

# A G E N D A

## THE HAMILTON COUNTY BOARD OF ZONING APPEALS

### REGULAR MEETING

Room 805-B, Administration Building

NOVEMBER 12, 2014

1:00 P.M.

Peggy Roudebush, Chairman/Presiding Officer

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**1. MEETING CALLED TO ORDER**

**2. ROLL CALL OF COMMISSIONERS**

**3. PLEDGE OF ALLEGIANCE**

**4. SWEARING IN OF WITNESSES**

**5. ADMINISTRATIVE ITEMS:**

**ADM09:** Approval of minutes from October 8, 2014 regular meeting

**6. PUBLIC HEARINGS:**

**ZONING VARIANCE:**

A. **CASE:** Green ZVGT2014-18; 5785 Whistling Elk Run  
**REQUEST:** To request a variance to allow the construction of a raised covered deck with less rear yard setback than required on the property located in an A-2 Residence district  
**APPLICANT:** Paul Friesz, Western Homes, LLC (applicant) Breckenridge West 3, LLC (owner)  
**LOCATION:** Green Township: 5785 Whistling Elk Run, on the west end of Whistling Elk Run, west of Breckenridge Drive (Book 550, Page 192, Parcel 178)  
**TRACT SIZE:** Approximately 0.348 acres

**COMPATIBLE NON-CONFORMING USE:**

A. **CASE:** Green NCGT2014-17; Schwab Nursery (continued from October 8<sup>th</sup> meeting)  
**REQUEST:** Compatible Nonconforming use approval for alterations to an existing nonconforming use in an A-2 Residence District  
**PURPOSE:** To allow relocation of bins for bulk material storage and sales from the center of the property to the front of the property and approval of other miscellaneous site modifications  
**APPLICANT:** Dan Schwab, Schwab Nursery (applicant); Schwab Outdoor Power Equipment LLC (owner)  
**LOCATION:** 3478 Ebenezer Road, on the east side of Ebenezer Road, north of Lawrence Road (Book 550, Page 172, Parcels 30, 452, 453, & 467)  
**TRACT SIZE:** 3.076 gross acres

**7. OLD BUSINESS:**

**8. NEW BUSINESS:**

**9. DATE OF NEXT MEETING:** December 10, 2014

**10. ADJOURNMENT**

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NOTE: Individuals requiring special accommodations to participate in or attend any meeting or hearing should call the Planning & Development Office at 946-4550, ext. 2 seven days prior to the meeting.







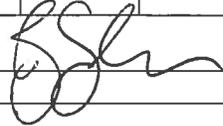
HAMILTON COUNTY  
BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS – OCTOBER 8, 2014

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SUMMARY OF ACTIONS

**PRESIDING OFFICER:** Roudebush  
**MEMBERS PRESENT:** Rosenberger, Roudebush, Spraul, Abercrombie  
**ABSENT:** Beck  
**STAFF PRESENT:** Snyder, Ambrosius  
**LOCATION:** Room 805, County Administration Bldg.  
**TIME:** 1:00 PM – 2:20 PM

	AGENDA ITEMS	BZA Action	Vote	Conditions & Codes
<b>SWEARING IN OF WITNESSES:</b>	All those in attendance that provided testimony were sworn in by the Chairman of the Board			
<b>ADMINISTRATIVE ITEMS:</b>	ADM10: Disposition of Minutes from September 10, 2014	Approval	4-0-0	
<b>VARIANCES:</b>	ZVGT2014-16; 1781 Anderson Ferry Road	Approval	4-0-0	1, 5
<b>COMPATIBLE NON-CONFORMING USE:</b>	NCGT2014-17; Schwab Nursery	Continued	4-0-0	
<b>ATTEST:</b>	Chairman _____	Secretary 		
<b>CONDITIONS AND CODES:</b>	<ol style="list-style-type: none"> <li>1. Approval subject to standard covenants.</li> <li>2. Approval subject to conditions recommended in the staff report.</li> <li>3. Approval subject to conditions recommended by the RZC.</li> <li>4. Approval pending receipt of favorable reports or required revisions.</li> <li>5. Approval subject to conditions recommended by BZA.</li> </ol>			

**ABBREVIATIONS IN MINUTES:**

- MSD - Metropolitan Sewer District
- ODOT - Ohio Department of Transportation
- SCS - U.S. Soil Conservation Service, Hamilton County Soil and Water Conservation District
- DPW - Hamilton County Department of Public Works
- ENG - Hamilton County Engineer
- ZNG - Hamilton County Zoning Administrator
- FPO - Township Fire Prevention Officer
- TPZ - Township Planning/Zoning Committee
- TT - Township Trustees



HAMILTON COUNTY  
BOARD OF ZONING APPEALS

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**CASE:** GREEN 2014-17; SCHWAB NURSERY

**REQUEST:** Compatible Nonconforming Use approval for alterations to an existing nonconforming use in an A-2 Residence District

**PURPOSE:** To allow relocation of bins for bulk material storage and sales from the center of the property to the front of the property and approval of other miscellaneous site modifications

**APPLICANT:** Dan Schwab, Schwab Nursery (applicant); Schwab Outdoor Power Equipment LLC (owner)

**LOCATION:** 3478 Ebenezer Road, on the east side of Ebenezer Road, north of Lawrence Road (Book 550, Page 172, Parcels 30, 452, 453, & 467)

**TRACT SIZE:** 3.076 acres (gross)

**SPEAKERS:** B. Snyder, D. Schwab, K. Riehl

**DISCUSSION:**

Staff Comments:

1. **B. Snyder** – Review of staff report.
2. Received correspondence from Green Township that recommends approval with three conditions.
3. The case in 1996 did not show the trailer as part of the site plan and none of the photos show the trailer. It was not mentioned in the case files.
4. Parking is an issue because there has never been a parking analysis done. I don't know how it functions in the spring.
5. The number one concern is the trailer because we get into enforcement issues with trailers in residential areas. I would rather not have a trailer that is approved in a residential district.
6. If you push the bins back where the trailer is you gain a lot of distance from the street, but if you just re-configure it a little the concern is mostly aesthetic.

Applicant Comments:

1. **D. Schwab** – Eight parking spaces still exist, but the lines have faded because the spaces were never used. Technically they are still there. I can repaint them if necessary. There are actually 39 marked parking spaces if you include ones at the back of the property and the side of the power equipment building.
2. We had parking issues in the past when pick-up trucks with trailers would pull up to pick up mulch they would actually start to line up because where the original mulch bins were they would be two and three deep and their trailers would be out in the apron of the driveway. Now, where the current mulch bins are, two or three vehicles can pull up to the pad. Instead of people having to jockey around trying to get out from behind somebody they can loop around and drive straight out.
3. The pine trees along the front will grow to 20 or 25 feet.
4. There were not any objections at the township meeting regarding the concrete blocks.
5. I bought this business last September from my dad. I didn't have any idea what non-conforming was and thought that as long as I didn't add anything new it was okay. All I did was take down one structure and put up another. I didn't make the area bigger, I made it smaller. I understand that ignorance is no excuse for not following the law, but that's how I ended up in this position. I didn't knowingly go in and try and sneak this in.
6. The original plan was to line the outside of the bins with wooden fencing to give it some of the same appeal as what it used to be. I haven't had time to complete the whole process. I completely stopped working on the area when I received the letter from the BZA.

7. I went to all of the neighbors and had them sign a petition. Everyone across the street has no problem with it. One person commented that it would be better with a privacy fence in front.
8. The new configuration works better and allows traffic to move more smoothly on the property as well as on Ebenezer Road.
9. The straw that we sell is kept in the trailer. Straw has to be elevated off the ground or it will absorb moisture. The trailer has been in the same location since 1996. It replaced the barn that was torn down that year.
10. I could reduce the height of the cement blocks to 4 ft. rather than 6 ft. The mulch would be stacked higher than the bins if we did that.
11. We would agree to continue and come back next month with a revised plan.
12. **K. Riehl** – (Attorney for the applicant) There are two main purposes why the bins were moved. To ease the traffic situation so that when somebody came in to load up mulch they were removed from the main driveway. The other issue is that there are a number of electric lines in the old mulch bin area and the trucks were interfering with them when they lifted their truck beds.
13. The trailer and relocation of the mulch bins has not created an adverse impact. It looks better now from the street than it did before.
14. We have no objection to the concern raised that the mulch would be kept no higher than the barrier of stacked concrete blocks.
15. Mr. Schwab could put a similar trellis up immediately in front of the concrete block so that the primary look of what you would see from Ebenezer would be the trellis like it was before and if it were placed so that the trailer would be blocked, would that be moving in the right direction?

