
APPLICATION FOR USE VARIANCE HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

APPLICATION #: ZHUV210005
APPLICANT: 1900 Baymiller LLC
OWNER: Same
ADDRESS: **1900 Baymiller Street**
PARCELS: 013200020072
ZONING: RM 1.2
OVERLAYS: Dayton Street Historic District
COMMUNITY: West End
REPORT DATE: March 29, 2021

Nature of Request:

The applicant is seeking a Use Variance and parking relief for the use of the first floor as a coffee shop/restaurant.

The property was granted the same request on December 18, 2017 under ZHUV20170013. A building permit was never issued, and the zoning relief expired. The current request is for the same zoning relief that was granted in 2017.

Details of Zoning Relief Required:

- Section 1405-05: Land Use Regulations. The proposed use of a coffee shop/restaurant use is not a not a permitted use in the RM 1.2 district. A Use Variance is required.
- Section 1425-19: The proposed use as a coffee house/restaurant would yield 6 required parking spots. No parking spaces are being provided. A Numerical Variance of 6 is required.

Existing Conditions:

The property at 1900 Baymiller Street is a ca. 1890s mixed use three story masonry building. The building has a commercial storefront facing onto Baymiller Street. The building had historically been a mixed use building with a drug store located on the first floor.

Proposed Conditions:

The applicant plans to rehabilitate the building back into a mixed use building with apartments on the upper floors and a coffee house on the first floor. The applicants have a LOI with a local coffee shop to open a location in this spot.



Figure 1: 1900 Baymiller Street. Picture from Google Street Views.

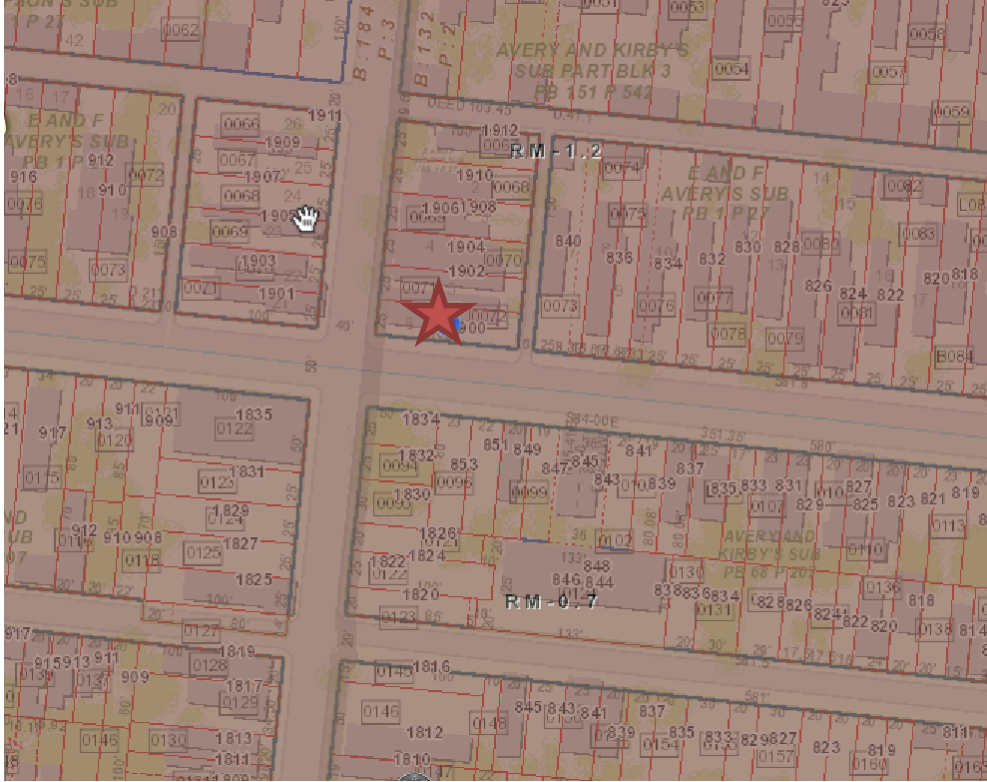


Figure 2: Map of 1900 Baymiller Street. Map provided by CAGIS.

Previous Reviews: N/A

Applicable Zoning Code Sections:

Zoning District:	Section 1405	Residential Multi-Family
Variance Request:	Section 1405-05 Section 1425-19	Land Use Regulations in RM districts Parking Regulations
Variance Authority:	Section 1445-07	HCB authority: Section 1435-05-4
Variance Standard:	Section 1445-13 Section 1445-15	General Standards: Public Interest Standards for Variances
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:	Over the Rhine Historic District	
COA Standard:	Section 1435-09-2	Certificate of Appropriateness; Standard of Review

Details of Zoning Relief Required:

The applicant and/or owner(s) are requesting a **Use Variance Approval** to allow **eating and drinking establishment/ coffee house** at 1900 Baymiller Street.

- The project is in violation of **Section 1405-05** Cincinnati Zoning Code.
- Per Section 1405-05 eating and drinking establishments are not permitted in the RM 1.2 Zoning District.

- The project is in violation of **Section 1425-19** of the Cincinnati Zoning Code.
- Per Section 1425-07 the use of a coffee house is required to provide 6 spots at this location. No spots are being provided.

Zoning Analysis:

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-16, Use Variance Standards.

No variance shall be granted to allow a use not permissible under the terms of the Zoning Code or the Land Development Code in the zoning district in which the property is located, unless the Zoning Hearing Examiner finds that the applicant for the use variance has demonstrated that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code or the Land Development Code is required and such hardship must be demonstrated by clear and convincing evidence as to the following criteria:

(a) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;

As this is a mixed use rehabilitation to include 5 units above and the commercial space on the first floor. Using a historic commercial space as a commercial space is the most historically appropriate use. If required to be a residential use, the windows would most likely be screened from the inside, which takes away from the commercial feel of the property. This property is also in a neighborhood that historically had small corner stores throughout the neighborhood.

(b) The variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;

The property was built as a mixed use building with a commercial space on the first floor fronting onto Baymiller Street. This is not a condition that is usually found in RM 1.2. The scale and original design of this building clearly were developed with commercial intentions at inception.

(c) The hardship condition is not created by actions of the applicant;

The property was built in the 1890s before zoning was established in the City of Cincinnati. The building was built as a mixed use building and this configuration was not created by actions of the applicant. The applicant is deliberately not seeking the entire first floor as commercial, minimizing commercial use only to what was historically used as a commercial space.

(d) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

Many of the neighboring properties have a similar configuration and were originally built as mixed use buildings with commercial on the first floor with residential on the upper floors.

Many residents and property owners on the street have voiced support and have provided written support for this use. Please see the attached letters and emails.

(e) The granting of the variance will not adversely affect the community character, public health, safety or general welfare;

The granting of a use variance for the proposed uses will not adversely affect the community character, public health, safety or general welfare. The proposed uses will be beneficial to the community character as it will reopen a vacant and boarded up commercial space and reintroduce commercial activity onto a street that historically had neighborhood commercial activity at street level. The proposed use as a coffee shop is not as intense of a use as a bar and staff is supportive of restrictions that alcohol sales shall not be permitted.

Parking is a sensitive issue and we aim to make sure that parking is addressed through leases whenever possible. In this case there is not a parking lot nearby available for leasing and staff is supportive of the variance for the following reasons

- *Dayton Street Historic District does not have large commercial uses that demand large amounts of parking.*
- *The neighborhood is primarily a residential neighborhood where the demand for on street parking is the highest at night and coffee house hours are more heavily day time and early evening hours.*
- *This district has the use of alleys and many homes have onsite parking from the rear.*
- *There is enough on-street parking availability to absorb the required 6 spots.*

(f) The variance will be consistent with the general spirit and intent of the Zoning Code or the Land Development Code, as applicable; and

Staff believes that the use variance is consistent with the general spirit and intent of the Zoning Code. The majority of the property will be used as a multi-family residential use and the applicant is proposing to allow the property to be used as it historically has been used. They have sought a reasonable minimal square footage of commercial uses.

(g) The variance sought is the minimum that will afford relief to the applicant.

The applicant is seeking for only a portion of the first floor to be granted the use variance and this is the portion of the first floor that historically had been used as a storefront and commercial use. The approval should only grant the minimum necessary per this proposal.

