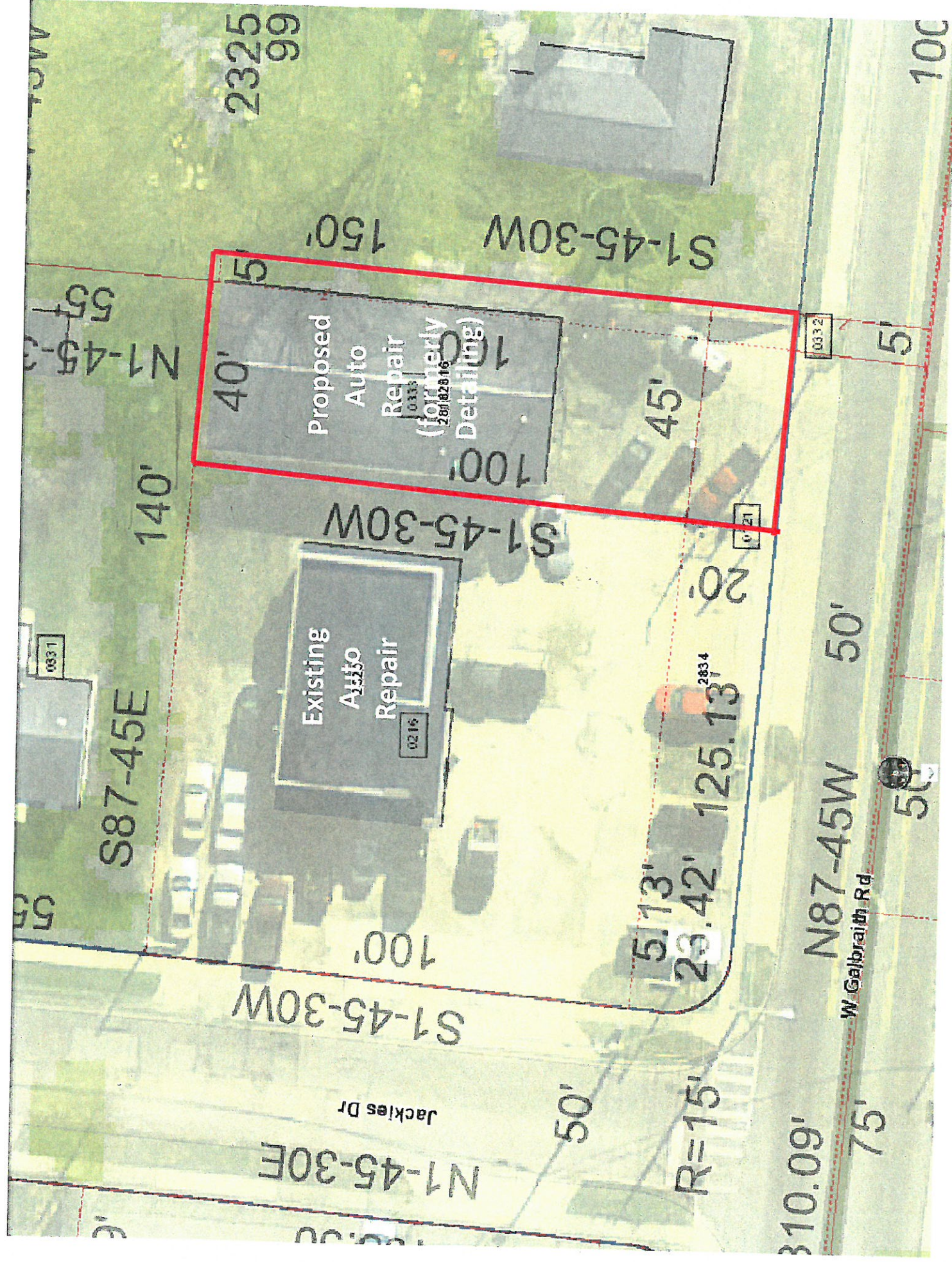
DO NOT WRITE BELOW THIS LINE

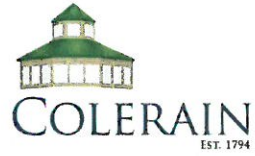
PRESENT ZONING CLASSIFICATION _____

ZONING CLASSIFICATION REQUIRED FOR THIS NON-CONFORMING USE _____

ZONING ADMINISTRATOR

DATE





Staff Report: Board of Zoning Appeals
Case# BZA2016-10
Variance Request: Change of Non-
Conforming Use
Location: 2816 W. Galbraith
Meeting Date: July 27, 2016
Prepared by: Marty Kohler
Senior Planner

Applicant Thomas Mallaley has requested a change of a non-conforming use from Auto Detailing to Auto Repair in a R-6 Residential Zone where such use is not permitted.

Case History:

The subject property contains a 33' by 70' masonry building constructed in about 1955. The building was classified as a non-conforming moving business in 1962 when Colerain's first zoning was adopted. In 1995 the non-conforming use was changed to an auto detailing and rustproofing shop.

The property is zoned R-6 (Urban Residential District) as is all of the surrounding property. To the west at the corner of W. Galbraith Rd. and Jackies Dr. is an auto repair business which is also non-conforming having been constructed as a gas station and converted to and electrical contractor's office and then an auto repair business. To the north, east and across the street to the south are single family homes.

Current Proposal

The proposal is to convert the building to auto repair as an expansion of the adjacent business to the west of the property.

Zoning Regulations:

Generally, the strategy with non-conforming uses is to encourage their termination and to redevelop the property for the purpose in which it is zoned. Such uses can remain so long as they do not become vacant for a prolonged period of time. Auto Repair is not a permitted use in the R-6 Urban Residential District. Auto Repair is permitted in the B-2, B-3 and I-1 zones subject to the condition that all work be conducted within an enclosed building. The Zoning Resolution does not distinguish between Auto Detailing and Auto Service, however the current approved use for the property is for auto detailing. There are other similar categories such as Auto Wrecking and Salvage, Auto Sales and Auto Body Repair which are not being proposed at this location, but were specifically prohibited under the approval of the non-conforming Use Permit for the adjacent Auto Repair Shop. The current building on the property is also non-conforming with respect to setback and lot coverage requirements in the R-6 zone.

Staff Findings:

1. The non-conforming use change requested is substantial since auto repair tends to be a more intensive use than detailing.
2. The granting of the expansion of the adjacent auto repair business and the conversion of the subject property from Auto Detailing to Auto Repair would not like to have a more adverse impact on the surrounding neighborhood than the current detailing business.
3. The property in question would likely yield a reasonable return without the change of non-conforming use.
4. The building size is not being increased and the volume of business is not expected to increase.
5. Approval of the change would not affect the delivery of government services.
6. By taking into consideration the benefit to the applicant if the change is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by allowing the change of use.

Staff Recommendation: APPROVAL OF THE CHANGE OF THE NON-CONFORMING USE SUBJECT TO THE FOLLOWING CONDITIONS:

1. That all repair work be conducted within an enclosed building.
2. The no vehicles in disrepair be parked or stored outside of the buildings.
3. That all vehicles be legally parked on paved surfaces.
4. That there be no Auto Sales or Rental, Auto Towing Operations, Auto Wrecking, Salvaging or Junk Facilities, or Auto Fuel Services conducted on the property.