Commissioner Comments:

1. **Ms. Roudebush** – You have made a lot of alterations to the property without coming back to this board for approval.
2. If I had a choice between looking at the trellis with the flower baskets and looking at the concrete blocks I would rather look at the trellis. The concrete blocks are not the best solution. I don't know how anybody could say it looks better than what was there before.
3. I'm going to have to take a hard look at this case because the work was done without a permit. There is an issue with the trailer and the cement blocks are not aesthetically pleasing. Even the pine tree barrier will not make it look better.
4. I'm surprised that the Trustees have not asked for something more aesthetically pleasing.
5. I want you to tell me what you are willing to do to get me to agree to this. You say you have a plan for it.
6. I would like to continue the case and have the applicant come back with a proposal to make this look better.
7. **Mr. Rosenberger** – When the trellis was in place the trailer was not visible. I don't want you to have to do anything with the poured concrete; I just want you to show us something that takes care of the look of the trailer and concrete block. Is there any way that you can look at this again and come back?
8. **Mr. Abercrombie** – I don't like the location of the trailer. I would like to see it go; I don't know how you can screen it.
9. **Mr. Spraul** – The main issues that we have are the concrete walls around the mulch, the trailer, and the parking. If you push the bins back a little you don't really pick up that much more distance from the street. If the trailer goes you could move the whole thing back by just moving the first couple of rows, you would have a lot more area in the front that you could use for retail sales.

**MOTION:** To continue Case Green 2014-17; Schwab Nursery, a request for a compatible nonconforming until the next regular meeting on November 12, 2014.

Moved: Rosenberger

Second: Abercrombie

**VOTE:** AYE: 4 Abercrombie, Rosenberger, Roudebush, Spraul  
NAY: 0  
ABSTAIN: 0

**BZA ACTION:** CONTINUED until November 12, 2014

**ATTEST:** Chairman: \_\_\_\_\_ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Hamilton County Board of Zoning Appeals meeting.

HAMILTON COUNTY  
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**ZONING VARIANCE:** GREEN ZVGT2014-16; 1781 ANDERSON FERRY ROAD

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**REQUEST:** To request a variance to allow the construction of an accessory structure with less setback than required in the rear yard of an existing single-family house located in a C Residence District

**APPLICANT:** Catherine & Nicholas Kreiner (applicant/owner)

**LOCATION:** 1781 Anderson Ferry Road, on the west side of Anderson Ferry Road, approximately 500 feet south of the Anderson Ferry Road and Sidney Road intersection (Book 550, Page 142, Parcel 5)

**TRACT SIZE:** Approximately 1.44 acres

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**SPEAKERS:** B. Snyder, N. Kreiner

**DISCUSSION:**

Staff Comments:

1. **B. Snyder** – Review of secretary's report
2. The Township recommended approval with two conditions.

Applicant Comments:

1. **N. Kreiner** - If I put the structure 25 ft. off the property line it would close off a way to get between the garage and the house. It slopes off and it would be expensive to put a driveway there. The nearby tree is over 100 years old and it is 14 feet wide. Putting a structure too close could hurt the root system.
2. This will be used for my 22 foot long truck, a camper, and other residential storage.
3. The structure will be about 10 to 12 feet off the drive, so it pushes it into my backyard.
4. The building will be vinyl siding and asphalt shingle, the same as the roof of the house.
5. I can put a brick veneer on the front of the building and pave a driveway to the front.
6. I need the large structure to empty out the house garage so that my wife can park her car inside.
7. I will probably put motion lights on the front of the building directed to the building. I plan to run electric to the garage.

Commissioner Comments:

1. **Ms. Roudebush** – My concern is not the location of the building. If it does setback you will need to pave to the entrance of the garage. My concern is the aesthetics of neighborhood in general and that you don't notice many detached garage. The whole aesthetic of a vinyl sided building vs. a brick building is a concern.
2. When we look at buildings like these, before we can give final approval we need to know the exact colors and materials. I would be more willing to accept the vinyl on the back and sides if there was brick veneer on the front.
3. Do you plan on putting any exterior lighting on the building?
4. **Mr. Spraul** – I would rather see the garage built of a material and color compatible with the house.
5. **Mr. Rosenberger** – I am in favor of the addition of the brick veneer on the front.

**MOTION:**

To approve Case Green ZVGT2014-16; 1781 Anderson Ferry Road, a request for a variance to allow the construction of an accessory structure with less setback than required in the rear yard of an existing single-family house located in a C Residence District with conditions per Attachment A .

Moved: Rosenberger

Second: Spraul

**VOTE:**

AYE: 4 Abercrombie, Rosenberger, Roudebush, Spraul  
NAY: 0  
ABSTAIN: 0

**BZA**

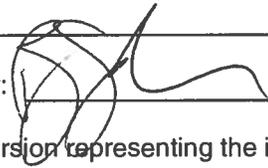
**ACTION:**

**APPROVAL** with Conditions

**ATTEST:**

Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_



Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Hamilton County Board of Zoning Appeals meeting.

**Attachment A**

The Hamilton County Board of Zoning Appeals approves Case Green ZVGT2014-16; 1781 Anderson Ferry Road, a request to allow the construction of an accessory structure with less setback than required in the rear yard of an existing single-family residence located in a C Residence district with the following conditions.

Conditions:

1. That the eastern façade of the detached accessory garage structure facing Anderson Ferry Road shall be constructed with full height brick veneer to match the color of the masonry on the existing single-family house on the property.
  2. That the colors of the siding and trim on the remaining facades shall be compatible with the color of the trim of the existing single-family house on the property.
  3. That the detached accessory garage structure shall be used for residential and storage purposes only.
  4. That the detached accessory garage structure shall be constructed with a hipped style roof.
  5. That the detached accessory garage structure shall be constructed as shown on the plats and plans submitted to this Board.
  6. That the Zoning Certificate for the detached accessory garage structure shall be obtained within ninety (90) days.
-







## SECRETARY’S REPORT

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON NOVEMBER 12, 2014

**BZA  
CASE:**

**GREEN 2014-18 (Variance Request)**

# 5785 WHISTLING ELK RUN

**REQUEST:** To request a variance to allow construction of a raised, covered deck with less rear yard setback than required on the property located in an “A-2” Residence district

**APPLICANT:** Paul Friesz, Western Homes LLC (applicant), Breckenridge West 3 LLC (owner)

**LOCATION:** Green Township: 5785 Whistling Elk Run, on the west end of Whistling Elk Run, west of Breckenridge Drive (Book 550, Page 192, Parcel 178)

**SITE DESCRIPTION:**

Tract Size:	Approximately 0.348 acres
Frontage:	Approximately 56 feet on Whistling Elk Run
Zone District:	“A-2” Residence
Existing Dvlpmt:	Vacant lot

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	“A-2” Residence	Single-family homes
South:	“A-2” Residence	Single-family homes
East:	“A-2” Residence	Single-family homes
West:	“A-2” Residence	Vacant & single-family homes

**REQUEST:** The applicant is requesting approval to construct a new single-family ranch style home on the property with a raised, covered deck extending from the rear of the home with less rear yard setback than required. The applicant states that the potential homeowner is requesting the ranch style home with the deck extending from the rear of the living room and that there is not enough depth on the property to fit the deck outside of the required setback. The deck would extend from the home above the lower level walkout patio and would be covered with a hipped roof extension from the roof of the main structure. The deck would include a stairwell that would be located approximately 28 feet from the rear property line.

**FINDINGS:** **Setback Variance Request:** Rear Yard Setback Variance from 35 feet to 28 feet.

The rear wall of the main home structure would be 37 feet from the rear property line, in accordance with the required rear yard setback of 35 feet. The variance

request is solely for the deck to the rear of the proposed home. The deck would be 18.5 feet wide and extend 12 feet from a recessed portion of the rear of the home. The main portion of the deck would be located approximately 31 feet from the rear property line. A stairwell would be located off the back of the deck leading to the lower level patio. The stairwell would be 3 feet closer to the rear property line.

The home on the property could be redesigned to allow additional space to the rear by shifting the southern portion of the house further forward on the site and reduce the offset of the 2-car garage. Additionally, the home could be constructed with a smaller 8-foot deck with the stairway built inside the envelope of the deck to meet the required 35-foot rear yard setback. Though these options may not be ideal for the potential homeowners, they would allow construction of a ranch style home with a raised, covered deck that would meet the requirements of the zoning resolution with no variances.

However, the proposed home location is at the end of an existing cul-de-sac street. The neighbors to both sides sit in front of the rear line of the proposed home and would not be able to see or be impacted by the reduced setback of the proposed deck. The property to the rear of the proposed home is currently a vacant, wooded property with no structures near the area of the proposed variance. The nearest homes are located at the bottom of the hill along Reemelin Road and these homes would not likely be able to see the proposed home, even in the winter months, due to the existing dense vegetation.

Several other variances have been granted in the vicinity of the subject site. Many of these include setback variances for new homes and home additions. Specifically, there have been three setback variances granted within the Breckenridge subdivision. These include two variances for new homes with less setback than required and a variance for construction of a two story addition with less side yard than required.

