



## COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, August 22, 2018 – 6:30 p.m.

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:
  - BZA2018-009** – Request for variance for sign cabinet on a non-conforming sign from Section 15.3, Section 15.8.3(C), 15.8.3(D)(1), Section 15.8.3(D)(2), and Section 15.12.2(C).  
Location: 7671 Colerain Avenue  
Applicant/Owner: David Biddle / Tri-Angle B Holding Company LTD
  - BZA2018-010** – Request for variance to redevelop property as new auto sales facility from Section 8.3.1, Section 8.3.1, Section 13.3.2, Section 13.4.2(D), Section 14.6.1, Section 14.6.2(A), Section 13.4.1, Section 15.5.1, and Section 13.4.2(C).  
Location: 10140 Colerain Avenue  
Applicant/Owner: Mark Koeninger / Louis Zettler
  - BZA2018-011** – Request for fence variance from Section 12.8.1.  
Location: 3598 Ripplegrove Drive  
Applicant/Owner: Laura Fox / R. Patrick Conaway
7. Unfinished Business: None.
8. Approval of Minutes: June 27, 2018 Meeting.
9. Next Meeting: September 26, 2018.
10. Administrative Matters: None.
12. Adjournment.



Staff Report: Board of Zoning Appeals  
Case# BZA2018-009  
Variance Request: Non-Conforming Sign  
Location: 7671 Colerain Ave.  
Meeting Date: August 22, 2018  
Prepared by: Marty Kohler  
Senior Planner

David Biddle representing property owner Tri-Angle B Holding Company LTD has requested a variance from Sections 15.3, 15.8.3(C), 15.8.3(D)(1), Section 15.8.3(D)(2) and Section 15.12.2(C) of the Colerain Zoning Resolution for the proposed replacement of a sign cabinet and panels on a non-conforming sign.

### **Case History:**

The subject property is located on the west side of Colerain Avenue between Lina Place and Harry Lee Lane. The building was constructed in about 1955 and contains multiple commercial tenants. The property is zoned B-2 General Commercial. The property contains a non-conforming pylon sign and several additional temporary signs in violation of the Colerain Zoning Resolution.

### **Current Proposal**

On June 15, 2018 Justin Scalf with One Stop Signs representing the applicant applied for a Zoning Certificate to replace a deteriorated sign cabinet and face panels on a pylon sign with a new cabinet and panels. The sign currently has three permanent sign cabinets and the proposal is to keep the top two cabinets and replace the lower cabinet. The Zoning Certificate was denied due to the non-conformity of the existing sign and the prohibition of the structural alteration of the sign.

### **Zoning Regulations**

Section 15.3 requires compliance with the sign regulations for signs erected, placed or maintained within the Township.

Section 12.12.2 (C) Specifies that a sign loses its non-conforming status if the structure or size of the sign is altered in any way except towards compliance with the Zoning Resolution.

Section 15.8.3(C) requires that ground signs be set back from the right of way by at least 10 feet. The existing setback is four feet. The request is for a setback reduction of 6 feet.

Section 15.8.3(D)(1) restricts the height of a ground sign to 15 feet. The existing height is about 17 feet. The variance request is to allow an additional two feet of sign height to remain.

Section 15.8.3(D)(2) restricts the size of the sign to 0.5 square feet for each lineal foot of lot frontage. The lot frontage is 115.67 feet which caps the sign size at 58 square feet. The upper

two cabinets proposed to remain are about 104 square feet and the added cabinet is an additional 37.5 square feet for a total of 141.5 square feet exceeding the maximum by 83.5 square feet. The variance request is for the additional 83.5 square feet of sign area.

**Staff Findings:**

1. The property in question would likely yield a reasonable return without the variance. The property can reasonably be identified with signs meeting current zoning regulations.
2. The sign variances requested are substantial since the existing sign is non-conforming in multiple respects (height, size and setback). The proposed sign is 240 percent larger than allowed.
3. The granting of the variances would grant a consideration that is not available to other property owners in the neighborhood.
4. The granting of the variance would probably have a negative impact on neighboring property and would create a precedent to allow for sign variances if requested by neighboring properties. The addition of non-conforming signs would add to the sign clutter in the neighborhood.
5. Approval of the sign variances would not affect the delivery of government services.
6. There are no topographic issues related to this property which would constrain the reasonable application of the sign regulations without additional expenses.
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 the replacement of the non-conforming sign cabinet and face panels.

**Staff Recommendation:** DENIAL OF THE VARIANCE REQUEST.



APPLICATION FOR SUBSTITUTION OF A NONCONFORMING USE  
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

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

Application number: BZA \_\_\_\_\_

Owner: Dave Biddle Applicant: Justin Scalf

Property Address: 7671 Colerain Ave.

City: Cincinnati State/Zip: OH 45239

Applicant Address: 2502 St Rt 131

City: Goshen State/Zip: OH 45122

Phone: 513-309-8834

Auditor's Book-Page-Parcel Number: **510** -- CO 71 -- 0301-00

Zoning Classification: B-2 Current Use: Retail

Proposed Use: Retail

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

- Signed, typewritten *Justification of Substitution* statement addressing the items listed on the reverse of this page.
- Site Plan (surveyor/engineer's seal may be required).
- Landscaping Plan.
- Lighting Plan including Photometric Detail.
- Building Plans and Elevations, if any changes are proposed.
- Signage Details (wall and ground), if proposed.
- Names and addresses of adjacent Property Owners (use County Auditor's records) – 2 copies.
- Plat showing adjacent Property Owners – 2 copies.
- Fees.

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

**An application 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 (required):

Dave Biddle

Signature of Applicant (if not the Owner):

Justin Scalf - Justin Scalf

(over)

Justification of substitution

Colerain Township board of Zoning Appeals,

This letter acts as a formal request for substitution of Nonconforming Use. Justen Scalf will be acting as agent and representative for Dave Biddle, property owner of;

**7671 Colerain Ave.**

**Cincinnati OH 45239**

The request for 'Nonconforming Use' includes the installation of new signage. Proposed sign work is to take place on the existing freestanding signage found on the property. New installation to include, new cabinet; 4' 6" x 8' 4", double sided. Signage faced with acrylic inserts. Sign is internally illuminated using efficient LED. Electric will utilize existing conduit. Sign will be multitenant, partitioned into 3 new areas.

Signage will be held to existing steel by 2" x 2" x .25" angle iron w/ 3/8" Bolt Nut and washers. Tac welds will be made in 4 areas at the connection points, both above and below the signage.