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 2016-11

Owner: PENelope BROOKS Applicant: SAME

Property Address: 6370 DAY ROAD, ~~CHICAGO~~

City: CINCINNATI State/Zip: OHIO 45252

Applicant Address: SAME

City: _____ State Zip _____

Phone: 513-385-6158, 513-224-5899 (cell)

Auditor's Book-Page-Parcel Number: 510 -- 0310 -- 0027 00

Zoning Classification: R-2 and R-F

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:	_____

*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:

Penelope Brooks

Signature of Applicant (if not the Owner): _____

RECEIVED

JUN 13 2016

(over)

COLERAIN ZONING

Request for Variance

1. The variance is to place a structure on my property that will be used for pleasure and be decorative. It could be described as a gazebo, but will match the architecture on the property (see drawings). Because the property is on a corner, I have been told that the location I am requesting is considered as a front yard. That is the first variance requested. Also, it will be placed within the code setback requirement (see drawings). The reason for this placement is because of the geothermal wells (see drawings) and leach beds (see drawings). I am not referring to any specific sections of the Zoning resolution because I was advised at the zoning office that what I wanted to do was against zoning, so I am submitting the variance request along with the original permit application.
2. The requested use of this structure is for pleasure and advancing the overall appeal of the property.
3. Literal enforcement of the zoning would not result in any hardship other than money spent for permit and variance costs.
4. As stated in number 1., above, this request for a variance is not the result of any actions on my part.

RECEIVED

JUN 13 2016

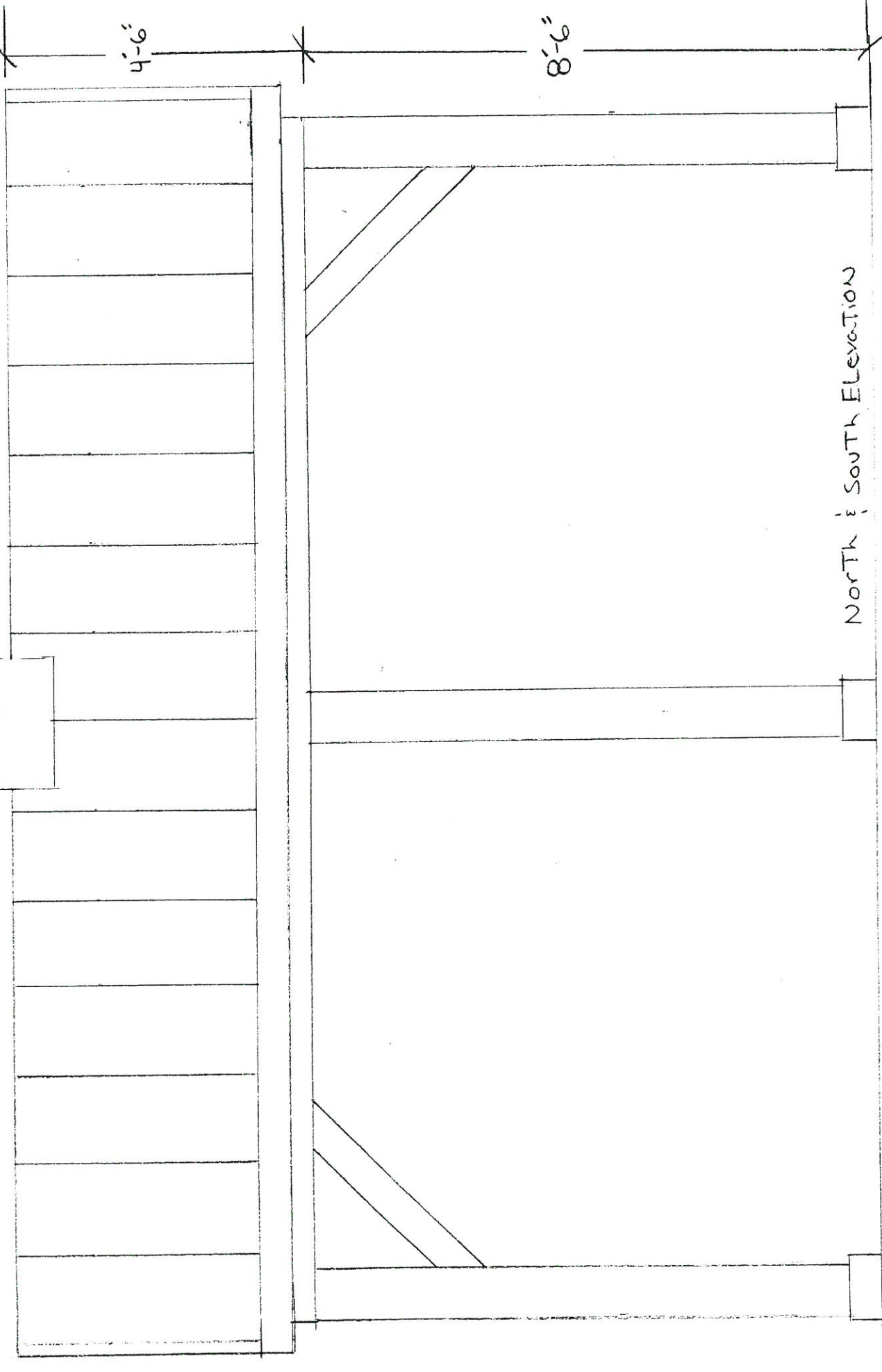
COLERAIN ZONING

A handwritten signature in black ink, appearing to read "Pauline Brooks". The signature is fluid and cursive, with a large initial "P" and "B".