## **STANDARDS:**

### **Table 4-6 – Minimum Yard Requirements in the “A-2” Residence District**

Provides in relevant part: Front Yard: 40 feet, Rear Yard: 35 feet, Side Yard: 10 feet

### **Section 10-3.3 – Accessory Structure Location**

Provides in relevant part: “Decks providing access to the principal structure shall not be considered detached structures and shall be subject to the same minimum setback requirements as principal structures.”

This request is a variance based on “practical difficulties” and not based on a “use variance”, “unnecessary hardship” or “undue hardship”. The following factors should be used to determine if the deck should be permitted to have a 28-foot setback where a 35-foot rear yard setback is required on the residential property:

1. Can the property in question yield a “reasonable return” or be used in any beneficial way without the variance?
2. Is the variance a substantial deviation from the zoning code?
3. Will the essential character of the neighborhood be substantially altered or

would adjoining properties suffer substantial detriment as a result of the variance?

4. Will the variance adversely affect the delivery of governmental services, such as garbage removal, sewage disposal, or water lines?
5. Did the property owner purchase the property with knowledge of the zoning restrictions?
6. Can the property owner's predicament be feasibly obviated through some method other than a variance? In other words, does the property owner have a remedy other than a variance, which would alleviate the problem?
7. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

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**BOARD'S ACTION:** The Board is to consider the application for a variance to allow the applicant a raised, covered deck with less rear yard setback than required on the west side of the proposed single-family home on the property in question.

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BDS

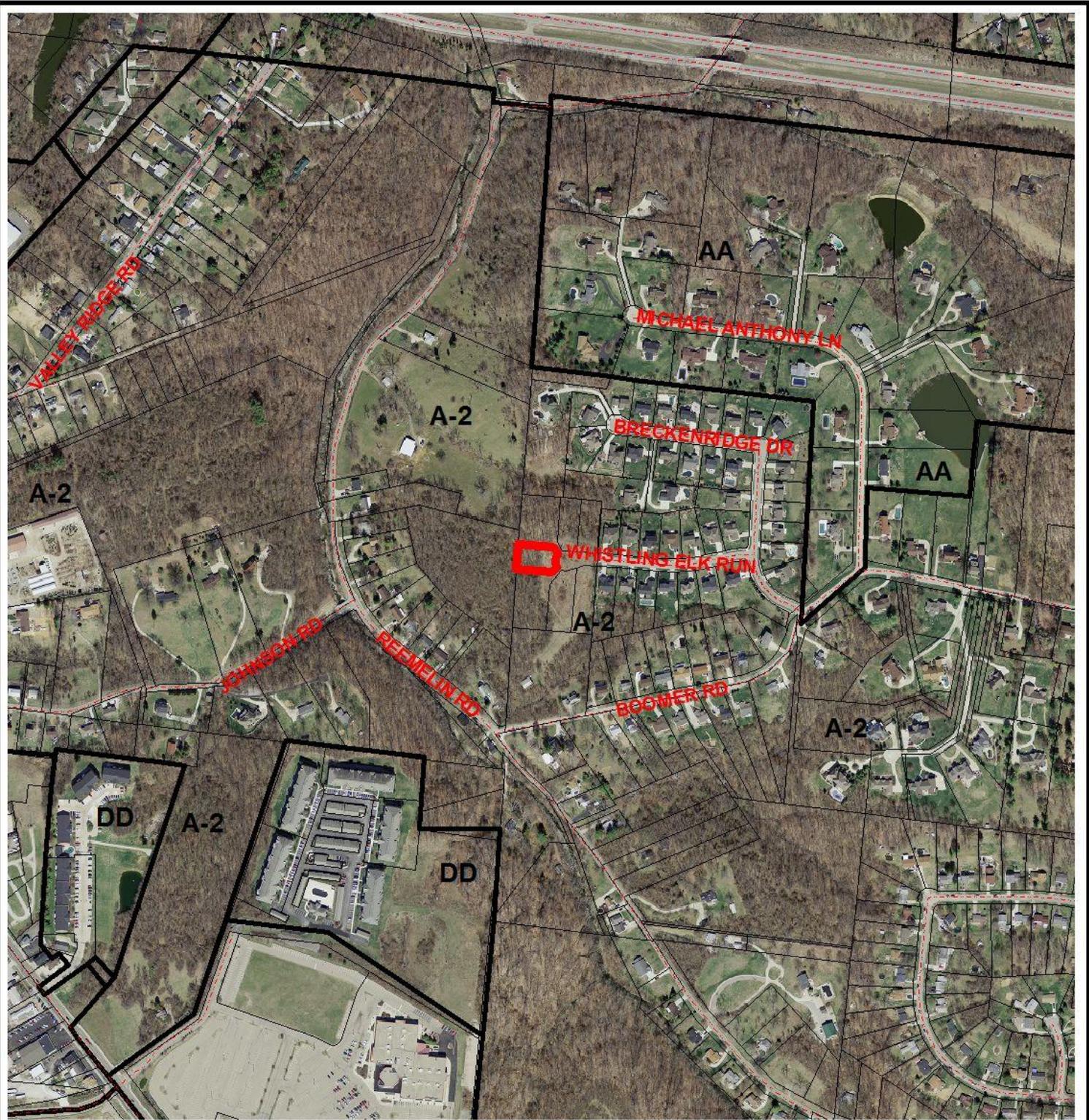
## **SITE PHOTOS**



View of site looking west from Whistling Elk Run

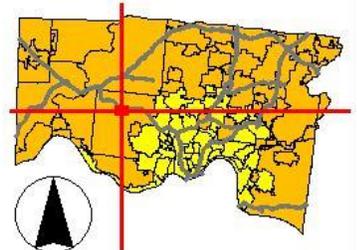


View of site looking west from the end of the Whistling Elk Run



# VICINITY MAP

**Case: Green 2014-18; 5785 Whistling Elk Run**  
**Request: VARIANCE APPROVAL**



Printed: 11/4/14  
 Printed By: BRYAN SNYDER

DISCLAIMER: Neither the provider nor any of the parties of the Cincinnati area geographic information system (CAGIS) make any warranty or representation, either expressed or implied, with respect to this information, its quality, performance, accuracy, reliability, or fitness for a particular purpose. As a result, this information is provided "as is" and you, the recipient, are assuming the entire risk as to its quality and performance. In no event, will the provider or any party of CAGIS be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information to any other party of their product, even if advised of the possibility of such damages. In particular, neither the provider nor any party of CAGIS shall have any liability for any of the information, programs or data used with or associated with the information responses, including the use of e-mailings, text information, programs or data. Any trademarks and trade names information provided on this map is for general informational purposes only. For official determination of land use, the user must refer to the 1982 FEVA localities file generated. Large differences can exist between actual flood prone areas and official FEMA flood zone designations.





APPLICATION FORM (continued)

APPLICATION NUMBER
<u>ZNGT 2014-18</u>

Address of Subject Property Whistling Elk Run 5785 Township Green

	NAME	ADDRESS	CITY	STATE	ZIP CODE	PHONE NO.
OWNER	Breckenridge West 3 LLC	7905 Livingston Road	Cinti.	OH	45247	646-1994
CONTRACTOR	Western Homes, LLC	9560 Montgomery Road	Cinti.	OH	45242	791-8551
PLANS BY	Abercrombie & Assoc.,	3377 Compton Rd., #120	Cinti.	OH	45251	385-5757
APPLICANT	Western Homes, LLC	9560 Montgomery Road	Cinti.	OH	45242	791-8551

TYPE OF IMPROVEMENT: (Describe briefly proposed work)

New Single Family Residence; rear-yard variance requested for rear covered porch.

PROPERTY OWNERSHIP

- Private
- Public (Federal, State, Local)
- Corporate
- Other

BZA ACTION REQUESTED

- Appeal
- Variance
- Conditional Use
- Compatible Non Conforming Use
- Non Conforming Use
- Other

State in detail all existing and proposed uses of this building or premises:

Existing Use Vacant

Proposed Use Single-Family Residence

- Commercial
- Residential

Estimated cost of improvement for which this application is being made:

\$ 20,000.00 (covered porch only)

The owner(s) of this building and undersigned, do hereby covenant and agree to comply with all of the laws of the State of Ohio and the Zoning Resolution of the County of Hamilton, pertaining to building and constructing the proposed building or structure or making the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct.