Current Signage requirements are;

**Section 15.3 requires compliance with the sign regulations for signs erected, placed or maintained within the township.**

**Section 12.12.2 C Specifies that a sign loses its nonconforming status if the structure or size of the sign is altered in any way except towards compliance with the zoning resolution.**

**Section 15.8.3 C requires that the ground sign be set back from the right of way at least 10'.**

**Section 15.8.3 D restricts the height of a ground sign to 15'.**

**Section 15.8.3 D2 restricts the size of the sign to .5 sqft for each lineal ft of lot frontage. In this case limited to 58'.**

This substitution would allow property own Dave Biddle, the opportunity to utilize the existing freestanding sign, and maintain the signs 'nonconforming' status. Changes made to signage would provide exceptions to the stated provisions. Signage would be located at a setback of only 4', violating the requirements of sect 15.8.3 C by 6'. Signage would be 17' ion height, violating sect 15.8.3 D, exceeding the required 15' in height by 2'. Total signage area would exceed the requirements of 15.8.3 D2 by 83.5 sqft. The total area of signage is requested at 141.5 sqft.

The inclusion of multiple tenants means the current signage cannot continue to exist. More representation is required for multiple brands on the property. The current proposal is the most cost

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effective and visibly appealing option. A new cabinet on the existing structure will improve the appearance of the signage. Improved visibility of brands on site will improved safety for motorists and pedestrians. To replace the entire signage on the property would place a financial burden on the property owner. To bring all signage into conforming status would require a substantial debt on the property owner. We seek to avoid any needless burdens on the property owner. Please review the following materials and please consider our request for substation of nonconforming use.

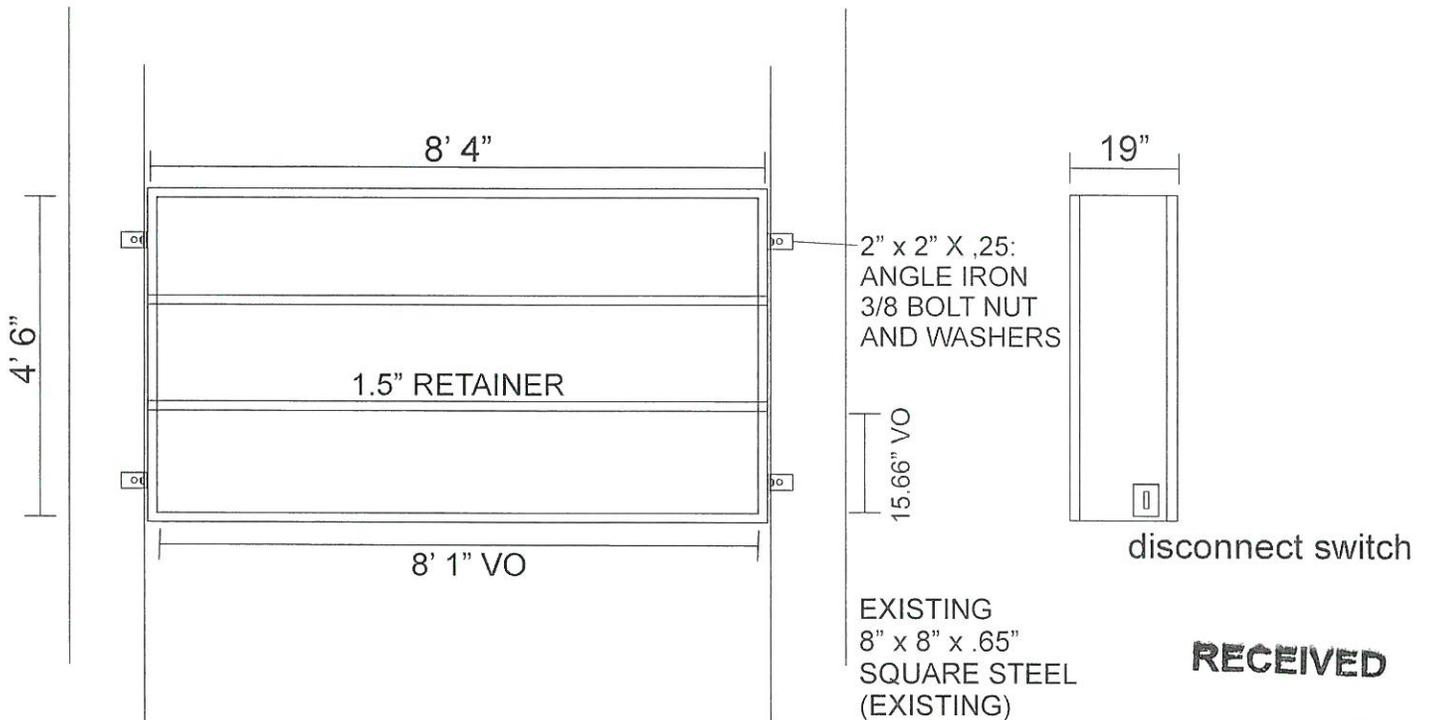
A handwritten signature in black ink, consisting of several loops and strokes, positioned to the right of the main text block.

Dave Biddle  
 7671 Colerain Ave.  
 Cincinnati OH 45239

Fabrication and Installation of new cabinet  
 4' 6" x 8' 4", double sided, internally illuminated  
 Acrylic faces, held using 1.5" retainer