Certificate of Appropriateness Review:

A Certificate of Appropriateness is not required for this project at this time. When rehabilitation work is proposed for the building anything that cannot be approved by staff will be forwarded to the Historic Conservation Board.

Other Considerations:

N/A

Prehearing Results: A Prehearing was held on March 31, 2021. The applicant was in attendance.

Comments Provided to Staff: The applicant has submitted 14 letters of support from residents and businesses in the neighborhood, including a letter of support from the West End Community Council.

Consistency with *Plan Cincinnati (2012)*:
“Sustain” Initiative Area “Preserve our built history”

Recommendation:

Staff recommends the Historic Conservation Board take the following actions:

I. USE VARIANCE

1. **APPROVE** the **Use Variance** request to allow a commercial space of 850 sf to be used as an eating and drinking establishment subject property per the following conditions.
 - a. Alcohol sales shall not be permitted at this site.
 - b. The establishment shall close by 11 p.m., seven days/week.
 - c. No Outdoor Areas and/or Outdoor Entertainment are approved a part of this request.

2. **FINDING:** The Board makes this determination that per Section 1435-05-4:
 - a. Such relief from literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located; and
 - b. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.

II. NUMERIC VARIANCE

1. **APPROVE** the **Numerical Variance** request of 6 parking spaces in order to require that no on-site parking is required.
2. **FINDING:** The Board makes this determination that per Section 1435-05-4:
 - a. Such relief from literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located; and
 - b. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.



II Centennial Plaza
 805 Central Avenue, Suite 500
 Cincinnati, Ohio 45202
 Monday- Friday 7:30 am- 4 pm
 513-352-1559
Boards@cincinnati-oh.gov

Click any blue box
 for additional informat
 (hyper-link)

ZONING HEARING EXAMINER

Application for Zoning Relief

Office Use Only
 Case Number: _____

Hearing Date: _____

Section 1. SUBJECT PROPERTY
 ADDRESS _____ COMMUNITY _____
 PARCEL ID(S) _____ HILLSIDE DISTRICT: Yes No
 BASE ZONING CLASSIFICATION _____ ZONING OVERLAY (if applicable) _____
 HISTORIC DISTRICT: No Yes: (name) _____
 Non-Residential Project Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT
 NAME _____ CONTACT PERSON (if legal entity) _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
 TELEPHONE _____

Section 3. OWNER
 NAME _____ CONTACT PERSON (if legal entity) _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
 TELEPHONE _____

Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)
 Variance Special Exception Conditional Use Use Variance
 Expansion or Substitution of Non Conforming Use Hillside Overlay District Permission
 Urban Design Overlay District Permission DD District Phased Development Approval

Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.
 You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.
 Print Name _____ Signature Luke W... Date ____/____/____

CINCINNATI'S HISTORIC CONSERVATION OFFICE



Documents Required for Historic Conservation Board Review

The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to beth.johnson@cincinnati-oh.gov
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 900.00

All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
 - Parcel/boundary lines
 - Building footprints and dimensions labeled
 - Setback dimensions from all property lines labeled
 - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
 - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
 - Total Height from grade to top of the building
 - Total height- ASL (Above Sea Level)
 - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
 - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
 - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

Required if applicable to the project

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. _____
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- _____
- _____
- _____

Demolition (full or partial) for Historic Conservation Districts and Landmarks

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

Hillside Overlay Zone (CZC § 1433)

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or beth.johnson@cincinnati-oh.gov

Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.

Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the existing and proposed project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor’s record showing ownership of the property. If the Hamilton County Auditor’s official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner’s legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	<p>A non-refundable application fee - a check made payable to “City of Cincinnati.”</p> <ul style="list-style-type: none"> • \$900.00 for Use Variances • Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside & Urban Design Overlay and DD District</i> are as follows: \$300.00 for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling \$500.00 for Non-residential Projects (Non-RCO)

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors’ concerns or objections and can facilitate the approval of your application.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE VARIANCE

Applicants requesting a use variance must demonstrate through “CLEAR AND CONVINCING EVIDENCE” in the form of credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-16. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a use variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-16, an applicant must show that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required. An applicant can show this by providing clear and convincing evidence demonstrating all of the following criteria are met:
 - a. the property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
 - b. the variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - c. the hardship condition is not created by actions of the applicant;
 - d. the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. the granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - f. the variance will be consistent with the general spirit and intent of the zoning code; and
 - g. The variance sought is the minimum that will afford relief to the applicant.

INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

OR

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

ADJUDICATION/DENIAL LETTER

Date: March 1, 2021

Location: 1900 Baymiller Street

Request: Use Variance and Parking Variance

Zoning District: RM-1.2/ Dayton Street Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$900 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

- Per Section 1405-05, the proposed use of a coffee shop/ restaurant use is not a permitted use in the RM-1.2 district. A Use Variance is required.
- Per Section 1425-19, the proposed use would require six parking spaces. If the spaces cannot be provided onsite or through an easement or covenant, a parking variance will be required.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5th floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or Kasandra.Maynes@cincinnati-oh.gov for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Douglas Owen

Zoning Hearing Examiner

(p): 513-352-2441

(e): douglas.owen@cincinnati-oh.gov

Section 6

Use Variance and Off-Street Parking Relief

Location:

1900 Baymiller Street is located in the West End's Dayton Street Historic District. The building is located two blocks from Dayton Street - one of Cincinnati's most historically significant streets. Currently, 1900 Baymiller has five occupied apartments and an 827 SF existing, vacant storefront. North and east of 1900 Baymiller are single family homes. South of 1900 Baymiller are 8 vacant lots. West of 1900 Baymiller sits a large vacant church and a vacant mixed-use building with a boarded up storefront. The remainder of the buildings surrounding 1900 Baymiller consist of single family homes, apartments, and commercial storefronts that are either occupied, vacant, or under renovation.

Background:

Historically, Baymiller Street was one of a few streets that held storefront businesses in the Dayton Street Historic District – along with Freeman Avenue and Colerain Avenue. The 1900 Baymiller storefront is believed to have held a store owned and operated by Barney Kroger. It is also believed to have held the first African American owned and operated pharmacy in Ohio. Long-time residents can also recall when the 1900, 1800, and 1700 blocks of Baymiller Street were home to businesses such as a soul food restaurant, an ice cream shop, and a friendly convenient store. 1900 Baymiller's storefront was built with the original intent to hold a business that supports and fosters the surrounding community. We would like to change the use of the 1900 Baymiller storefront to accommodate a coffee house/café – that will allow the storefront to

once again hold a business that supports/fosters the community. The surrounding community is very supportive of bringing a coffee house/café to the storefront.

Problem:

The 1900 Baymiller storefront, along with other storefronts scattered throughout the Dayton Street Historic District, does not have the proper zoning to allow for a coffee house/café use. The building is currently zoned as RM 1.2. This zoning does not allow 1900 Baymiller's storefront the ability to hold a coffee house/café that can serve as a catalyst for the neighborhood's growing community. Currently, we have a coffee shop owner that is very interested in opening her first physical location in the storefront. The owner also has a great amount of support from the community. Recently, the owner signed an LOI with the intent of signing the lease for the storefront in April and then opening her shop shortly thereafter. If the use variance and off-street parking relief are not granted, the coffee shop owner will not be able to open her shop in the community. Also, in December of 2017 we were granted both a use variance and parking relief to allow the space to accommodate a coffee house use, but unfortunately both the use variance and parking relief have expired – thus the reason we are reapplying for a use variance and parking relief.

Request for Solution:

Granting the 1900 Baymiller storefront a use variance and parking relief would allow the storefront - once operational as a coffee house/café - to further catalyze the economic investment, development, and preservation taking place throughout the neighborhood. Allowing a coffee house/café use in the 1900 Baymiller storefront would also allow for a safer, more

aesthetically pleasing corner as well as job creation in the community. I have talked to numerous residents about this project and they desperately want a coffee house/café to open in the 1900 Baymiller storefront – see attached support letters. The use variance and parking relief are vital in order to bring the community's aspirations to fruition.

A coffee house/café would not disturb the residents adjacent to the property with loud noise and late hours – the coffee house/café would have appropriate neighborhood hours. The residential property to the north of the storefront also sits about 7 feet back from the entrance front of 1900 Baymiller Street – this gives the neighbors more privacy and further protects them from noise. A business of this type would be quiet and calm, yet add vibrancy to the neighborhood.