Application By: Western Homes, LLC Address 9560 Montgomery Road, Cinti., OH 45242

DO NOT WRITE BELOW THIS LINE

Adopted: \_\_\_\_\_ Journalized: \_\_\_\_\_  
 BZA Filing Fee: \$223<sup>00</sup> \$60<sup>00</sup> Cash \_\_\_\_\_ Check # 6657



RURAL ZONING COMMISSION  
HAMILTON COUNTY, OHIO  
OFFICE OF THE ZONING INSPECTOR

138 E Court Street • Room 801 • Cincinnati, OH 45202  
(513) 946-4550

APPLICATION NO  
(DO NOT WRITE IN THIS SPACE)

Z20140380

BZA CASE NO  
(DO NOT WRITE IN THIS SPACE)

ZVGT2014-18

# NOTICE OF REFUSAL

TO Western Homes, LLC  
APPLICANT: 9560 Montgomery Road  
Cincinnati, Ohio 45242  
513-791-8551

TO Breckenridge West 3 LLC  
OWNER: 7905 Livingston Road  
Cincinnati, Ohio 45247  
513-646-1994

**AUDITOR'S ID NUMBER**

BOOK: 0550 PAGE: 0192 PARCEL: 0178

Your application dated October 6<sup>th</sup>, 2014 for a zoning certificate for the construction of a new single family residence with a covered porch providing less rear yard setback than required at premises designated as **5785 Whistling Elk Run** is hereby refused on this 6<sup>th</sup> day of October, 2014 under Tables 1-6 and 4-6 and Sections 20-1 of the zoning resolution in that:

**Table 1-6** et seq. of the Zoning Resolution and the Green Township District Maps designate said premises to be in the "A-2" Residence District.

**Table 4-6 Rear Yard:** In the "A-2" Residence District there shall be a rear yard having a depth of not less than thirty-five (35) feet.

**Section 20-1** Provides in relevant part: "... No land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose whatsoever until the County Zoning Inspector has issued a Zoning Certificate. ..."

An appeal from this decision to the County Board of Zoning Appeals is governed under **Sections 21-1, 21-2, 21-5.1(a), 21-6 and 22-2** of the Zoning Resolution.

  
Bryan Snyder, ZONING INSPECTOR

  
Lori M. Adler, ZONING PLANS EXAMINER

**NOTE:** ANY APPEAL MADE FROM THIS REFUSAL MUST BE FILED WITH THE BOARD OF ZONING APPEALS WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS REFUSAL. **FOR FURTHER INFORMATION**, CONTACT THE ZONING PLAN EXAMINER, OFFICE OF THE ZONING INSPECTOR (513) 946-4550.



October 6, 2014

Hamilton County Board of Zoning Appeals  
807 County Administration Building  
138 East Court Street  
Cincinnati, Ohio 45202

Re: Lot 4, Breckenridge West Subdivision  
Green Township, Hamilton County, Ohio  
Our Job No.: 13-0144

To Whom It May Concern:

On behalf of the applicant, Western Homes, LLC, please see application materials for the above-referenced property. Attached are Board of Zoning Appeals Application Form, Checklist, Building Elevations, Floor Plan, Variance Exhibit & Check for \$223.00. The property is 0.3481 Acres & is situated in Breckenridge West Subdivision. The applicant wishes to construct a new single-family residence that contains a rear covered porch that violates the minimum required rear yard setback of 35' as indicated in Section 4-6 of the Hamilton County Zoning Resolution. Based on the future homeowners' wishes to construct a ranch & have the covered porch be accessible from the kitchen/nook, there is not enough depth available in the lot to fit this porch within the minimum rear yard setback.

Please place this project on the November 12, 2014 agenda of the Hamilton County Board of Zoning Appeals & feel free to contact me with any questions.

Sincerely yours,

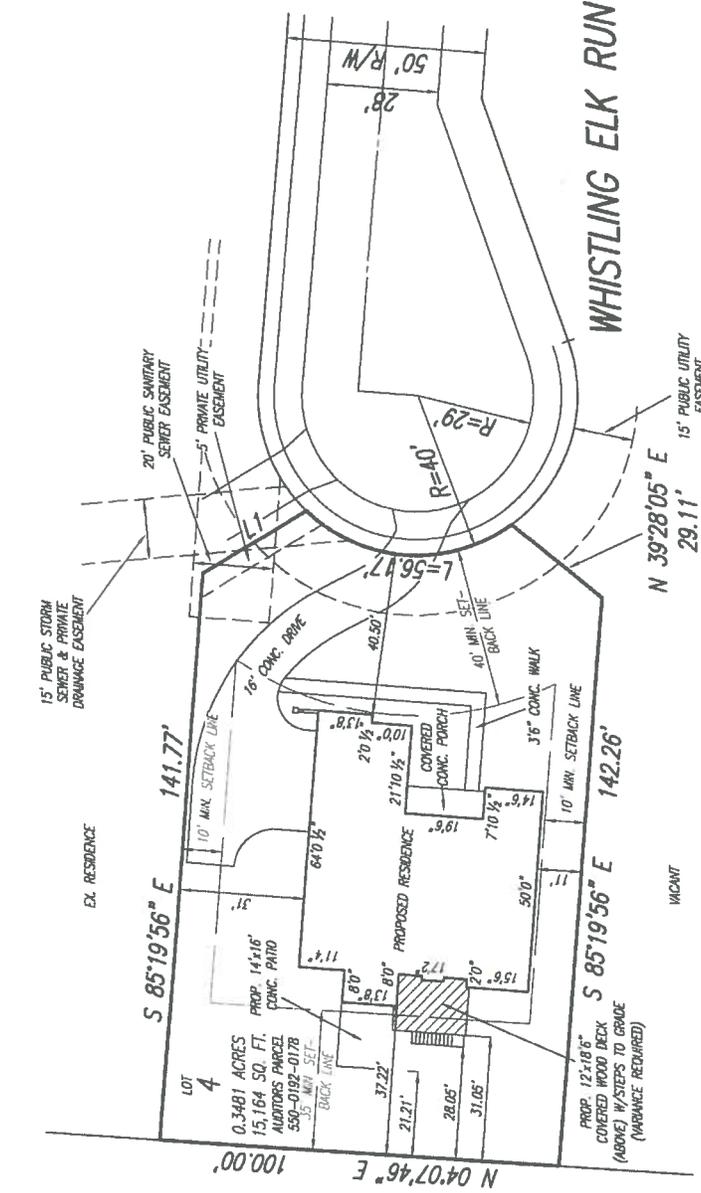
ABERCROMBIE & ASSOCIATES, INC.

Robert Rothert, P.E.  
President

Attachment

244038U

LINE TABLE	
LENGTH	BEARING
L1	N 31°06'54" W



VARIANCE EXHIBIT

BRECKENRIDGE WEST SUBDIVISION  
SECTION-23, TOWN-2, F. RANGE-2, MIAMI PURCHASE  
GREEN TOWNSHIP, HAMILTON COUNTY, OHIO

**Ae** Abercrombie & Associates, Inc.  
Civil Engineering + Surveying  
3377 Campbell Road, Suite 120 - Cincinnati, Ohio 45251  
615-386-6767 - www.abercrombie-associates.com

SCALE 1" = 30'  
DATE 10-2-14  
JOB NO. 99-0034A  
DRAWN J.C.



GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

BUILDER:  
WESTERN HOMES, LLC  
9560 MONTGOMERY ROAD  
SUITE 500  
CINCINNATI, OHIO 45242

LOT 4 13-0144

DWG: 4-JC









# SECRETARY'S REPORT

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON OCTOBER 8, 2014

**BZA  
CASE:**

**GREEN 2014-17(Compatible Nonconforming Use)**

# SCHWAB NURSERY

**REQUEST:** COMPATIBLE NONCONFORMING USE approval for alterations to an existing nonconforming use in an "A-2" Residence district

**PURPOSE:** To allow relocation of bins for bulk material storage and sales from the center of the property to the front of the property and approval of other miscellaneous site modifications

**APPLICANT:** Dan Schwab, Schwab Nursery (applicant); Schwab Outdoor Power Equipment LLC (owner)

**LOCATION:** Green Township: 3478 Ebenezer Road, on the east side of Ebenezer Road, north of Lawrence Road (Book 550, Page 172, Parcels 30, 452, 453, & 467)

**SITE DESCRIPTION:**

Tract Size:	3.076 gross acres
Frontage:	Approximately 410 feet on Ebenezer Road
Topography:	Generally flat then sloping down slightly to the rear
Existing Dvlpmt:	Nonconforming commercial nursery and lawn equipment sales and service

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	"A-2" Residence	Single-family homes
South:	"A-2" Residence	Single-family homes
East:	"B" Residence	Single-family homes
West:	"A-2" Residence	Single-family homes

**SUMMARY OF RECOMMENDATIONS:** APPROVAL with Conditions

**PROPOSED USE:**

The applicant has constructed several large bulk storage bins related to the sale of mulch and other landscaping materials in a location near the southern entrance along the Ebenezer Road frontage of the property. The construction included installation of a large concrete pad to provide access to the bins. This location was formerly occupied by plant sales area. The applicant did not receive a Zoning Certificate to construct the storage bins and received a zoning violation letter following receipt of a complaint from a citizen and subsequent inspection by the Zoning Inspector. The applicant is requesting approval to allow the bins to remain in their current location. In addition, the request includes a need for official approval of other aspects of the use of the site for plant sales area and equipment storage not included on the current nonconforming use certificate issued in 1996. These include a plant trellis on the northern portion of the site, removal of a 1.5 story residence structure, reduction in the number of greenhouse structures, and the plant sales area on property to the south.