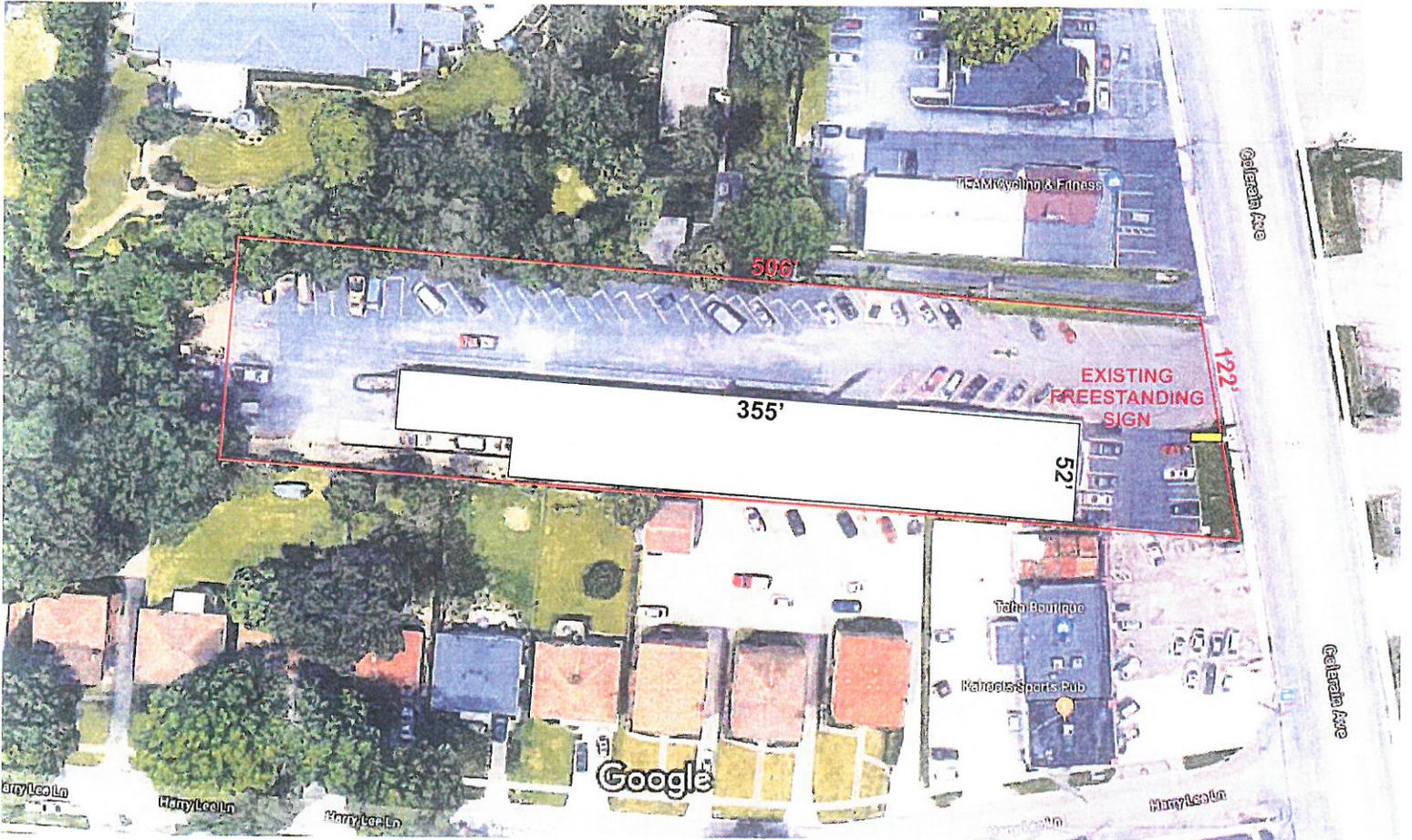
Sign connecting to existing conduit  
 Mounting to existing square steel using 2" x 2"  
 angle iron and tac weld.

Scrap and Paint Steel, any vinyl postings  
 included.



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# SITE MAP



7671 COLERAIN AVE. CINCINNATI OH 45239



Staff Report: Board of Zoning Appeals  
Case# BZA2018-010  
Variance Request: Room Addition Setback  
Location: 10140 Colerain Ave.  
Meeting Date: August 22, 2018  
Prepared by: Marty Kohler  
Senior Planner

Mark Koeninger with KPA Architecture and Landscape, LLC representing property owner Louis Zettler has requested variances from Section 8.3.1, Section 13.3.2, Section 13.4.2(D), Section 14.6.1, Section 14.6.2(A), Section 13.4.1, Section 15.5.1, and Section 13.4.2(C) in order to redevelop a property located at 10140 Colerain Avenue, currently being used as an auto sales facility, as a new auto sales facility.

### **Case History:**

The subject property is located on the east side of Colerain Avenue just north of I-275 and south of the Colerain Towne Center. The property is zoned B-2 General Business and was developed in the late 1980s as a BP gas station. The property was converted to an auto sales facility around 2007. At the time the property was converted to an auto sales facility, it was about 0.4 acres in size. It was subsequently reduced to 0.33 acres with the widening of Colerain Avenue by the Ohio Department of Transportation (ODOT).

### **Current Proposal**

On July 2, 2018, the applicant applied for a Zoning Certificate to demolish the existing building and canopy on the site and construct a new auto sales facility. The Zoning Certificate was denied due to both missing information and failure to meet specific zoning requirements.

### **Zoning Regulations**

**Missing Information:** The following information was missing or incomplete on the initial zoning application. If all of the requested variances are approved, this information would need to be provided in conformance with the Colerain Zoning Resolution prior to the issuance of a Zoning Certificate:

1. Site landscaping and buffering as required.
2. Exterior lighting including photo-metrics.
3. Equipment, outbuildings, dumpster locations, etc. that will be visible on the site.
4. Proposed site drainage, including water retention/ detention and sedimentation control measures.
5. Legal descriptions for easements and other site restrictions.
6. Parking and loading configuration, including calculation of total spaces for vehicle display, customer and employee parking, criteria used to determine total needed, pavement detail, curb location, curb detail, and aisle and stall dimensions.

## **Variance Requests:**

Section 8.3.1 – The minimum lot area in the B-2 zone is 1 acre. The plan indicates a net lot area of 0.33 acres. The variance request is for a 0.67 acre reduction from the minimum lot area.

Section 8.3.1 - The maximum lot coverage by impervious surfaces is 75 percent. The site plan indicates a lot coverage of 87 percent. The variance request is for an additional 12 percent of the site to be covered with impervious material.

Section 13.3.2 requires ten parking spaces for each 1000 square feet of building area and two spaces for each service bay. Based on the building size of 2,325 square feet and an allowance for a reduction for what appears to be a storage closet of 60 square feet allowed by section 13.3.1(D)(2) and an allowance for a ten percent reduction of overall parking spaces per section 13.3.4(B)(1) the required number of off street parking spaces is 20 exclusive of auto display spaces. Only 6 spaces are included in the plan. The variance request is for a 14 space reduction in parking spaces. (Note that the floor plan and site has an exterior dimension of 38.75' by 60' which calculates to 2,325 gross floor area, the plans note a gross floor area of 1,451 square feet and the appeals justification letter has a floor area of 1,929 square feet. Since the floor plan and site plan indicates the area of 2,325, this was the number used for calculating parking requirements.)

Section 13.4.2(D) – The minimum setback for parking spaces on entries perpendicular to the right of way is 30 feet. The actual setback is 18 feet on the north and south property lines. The variance request is for a 12 foot reduction in the setback for perpendicular parking.

Section 14.6.1 - The minimum area for landscaping of a parking lot is 15% of the total area. No internal landscaping is proposed. The variance request is for the elimination of this requirement.

Section 14.6.2(A) - A landscape island is required at the end of each row of parking including the parking along the street frontage. None are proposed. The variance request is for the elimination of this requirement.

Section 13.4.1 and 15.5.1 requires that the parking area have a 15 foot setback from the right-of-way and that the setback include landscaping. No setback of the parking from the right-of-way is proposed. The variance request is for the elimination of this requirement.

Section 13.4.2(C) requires a pedestrian connection between the building customer entry and the public sidewalk along Colerain Ave. None is proposed. The variance request is for the elimination of this requirement.