The proposed use as a coffee house/café would require 6 parking spaces. Although these spots cannot be provided, there is adequate street parking along York Street, Baymiller Street, and other streets surrounding the building. Therefore, the proposed coffee house/café would not create a traffic overload. For this case, we would like to request an off-street parking relief.

Parcel ID 132-0002-0072-00 **Address** 1900 BAYMILLER ST **Index Order** Parcel Number **Tax Year** 2020 Payable 2021

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- [View the Online Help](#)
- [Auditor's Home](#)


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- Special Assessment/Payoff
- Tax Lien Certificates
- CAGIS Online Maps
- Aerial Imagery
- Owner Names

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Property Information

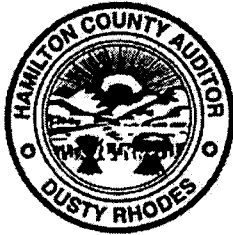
Tax District 001 - CINTI CORP-CINTI CSD		Images/Sketches 
School District CINCINNATI CSD		
Appraisal Area 02300 - WEST END Sales	Land Use 431 - OFFICE/APARTMENT OVER	
Owner Name and Address 1900 BAYMILLER LLC 1407 GRAND AVE NEWPORT KY 41071 <i>(call 946-4015 if incorrect)</i>	Mailing Name and Address 1900 BAYMILLER LLC 1407 GRAND AVE NEWPORT KY 41071 <i>(call 946-4800 if incorrect)</i>	
Assessed Value 60,900	Effective Tax Rate 89.090432	Total Tax \$5,457.84
Property Description 1900 BAYMILLER ST 25 X 100 LOT 6 E & F AVERYS SUB		

Appraisal/Sales Summary

Year Built	1875
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	7/26/2017
Last Sale Amount	\$174,000
Conveyance Number	147315
Deed Type	WD - Warranty Deed (Conv)
Deed Number	
# of Parcels Sold	1
Acreage	0.057

Tax/Credit/Value Summary

Board of Revision	No
Rental Registration	Yes
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	17,160
CAUV Value	0
Market Improvement Value	156,840
Market Total Value	174,000
TIF Value	0
Abated Value	0
Exempt Value	0
Taxes Paid	\$2,745.04
Tax as % of Total Value	0.000%



County of Hamilton

DUSTY RHODES
AUDITOR

County Administration Building
138 East Court Street
Cincinnati, Ohio 45202

Residential Rental Property Registration

Owner/Officer/Agent Information

Owner Name: 1900 Baymiller, LLC Contact Number: 859-781-1444

Address: 1407 Grand Ave

City: Newport State: KY Zip: 41071

Ownership Type: Individual Sole Proprietorship Partnership
 Corporation Trust Other (specify): Limited Liability Company

Information must be submitted for an owner of each property. If owned by a corporation, an officer must be listed.

Corp. Officer Name: Dan Gorman Contact Number: 513-702-3183

Address: 1407 Grand Ave

City: Newport State: KY Zip: 41071

An agent can be a person at least 18 years old, residing in or maintaining an office in Hamilton County or any county in Ohio.

Agent Name: _____ Contact Number: _____

Address: _____

City: _____ State: _____ Zip: _____

Rental Properties Owned in Hamilton County

1. Location Address: 1900 Baymiller St City/Township/Village: Cincinnati

Auditor Parcel #: 132-0002-0072-00 Mobile Home Registration #: N/A

Of Rental Units: 5 residential, 1 storefront Year Built: 1875

2. Location Address: _____ City/Township/Village: _____

Auditor Parcel #: _____ Mobile Home Registration #: _____

Of Rental Units: _____ Year Built: _____

3. Location Address: _____ City/Township/Village: _____

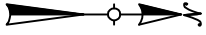
Auditor Parcel #: _____ Mobile Home Registration #: _____

Of Rental Units: _____ Year Built: _____

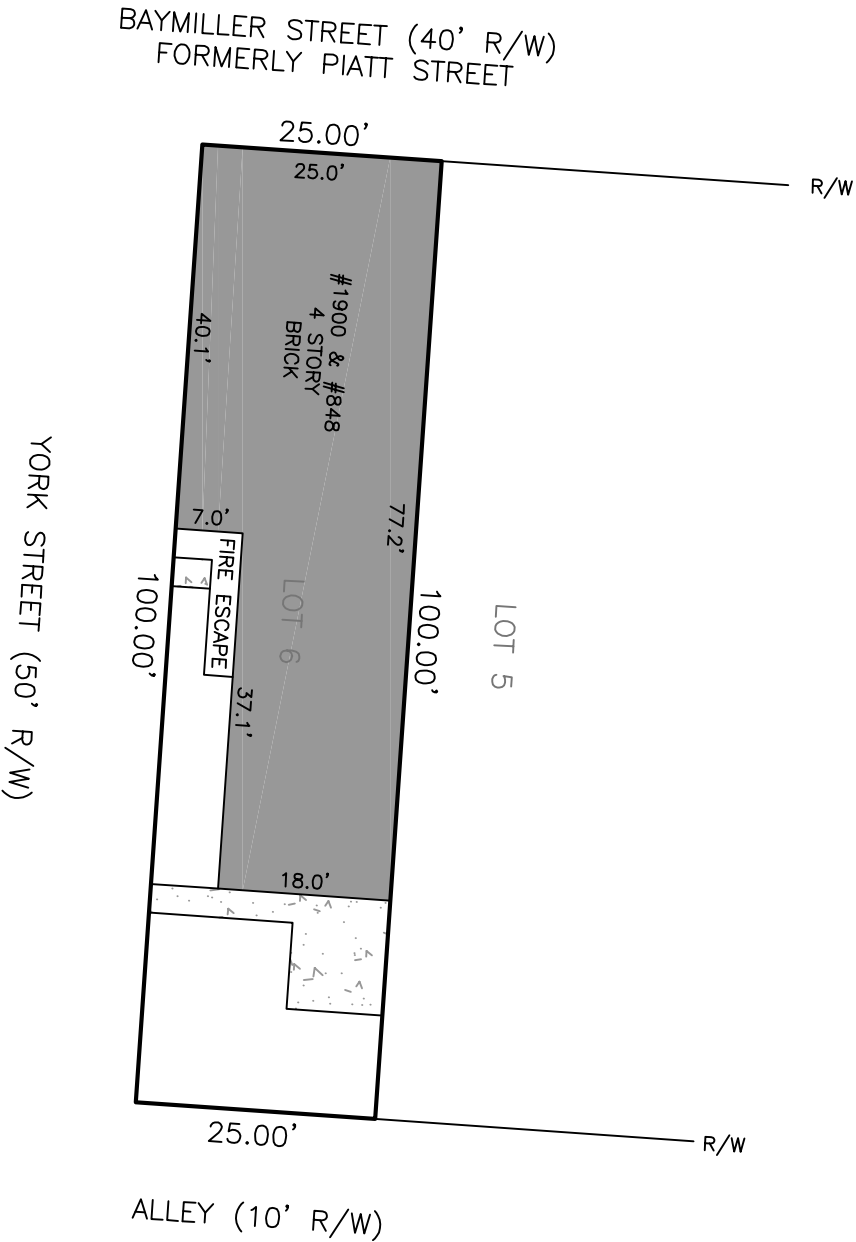
Owner/Applicant Signature: Member _____ Date: 7/27/2017

Hamilton County Auditor
138 E Court Street, Room 304
Cincinnati, Ohio 45202

Telephone: 513.946.4019
Fax: 513.946.4087
www.hcauditor.org



MORTGAGE INSPECTION
 This does not constitute a boundary survey
 and is not a recordable document.



Note: All streets are public unless otherwise noted.

ANDREW R. AMENT,
 LAND SURVEYOR, PSC
 OHIO-KENTUCKY
 655 Fair Oaks Lane
 Edgewood, Kentucky 41017
 amentsurveying@gmail.com
 O: (859) 341-7878 F: (859) 341-7827

MORTGAGE INSPECTION

1900 BAYMILLER STREET
 HAMILTON COUNTY
 WEST END, CINCINNATI, OH

E&F AVERY'S SUBDIVISION
 SQUARE 5
 LOT 6
 PB 17, PG 6

SURVEYOR'S CERTIFICATE

This identification plat is made for and at the instance of:

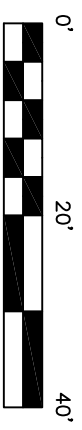
I hereby certify, to the best of my knowledge, information and belief, and in my professional opinion that this Mortgage location shows the improvement or improvements located on the premises described, that the improvement or improvements are entirely within the lot lines and that there are no encroachments upon the premises described by the improvement or improvements of any adjoining premises, except as indicated and that there are no record plat easements affecting the tract hereon, except as noted.