**ZONING PETITION HISTORY:**

There have been no previous zoning petition cases on the property.

**BZA HISTORY:**

The existing use of the property has a lengthy history as a nonconforming use in Green Township. The property was issued a nonconforming use certificate in 1953 for a "Feed Store" that included a 2-story frame store/storage building and a storage barn that had existed on the property prior to adoption of zoning in Green Township in 1952. In 1996, the owner applied for a variance to construct a pole barn with less setback than required for agricultural structures on the site. The BZA denied the request as part of case BZA 5-96. Later in 1996, the owner applied for an appeal of an order from the Zoning Inspector and requested issuance of a new nonconforming use certificate to allow reconstruction of a building on the site for the repair and sale of lawn equipment. The BZA heard the request as part of case BZA 31-96. The request was approved with 12 conditions and a detailed site plan in September 1996. The building was reconstructed in accordance with the approved plans and is currently used for lawn equipment sales and service.

Apart from the approval of BZA case 31-96, it appears that the nursery use had been considered a permitted agricultural use until 1996. According to nonconforming use records for the property, it appears that the site was reduced in area and increased in intensity as an agricultural use where only structures were regulated with regards to setback but growing and selling of landscaping and associated supplies was permitted. However, the notes associated with the property indicate that according to a prosecutor's opinion from 1993 and based on testimony offered by the owner at the first hearing in 1996, the entire use of the property is now considered "Retail Business" in nature. Therefore, the landscaping sales and storage area around the buildings and the use of the storage buildings themselves, including all greenhouses, became nonconforming uses at that time. The issuance of the nonconforming use certificate following the 31-96 case was considered as applying to the entire property. Therefore, the property became a legal nonconforming use according to the plan and layout of the

property in 1996.

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**ANALYSIS:**

**Compliance with Standards for Compatible Nonconforming Uses**

Nonconforming uses may be approved for expansion or improvement where the improvements will have no adverse impact upon adjacent properties or other land uses in the surrounding neighborhood. Specifically, Section 9-5 of the Zoning Resolution states:

“Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming use may be increased or improved where the owner of such use can demonstrate through application to the Board of Zoning Appeals that the manner in which the usable area of the nonconforming use will be increased or improved will have no adverse impact upon adjacent property owners and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent property owners and the uses in the surrounding neighborhood upon compliance with specified conditions.”

***Storage Bin Findings:***

The applicant has applied for approval of the construction of storage bins on the property. The site plan approved as part of BZA case 31-96 did not show any bins for storage of bulk material. In a review of aerial photography, it appears that in 1996 there was several bulk storage bins for mulch located to the rear of the property just south of the lawn equipment sales and repair building. It appears that one or two bins may have been covered with greenhouse material and one was open. By 2001, the sales and storage building had been reconstructed as approved as part of case 31-96 and at least one of the bins had been removed from the property. Also during this timeframe, a tractor trailer was added to the property and parked just east of the sales and service building and the existing bins. By 2006, the bins had been moved to an area next to the trailer and the bins to the south of the sales and service building had been removed and replaced with storage of other materials. Finally, in 2014 a former plant display area and trellis located along Ebenezer Road were removed and replaced with a large new concrete pad and 6 total storage bins. None of these site modifications were supported by the approved 1996 plan and no Zoning Certificates were issued for any of the changes.

With the exception of the newest 6 storage bins and the trailer parked on the site, the majority of the modifications during this timeframe were minor in nature. The relocation of the mulch bins from the rear of the property to the center of the property increased the distance from these bins to the adjacent residential properties to the east and likely reduced the impact of the mulch sales on the adjacent residents. However, parking of a tractor trailer on the site, which is specifically prohibited in a residential district, and the construction and expansion in size of the mulch and gravel bins in an area directly along the frontage of the site has a much greater impact.

The location of the bins directly across the street from several single-family residences has an adverse impact on these residents in terms of the increased size, noise, and activity of the mulch and gravel storage and sales area. The bins are setback 18 feet from the right-of-way of Ebenezer Road and the applicant has installed a row of 14 pine trees along the frontage in an attempt to address this adverse impact. The trellis formerly located in this area was located 6 feet from the right-of-way and was not screened by any landscaping. However, this trellis structure was much more residential in nature than the large concrete blocks stacked around the edge of the mulch area to make up the bins. In addition, the increased paved area and vehicular use of this portion of the property by trucks and other large construction vehicles has a greatly increased adverse impact on the adjacent residential properties. The area formerly had a more residential character with low volume of use and little noise impact and this area has become much more industrial in nature with greatly increased impacts that cannot wholly be mitigated through landscaping.

Based on the above, staff finds that the current bin location and tractor trailer would have an adverse impact upon adjacent property owners and the surrounding neighborhood. Staff further finds that the current bin location and tractor trailer on the property cannot be made compatible through implementation of appropriate conditions. Therefore, staff finds that the proposed request should not be permitted as a compatible nonconforming use. Staff suggests that the applicant submit revised plans indicating the removal of the tractor trailer and relocation of the bins to an area further back from the road near the existing trailer and bin location.

***Findings for Compliance with BZA Resolution 31-96:***

The previous approval for the property was accompanied by 12 conditions contained in BZA Resolution 31-96. These conditions related to the reconstruction of the lawn equipment sales and service building. The conditions mostly discussed noise concerns with the repair of lawn mowers and tractors and required sound attenuating site improvements, including a sound baffled room to examine lawnmowers and a sound attenuating fence to the east of the mower repair area of the property. It appears that these conditions were met at the time of reconstruction of the building. However, staff did not perform a detailed inspection of the property related to these items as the current request was not related to this portion of the site.

***Other Site Modification Findings:***

Since the 1996 BZA approval, and the approval of the site plan that accompanied the resolution, there have been numerous changes to the site outside of the construction of the new storage bins. Two greenhouses were removed from north side of the site and replaced with uncovered plant display areas, the 1.5 story former Schwab dwelling single-family home along Ebenezer was demolished, outdoor storage and sales of lawn

care supplies and bagged products has been conducted around the interior of the parking loop on the property, and 8 parking spaces were removed in the area of the new storage bins. However, the perimeter of the site has remained mostly unchanged and all setbacks have been maintained from 1996 until present.

Of the changes identified above, staff is most concerned with the loss of parking spaces. The applicant has not submitted a parking analysis and staff does not have the information necessary to determine the minimum parking requirement for the use, but the loss of parking spaces could result in parking issues during peak flower and garden sales periods. Based on a rough estimate of the building size and plant and mulch sales areas, it appears that the site could require as many as 44 parking spaces. The site previously had 40 spaces prior to the construction of the new mulch bins and now provides a total of 32 striped parking spaces. Therefore, it appears that the site could have a parking deficiency based on the sales and display and storage areas around the site. However, without detailed information on the size and use of the various structures around the site, staff cannot determine the actual parking requirement for the site.

Finally, it appears that the use of the area to the east of the lawn equipment sales and repair building has expanded since 1996. While the setback of the use of this area has not been reduced, the applicant is now using this area for outdoor storage of lawn equipment for repair and has constructed another hoop style structure for covered storage. This area was not being used extensively for storage in 1996 and the impacts of the increased use of this area, including construction of the additional structure directly adjacent to the residential property line, could have had an adverse impact on the adjacent residents. The use of this area should be restricted and reduced to address this concern.

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**CONCLUSION:**

The above findings indicate that the proposed development does not meet the requirements of Section 9-5, Compatible Nonconforming Uses. Specifically, the new storage bins constructed along the frontage of the property have an adverse impact on the adjacent properties across Ebenezer Road from the site and on the residential neighborhood as a whole. Additionally, due to the industrial nature of the storage bins and increased use of the area by large trucks and equipment, the impacts of this use on the adjacent residents cannot be made compatible with the surrounding uses through appropriate conditions. It is not likely that additional landscaping or fencing would make this use compatible with the surrounding uses. A complete revision and relocation of the bins to increase the setback of this use from the street and screen the area from view would be necessary to make this proposal consistent with the limitations of nonconforming use review and approval required by the Zoning Resolution. Therefore, staff finds that the requested compatible nonconforming use would not be appropriate for this site and should be denied.

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**RECOMMENDATION:** Denial of BZA case Green 2014-17; Schwab Nursery, a request for approval of a compatible nonconforming use to modify a previously approved plan to allow construction of new bulk storage bins on the property located in a "C" Residence District.

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NOTE: Findings in this report reflect the opinions of the Secretary of the Board of Zoning Appeals, but may not necessarily reflect the recommendation of any Board or Commission. This report is a technical assessment on the level of compliance with adopted zoning regulations including any required modifications or variances. The final decision of any commission or board may result in findings and conclusions that differ from the report.