RECEIVED

JUN 13 2016

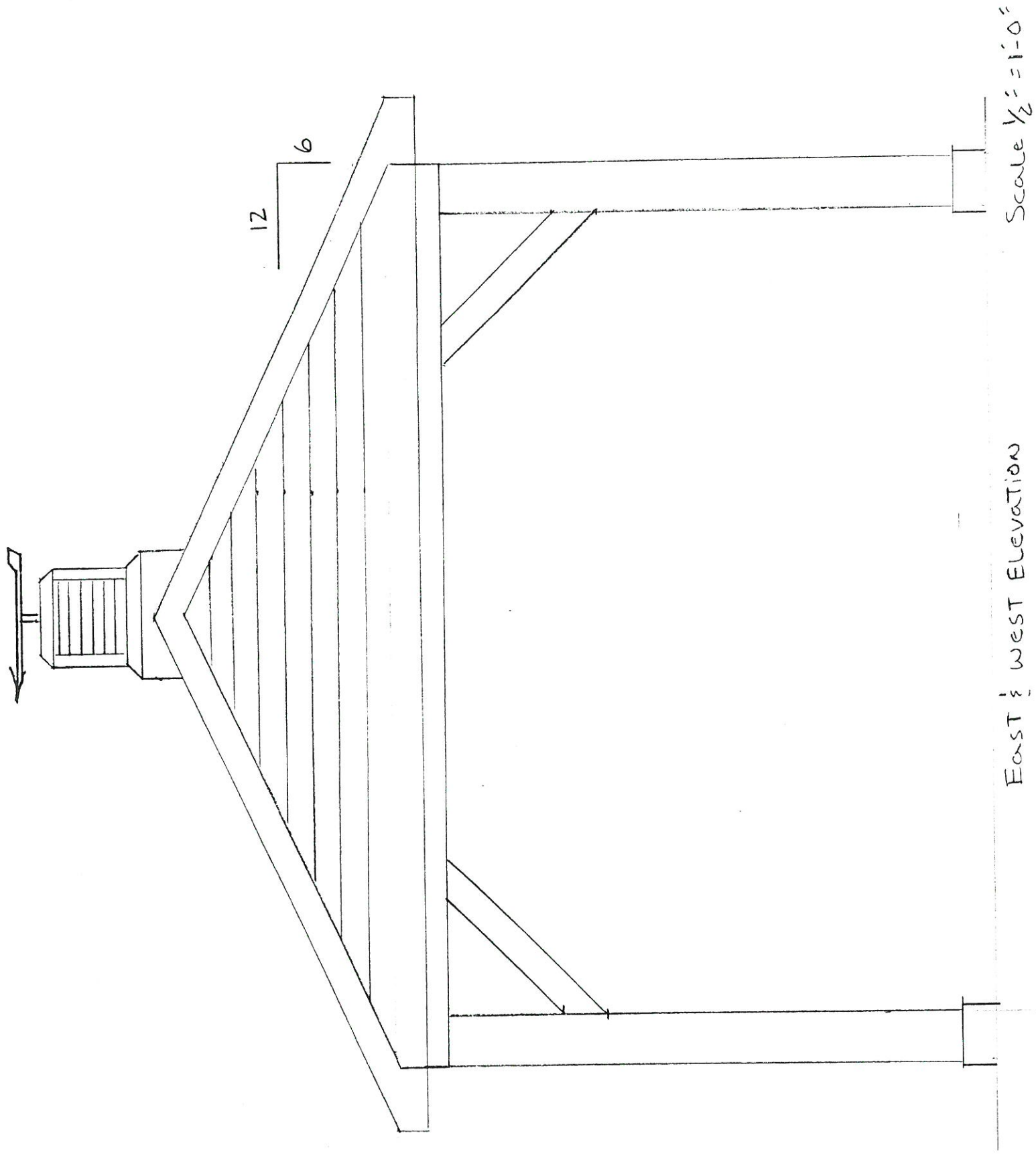
COLERAIN ZONING

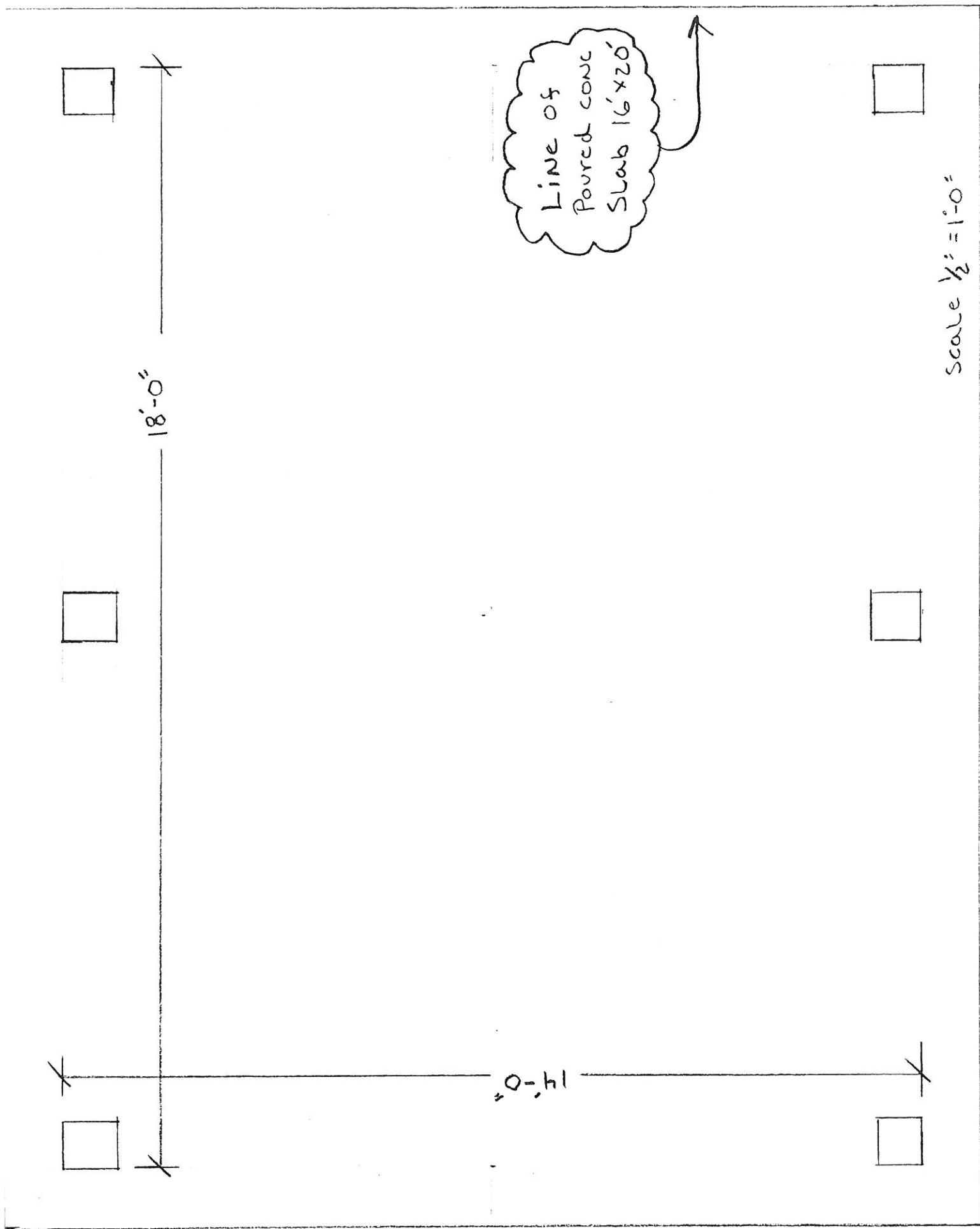


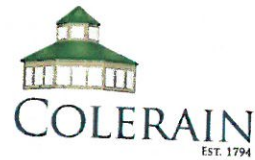
North & South Elevation

Scale $\frac{1}{2}" = 1'-0"$
5-26-16

18' x 14' 0"-10"-0 COLUMNS







Staff Report: Board of Zoning Appeals
Case# BZA2016-11
Variance Request: Accessory Building
Setback
Location: 6370 Day Rd.
Meeting Date: July 27, 2016
Prepared by: Marty Kohler
Senior Planner

Property owner Penelope Brooks has requested a variance from Section 10.2.1(C) for a proposed accessory structure in the front yard.

Case History:

The subject property is located at the northeast corner of East Miami River Rd. and Day Rd. The one-acre property contains a single family house constructed in 2014 and two accessory buildings constructed in the 1930s. One of the accessory buildings was a single family house prior to the construction of the principal building. The older single family structure was converted to an art studio for the owner since Colerain's zoning code does not permit two single family structures on one lot. The newer house was set back 72.6 feet from Day Rd. and 135.8 feet from East Miami River Rd. leaving a somewhat smaller rear and side yard.