Field work was completed on 6-28-2017.
 Date of Plat of Map is 6-30-2017.

ROUGH DRAFT

for review purposes only

Andrew R. Ament, Land Surveyor, PSC
 Registered Land Surveyor
 Registration No. OH 5684, KY 1729



GRAPHIC SCALE IN FEET SCALE: 1"=20'

LEGEND

	Concrete
	Structure
	Asphalt
	Decking
	Gravel

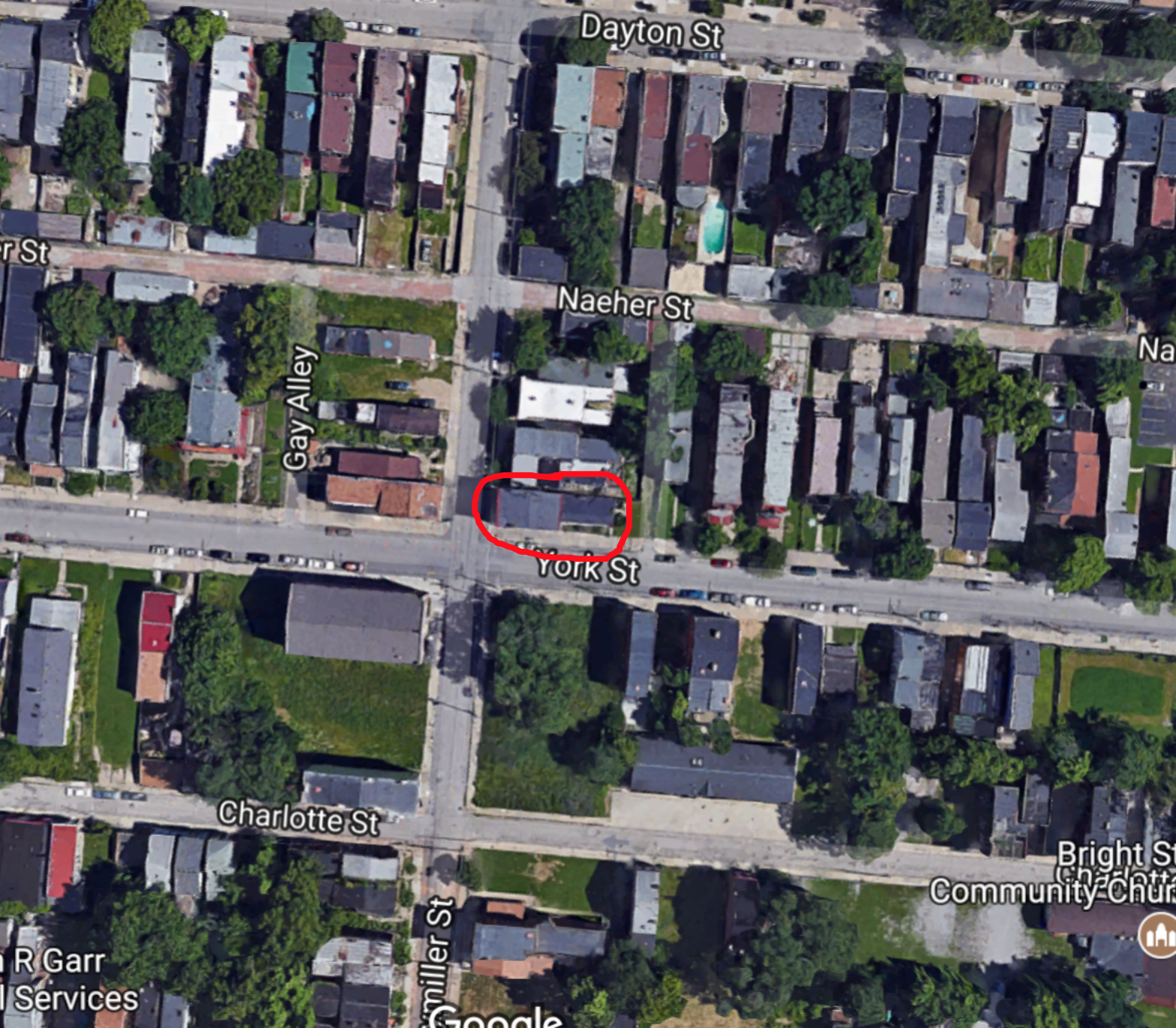
This is a MORTGAGE INSPECTION and is NOT a recordable document and was prepared for identification purposes for the Mortgage in connection with a new mortgage in accordance with OAC 4733-38 and is NOT a boundary survey pursuant to OAC 4733-37, and is NOT intended of represented to be a boundary survey, NO corners were set. DO NOT USE for establishing fence or building lines.

DRAWN: CDM CHECKED: ARA

List of Witnesses

Dan Gorman: Owner of the property 1900 Baymiller.

Luke Warren: Partner and property manager of 1900 Baymiller.



Dayton St

r St

Naehar St

Na

Gay Alley

York St

Charlotte St

Miller St

Bright St
Community Church

R Garr
Services

Google



Naeher St

Baymiller St

Naeher St

Naeher St

Baymiller St

Acme Alley Acme Alley



York St

York St

Baymiller St







Coffee Shop Support Letters
(Addressed Specifically to Black Coffee)

West End Community Council

P.O. Box 14424

Cincinnati, OH 45250

Email: corr-secretary@wecc@hotmail.com

October 11, 2020

Re: West End Community Council Supports Black Coffee at 1900 Baymiller Street

Mr. Means Cameron,

The West End Community Council (WECC) fully supports you opening a Black Coffee location in West End. We voted at our September 15th Meeting to write this letter of support. We understand that the storefront of 1900 Baymiller Street – located in the West End is a potential location. We welcome the potential opportunity to have another business in the neighborhood that will provide economic growth and that will occupy a currently vacant storefront.

In addition to the economic growth, we believe Black Coffee will be a business that fits the fabric of neighborhood and will provide a positive gathering space for the West End community.

Black Coffee is the type of business our community desires. We hope you are able to open a Black Coffee location in the neighborhood soon.

Sincerely,


Robert Killins, Jr.
President, WECC

Kim Hale-McCarty
838 Dayton Street
Cincinnati, OH. 45214

August 23, 2020

Re: Bring BlaCk Coffee to the West End

Mr. Means Cameron,

My family and I are excited to hear of the possibility of having a BlaCk Coffee in the West End. It would be the first business in the neighborhood to serve as a coffee shop and as a community gathering space – something our neighborhood has long been lacking. It is in walking distance to so many of us and we welcome the opportunity!

Hope to see “Coming Soon” signs in the very near future!

Regards,

Kim McCarty

Ashley J. White
Eric Cook
925 Dayton Street
Cincinnati, Ohio 45214

August 23, 2020

Re: Bring BlaCk Coffee to the West End

Mr. Means Cameron,

As residents of the West End we fully support you opening your 2nd BlaCk Coffee location in the storefront of 1900 Baymiller. We believe BlaCk Coffee would bring vibrancy to the West End neighborhood. BlaCk Coffee would be the first business in the neighborhood to serve as a coffee shop and as a community gathering space – something our neighborhood has long been lacking.

BlaCk Coffee would be welcomed in the neighborhood with open arms. Your business is the kind of business our community greatly desires.

We hope to see you in the neighborhood.

Sincerely,



Eric Cook

Ashley J. White
Eric Cook

Support for Black Coffe Inbox x



Kevin Macey <realtorkevinm@gmail.com>
to Luke.citystation ▾

2:36 PM (0 minutes ago) ☆ ↶ ⋮

Luke,

Thank you for considering helping to establish a coffee shop in the 'Historical' portion of the West End. I have an in-home office nearby and would highly appreciate a walkable location to grab an occasional coffee and tea and chat with my neighborhood. If you have any further questions, please contact me at the number below.
Thank you

--

Kevin

Broker/Agent

513-456-1946

Specializing in Real Estate Sales and Marketing in greater Cincinnati Ohio and Northern Kentucky

↶ Reply

➡ Forward

Ms S Carr
922 York st

August 23, 2020

Re: Bring BlaCk Coffee to the West End

Mr. Means Cameron,

As a resident of the West End I fully support you opening your 2nd BlaCk Coffee location in the storefront of 1900 Baymiller. I believe BlaCk Coffee would bring vibrancy to the West End neighborhood. BlaCk Coffee would be the first business in the neighborhood to serve as a coffee shop and as a community gathering space – something our neighborhood has long been lacking.