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Prepared by:

\_\_\_\_\_  
Bryan D. Snyder, AICP

Development Services Administrator

## SITE PHOTOS



View of bulk storage bins and tractor trailer looking south from parking lot



View of bulk storage bins and trailer looking east across Ebenezer Road



View of single-family homes across from site looking west across Ebenezer Road

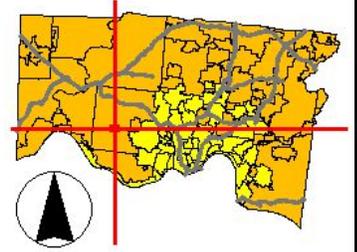


View of former mulch bin area and existing trailer looking south from parking lot



# VICINITY MAP

**Case: Green 2014-17; Schwab Nursery**  
**Request: Compatible Nonconforming Use Approval**



Printed: 10/1/2014  
 Printed By: BRYAN SNYDER

DISCLAIMER:  
 Neither the provider nor any of the parties to this geographic information system (GIS) make any warranty or representation, either expressed or implied, with respect to this information, its quality, performance, availability, or fitness for a particular purpose. As a result, this information is provided "as is," and you, the recipient, are assuming the entire risk as to its quality and performance.  
 In no event will the provider or any party of GIS be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information or any other part of their product, even if advised of the possibility of such damage. In particular, neither the provider, nor any party of GIS shall have any liability for any, of the information, programs or data used with or combined with the information received, including the use of geocoding or information programs or data.  
 Any roadway and local type information provided on this map is for conceptual planning purposes only. For a final determination of this recipient, must refer to the 1982 FEMA floodway/high ground maps. Large differences can exist between actual flood prone areas and official FEMA floodway areas.

## AERIAL PHOTOS



1996 Aerial Photo of site



2011 Aerial Photo of site

# 1996 APPROVED SITE PLAN

SCHWAB NURSERY & GARDEN STORE  
 SECTION 21, T. 2, R. 2, GREEN TOWNSHIP  
 HAMILTON Co., OHIO  
 SCALE 1"=20'

JANUARY, 1996  
 Revised Jan. 1996  
 Revised 10-21-1996  
 Revised 5-2-1996  
 Revised 12-21-1996

HEYL SURVEYORS  
 222 W. STATE ST.  
 HAMILTON, OHIO 45030  
 (513) 863-1111



**ZONING APPEAL**  
 No. 31-96  
 GRANTED  DENIED   
 DATE ADOPED: 9/11/96  
 DATE JOURNALIZED: 9/25/96  
 SEE RESOLUTION FOR CONDITIONS

7961321 - as per the prints  
 MB, cur. R. / elec  
 60' R-2C





## APPLICANT LETTER

Schwab Nursery  
3478 Ebenezer Rd  
Cincinnati, Ohio 45248



The proposed construction on the property is to house bulk mulch on the nursery property in a structure walled on three sides with large concrete divider block which otherwise would be mounded/piled on the property. Bulk mulch sales has been consistent with operations of the nursery for decades.

The nursery has been operating on this property for over 65 years as a nursery and outdoor equipment retail outlet. The property has been legal non-conforming since Hamilton County implemented zoning or changed the zoning district on the property to residential.

Schwab is not adding any new uses or operations, but are simply relocating the bulk mulch bins from one part of the property to another for functionality and safety reasons due to that when mulch is delivered, the dump truck beds raise up into the electric lines & phone lines that service the business. Other locations on the property are used for other nursery or outdoor equipment operations which prohibit placing the bulk mulch bins in those locations.

The location where the current mulch bins are located previously had a taller, larger footprint, wooden structure for over 25 years. It was rotting and becoming hazardous, so it was torn down and the mulch bin structure was moved to that area.

The mulch bin structure is a compatible use with the current overall use of the property which has been the sale of nursery, landscape, and power equipment products for 67 continuous years.

Additional protection includes the following:

- a. Schwab has removed the rotting, hazardous wooden structure which was at the subject location and which existed for over 25 years.
- b. Schwab has constructed a three walled structure which is set back further from the street than the previous wooden structure to store bulk mulch for sale which will help contain the mulch on windy or stormy days.
- c. The mulch bins are 6 feet in height and have been screened with Spruce trees in front of the bins for better aesthetics.
- d. The mulch bin area is out of all traffic circulation areas and does not require additional lighting. Noise is limited to infrequent filling of customer vehicles with bulk products which should be no louder than the existing traffic on Ebenezer Road.

**Administration Offices:**  
6305 Harrison Avenue  
Cincinnati, Ohio 45247-7818  
  
(513) 574-4848  
Fax: (513) 574-6260  
E-mail: admin@greentwp.org  
Website: www.greentwp.org



**Board of Trustees:**  
David Linnenberg  
Tony Rosiello  
Triffon Callos  
  
**Fiscal Officer:**  
Tom Straus

October 2, 2014

Hamilton County Board of Zoning Appeals  
138 E. Court Street, Room 802  
Hamilton County Administration Building  
Cincinnati, Ohio 45202

Attn: Bryan Snyder

**RE: HCBZA Case Green #2014-17, Schwab Nursery / Dan Schwab**  
3478 Ebenezer Rd.

Dear Mr. Snyder:

I am writing on behalf of the Green Township Board of Trustees with respect to Board of Zoning Appeals Case Green #2014-17. The modification of an existing non-conforming use appeal is set for hearing on Wednesday, October 8, 2014.

The Trustees considered this matter at their regularly scheduled meeting on September 22, 2014. The Trustees believe that the modification of the existing non-conformity to permit bulk storage bins to be located in the front yard setback area (Ebenezer Rd.) is consistent with the spirit and intent of the Zoning Resolution.

The Trustees passed Resolution #14-0922-O recommending approval of the modification of an existing non-conforming use subject to the following conditions:

1. Except for routine maintenance or repair that no other changes could occur on the site without prior approval of the Hamilton County Board of Zoning Appeals;
2. That the landscape buffering installed to screen the bulk mulch area shall be maintained as installed; and
3. That the bulk materials stored in bay closest to Ebenezer Road shall not be routinely stacked or stored to a height in excess of 6 ft.

Thank you for your time and consideration in this matter, please feel free to contact me at 598-3060 with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Adam B. Goetzman". The signature is stylized and cursive.

Adam B. Goetzman  
Green Township Assistant Administrator/Development Director  
ABG/





APPLICATION FORM

Submit Completed Application To: The Hamilton County Board of Zoning Appeals, County Administration Building, 138 E. Court Street, Room 801, Cincinnati, OH 45202 Phone: (513) 946-4550

Prepare a Letter referring to instructions in the "User's Guide" and including:

- a. The principal points set forth in this case shall be the same as those under which the administrative officer acted, whether the granting or refusal of a zoning certificate or any other decision based upon the regulation of the Zoning Resolution.
b. A clear and accurate description of the proposed use
c. Specific reference to the Chapter and Section(s) of the Zoning Resolution which, it is claimed, authorize the determination sought

NAMES AND ADDRESSES

Applicant Schwab Nursery Owner Dan Schwab
Address 3478 Ebenezer Rd Address
Cincinnati Oh 45248
Email Address sape@fuse.net Email Address

The undersigned Dan Schwab hereby appeals under Chapter 21 & 22 and Section(s) of the Zoning Resolution to permit the construction of a relocation of mulch bias (modification of an existing non-conforming use) in accordance with the plats, plans and other data hereto attached and made a part of this case.

PROJECT IDENTIFICATION

Table with 5 columns: ZONE DISTRICT, AUDITOR'S BOOK NO., AUDITOR'S PAGE NO., AUDITOR'S PARCEL NO., LOT NO. Handwritten entries: A2, 550, 172, 452, 453, 467, 0030

Project Location: 3478 Ebenezer Rd

I hereby depose and say that all the above information and that statements contained in all of the exhibits transmitted herewith are true.



Diane M. Marhoffer Notary Public, State of Ohio My Commission Expires 03-13-2019

Signature of Dan Schwab, Applicant Signature

10 day of Sept. 2014

Signature of Diane M. Marhoffer, Notary Public

APPLICATION FORM (continued)

APPLICATION NUMBER
NCGT 2014-17

Address of Subject Property 3478 Ebenezer Rd Township Green

	NAME	ADDRESS	CITY	STATE	ZIP CODE	PHONE NO.
OWNER	Dan Schwab	3478 Ebenezer	Cinti	Oh	45248	573 574-0020
CONTRACTOR	"					
PLANS BY	"					
APPLICANT	"					

TYPE OF IMPROVEMENT: (Describe briefly proposed work)  
Remove existing Shade Structure (5600 sq. ft., 12ft tall)  
Relocate existing Mulch bins to this area (4940 Sqft., 6ft tall)

PROPERTY OWNERSHIP

BZA ACTION REQUESTED

- Private
- Public (Federal, State, Local)
- Corporate
- Other

- Appeal
- Variance
- Conditional Use
- Compatible Non Conforming Use
- Non Conforming Use
- Other

State in detail all existing and proposed uses of this building or premises:

Existing Use Retail display for container plants

Proposed Use Retail display for mulch

- Commercial
- Residential

Estimated cost of improvement for which this application is being made: \$ 16k - 18k

The owner(s) of this building and undersigned, do hereby covenant and agree to comply with all of the laws of the State of Ohio and the Zoning Resolution of the County of Hamilton, pertaining to building and constructing the proposed building or structure or making the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct.