### **Staff Comments**

1. It is the applicant's contention that it is the Township was responsible for the road widening project that impacted their site. While the Township was in favor of the widening project, the Ohio Department of Transportation (ODOT) was entirely responsible for the acquisition of right-of-way, design and construction of the project.
2. It is the applicant's contention for every variance request that "The Car Connection property, after the roadway project, is no longer a grandfathered parcel..." Section 11.9 of the Zoning Resolution states that the property can legally be continued to be used indefinitely unless the building is abandoned for more than two years or is damaged or destroyed by over 60 percent of its value. This property is losing its non-conforming status only because the owner is choosing to completely demolish the principal building and redevelop the site.
3. The property was 0.4 acres in size before the widening project which was substantially smaller than the minimum one-acre size requirement for new development. The ODOT purchase of 0.07 acres for the right-of-way and whatever damages that occurred to the property should have been part of ODOT's negotiation for the purchase of the property. Even at the original 0.4 acres the redevelopment of the site would have required substantial variances to be redeveloped as proposed by the applicant.
4. The original configuration of the site as a gas station worked reasonably well for the property and could have continued as a gas station. The owner's preference to adapt the existing gas station building and canopy as a car sales facility created self-imposed difficulties.

### **Staff Findings:**

1. The property in question would likely yield a reasonable return without the variances. The site can continue to be used for auto sales in its current condition as a non-conforming development. The property can reasonably be used as a permitted use in the B-2 General Business District within the limits of the zoning regulations.
2. The variances requested are substantial since allowances for landscaping, permeable surfaces, and good parking configurations are highly desirable for new developments.
3. The granting of the variances would grant a consideration that is not available to other property owners in the neighborhood.
4. The granting of the variances would probably have a negative impact on neighboring property and would create a precedent to allow for other variances if requested by neighboring properties.
5. Approval of the variances would not affect the delivery of government services.

6. There are no topographic issues related to this property which would constrain the reasonable application of the regulations without additional expenses.
7. By taking into consideration the benefit to the applicant if the variances are 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 variances for the proposed auto sales facility.

**Staff Recommendation:**

DENIAL OF ALL VARIANCE REQUESTS.

**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 \_\_\_\_\_

Owner: Louis Zettler, Jr. Trustee ✓ Applicant: KPS Architecture & Landscape, LLC

Property Address: 10140 Colerain Ave.

City: Cincinnati State/Zip: Ohio - 45251

Applicant Address: P.O. Box 181287

City: Fairfield State Zip Ohio - 45018

Phone: 513-795-1680

Auditor's Book-Page-Parcel Number: **510** -- 0114-0091-00

Zoning Classification: B-2 General Business District

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: Louis Zettler, Jr. 4-26-18

Signature of Applicant (if not the Owner): Mark D. Kriger

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July 11, 2018

**Colerain Township  
Board of Zoning Appeals**

*Re: Car Connections Zoning Variance Application*

Below please find our response to the Colerain Township BZA Justification for Variance request.

It should be noted that this entire application, as well as the justifications listed below, are all precipitated by the fact that the Car Connections Owner would not have needed to incur time and expense of a BZA Zoning Variance request were it not for the joint roadway project between the State of Ohio Department of Transportation and Colerain Township. A joint roadway project that expanded the roadway in front of the Car Connections property and took a significant amount of the property frontage, causing a loss of property that made the Car Connections property unsafe, and inoperable, as an auto sales facility. In fact the entire need for relocating the existing building, and altering the existing site, are based upon damages and hardships inflicted upon the Owner of the Car Connections site as a direct result of the roadway project between ODOT and Colerain Township.

***Requests for additional information:***

1. The proposed landscape, installation methods, species and locations of all plants is shown on the landscape drawing.
2. Parking lot lighting shown on Lighting Plan. Photometric of building exterior lighting can be provided before BZA if required.
3. There is no proposed storm water retention. Storm drainage and erosion protection can be provided before BZA hearing.
4. There are no site easements or legal restrictions that affect the proposed site design.
5. Parking calculations included on drawing. Parking stall details and curb details can be provided before BZA hearing.

***Justification of Variance:***

1. Describe the variance requested, referring to the specific relevant sections of the Zoning Resolution (as indicated in the Refusal letter or Violation letter).
  - i. Section 8.3.1 Minimum lot area in B-2 Zone is 1 acre.
    1. As a result of the roadway expansion project the Car connections property was drastically altered and forced alter the rest of the site to make the property a functional auto sales lot. Before the roadway project the Car Connections property was a grandfathered parcel not affected by the 1 acre lot size minimum. After the roadway project the property is no longer a grandfather parcel and does not meet the minimum lot size requirements for the B-2 Business Zone.
    2. Car Connections requests a variance to the 1 acre minimum lot size to 0.33 acre.

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- ii. Section 8.3.1 the maximum lot coverage by impervious surfaces is 75%.
  - 1. As indicated on Z1 of our drawings, the percentage of impervious pavement is 82%, not 87% as indicated in your refusal letter.
  - 2. The Car Connections property after the roadway project is no longer a grandfather parcel and does not meet the maximum lot coverage by impervious surfaces for the B-2 Business Zone.
  - 3. The site will be used as it was before the roadway project occurred with a similar percentage of impervious to pervious lot coverage.
  - 4. Car Connections requests a variance to the maximum lot coverage by impervious surfaces as indicated on the submitted site plan of 7% from 75% to 82%.
  
- iii. Section 13.3.2 requires 10 parking spaces per 1000 square feet of building area and 2 parking spaces for each service bay.
  - 1. The Car Connections property after the roadway project is no longer a grandfather parcel and does not meet the minimum parking requirements for the B-2 Business Zone.
  - 2. Our parking requirement calculations are based on the information below (this is a slight change to the submitted drawings) –
    - a. FLOOR AREA = 1,929 SQ. FT. / 1000 = 1.929 \*10 = 19.29 = 20 SPACES
    - b. SECTION 13.3.1.D(2) ALLOWABLE 10% REDUCTION IN TOTAL PARKING SPACES = 4 LESS PARKING SPACES
    - c. REQUIRED parking = 16 PARKING SPACES
    - d. PROVIDED = 6 PARKING SPACES
    - e. The site will be used as it was before the roadway project occurred with a staff of only (3) employees maximum.
    - f. The regulations being applied to the Car Connections site are based on larger auto sales facilities.
    - g. Many times zoning regulations allow for occupation loads and parking requirements to be based on actual staff on the premises.
    - h. In the case 6 parking spaces outside of auto sales display areas would be more than provided before the roadway project and allow for a full time staff of 3 plus 3 visitors.
  