BlaCk Coffee would be welcomed in the neighborhood with open arms. Your business is the kind of business our community greatly desires.

Hope to see you in the neighborhood.

Sincerely,

Ms S Carr

Jean Walker
West End Resident
833 Dayton St.
Cincinnati, Ohio 45214

August 23, 2020

Re: Bring BlaCk Coffee to the West End

Mr. Means Cameron,

As a resident of the West End I support you opening your 2nd BlaCk Coffee location in the storefront of 1900 Baymiller. I believe BlaCk Coffee would bring vibrancy to the West End neighborhood. BlaCk Coffee would be the first business in the neighborhood to serve as a coffee shop and as a community gathering space – something our neighborhood has long been lacking. BlaCk Coffee would be welcomed in the neighborhood with open arms. Your business is the kind of business our community greatly desires.

Hope to see you in the neighborhood.

Sincerely,

Jean Walker

Jean Walker

Genetic Literacy Project

SCIENCE NOT IDEOLOGY

August 24, 2020

Re: We want BlaCk Coffee in the West End!

Hi Means Cameron,

I am a recent arrival in the West End...attracted by the promise of building a vibrant, diverse community. I run a small nonprofit out of my residence.

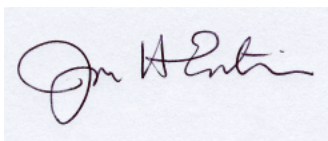
I have heard you are considering opening up another BlaCk Coffee in Cincinnati, on Baymiller. I am super excited and know many other residents are too!

How great would it be for everyone to have a lively gathering spot to share with local residents. It would be a wonderful asset to community. You would be getting here just a right time, with the community beginning to pull together and the soccer club providing a shot in the arm.

I would go out of my way to be a regular visitor and would encourage others to come as well.

Please...come...here...soon!!

Regards,

A handwritten signature in black ink on a light blue background. The signature appears to read "Jon Entine".

Rosie Kovacs
CEO Sew Valley + West End Resident
1010 Hulbert Ave
Cincinnati, OH, 45214

August 24, 2020

Re: Bring BlaCk Coffee to the West End

Mr. Means Cameron,

As a resident and employer in the West End I fully support you opening your 2nd BlaCk Coffee location in the storefront of 1900 Baymiller. In fact, that would be right across the street from where I live. Conveniently located on my walk to work. I have included the signatures of others (Sew Valley employees and other folks that work in the neighborhood) who are also excited about the prospect of a new coffee shop in the neighborhood.

I believe BlaCk Coffee would bring vibrancy to the West End neighborhood as well as positive influence where people of all color would be welcome to come and share conversation (Post Covid). BlaCk Coffee would be the first business in the neighborhood to serve as a coffee shop and as a community gathering space – something our neighborhood has long been lacking.

Regards,
Rosie Kovacs

Rosie Kovacs

Evan Reed

Maple

Heidi Johnson

Amy Giles

Amy Paul

August 27, 2020

Mr. Means Cameron,

As lifelong West End residents we would love for Black Coffee to come to 1900 Baymiller St.

Your shop would be right across the street from our house and we would be regular customers.

We believe your shop would be so good for our neighborhood and our community.

We hope to see you across the street soon.

Sincerely, *Robert L Atkinson*
Fay M Atkinson

Welcome!! We need you.❤️ Inbox x



Michelle Holley <professorholley2089@gmail.com>
to me ▾

3:08 PM (5 minutes ago) ☆ ↩ ⋮

Dear owners of Black Coffee:

As a resident of the West End, I would whole heartedly support your location on Baymiller in Luke's storefront. We desperately need black owned business to come back home to the West End. We also need a place to gather, discuss and create. Of course, we need your great coffee!

I know my neighbors would welcome your presence in our historic black neighborhood. We would be lucky to have you here and would help insure that your business thrives amongst friends.

All the best,
Michelle Holley
824 Dayton Street

Hi Black Coffee!

Luke just broadcast to our street that you all are interested in opening up a location in his space on Baymiller.
This is such exciting news!!!

You all would be such a wonderful addition to our neighborhood and we would surely - and religiously - frequent your establishment.

You joining our neighborhood excites us on several fronts:

1. to have a Black owned shop would be wonderful and such a great fit given the history of the West End. Many of us have been fearful that with the stadium deal that slowly the diversity in the historic district would start to go away. We have been actively looking for ways to support Black ownership in both businesses and housing.
2. it would give us a place to gather with our neighbors and people from outside the West End alike.
3. you would be starting something that we are all hoping will happen organically which is bring small business that want to be in our neighborhood that would add to the community and be a part of it.

If there is anything we can do or say further to encourage you to pursue this please let us know!

But know you would be welcomed with open arms and with lots of support.

Feel free to reach out to us individually if you'd like to meet and know who we are!

Maybe we can even get you to move into the neighborhood (that is if you don't already live here!!).

Warm Regards,
Ingrid & Clay Jones
815 Dayton Street
513-460-6610

Abdiel Acevedo
809 Dayton St.
Cincinnati, OH 45214

August 23, 2020

Re: Bring BlaCk Coffee to the West End

To whom it may concern,

As a resident of the West End I fully support a BlaCk Coffee location in the storefront of 1900 Baymiller. I believe BlaCk Coffee would bring vibrancy to the West End neighborhood. BlaCk Coffee would be the first business in the neighborhood to serve as a coffee shop and as a community gathering space – something our neighborhood has long been lacking.

BlaCk Coffee would be welcomed in the neighborhood with open arms. Your business is the kind of business our community greatly desires.

Hope to see you in the neighborhood.

Sincerely,
Abdiel Acevedo

Abdiel L. Acevedo
 (214)384-0480
 Cincinnati, Ohio

Black Coffee in the West End Inbox x



Luke Sillies <lukesillies@gmail.com>
to me, Mary ▾

Wed, Aug 26, 4:00 PM (5 days ago) ☆ ↶ ⋮

Luke & the Black Coffee Team,

My wife and I own a dual-unit building on Freeman Avenue and moved here from OTR. What drew us to the West End was having a home in the city, close to entertainment and work, all the while living in a quiet, neighborhood focused, and mainly residential area. For us, the West End serves that well.

We've grown to love this neighborhood in ways we did not expect. We have met many members of our community through our community garden and have spent time dreaming about what is next for the West End.

What this community lacks, though, are places. We have a few great parks but few businesses that support the community. Mainly, as a coffee lover, we lack a good coffee shop. A place to grab a good cup as well as meet with friends and neighbors.

When we received word that Black Coffee was considering moving to Baymiller and York, we were elated. Black Coffee is the perfect edition to the neighborhood and a welcome addition to my morning routine.

We look forward to having you as neighbors.

Luke & Mary Grace Sillies
1820 Freeman Ave, Cincinnati 45214



The Voice of Your Customer

2259 GILBERT AVENUE - CINCINNATI, OH 45206

(513) 281-3228

INFO@THEVOICEOFYOURCUSTOMER.COM

www.thevoiceofyourcustomer.com

August 23, 2020

Re: Bring Black Coffee to the West End

Mr. Means Cameron,

As a resident of the West End, a fellow African American business owner and a frequent visitor to Black Coffee in the Central Business District, I fully support you opening your second Black Coffee location in the storefront of 1900 Baymiller Avenue.

Black Coffee would bring vibrancy, a Black-owned business and our clientele to the West End. Black Coffee would be the first business in the neighborhood to serve as a coffee shop and a community gathering space – something we have long been lacking.

Black Coffee would be welcomed in the neighborhood with open arms, and, like your coffee shop and clothing store, I would promote your second location on my website, The Voice of Black Cincinnati.

Your business is the kind of company our community desires. I hope to see you in the neighborhood.