Application By: Dan Schwab Address 3478 Ebenezer Rd  
 DO NOT WRITE BELOW THIS LINE

Adopted: 4 Journalized: \_\_\_\_\_  
 BZA Filing Fee: 440 + 60 = 500 Cash Check # 2684

Schwab Nursery  
3478 Ebenezer Rd  
Cincinnati, Ohio 45248

**RECEIVED**  
SEP 10 2014  
HAMILTON COUNTY  
PLANNING & DEVELOPMENT

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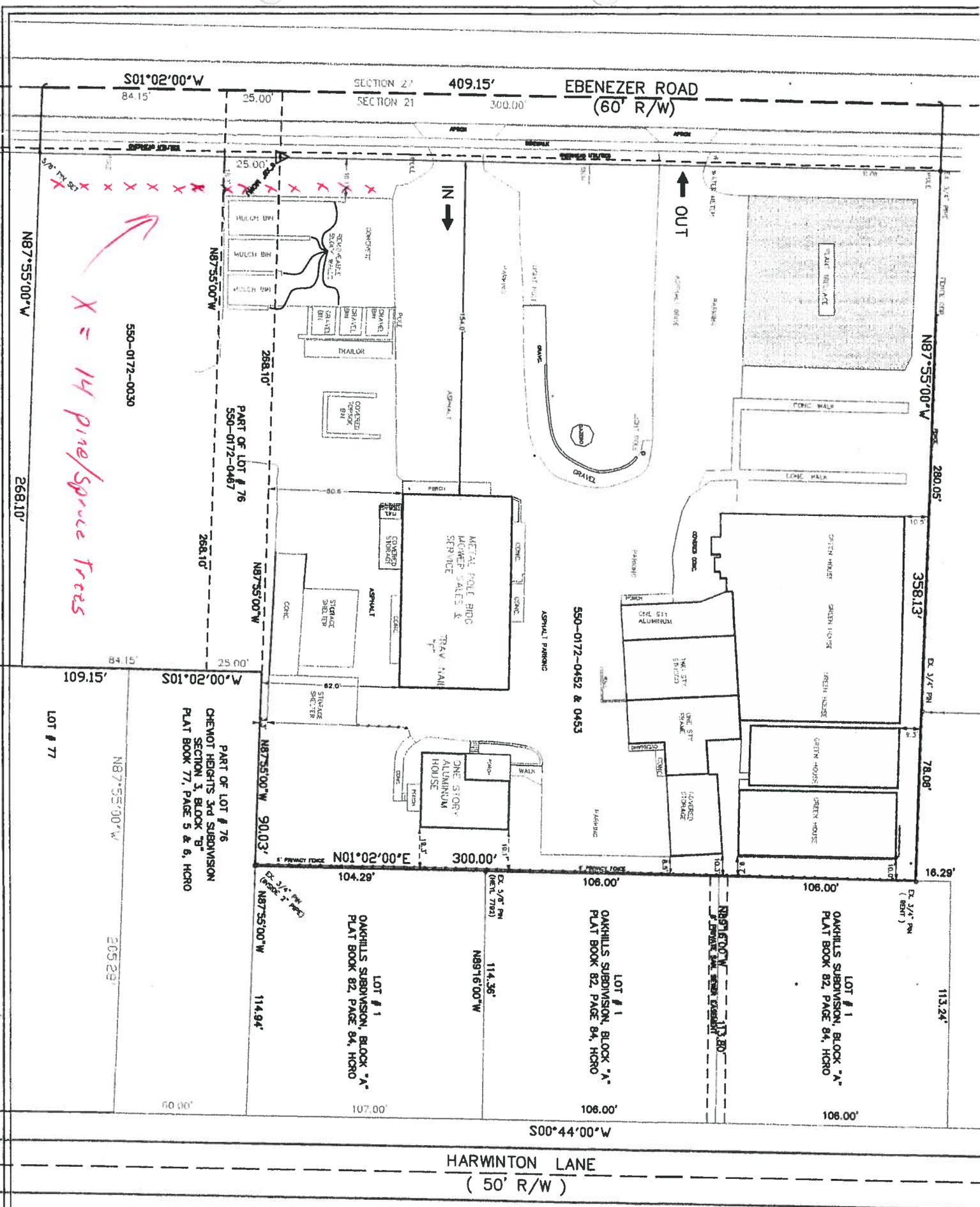
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- c. The mulch bins are 6 feet in height and have been screened with Spruce trees in front of the bins for better aesthetics.
- d. The mulch bin area is out of all traffic circulation areas and does not require additional lighting. Noise is limited to infrequent filling of customer vehicles with bulk products which should be no louder than the existing traffic on Ebenezer Road.



S01°02'00"W  
84.15'

SECTION 21  
SECTION 27  
409.15'  
300.00'

EBENEZER ROAD  
(60' R/W)

N87°55'00"W  
260.05'

358.13'

78.08'

16.29'

113.24'

108.00'

S00°44'00"W

HARWINTON LANE  
(50' R/W)

550-0172-0030

550-0172-0452 & 0453

PART OF LOT # 76  
550-0172-0467  
CHENOT HEIGHTS 3rd SUBDIVISION  
SECTION 3, BLOCK "B"  
PLAT BOOK 77, PAGE 5 & 6, HCR0