- b. Section 13.4.2(d) – Minimum setback for parking spaces at entries is 30 feet.
  - i. The Car Connections property after the roadway project is no longer a grandfather parcel and does not meet the minimum setback for parking spaces as required in the B-2 Business Zone.
  - ii. Before the roadway project there was a 33 foot separation from the right-of-way and the awning structure and parking area on the Car Connections property.
  - iii. After the roadway project there is a 13 foot separation from the right-of-way and the awning structure and parking area.
  - iv. Car Connections was forced to alter the property just to make a safe entry to the property and provide the alterations requested by Colerain Township.
  - v. Adhering to the 30 foot setback requirement after the roadway project would eliminate any space for the relocated building or auto sales display area.
  - vi. Car Connections requests a variance to the minimum parking setback requirements as indicated on the submitted site plan from 30 feet to 18 feet.

- c. Section 14.6.1 – Minimum area for landscaping of a parking lot is 15% of total area.
  - i. The Car Connections property after the roadway project is no longer a grandfather parcel and does not meet the minimum landscape requirements for the B-2 Business Zone.
  - ii. Before the roadway project the Car Connections site did meet the minimum landscape requirement.
  - iii. Car Connections requests a variance to the minimum parking lot landscape requirements as indicated on the submitted site plan from 15% to 13%.
  
- d. Section 14.6.1 – Minimum area for landscaping of a parking lot is 15%.
  - i. The Car Connections property after the roadway project is no longer a grandfather parcel and does not meet the minimum landscape requirements for the B-2 Business Zone.
  - ii. The current proposed ratio of landscape to parking area is 13%.
  - iii. If the other variances are accepted it could be possible to get the ratio of landscape to parking at or above 15%.
  
- e. Section 14.6.2(a) – A landscape island is required at the end of each row of parking including along street frontage.
  - i. The Car Connections property after the roadway project is no longer a grandfather parcel and does not meet the minimum landscape requirements for the B-2 Business Zone.
  - ii. Parking islands on this site will not only reduce the area available for parking spaces, but they will make a significant effect on the ability to maneuver cars on the site. Parking islands will also eliminate the ability to stack the display area cars and the required parking spaces.
  - iii. Car Connections requests a variance to the required landscape island requirements as indicated on the submitted site plan from one island at the end of each parking row to no islands provided.
  
- f. Section 13.4.1 & 15.5.1 requires that the parking area have a 15 foot setback from the right-of-way and that the setback include landscaping.
  - i. The Car Connections property after the roadway project is no longer a grandfather parcel and does not meet the minimum buffer requirements for the B-2 Business Zone.
  - ii. Before the roadway project the Car Connections site did meet the minimum requirement for the 15 foot landscape buffer.
  - iii. After the roadway project that area was removed from the property. The property no longer has the depth need to provide a full 15 foot deep buffer area, the required parking, and the relocated building.
  - iv. Car Connections requests a variance to the minimum landscape buffer requirement as indicated on the submitted site plan from 15 feet to 0 feet.
  
- g. Section 13.4.2(C) requires a pedestrian walkway between the building customer entry and the sidewalk on Colerain Avenue.
  - i. If the other variances are accepted it could be physically possible to provide a customer walkway from the sidewalk area to the customer entry at the building.

2. Affirm that the use requested is permitted in the zoning district where the property is located.
  - i. Per Table 8-1 Automotive Sales is a permitted Use in District B-2 General Business District.
  
3. Describe how the variance is not contrary to the public interest.
  - i. Per Colerain Township Zoning the *“B-2 General Business District is intended to provide for a wide range of retail sales and services that would relate to the varied needs of the Township, the business community, and the visitor. The general uses in this district rely heavily on vehicular traffic and thus are located appropriately on arterial roadways and highways”*.
    1. Before the roadway project the Car Connections site was a long standing viable business that provided a needed resource of auto sales to the Colerain Township area.
    2. Even though the proposed site does not meet some of the requirements for the B-2 Zone, the proposed building and site improvements provide both safety and aesthetic improvements to the site compared to how the site was altered after the roadway project between ODOT and Colerain Township.
    3. These improvements will not only make the Car Connections site safer for customers, but will also provide an aesthetically improved site and building that benefits all surrounding properties.
  
4. Describe how a literal enforcement of the zoning resolution would result in unnecessary hardship. Describe the specific hardship(s) related to special conditions unique to the individual property for which a variance is being requested.
  - i. The Car Connections site did not have zoning issues or hardships until the property was altered by the roadway project between ODOT and Colerain Township.
  - ii. After the roadway project, the Car Connections site was left with no front-yard buffer; reduced land area; building structure unsafely located directly in the path of cars entering the site; an existing building that is now located within the required front-yard building setback; significantly reduced auto display area; and a site that can no longer efficiently function as an auto sales location.
  - iii. As a result, the Owner of Car Connections is forced to spend significant sums of money to move the existing building and improve the existing site so that his business is once again a safe, functional, and efficient auto sales operation.
  - iv. Based on these hardships place on the Owner by the roadway project, we feel the variances should be granted to restore the business to its usable condition before the project.
  
5. Affirm that the need for a variance is not a result of the applicant’s or owner’s actions.
  - i. The Car Connections site did not have zoning issues or hardships until the property was altered by the roadway project between ODOT and Colerain Township.

This concludes the justification for variance request.

Sincerely,



Mark D. Koeninger, R.A. NCARB  
KPS Architecture & Landscape, LLC



**1. SITE**  
 0.33 NET ACRES  
 SITE EXISTING AUTO SALES LOT  
 82% OF THE EXISTING LOT IS PAVED FOR AUTO DISPLAY AREA  
 THE SITE IS SLOPED AT THE VERY REAR OF THE PROPERTY AND THE SOUTHEAST CORNER.  
 WELL DRAINED WITH NATURAL DRAINAGE TO EXISTING STORM WATER COLLECTION

**1. ZONING**  
 EXISTING ZONING IS "B-2" GENERAL BUSINESS DISTRICT THE B-2 GENERAL BUSINESS.  
 PROPOSED ZONING IS "B-2" GENERAL BUSINESS DISTRICT.  
 ADJACENT ZONING IS "PD-B" PLANNED DEVELOPMENT BUSINESS

**2. LAND USE**  
 COLERAIN TOWNSHIP LAND USE PLAN INDICATES BUSINESS/RETAIL  
 PRESENT USE OF BUSINESS AUTO SALES.  
 PROPOSED USE WILL BE BUSINESS AUTO SALES