Sincerely,

Crystal L. Kendrick

Crystal L. Kendrick

Parking Relief: Photo Documentation

Baymiller St: In-between Dayton St and York St







Baymiller St: In-between York St and Charlotte St





York St: In-between Baymiller St and Linn St







On December 28, 2017, we attended a Historic Conservation Board public hearing to request 1900 Baymiller Street be granted a use and parking variance. 1900 Baymiller was granted both the use and parking variance – as shown in the written statement below. In December of 2019, the granted use and parking variance expired – thus the reason we are requesting a new use and parking variance. We are requesting the new use and parking variance have all the same approvals that were granted in December of 2017. The character and nature of the neighborhood have changed minimally since December of 2017, therefore we believe granting 1900 Baymiller the same 2017 use and parking variance approvals is reasonable.

**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: DECEMBER 18, 2017**

APPLICANT: 1900 BAYMILLER, LLC
CASE TYPE: ZONING RELIEF
CASE NO.: ZHUV20170013
PROPERTY: 1900 BAYMILLER STREET

SUMMARY OF REQUEST:

1900 Baymiller, LLC (the "Applicant") requests a use variance and a numerical parking variance to rehabilitate a vacant mixed-use building into apartment units above an eating and drinking establishment in the Dayton Street Historic District.

SUMMARY OF DECISION:

The use variance is **APPROVED**.
The parking variance is **APPROVED**.

PUBLIC HEARING:

The Historic Conservation Board (the "Board") conducted a public hearing on December 18, 2017, at 3:00 p.m. (the "Hearing"). The Board mailed to the applicant and all persons entitled to receive notice, and published in The City Bulletin, prior notice of the time and place of the Hearing. A majority of the Board's members were present throughout the Hearing, constituting a quorum under Section 5 of the Board's Rules of Procedure.

The Board recorded the Hearing, and a copy of the recording is available for review and transcription from the Office of Administrative Boards. Similarly, a representative from Elite Court Reporting Agency, LLC recorded the Hearing stenographically, and a transcript of the proceeding is available upon request.

FINDINGS OF FACT:

1. This matter concerns certain real property that is commonly identified as 1900 Baymiller Street and more particularly identified as Hamilton County Auditor Parcel No. 132-0002-0072 (the "Property").
2. The Property is located in a RM 1.2 Zoning District¹ in the Dayton Street Historic District (the "District").

3. The Property contains an Italianate, three-story brick masonry structure with a ground-floor commercial storefront built circa 1890 (the "Structure").
4. The Applicant seeks a use variance to reintroduce a commercial use into the approximately 850 square-foot commercial storefront space; namely, a coffeehouse.
5. The Applicant's proposed coffeehouse is classified as an "eating and drinking establishment" under the zoning code.
6. Cincinnati Zoning Code ("CZC") Section 1405-07 provides that eating and drinking establishments are not permitted in RM 1.2 Zoning Districts; therefore, the Applicant requests a use variance from the RM 1.2 Zoning District use table.
7. CZC Sections 1425-07 and 1425-19 provide that the proposed eating and drinking establishment use requires 6 off-street parking spaces. The Applicant will provide no off-street parking; therefore, the request also requires a numerical variance of 6 off-street parking spaces.
8. Dan Gorman, Applicant's representative, attended the Hearing to support the project.
9. The Urban Conservator submitted to the Board a six-page report containing an analysis, professional opinion, and a professional recommendation of the Applicant's request (the "Report"). The Report, dated December 7, 2017, supports the Applicant's use variance and numerical parking variance requests.

CONCLUSIONS OF LAW:

1. CZC Section 1435-05-4 authorizes the Board to approve variances in historic districts as permitted under CZC Chapter 1445 when it finds when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:
 - a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset; or
 - b. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff).
2. Under Chapter 1445, to show it is entitled to a use variance, a property owner must demonstrate that it will suffer unnecessary hardship if strict compliance with the terms of the Zoning Code is required. This requires clear and convincing evidence that:
 - a. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;

- b. The variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - c. The hardship condition is not created by actions of the property owner;
 - d. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. The granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - f. The variance will be consistent with the general spirit and intent of the Zoning Code; and
 - g. The variance sought is the minimum that will afford relief to the property owner.
3. The Applicant provided clear and convincing evidence that supports a finding that such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district criteria required for a use variance.

- a. *No Economically Viable Use.* The evidence submitted clearly and convincingly demonstrates that the commercial storefront space has been vacant for several years and the mixed-use rehabilitation will rehabilitate the entire Property in a manner that is sympathetic to the historic character of the Structure. The Structure's former commercial space is not suitable as a dwelling because the ground-floor space was built in the 19th Century to be used for retail purposes with large, fixed pane glass windows to attract business transactions. Large storefront windows are ideal for commercial uses, but not suitable for residential space because they are inoperable and present reasonable privacy concerns for residential occupants. Although window treatments are possible to alleviate privacy concerns, those treatments detract from the historic character of the Structure and district. Similarly, those treatments are unable to increase window functionality to provide light and ventilation to residential space.

The ground-floor was built to facilitate 19th-century commerce and lacks other window openings that provide light and air to the area; therefore, structural modifications would be required to bring in light, and air via new openings. Those new openings would fundamentally alter the Structure's appearance, character, and relationship with adjoining structures; likewise, such modifications are discouraged by the district's historic guidelines. The Structure was built with a commercial storefront, it has been primarily vacant for a few years, and the proposed commercial use will put the Property into productive use, providing the Applicant the means to leverage rent from the commercial space to subsidize the financial viability of the overall mixed-use renovation.

- b. *Unique Condition and Hardship.* The evidence clearly and convincingly demonstrates that the Applicant's request for a use variance stems from a unique condition of the

Property that was not created by the Applicant's actions. The Applicant did not construct the building currently existing on the Property and as part of a historic district the Applicant is unable to demolish the Structure and start anew. The existence of a commercial storefront located in a residential RM 1.2 Zoning District limits what uses are possible and economically feasible on the site. This condition, not the Applicant's actions, gives rise to the request for relief as the first-floor is not desirable as a single-family unit and therefore not economically viable.

- c. *Impact on Community Character and Adverse Effects.* The evidence clearly and convincingly shows that a use variance will not adversely affect the community character, public health, safety, or general welfare, or the rights of adjacent property owners or residents. Instead, granting the variance should positively affect the community by returning a vacant space to productive use, lifting the Property's value, and lifting the value of adjoining properties through occupancy. There is no known opposition to the ground-floor office use, and many residents and community organizations wrote letters supporting the use.
 - d. *Consistent with Spirit and Intent of Zoning Code.* The evidence clearly and convincingly shows that the requested use variance is consistent with the spirit and intent of the Zoning Code. One of the Code's stated purposes is to ensure that development is compatible with the environment. While an eating and drinking use is not a desired residential occupancy for which the Property is zoned, it is consistent with the spirit and intent of the Zoning Code as it is a low intensity coffee shop intended to serve neighborhood residents, and the commercial space will be used as it has been used historically, which is compatible to the purpose and intent of historic districts intended to preserve the neighborhood's historic character.
 - e. *Minimum Relief Necessary.* Finally, the evidence clearly and convincingly demonstrates that a use variance is the minimum necessary relief to afford to the Applicant relief. The Applicant requests a use variance only for that portion of the Property that had been used as commercial space.
4. The Applicant demonstrated that the request is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset. Many of the neighboring properties have a similar configuration and were originally built as mixed-use buildings with commercial on the first floor with residential on the upper floors. The proposed use will increase the aesthetic character of the district because it will return a vacant storefront to productive use and contribute to daytime activity to a street corner that historically had commercial activity at street level.
 5. Also, the Applicant submitted to the Board a preponderance of evidence that special circumstances or conditions pertaining to the Property, the strict application of the zoning code's off-street parking requirements are unreasonable and would result in practical difficulties. The neighborhood and surrounding area were platted and built out during a period in which the automobile was not the predominant mode of transportation, which has created the unique condition applicable to the Property. Also, the neighborhood is characteristically residential, so the demand for on-street parking is the highest at night, and

the proposed coffeehouse hours are primarily during the daytime and early evening. Likewise, the Dayton Street Historic District does not have large commercial uses, so the on-street demand for commercial parking is low, and many of the residential occupancies in the District have onsite rear parking, further reducing the demand for on-street parking, meaning the neighborhood is likely able to absorb the requested parking variance.

6. After considering the evidence submitted by the Applicant, testimony received at the Hearing, and the professional analysis and recommendation presented in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** a **USE VARIANCE** for an eating and drinking establishment without drinking establishment uses at the Property because of the neighborhoods predominant residential character, with the following conditions:
 - a. The coffeeshop shall close before 11:00 p.m. seven days a week; and
 - b. No outdoor areas or outdoor entertainment are approved by this decision.
7. After considering the evidence submitted by the Applicant, testimony received at the Hearing, and the professional analysis and recommendation presented in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** a **NUMERICAL PARKING VARIANCE** of 6 off-street parking spaces.