LOT # 1  
OAKHILLS SUBDIVISION, BLOCK "A"  
PLAT BOOK 82, PAGE 84, HCR0

LOT # 1  
OAKHILLS SUBDIVISION, BLOCK "A"  
PLAT BOOK 82, PAGE 84, HCR0

LOT # 1  
OAKHILLS SUBDIVISION, BLOCK "A"  
PLAT BOOK 82, PAGE 84, HCR0

X = 14 pine/spruce trees



IN

OUT



Google earth



*old*

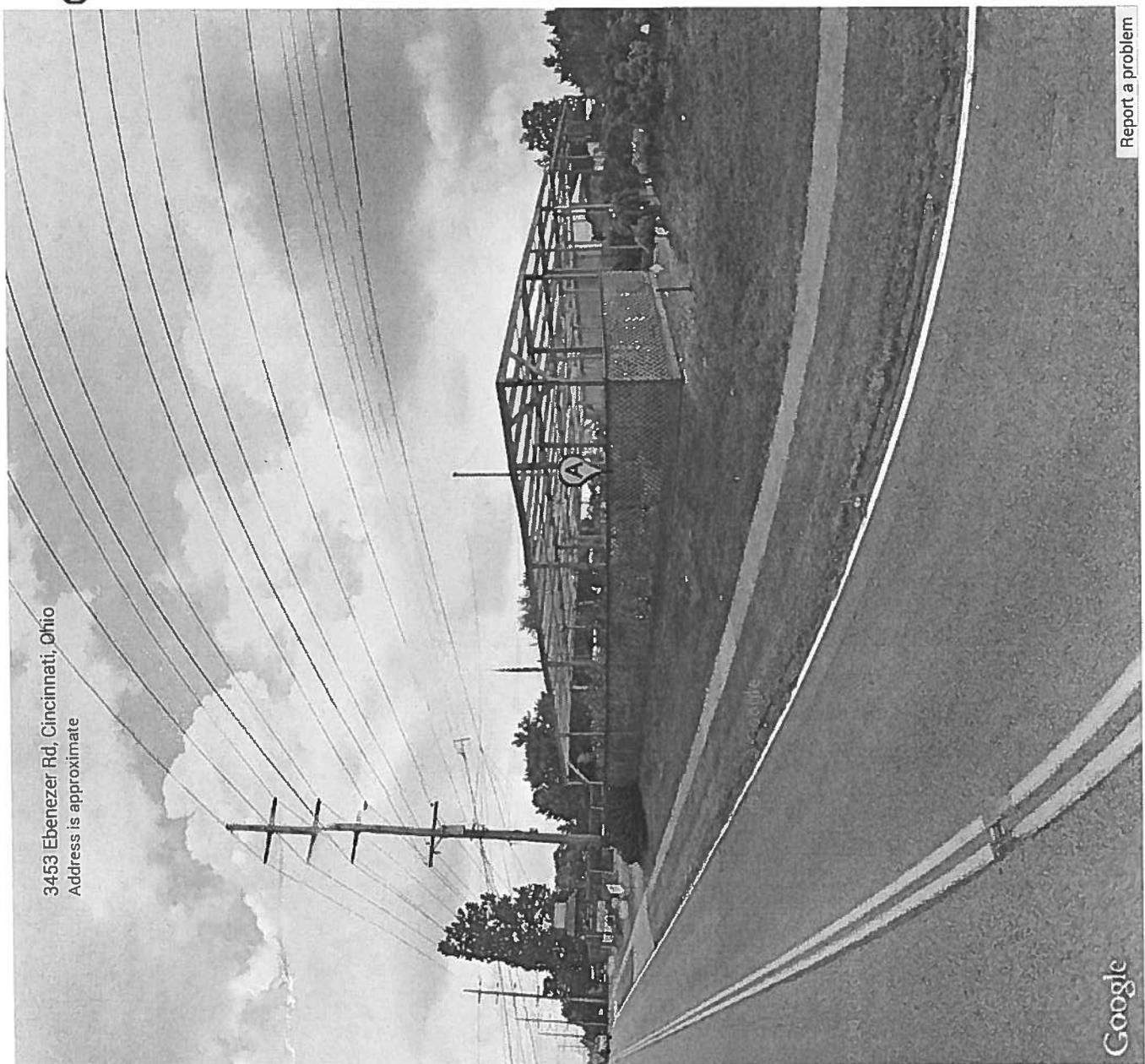


**Schwab's Outdoor  
Power Equip**

3478 Ebenezer Road, Cincinnati,  
OH 45248, USA



*old*



3453 Ebenezer Rd, Cincinnati, Ohio  
Address is approximate

Google

Report a problem





Google earth



*Before*



Google earth



*Agren*



3478 Ebenezer Rd, Cincinnati, OH 45248, USA

Google earth

Google earth

feet  
meters



old

1994 TO 2013

LOCATION OF MULCH BINS RELOCATED  
FROM PRIOR SPOT TO SATISFY NEIGHBORS  
COMPLAINT RELATED TO 1996 COMPATIBLE  
NOW CONFORMING USE PROCES.



1996

### CAGIS Online Map

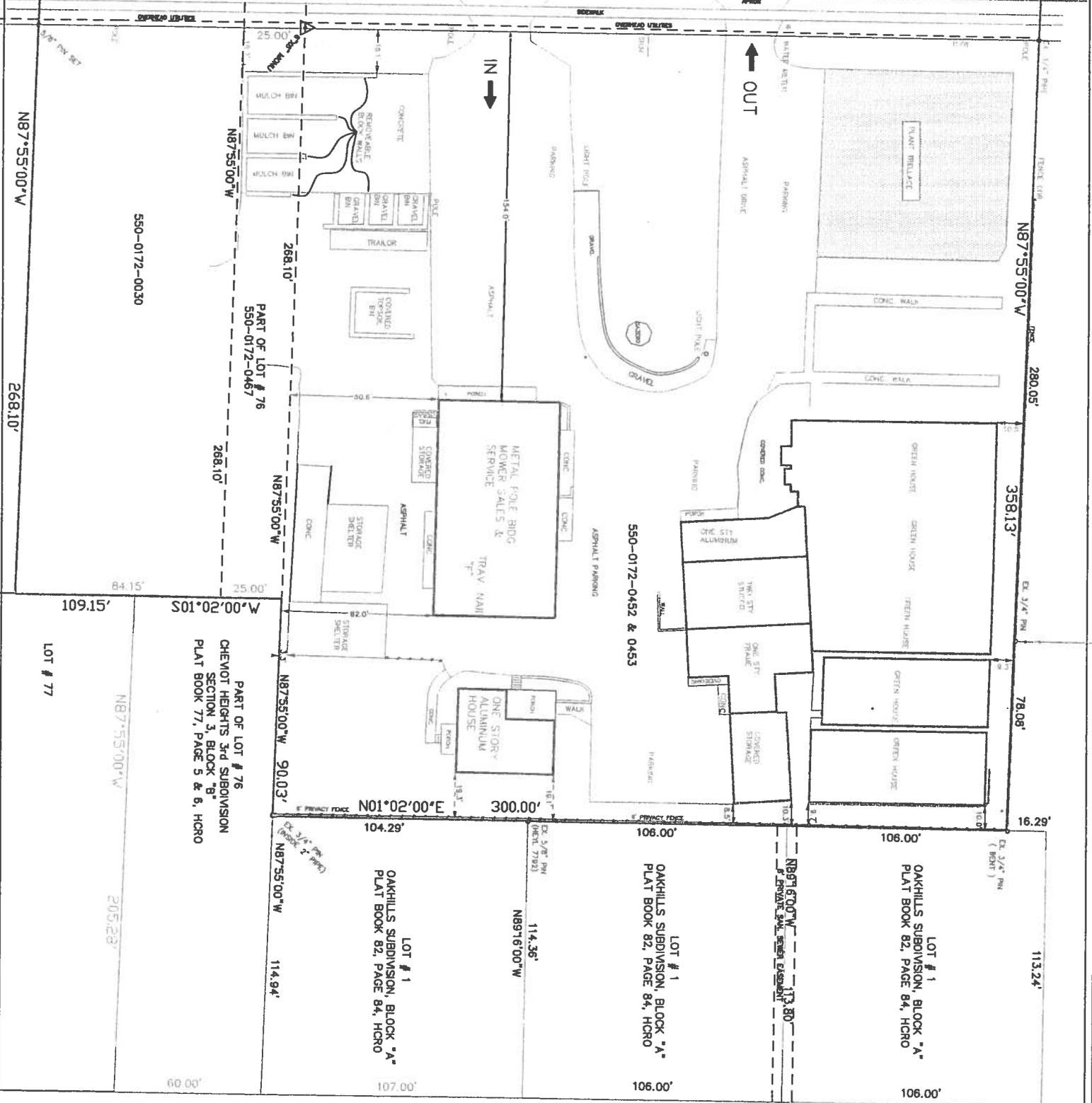
Printed: Aug 27, 2014 CAGIS©2012

CINCINNATI 

Hamilton County  Ohio

MULCH BIN LOCATION 1996

S01°02'00"W SECTION 27 409.15' EBENEZER ROAD  
SECTION 21 300.00' (60' R/W)

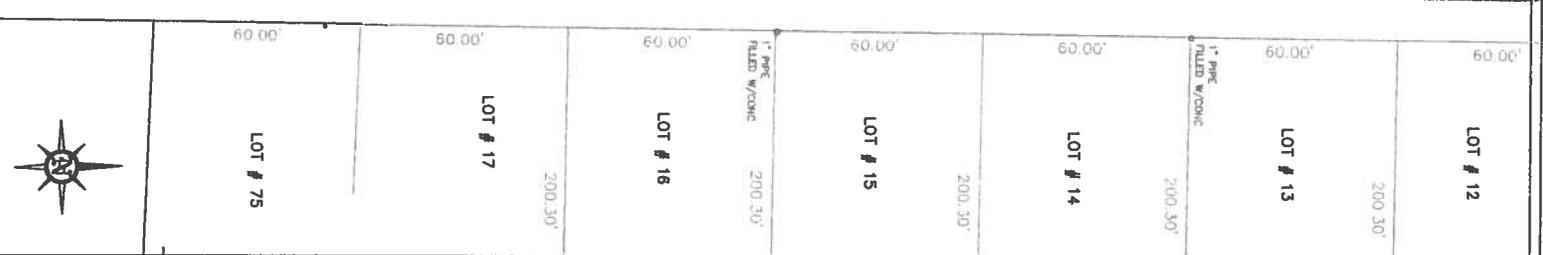


PART OF LOT # 76  
550-0172-0467  
CHEVOT HEIGHTS 3rd SUBDIVISION  
SECTION 3, BLOCK "B",  
PLAT BOOK 77, PAGE 5 & 6, HGRO

LOT # 1  
OAKHILLS SUBDIVISION, BLOCK "A"  
PLAT BOOK 82, PAGE 84, HGRO

LOT # 1  
OAKHILLS SUBDIVISION, BLOCK "A"  
PLAT BOOK 82, PAGE 84, HGRO

LOT # 1  
OAKHILLS SUBDIVISION, BLOCK "A"  
PLAT BOOK 82, PAGE 84, HGRO



FILE NO: 4127  
FILE NO: 4128  
TRACING D-31

PLAT OF SURVEY  
SCHWABS OUTDOOR POWER EQUIPMENT, LLC  
AUDITORS NO: 550-172-30/452/452/467  
SECTION 21, T-2, F.R.-2, GREEN TWP.  
HAMILTON COUNTY, OHIO  
AUGUST 2014

CERTIFICATE OF SURVEY  
I HEREBY CERTIFY THAT THIS SURVEY IS BASED ON AN ACTUAL FIELD SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
*Jerry C. Heyl*  
JERRY C. HEYL, OHIO SURVEYOR NO. 7792



HEYL SURVEYORS  
4200 RYBOLT ROAD  
CINCINNATI, OHIO 45248  
PH 574-4140  
FAX 574-4141