The construction of the newer house caused the two existing accessory buildings to be in the front yard of the new house. One of the existing buildings (former house) is only 8'7" from the Day Rd. right-of-way and the other encroaches several feet into the road right-of-way.

A large area in the front yard of the house is used for a geothermal heating and cooling system for the house and a septic system. Much of the front yard is also in the 100-year flood plain of the Great Miami River.

The neighborhood is somewhat rural in character and the newer house on the property closely resembles a historic barn converted to a residence. The property to the south across Day Rd. is also owned by the applicant and contains a former saw mill building. The property to the north contains an 1850s historic farm house on several acres. Across East Miami River Rd. to the west is property used for agricultural purposes in the flood plain of the Great Miami River. To the east is a single family house constructed in 1996 and located several hundred feet from Day Rd. on about 2.5 acres.

Current Proposal

The applicant is proposing to construct a picnic shelter/gazebo in the front yard with respect to the East Miami River Rd. frontage. The proposed structure would be about 8 feet from the right-of-way and about 110 feet in front of the house. The proposed structure would measure about 18 feet by 19 feet and be open on all sides. The proposed structure would be in the 100 year flood plain and would not normally allow for

the construction of accessory buildings, however the Hamilton County Building Department has confirmed that they would allow for the design of the proposed gazebo since it is not a “habitable” structure and is open on all sides.

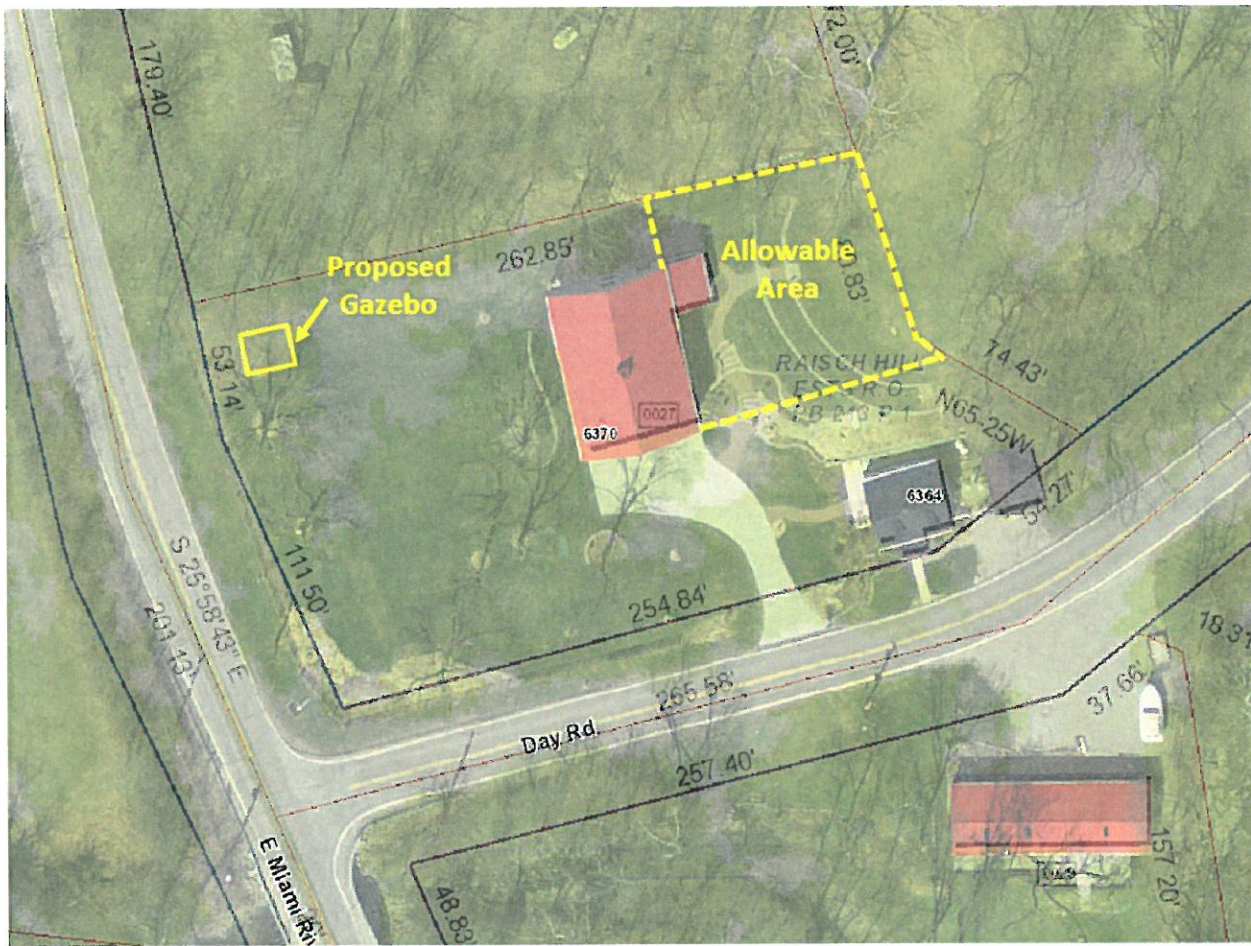
Zoning Regulations

Section 10.2.1(C) requires that all accessory structures be located in the rear yard of a property, however section 10.2.1(C)(1)(b) grants an exception for detached garages which allows them in the side yard behind the building line of the principal structure. This type of gazebo structure is only permitted in the rear yard which, for the configuration of this property, is a fairly limited area and has a somewhat steep hillside. The property is zoned R-2 (Estate Residential) and RF (Riverfront). The location of the house and proposed accessory structure is on the R-2 portion of the property which has a minimum setback requirement of 50 feet for the principal building. Since the rear yard of the existing house is about 169 feet from East Miami River Rd. the variance request for the setback of the proposed gazebo is 161 feet.

Staff Findings:

1. The setback variance requested is substantial since the zoning resolution prohibits accessory structures in the front yard of principal buildings.
2. The granting of the variance would grant a consideration that is not available to other property owners in the neighborhood.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for accessory buildings in front yards if requested by neighboring properties.
5. Approval of the setback variances would not affect the delivery of government services.
6. While there are some topographic and underground challenges with this site, there are similar topographic conditions in the surrounding area. There are no unusual topographic or site configuration issues related to this property which would prevent the reasonable application of the setback regulations.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would not be done by granting the variance for a front yard accessory garage building.

Staff Recommendation: DENIAL OF THE VARIANCE REQUEST PER THE SUBMITTED DESIGN AND LOCATION.



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 2014-12

Owner: Rick & Kimberly Snow Applicant: Tim Commins/Champion

Property Address: 11987 Woldon Drive

City: Cincinnati State/Zip: OH 45231

Applicant Address: 12121 Champion Ln

City: Cin State Zip: OH 45241

Phone: 513-346-4600 / 513-368-1955

Auditor's Book-Page-Parcel Number: 510 -- 0011 -- 023-00

Zoning Classification: _____

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

Required Documents:

- See pg 2 → ☒ Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.** T.m.c
- ☒ Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies.** Mike B.
- ☒ Names and addresses of adjacent property owners (use County Auditor's records) - **2 copies.** Mike B.
- ☒ Plat showing adjacent property owners - **2 copies.** Mike B.
- ☒ Fees. Mike B.