The following is a record of the votes cast by members of the Board concerning the motion to approve zoning relief:


Affirmative:

Mr. Herbert Weiss
Mr. Thomas Sundermann
Ms. Pamela Smith-Dobbins
Mr. Robert Zielasko
Mr. Tim Voss
Mr. Ean Siemer


Absent:

Ms. Allison McKenzie

ORDERED: December 18, 2017:



Tim Voss, Chair
Historic Conservation Board



Charles Martinez, Staff Attorney
Historic Conservation Board

APPEALS:

This decision represents the final appealable order of the Historic Conservation Board and may be appealed to the Zoning Board of Appeals under Chapter 1449 of the Cincinnati Zoning Code. Any appeal must be filed within thirty days of the date of the mailing of this decision.

The Board transmits by certified mail a true and accurate copy of this decision on the ____
24 day of Jan 2018, to:

1900 Baymiller, LLC.
6619 Oldtimber Place
Cincinnati, Ohio 45230

Transmitted this 24 day of Jan 2018, by interdepartmental mail to:

Beth Johnson
Department of Buildings and Inspections

APPLICATION FOR ZONING RELIEF HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

APPLICATION #: ZH20210028/COA20210010
APPLICANT: Drawing Dept LLC
OWNER: 116 E McMicken LLC
ADDRESS: **116 E McMicken Ave**
PARCELS: 0094-000700244
ZONING: CC-P
OVERLAYS: Over-the-Rhine Historic District
COMMUNITY: Over-the-Rhine
REPORT DATE: April 1, 2021

Details of Zoning Relief Required:

The applicant requires the following Zoning Relief:

1. **Section 1409-09 – Numerical Variance** for a 10-residential-unit building. The building had an existing 8 units and is permitted 5. A variance of 209.5 sf of lot area/unit is required to allow 10 units at 290.5 sf of lot area/unit.

Existing Conditions

The subject property is near the intersection of Walnut Street and E McMicken Ave. The property has 2 buildings on the property with the front building fronting onto E McMicken Ave. The rear property currently has 3 units and the front building current has 5 units.

Proposed Conditions

The applicant is proposing to renovate the buildings into 10 dwellings increasing the existing unit count from 8 units. The rear building will remain at 3 units and the front building will increase from 5 units to 7 units. The exterior of the building will be rehabilitated including establishing an appropriate storefront design. This project is a Historic Rehabilitation Tax Credit project and has received approval through both the State and the NPS.



Figure 1. Location of 116 E McMicken Ave. Image from CAGIS.



Figure 2. Street view 116 E McMicken Ave. Image from Google.

Previous Reviews: The applicant has submitted rehabilitation work under permit #2021P01281 for the rear building and #2021P01281 for the front building. The Zoning and Historic reviews for #2021P01281 have been approved as the density is remaining the same and the work included on the building is able to be approved at a staff level.

Applicable Zoning Code Sections:

Zoning District:	Section 1409	CC-P
Variance Request:	Section 1409	Density
Variance Authority:	Section 1445	
HCB authority:	Section 1435-05-4	
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:	Over the Rhine Historic District	
COA Standard:	Section 1435-09-2	COA; Standard of Review

Zoning Review

Properties in the CC-P district are mixed use and commercial in nature and are permitted to have 1 unit per 500 sf of land area within existing buildings. The property in question is 2905.2 sf and the building has a combined area of over 4151 sf over both of the buildings. The units being provided are studio 1-bedroom and 2 bedroom units.

Standards for Variances per Section 1435-05-4

(a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The building is being rehabilitated and is using Historic Tax Credits. The use of the tax credits guarantees that the building will be appropriately rehabilitated both on the interior and exterior following the Secretary of the Interiors Standards. The Historic Tax Credits require that an historic interior maintain its historic configuration of major elements, including the location of stairs, hallways and often doors. The historic interior configuration is one element that is driving the unit count and configuration.

(b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of the density variance would not result in the deprivation of all economically viable use. The building could be rehabilitated into the grandfathered 8 dwelling units or could be developed with even less units, with larger areas, but a change in configuration to accommodate those could affect the Historic Tax Credit eligibility.

Standards for Variances per Section 1445-05-4

- (a) Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.

The property is in a commercial district and is an existing building. Configuring existing buildings into today's standards and market design often requires relief to make the apartments practical in design.

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

The applicant is seeking a density that is similar to other densities that have been approved for existing buildings within the Over-the-Rhine Historic District. In Attachment A is a list of all the density variances that have been approved since 2016. Existing buildings range from a density as low as 150 sf of lot area/unit up to 864 sf of lot area/unit. The majority of the variances allow for a density around 200-300 sf of lot area/unit.

General Standards; Public Interest

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is CC-P. The proposal does not conform to the underlying zoning allowances for density.

- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The proposed work substantially conforms to the Historic Conservation Guidelines for the Over-the-Rhine District.

- c. **Plans.** *The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.*

A stated goal of the 2002 Over-the-Rhine Comprehensive Plan is "Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents." The project is providing a diverse range of housing options, both in size, configuration and availability to different economic levels.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

The building is a mixed-use building within the CC-P zoning district. Parking is no longer required in Over-the-Rhine due to the Urban Parking Overlay District.

- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed density is at 290.5 sf. of land area per unit. This is similar in density with other recently approved projects in existing buildings within residential districts in Over-the-Rhine.

The property is large enough that all trash for the units will be able to be accommodated onsite.

- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

There is a proposed amendment to the Zoning Code called the Urban Housing Overlay Zone that would eliminate all density requirements for properties within the zone. This property is within the zone. This was scheduled to go before the Cincinnati Planning Commission on November 13, 2020 but was been pulled and has not been rescheduled. Unless the Urban Housing Overlay Zone is adopted, the project must be evaluated according to the existing density standards.

- L.. **Economic Benefits.** *The promotion of the Cincinnati economy.*

The proposed project is creating more housing opportunities in the urban core providing more density and patrons of local businesses.

- m. **Job Creation.** *The creation of jobs both permanently and during construction. There will be temporary jobs during construction.*

- n. **Tax Valuation.** *Any increase in the real property tax duplicate.*

The rehabilitation of the building will increase the property value of the property.

- o. **Private Benefits.** *The economic and other private benefits to the owner or applicant.*

The owner of the property will have a benefit to redeveloping the property and creating an income stream.

- p. **Public Benefits.** *The public peace, health, safety or general welfare.*

The overall project is creating a diversity of housing options for a range of economic levels. This is a desire of the community and the city as a whole.

Certificate of Appropriateness Review:

3. Door and Window Sash: Repair original doors and window sashes rather than replace whenever possible. If replacement is necessary, the new door or window sash should match the original in material, size and style as closely as possible. Synthetic replacement windows are generally discouraged. Consult with the Historic Conservation Office about acceptable replacement windows.

The original historic windows have previously been removed and inappropriate windows that reduce the original size of the windows openings were installed. The proposal is for windows that will fill the entire opening and have appropriate dimensions and profiles.

12. Storefronts: Retain and repair the design and materials of storefronts in historic buildings. First-floor storefronts are common in Over-the-Rhine and are found in all types of architectural styles. Detailing and materials vary considerably. Each design should be considered individually, and original materials should be retained. If the storefront has been altered or if none of the original materials remain, old photographs may indicate the original design. Original masonry storefront materials should be cleaned with the gentlest method possible (see section on cleaning). Cast-iron storefronts may be cleaned by abrasive methods including sandblasting. Adjacent materials must be protected, and the pressure should be less than 100 p.s.i. Don't reduce the size of storefront openings. Transparency and scale are very important to storefronts and their relationship to the remainder of the building as well as to the streetscape. Don't cover or remove significant elements such as piers, lintels, transoms, original doors or other similar details. Roll down shutters and metal bar systems installed on the exterior of the building are not appropriate

The proposed storefront is replacing a non-appropriate storefront infill. The original storefront had previously been removed and the new storefront is based on historic proportions and designs that are appropriate to the building.

Other Considerations:

Prehearing Results: A prehearing was held on March 31, 2021. The applicants were present.