**3. STRUCTURES**  
 BUILDING = 2,209 S.F.  
 NO DUMPSTER ENCLOSURE REQUIRED OR PROVIDED

**4. LOT STANDARDS**  
 LOT STANDARDS FOR B-2 ZONE -  
 MINIMUM LOT SIZE: 1 ACRE  
 FRONT YARD SETBACK: 50'  
 REAR YARD SETBACK: 0'  
 SIDE YARD: BOTH YARDS = 0'  
 MINIMUM LOT WIDTH: 75'  
 MAXIMUM BUILDING HEIGHT: 45'  
 MAXIMUM BUILDING SIZE: NONE  
 MAXIMUM LOT COVERAGE BY STRUCTURES: 25%  
 MAXIMUM LOT COVERAGE BY PAVING: 75%  
 LOT STANDARDS PROVIDED -  
 LOT SIZE: .33 ACRE  
 FRONT YARD SETBACK: 50'  
 REAR YARD SETBACK: 1'  
 SIDE YARD: BOTH YARDS = 0'  
 MINIMUM LOT WIDTH: 141.67'  
 MAXIMUM BUILDING HEIGHT: 20'  
 MAXIMUM BUILDING SIZE: NONE  
 MAXIMUM LOT COVERAGE BY STRUCTURES: 15%  
 MAXIMUM LOT COVERAGE BY PAVING: 89%

**5. PARKING (PER ARTICLE 13 TABLE 13-1)**  
 AUTO SALES = 10 SPACES PER 1,000 SQ. FT. INDOOR FLOOR AREA  
 FLOOR AREA = 1,541 SQ. FT. / 1000 = 1.541 \* 10 = 15.41 = 15 SPACES  
 REQUIRED = 15 PARKING SPACES  
 PROVIDED = 16 PARKING SPACES

**6. PUBLIC SIDEWALKS**  
 PUBLIC SIDEWALK EXISTING AND WILL BE RE-USED IN NEW SITE.

**7. SANITARY**  
 EXISTING SANITARY TAP ON SITE AND WILL BE RE-USED IN NEW STRUCTURE..

**8. WATER**  
 EXISTING WATER TAPS ON SITE AND WILL BE RE-USED IN NEW STRUCTURE.

**9. STORM**  
 SITE SURFACE DRAINS TO NATURAL STORM WATER COLLECTION

**10. UTILITIES**  
 EXISTING GAS AND ELECTRIC UTILITIES ON SITE.

**PROJECT NAME & ADDRESS:**  
 A NEW SALES & SERVICE FACILITY FOR  
**CAR CONNECTION**  
 10140 COLERAIN AVENUE  
 CINCINNATI, OHIO 45241

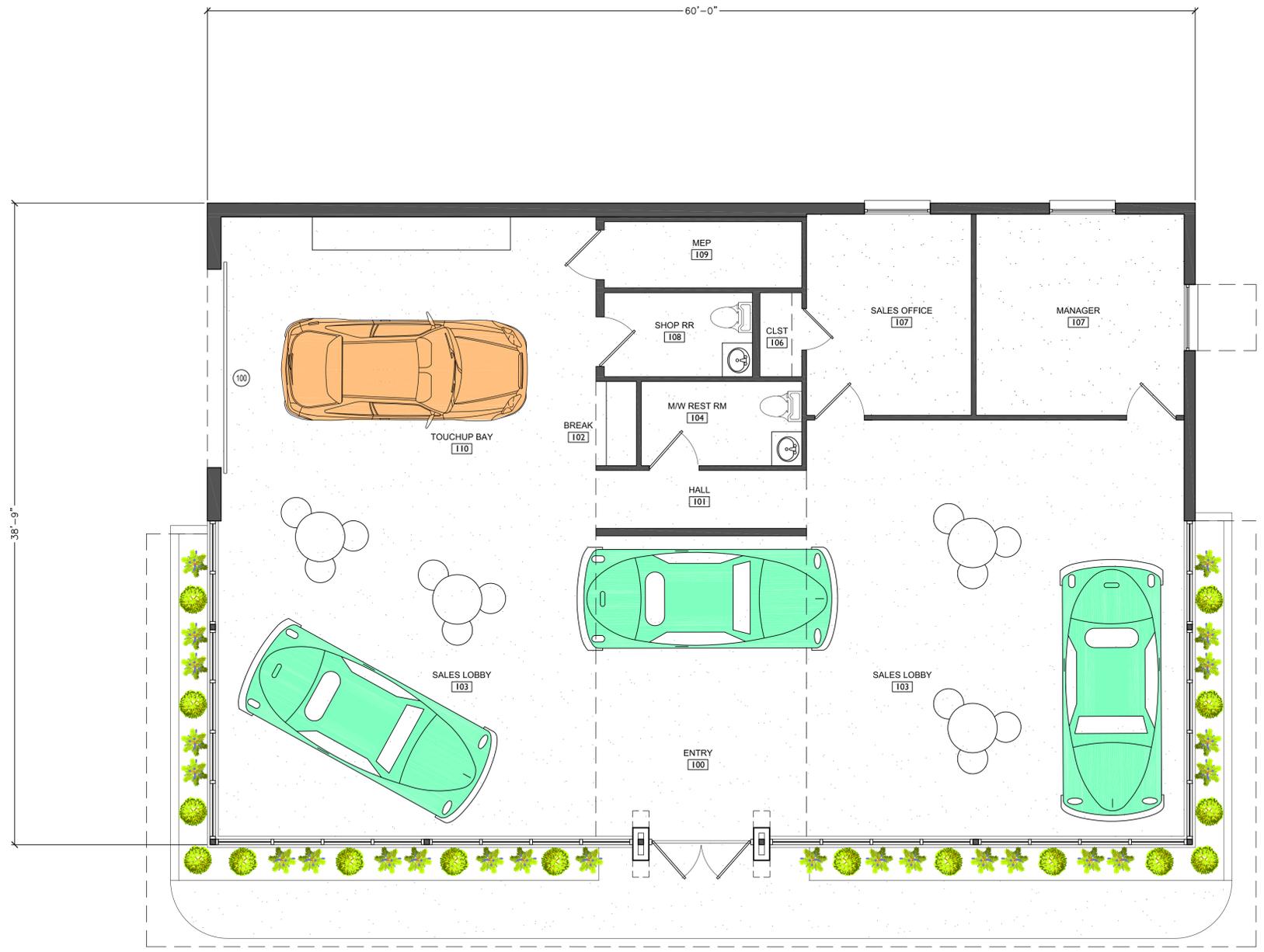
**PROFESSIONAL SEAL:**  
 KPS ARCHITECTURE & LANDSCAPE LLC  
 811 EAST WASHINGTON  
 FAIRFIELD, OHIO 45424  
 ARCHITECTURE - LANDSCAPE - GROUNDS

**PROPOSED SEAL:**  
 STATE OF OHIO  
 REGISTERED PROFESSIONAL ARCHITECT  
 MARK D. KOENINGER  
 #1824  
 EXPIRES 12.31.2019