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:

[Signature] 6/14/2016

Signature of Applicant (if not the Owner):

[Signature] Champion 6/14/2016

JUN 14 2016

(over)

COLERAIN ZONING

To Whom It May Concern:

I, Sgt Rick Snow, and my wife, Investigator Analyst Kimberly Snow reside at 11987 Waldon Dr Cincinnati OH 45231, parcel # 510-0011-0230-00 for the last 23 years. During this time, we have raised three children. Also we became involved in our surrounding community, neighborhood and all school activities from elementary through high school and beyond, and have made many friends. In anticipation of our family growing in size, my wife and I had to make a difficult decision to either sell our current residence and move out of our beloved neighborhood or stay and add on to our existing home. We decided to stay and add on where our existing patio cover is over an existing concrete slab.

We had Champion Windows inspect the area in question for a new sunroom. Afterwards, we agreed to have Champion build a sunroom with great excitement and relief. We were extremely disappointed to be informed that the sunroom would not be approved because it violated Section 2.3.1 of the Zoning Resolution in that the rear yard setback must be 35 feet, and our new sunroom would have a rear setback of 17 feet. Now this was very confusing to us because it also meant that our house of 23 years and an approximate age of 35 plus years was in violation of this same section.

We are asking that the zoning variance be approved for the stated reasons:



- It will add to the value of our property and tax valuation
- It will allow us to stay in our neighborhood and home of 23 years
- It will improve our quality of life as we need the additional living area for our growing family, future spouses and hopefully future grandchildren
- It will not affect any of our neighbors; some have already stated that it will look a lot nicer than the current patio cover and old concrete slab

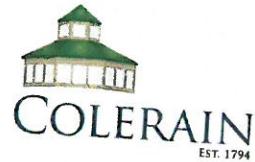
We hope that this letter will help explain our situation so that the zoning variance for our new sunroom will be approved.

Respectfully,

Rick Snow

Kimberly Snow

 6/14/2016  6/14/2016



Staff Report: Board of Zoning Appeals
Case# BZA2016-12
Variance Request: Principal Building Rear Yard
Setback
Location: 11987 Waldon Dr.
Meeting Date: July 27, 2016
Prepared by: Marty Kohler, Senior Planner

Tim Cummins of Champion Inc. as agent for the property owner has requested a variance from Section 7.3.1 for a proposed residential addition in the required rear yard setback.

Case History:

The subject property is a single family home on a 0.173-acre lot in the Kingsbridge subdivision just north of W. Kemper Rd. between Pippin Rd. and Hamilton Ave. The 936 square foot ranch style house was constructed in 1968. The house is surrounded on all sides by single family houses of similar size and age.

Current Proposal

The applicant is proposing to remove a rear patio with awning cover and construct a sun room addition measuring 10 feet by 20 feet. The proposed room would be about 17 feet from the rear property line.

Zoning Regulations

The property is zoned R-6 Urban Residential District which requires a minimum rear yard of 35 feet. The existing house is already encroaching into the required rear yard by about 15 feet. The houses adjacent on both sides encroach into the rear yard by about 5 feet. The proposed addition would encroach into the rear yard by about 18 feet. The proposed addition would increase the size of the house by over 20 percent. The existing house complies with front and side yard setback requirements.

Staff Findings:

1. The setback variance requested is substantial since the zoning resolution prohibits construction of principal buildings within the rear yard setback.
2. The granting of the variance would give a consideration that is not available to other property owners in the neighborhood.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for principle structures to be expended into defined setbacks if requested by neighboring properties.
5. Approval of the setback variance would not affect the delivery of government services.

6. While there are no topographic challenges with this site, the existing house consumes almost the entire allowable building area of the lot.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by not granting the variance for a rear sunroom addition.

Staff Recommendation: DENIAL OF THE VARIANCE REQUEST.



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 2014-13

Owner: Jeffery T. + Carrie L. Newby Applicant: Jeffery T. + Carrie L. Newby

Property Address: 4800 Old Stone Mill Road

City: Cincinnati State/Zip: OH 45251

Applicant Address: 4800 Old Stone Mill Road

City: Cincinnati State Zip: OH 45251

Phone: 567-213-2054

Auditor's Book-Page-Parcel Number: 510 -- 0150 -- 0068

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:	

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: Jeffery T. Newby

Signature of Applicant (if not the Owner): Carrie L. Newby

RECEIVED

JUN 15 2016

(over)

COLERAIN ZONING


RECEIVED

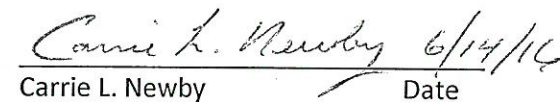
JUN 15 2016

COLERAIN ZONING

Justification of Variance – 4800 Old Stone Mill Road

1. The variance requested is in regards to *Section 10.2.1(C)(1)(c) – Detached garages may be located in the side yard provided that they are set back from the front building line of the principle structure*. The variance would allow a detached garage to be constructed in front yard due to topography issues on the property.
2. The property is zoned for residential use and would continue to be used for private residential use for storage of vehicles, personal lawn equipment and woodworking tools.
3. The variance would not be noticed by the traveling public due to the elevation change and vegetation, as the detached structure would not be clearly visible from the roadway. The contour exhibit shows the area to be built on is 10-14 feet higher than the closest edge of pavement elevation. Also the attached street view photos show that the existing house is not visible from the street due to the vegetation and this would also apply to the proposed structure. The front yards of the adjacent properties do not face onto the property, so the neighbors will not be viewing the structure from their front yards.
4. The literal enforcement of the zoning resolution results in the inability to build a detached structure anywhere on the property with the exception of the front yard. This is due to the contours on the property, which results in a 50' plus elevation change from the high point to low point on the property.
5. The topography and contours are naturally occurring on the property, with the only changes made for the construction of the residence.

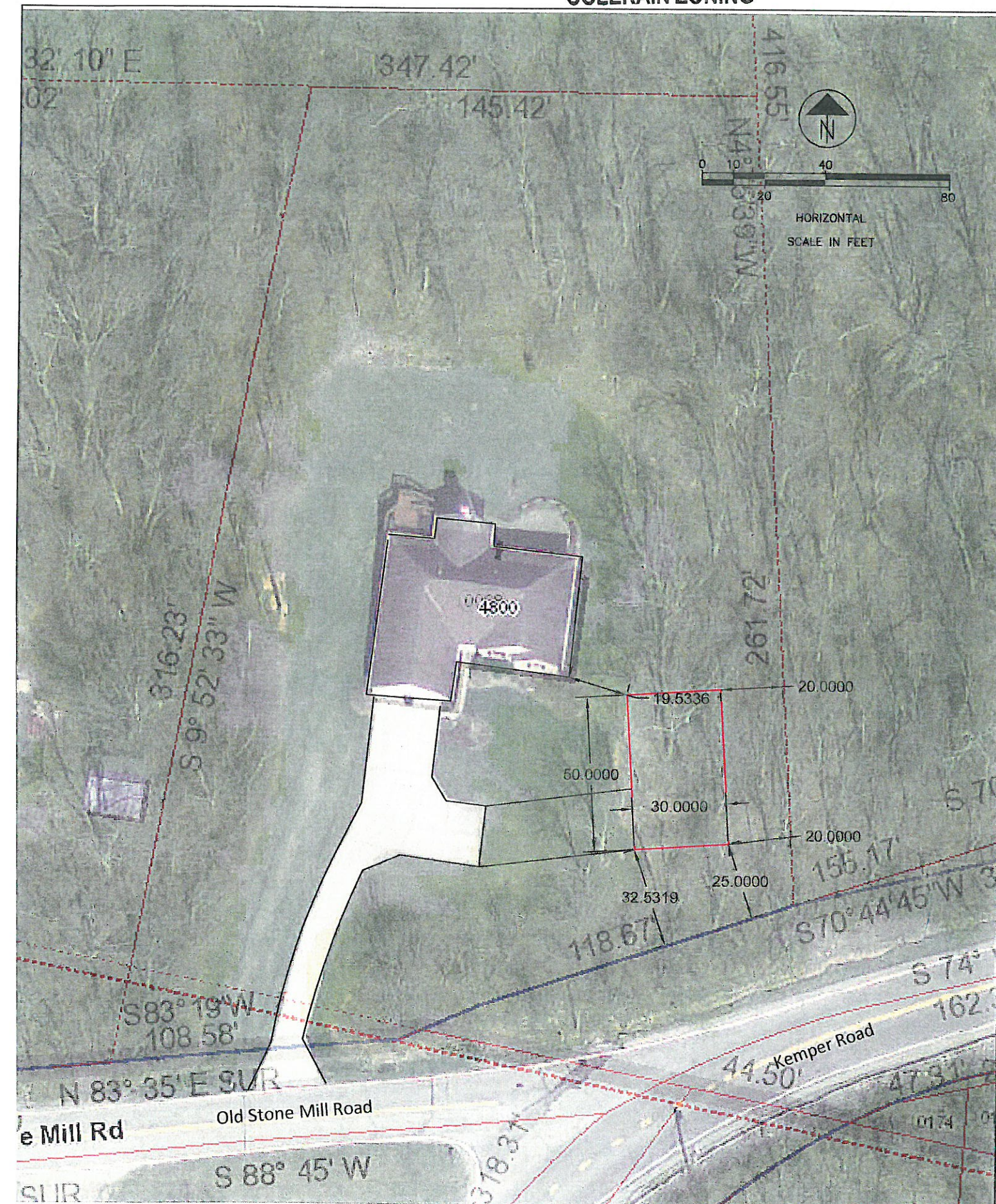
 6/14/16
Jeffery T. Newby Date

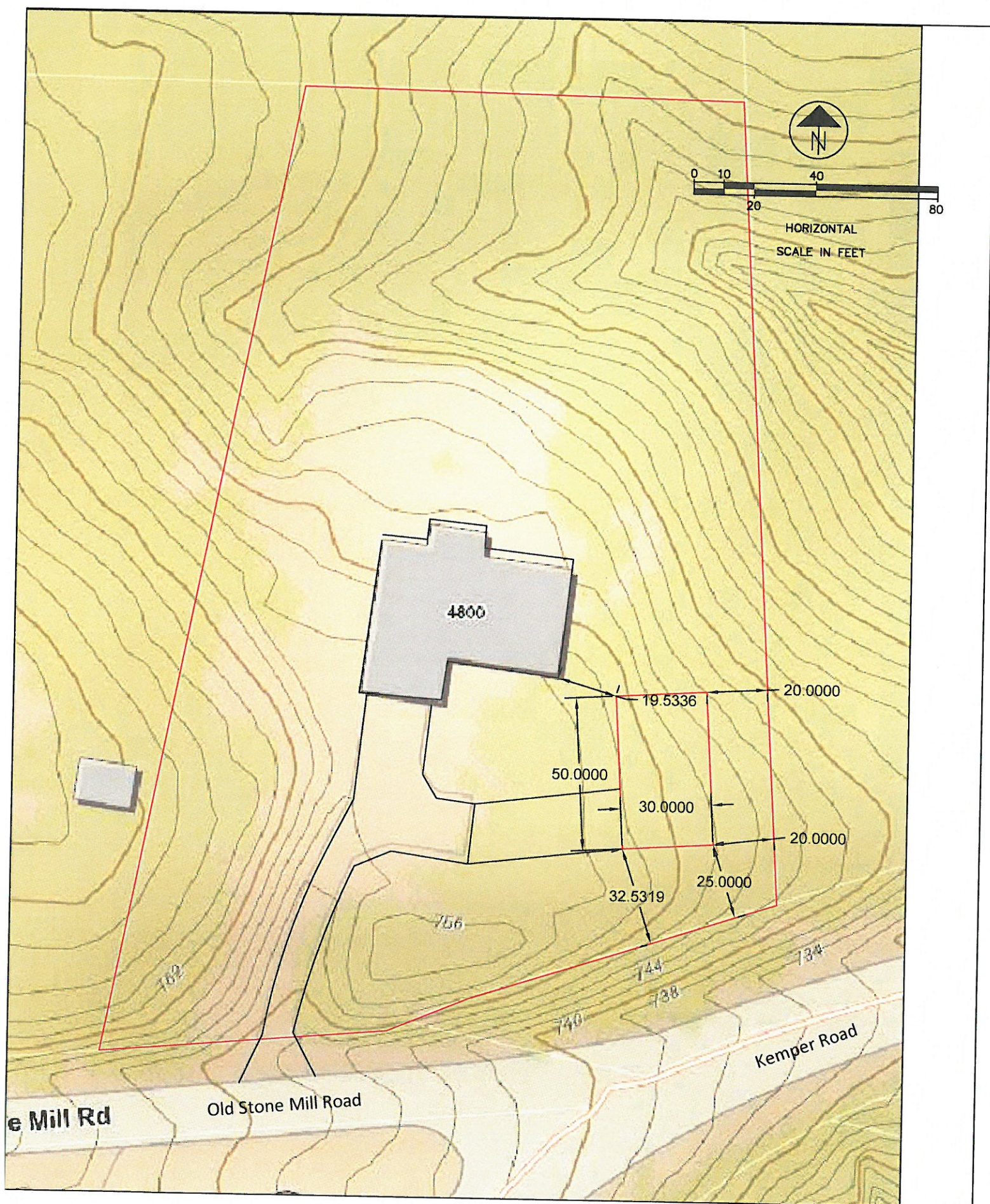
 6/14/16
Carrie L. Newby Date

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JUN 15 2016

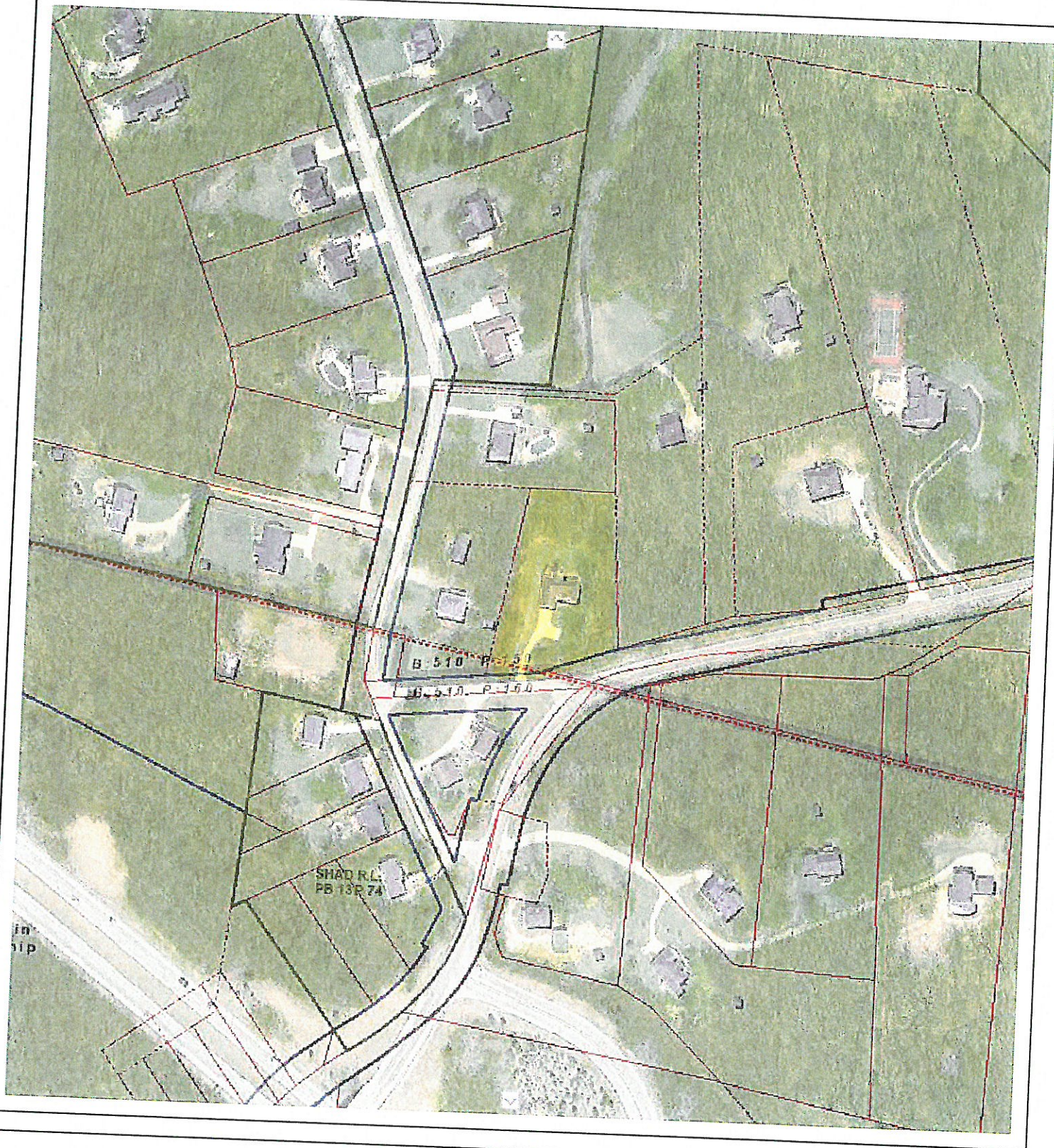
COLERAIN ZONING



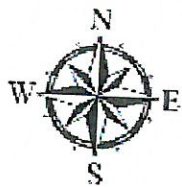









CAGIS Online Map

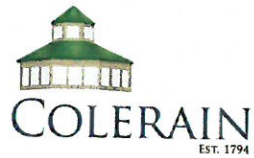


Hamilton County  Ohio

Printed: May 27, 2016 ©CAGIS



The proposed structure would be designed in the same style and exterior brick color as the residence.



Staff Report:	Board of Zoning Appeals
Case#	BZA2016-13
Variance Request:	Accessory Building Setback
Location:	4800 Stone Mill Rd.
Meeting Date:	July 27, 2016
Prepared by:	Marty Kohler, Senior Planner

Property owner Jeffery Newby has requested a variance from Section 10.2.1(C)(1)(c) to allow a detached garage to be constructed within the required minimum front yard.

Case History:

The subject property is located on the north side of Old Stone Mill Rd. just west of the intersection with Kemper Rd. and consists of a single family residence on a 1.2-acre lot. The house was constructed in 1997 and has an attached two-car garage. The lot slopes from the rear to the front with an elevation change of about 40 feet. The site is partially wooded with the exception of the area immediately surrounding the houses which was apparently re-graded at the time of construction of the house.

The property to the west contains a single family home located several hundred feet back from the road and has a private common driveway connecting around the north side of the subject property. Across Old Stone Mill to the south is a single family home on a triangular lot bordered by streets on all sides.