**MARK D. KOENINGER**  
 OHIO LICENSE #1824  
 EXPIRES 12.31.2019

**LEGEND:**  
 [Symbol] FOR REVIEW ONLY  
 [Symbol] NO NET  
 [Symbol] PERM SET  
 [Symbol] FOR CONSTRUCTION

**SHEET NO. Z1**



**PROPOSED FLOOR PLAN**

Z2

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



A NEW SALES & SERVICE FACILITY FOR  
**CAR CONNECTION**  
 10140 COLERAIN AVENUE  
 CINCINNATI, OHIO 45241

**kps** ARCHITECTURE & LANDSCAPE LLC  
 8117 WILSON AVENUE  
 FAIRFIELD, OHIO 45118  
 ARCHITECTURE - LANDSCAPE - GROUNDWORKS

PROPOSED SEAL:

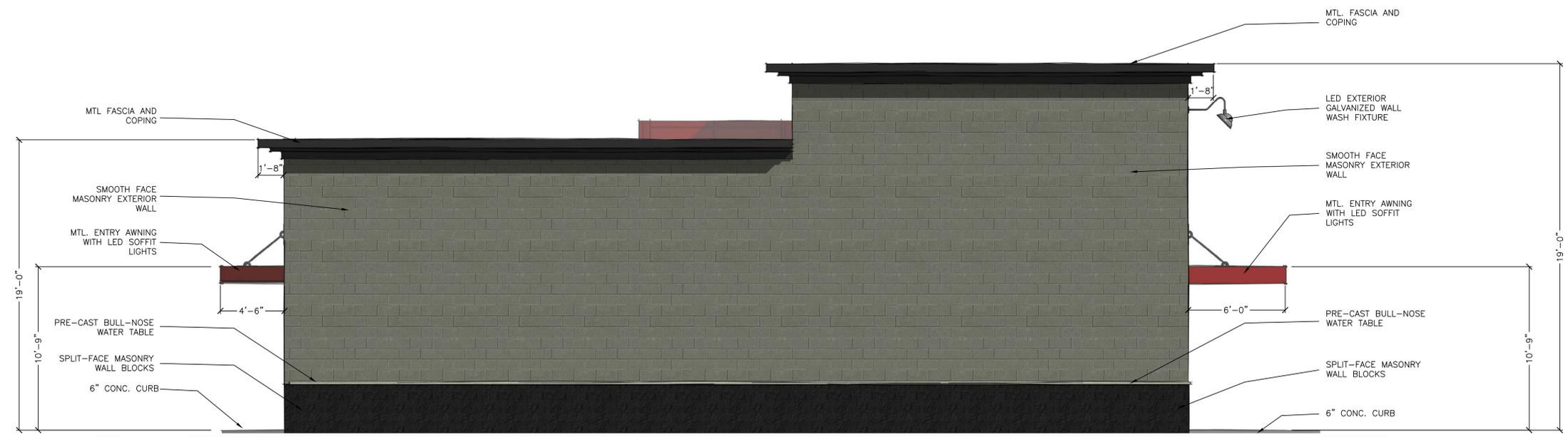
PROFESSIONAL SEAL:



MARK D. KOENINGER  
 OHIO LICENSE #11824  
 EXPIRES 12.31.2019

SHEET NO. 22  
 FOR REVIEW ONLY  
 FOR SET  
 FOR CONSTRUCTION

SET NO. Z2



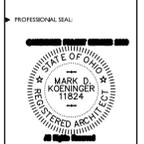
2 REAR ELEVATION  
 Z3 SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION  
 Z3 SCALE: 1/4" = 1'-0"

A NEW SALES & SERVICE FACILITY FOR  
**CAR CONNECTION**  
 10140 COLERAIN AVENUE  
 CINCINNATI, OHIO 45241

**KPS**  
 ARCHITECTURE & LANDSCAPE LLC  
 8117 W. WASHINGTON  
 FAIRFIELD, OHIO 45424  
 ARCHITECTURE - LANDSCAPE - GROUNDWORKS



MARK D. KOENINGER  
 OHIO LICENSE #11824  
 EXPIRES 12.31.2019  
 SHEET NO. 23  
 FOR REVIEW ONLY  
 FOR SET  
 FOR CONSTRUCTION  
 SHEET NO. 23



**RIGHT ELEVATION**  
 SCALE: 1/4" = 1'-0"



**LEFT ELEVATION**  
 SCALE: 1/4" = 1'-0"







Staff Report: Board of Zoning Appeals  
Case# BZA2018-011  
Variance Request: Privacy Fence  
Location: 3598 Ripplegrove Dr.  
Meeting Date: August 22, 2018  
Prepared by: Jesse Urbancsik, Planner

Property occupant Laura Fox and property owner R. Patrick Conaway have requested a variance from Section 12.8.1 for a proposed 6-foot-tall privacy fence in the front yard.

### **Case History:**

The subject property is located at the northeast corner of Ripplegrove Dr. and Silva Dr. and is a single family house zoned R-6 Urban Residential District. The house was constructed in 1961 in the Colerain Heights subdivision. The property is bordered by Northgate Mall to the north and single family residential to the west, south and east.

The portion of Silva Dr. on the west side of the property is a dead-end street. Both houses at the corner of Ripplegrove and Silva face Ripplegrove with the house at 3602 Ripplegrove having a driveway access to Silva. There is a privacy fence separating Northgate Mall parking lot and the houses to the south of the Mall on Ripplegrove Dr. There is a break in the fence with pedestrian connections between the Northgate Mall parking lot and the dead end of Silva Dr. and dead end of Wilcox Dr. The houses on Wilcox Dr. bordering Northgate Mall face and have driveways on Wilcox rather than Ripplegrove. The sidewalk connection to the mall is on the same side of the street as the subject property.

### **Current Proposal**

The applicant applied on July 3, 2018 for a Zoning Certificate to construct a 6' high privacy fence directly behind the sidewalk on the Silva Dr. frontage of the property. The Zoning Certificate was refused on July 6, 2018 due to the prohibition of privacy fences within the front yard setback. The property currently has a four-foot-high chain link fence in the front yard on Silva Dr. which complies with zoning regulations. The owner and occupant of the property are seeking a more substantial barrier between the property and the pedestrian access to Northgate Mall than the four-foot-high fence that currently exists.