Current Proposal

The applicant is proposing to construct a two car detached garage with extra storage in the front yard of the current residence. The proposed garage would measure about 30 feet by 50 feet and be located 25 feet from the street right-of-way. The garage would connect to the existing driveway with about 43 feet of additional paving. The proposal is to maintain the existing vegetation along the road frontage to help screen the proposed garage. There is also a natural embankment along the road frontage which would help to obscure the proposed building.

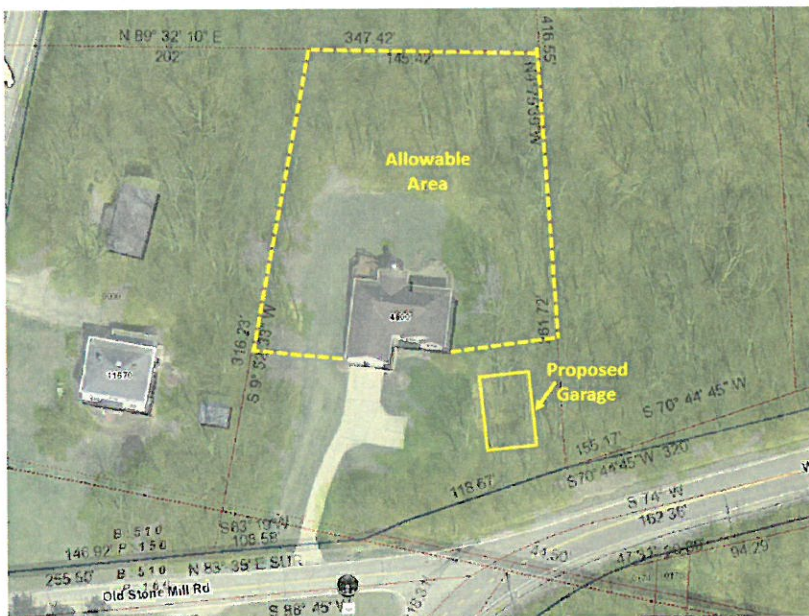
Zoning Regulations

Section 10.2.1(C) requires that all accessory structures be located in the rear yard of a property, however section 10.2.1(C)(1)(b) grants an exception for detached garages which allows them in the side yard behind the building line of the principal structure. Since the house is 90 feet from the street the proposed variance would be 65 feet. The R-2 (Estate Residential District) zone in which this house is located requires a minimum setback for principal buildings to be at least 50 feet. The densest of residential zones in Colerain Township requires a minimum of a 30-foot setback for principal structures. While there are some older non-conforming setbacks on buildings in this neighborhood, there are no newer building constructed closer than 50 feet from the street right-of-way. It is common for zoning regulations to have provisions to prevent the construction of detached garages in the front yards of single family homes.