### **Zoning Regulations**

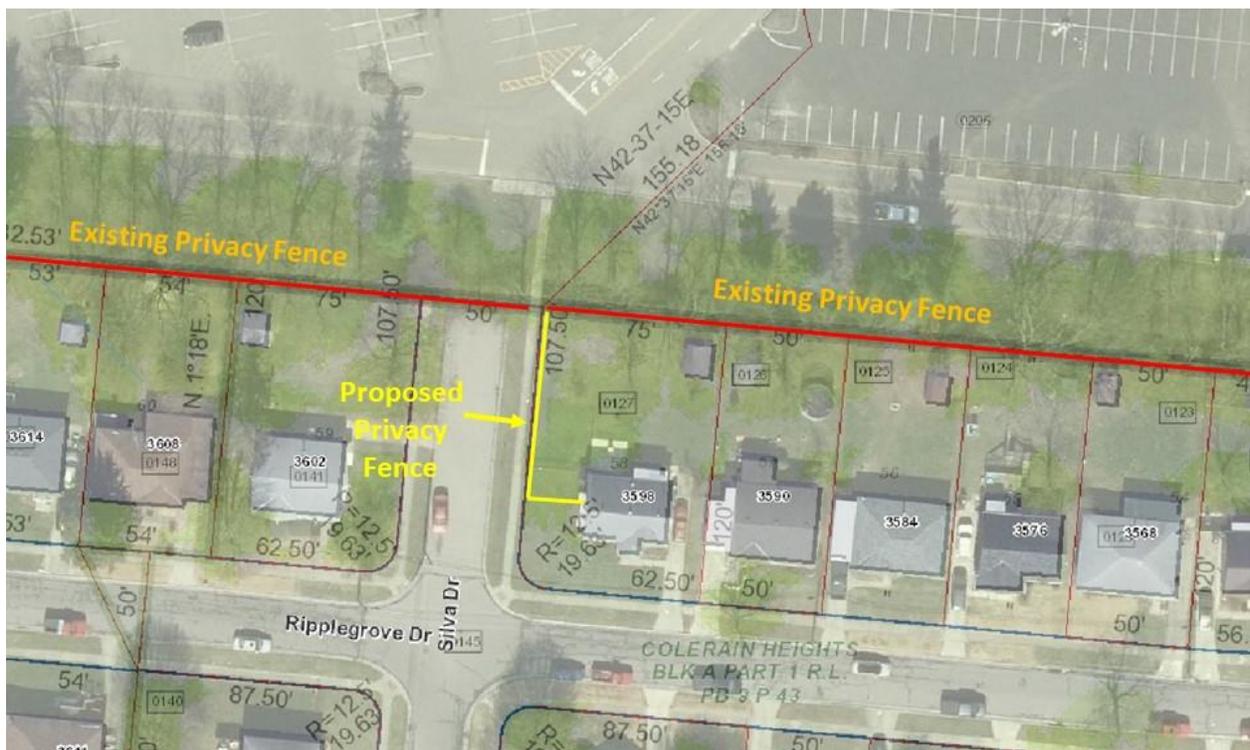
Section 12.8.1 requires that fences in all residential and business districts may be erected as a privacy fence to a maximum height of 6 feet in a rear yard only. Such fence may encroach into the side yard up to a maximum distance equal to 25 percent of the side wall length. The applicant has the ability to legally construct a fence that is four feet in height and 50 percent open in the front and side yard. Both road frontages are considered to be front yard on corner lots. The purpose of the prohibition of privacy fences in the front yard to prevent visual obstructions

in the front yard. It should be noted that the property owner could plant a solid row of evergreen trees behind the current chain link fence and accomplish the need for privacy and separation.

**Staff Findings:**

1. The fence height variance requested is substantial since the zoning resolution prohibits privacy fences 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 privacy fences in front yards if requested by similar properties.
5. Approval of the fence variances 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 front yard regulations. The expressed nature of the hardship is based on an adverse relation between neighbors and not a physical attribute 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 not be done by granting the variance for a front yard privacy fence.

**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 \_\_\_\_\_

Owner: R. Patrick Conaway Applicant: Laura Fox

Property Address: 3598 Ripplegrove Dr

City: Cincinnati State/Zip: Ohio 45251

Applicant Address: 3598 Ripplegrove Dr

City: Cincinnati State Zip Ohio 45251

Phone: (513) 787-2406 + (513) 227-2730

Auditor's Book-Page-Parcel Number: **510** -- \_\_\_\_\_ -- \_\_\_\_\_

Zoning Classification: \_\_\_\_\_

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

Required Documents:

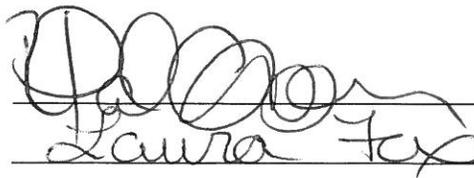
- Signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page - **8 copies.**
- Site Plan (surveyor/engineer's seal may be required) and construction drawings - **8 copies.**
- Names and addresses of adjacent property owners (use County Auditor's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

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

***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): \_\_\_\_\_

  
\_\_\_\_\_  
Laura Fox

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JUL 11 2018

(over)

**COLERAIN ZONING**

I am requesting a variance for zoning Application Z2018-0236 for a privacy fence along Silva Avenue for the property located at 3598 Ripplegrove Drive, Cincinnati, OH 45251.

This house is on a corner meaning for zoning purposes it has two front yards. In reality, it isn't two front yards considering it is a dead-end stub of a street that goes no longer than the property is deep and ends in the pedestrian walkway to Northgate Mall. The properties at 3598 Ripplegrove and 3602 Ripplegrove are the last 2 houses on Silva. For both houses this area is functionally a side yard and not a front yard.

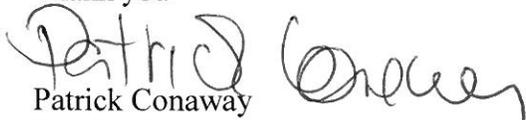
The biggest issue we are having to deal with is foot traffic from Northgate Mall. Of the hundreds of houses in this subdivision, no property bears a greater negative from Northgate Mall pedestrian traffic than we do. The following is a partial list of the problems we have experienced that will make a privacy fence an ideal solution:

- 1) Shooting in Northgate Mall parking lot. Summer 2017. This took place at the corner of the property at the pedestrian walkway between Silva and the entrance to the Northgate Mall parking lot. Once the police arrived several of the perpetrators ran thru the walkway and jumped the existing fence and ran across the rear yards to escape police.
- 2) Fence was jumped and a chair on back patio was moved to under the window of two juvenile females in order to peep into their bedroom window. The girls were 9 and 12 at the time. Due to the nature of this transgression and the assumption this wasn't a random event I request the fence also enclose the second bedroom window.
- 3) Pedestrian attempting to cut dogs, August 2017. Tenant witnessed someone leaning across existing fence attempting to slash at dog with a knife. Police were called. Perpetrator was questioned by police but did not have knife in his possession by the time they arrived.
- 4) Pedestrian dumped soda on dog, This took place July 7, 2018.
- 5) External air conditioner was moved and pipe insulation torn. This is located at the corner of the house and a fence that would enclose the second bedroom window would also enclose the air conditioning unit. This would be an aesthetically better solution than a steel cage sank into concrete.

I believe a privacy fence would be more visually pleasing than the rusted chain link fence that is currently in place. We have spoken with all adjacent property owners and all are supportive of this variance.

If you have any questions please do not hesitate to contact me at 513-227-2730.

Thank you-

  
Patrick Conaway  
Landlord

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COLERAIN ZONING