Staff Findings:

1. The setback variance requested is substantial since the zoning resolution prohibits accessory structures in the front yard of principal buildings.
2. The granting of the variance would grant a consideration that is not available to other property owners in the neighborhood.
3. The property in question would likely yield a reasonable return without the variance.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for accessory buildings in front yards if requested by neighboring properties.
5. Approval of the setback variance would not affect the delivery of government services.
6. While there are some topographic challenges with this site, there are similar topographic conditions in the surrounding area. There are no unusual topographic or site configuration issues related to this property which would prevent the reasonable application of the setback regulations. Additional garage space could be accommodated by adding to the primary structure or by a substantial regrading of other portions of the property.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by not granting the variance for a front yard accessory garage building.

Staff Recommendation: DENIAL OF THE VARIANCE REQUEST.



APPLICATION FOR CONDITIONAL USE
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

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

Application number: BZA 2016-14

Owner: HAMILTON COUNTY
MATHEMATICS AND SCIENCE
ACADEMY Applicant: DWAN MOORE
Property Address: 2675 CIVIC CENTER DRIVE
City: Cincinnati State/Zip: OHIO 45231
Applicant Address: 2675 CIVIC CENTER DRIVE
City: Cincinnati State Zip OHIO 45231
Phone: (513) 728-8620 / (513) 839-5309
Auditor's Book-Page-Parcel Number: 510 -- 0031 -- 0793-00
Zoning Classification: R-6 Use Requested: for educational use

Required Documents (8 copies of each document unless noted):

- ☒ Signed, typewritten *Justification of Conditional Use* statement addressing the items listed on the reverse of this page.
- ☐ If any variance to yard, building size, or parking is desired, include a signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page.
- ☒ Site Plan (surveyor/engineer's seal may be required).
- ☐ Landscape Plan.
- ☐ Lighting Plans.
- ☒ 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:	<u>\$400</u>
	Legal Notice:	
	Mailing/adjacent Property Owners:	
	Total Amount Paid:	<u>\$400 or 8075</u>

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

Signature of Property Owner:

Signature of Applicant (if not the Owner):

Dwan Moore

RECEIVED

JUN 15 2016

(over)

COLERAIN ZONING



HAMILTON COUNTY
Mathematics and Science Academy

"Soaring to New Heights"

2675 Civic Center Drive
Cincinnati, Ohio 45231

(513) 728-8620
(513) 728-8623



June 15, 2016

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

HCMSEA
RECEIVED

JUN 16 2016

COLERAIN ZONING

Re: Hamilton Co. Mathematics and Science Academy Application for Conditional Use
(Revised)

Dear Colerain Township Trustees,

The Hamilton County Mathematics and Science Academy is a Charter Community School serving students in grades Kindergarten – 8th Grade. The academy is located at 2675 Civic Center Drive in Colerain Township. The academy has been operating as a school in Colerain Township for the past nine years and next year will be our tenth year of operation.

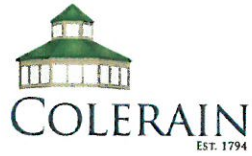
The academy is monitored by the Ohio Department of Education and has served many students from the Colerain Township Area. The academy is requesting the Colerain Township Trustees to approve our request to add four additional classrooms on to our already existing four classroom Modular School Building which is now currently being used for classrooms. (see attached drawings / site plan) The additional classrooms would not cause any variance concerns because the classroom additions will extend toward the main building when construction is complete. The number of employees will increase to four making the total number of employees working at the academy at 50. The tenants will be currently enrolled students at a classroom limit 25 students per classroom, the hours of operation will align with current hours of operation (8:00 a.m. to 4:30 p.m.) Customer traffic, delivery schedules, vehicles and equipment used, typical activities will remain the same.

The additional four classrooms that will be added to our existing four classroom building will be from the same vendor as before and the appearance and style of the building will be the same. The building will be as one. All outside lighting will be repositioned to the end of the building and security cameras will be placed on the building. The placement of the new classroom building will not increase any impact on the surrounding properties and uses. And finally, the placement of the additional classrooms will not create any excessive requirements to anyone in any way.

Sincerely,


Dwan Moore, Superintendent

Hamilton County Mathematics and Science Academy



Staff Report:	Board of Zoning Appeals
Case#	BZA2016-14
Variance Request:	Conditional Use – Educational Facility
Location:	2675 Civic Center Dr.
Meeting Date:	July 27, 2016
Prepared by:	Marty Kohler, Senior Planner

Dwan Moore, representing Hamilton County Math and Science Academy, has requested a Conditional Use Permit to install a modular classroom to the rear of the existing school in the R-6 Residential Zone. Educational facilities are Conditionally Permitted in the R-6 zone per section 7.2.5 of the zoning resolution subject to conditions specified in section 7.4.5.

Case History:

The Hamilton County Math and Science Academy was constructed in 1979 by the Hamilton County Board of Commissioners. The building was transferred to the applicant in 2010. The charter school serves students from grades K through 8. The Colerain BZA approved the addition of two modular classrooms in 2009 and one additional modular classroom in 2014 through the Conditional Use review procedure. These modular classroom buildings are located to the rear of the main building.

The subject property contains 14.4 acres and backs onto multi-family apartments to the east and single family homes to the south of the property. A machine tool shop zoned PD-I (Planned District Industrial) is across the street to the west. Adjacent to the north is a child care center. Both of the remaining property borders that face residential development contains a heavy natural growth of trees and underbrush.

Current Proposal

The applicant proposes to add a fourth modular classroom to the rear of the main building. The proposed 50' by 47' building would be situated in a vacant space between a previously approved modular building and the main building. The proposed building will contain four classrooms and be of similar design as the three previously installed units. A site plan, floor plans and exterior elevation has been included with the application.

Zoning Regulations

The performance requirements for educational facilities in the R-6 Residential Zone are specified in section 7.4.5. The proposed modular unit is about 135 feet from the closest property line and the minimum required setback is 50 feet (section 7.4.5(A)). Buffering is required between the education facility and adjacent residential properties. The past approvals of the modular classrooms allowed the existing vegetation to serve as the perimeter buffering. The existing parking provided meets the requirements for the facility with the addition of the four modular classrooms. The existing parking lot is

somewhat non-conforming with respect to the lack of internal landscaping, however this would be considered to be a “grandfathered”.

Staff Findings:

1. The use is a conditional use, permitted with approval by the Board of Zoning Appeals, in the district where the subject lot is located;
2. The use is in accordance with the objectives of the Colerain Township Comprehensive Plan and Zoning Resolution;
3. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties if approved with reasonable restrictions to mitigate the more intensive use of the property including noise, outdoor lighting and parking, otherwise the use will serve the public convenience and welfare;
4. The use will not create excessive requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.

Staff Recommendation: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the existing dense vegetation along the property lines bordering adjacent residential development be maintained in its dense condition.
2. That the location, size and design of the proposed modular unit be as proposed in the drawings submitted by the applicant.