Comments Provided to Staff: NA

Consistency with *Plan Cincinnati (2012)*:

“Sustain” Initiative Area “Preserve our built history”

Recommendation:

Staff recommends the Historic Conservation Board take the following actions:

I. ZONING RELIEF

A. Variances

1. **Section 1409-09 –APPROVE – Numerical Variance** to allow a 10-residential-unit building at 290.5 sf lot area/dwelling unit, in excess of the grandfathered/legal non-conformity density of 8 units and the base zoning permitted 5 units per plans for 116 E McMicken Ave submitted by Drawing Department dated March 5, 2021.

B. FINDING: The Board makes this determination that per Section 1435-05-4:

1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located.
2. The density variance is similar to other density variances approved for existing buildings within the Over-the-Rhine historic district.
3. The density will not materially alter the demand for parking or the ability to manage utilities and services, including trash for the projects.

II. CERTIFICATE OF APPROPRIATENESS

A. APPROVE a Certificate of Appropriateness for 116 E. McMicken Ave per plans by Drawing Department dated March 5, 2021 including any revisions submitted for permit subject to staff review and approval with the following conditions:

1. The building permits must be issued within two years of the decision date or the Certificate of Appropriateness shall expire.

B. FINDING: The Board makes this determination per Section 1435-09-2:

1. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

ADJUDICATION/DENIAL LETTER

Date: March 1, 2021
Location: 116 E. McMicken Ave – Front Building
Request: Zoning Relief for Density
Zoning District: CC-P/ Over-the-Rhine Historic District

The City of Cincinnati appreciates receiving information regarding your proposed project. The purpose of this letter is to inform you that your project will require a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the “Documents Required for Historic Conservation Board Review” sheet are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.68 fee is required with the submission.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1409-09 – Eight units were previously existing and the property allows a maximum of five units. A Density Variance is required to increase density from 8 to 10 units.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5th floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or Kasandra.Maynes@cincinnati-oh.gov for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Douglas Owen
Zoning Plans Examiner
(p): 513-352-2441
(e): douglas.owen@cincinnati-oh.gov

CINCINNATI'S HISTORIC CONSERVATION OFFICE



Documents Required for Historic Conservation Board Review

The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to beth.johnson@cincinnati-oh.gov
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
 - Parcel/boundary lines
 - Building footprints and dimensions labeled
 - Setback dimensions from all property lines labeled
 - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
 - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
 - Total Height from grade to top of the building
 - Total height- ASL (Above Sea Level)
 - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
 - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
 - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

Required if applicable to the project

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. _____
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- _____
- _____
- _____

Demolition (full or partial) for Historic Conservation Districts and Landmarks

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

Hillside Overlay Zone (CZC § 1433)

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or beth.johnson@cincinnati-oh.gov

Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.



II Centennial Plaza
 805 Central Avenue, Suite 500
 Cincinnati, Ohio 45202
 Monday- Friday 7:30 am—4 pm
 (513) 352-4848
Urban.Conservator@Cincinnati-OH.gov

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

CERTIFICATE OF APPROPRIATENESS APPLICATION

SUBJECT PROPERTY

Site Address: _____
 Hamilton Co. Parcel ID No.: _____ Zoning District: _____
 Historic District: _____ Overlay District: _____

PRIMARY CONTACT INFO PROPERTY OWNER OTHER _____ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: _____
 Contact Person (if legal entity): _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone: _____ E-mail: _____

PROPERTY OWNER INFO SAME AS ABOVE

Name: _____
 Contact Person (if legal entity): _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone: _____ E-mail: _____

CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction Alteration Demolition

Provide a very brief summary of the project:

ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

Demolition requests must include all required demolition forms.
All applications that include requests for zoning relief must include a zoning hearing application.
All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: _____ Date: _____

§ 1435-09-2. - Certificates of Appropriateness; Standards for Review.

In accordance with Section 1435-09-1 above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
- (b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

- (i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;
- (ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
- (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- (aa) A property's current level of economic return;
- (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
- (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
- (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
- (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
- (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of Buildings and Inspections may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Section 1435-09-2 conflict with any standards set forth in any conservation guidelines, the standards set forth herein shall govern and control.

(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012; Emer. Ord. No. 141-2015, § 53, eff. July 1, 2015)



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559
Boards@cincinnati-oh.gov

ZONING HEARING EXAMINER

Application for Zoning Relief

Office Use Only
Case Number: _____

Hearing Date: _____

Section 1. SUBJECT PROPERTY

ADDRESS _____ COMMUNITY _____
PARCEL ID(S) _____ HILLSIDE DISTRICT: Yes No
BASE ZONING CLASSIFICATION _____ ZONING OVERLAY (if applicable) _____
HISTORIC DISTRICT: No Yes: (name) _____
 Non-Residential Project Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 3. OWNER

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance Special Exception Conditional Use Use Variance
- Expansion or Substitution of Non Conforming Use Hillside Overlay District Permission
- Urban Design Overlay District Permission DD District Phased Development Approval

Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name _____ Signature _____ Date ____/____/____

Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the existing and proposed project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none">• \$900.00 for Use Variances• Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside & Urban Design Overlay and DD District</i> are as follows: \$300.00 for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling \$500.00 for Non-residential Projects (Non-RCO)

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

OR

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.



11 Centennial Plaza
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Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

CERTIFICATE OF APPROPRIATENESS APPLICATION

SUBJECT PROPERTY

Site Address: _____
 Hamilton Co. Parcel ID No.: _____ Zoning District: _____
 Historic District: _____ Overlay District: _____

APPLICANT INFO PROPERTY OWNER OTHER _____ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: _____
 Contact Person (if legal entity): Adam Stehura AIA | Architect
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone: _____ E-mail: _____

PROPERTY OWNER INFO SAME AS ABOVE

Name: _____
 Contact Person (if legal entity): _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone: _____ E-mail: _____

CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction Alteration Demolition

Provide a very brief summary of the project:

ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

- Demolition requests must include all required demolition forms.**
- All applications that include requests for zoning relief must include a zoning hearing application.**
- All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature:  Date: _____

drawing dept

architecture & design

3217 madison rd cincinnati ohio 45209
513.272.8099 | www.drawingdept.com

March 5, 2021

City of Cincinnati Historic Conservation Board
805 Central Avenue Suite 500
Two Centennial Plaza
Cincinnati, OH 45202
Attn: Beth Johnson, Urban Conservator

Certificate of Appropriateness – 116 E. McMicken Ave.

Over-the-Rhine Historic District

Dear Beth,

This letter is to request a certificate of appropriateness for the FRONT building located at 116 E. McMicken Ave. This building shares an address with another historic building (116 East McMicken Ave REAR), but is a physically separate building. It is not and has not historically been functionally related to the other building on the parcel. (The CofA requested pertains to the FRONT building only.) The building is a 4-story, brick, Italianate building, constructed circa 1859. The renovation of both buildings will be completed according to National Park Service standards for the rehabilitation of historic structures, and the proposed plans have received approval from the Ohio State Historic Preservation Office and the National Park Service.

The structure is currently vacant and in a dilapidated condition. The first floor storefront retains its historic stone sill, pilasters and cornice, but other historic storefront fabric has been removed and infilled with non-compatible materials. An ornate bracketed cornice and decorative stone window sills and hoods on the front façade remain in good condition. No historic windows remain, and window openings have been partially infilled in order to fit shorter vinyl replacement windows. The interior is bisected by a central historic stair hall. Apartments on floors 1–3 were fully renovated c. 1970, with historic layouts and finishes gutted.

The building will be renovated as a mixed-use building, with a commercial space at the front of the first floor and seven (7) residential apartments throughout the rest of the building, subject to a density variance. The project is a full renovation of the building, including the installation of a new storefront and new windows, new and repaired finishes throughout, and new MEP systems. Cleaning and repair of historic features will not damage historic fabric and will match the appearance of adjacent historic materials. If any historic fabric not already described in this narrative is discovered during demolition, it will be photographed and incorporated/reestablished at its historic location.

If you have any concerns regarding the renovation project at 116 E. McMicken Ave., please do not hesitate to contact our office.

Respectfully Submitted,
Adam Stehura, AIA
Architect, Drawing Dept



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559
Boards@cincinnati-oh.gov

ZONING HEARING EXAMINER

Application for Zoning Relief

Office Use Only
Case Number: _____

Hearing Date: _____

Section 1. SUBJECT PROPERTY

ADDRESS _____ COMMUNITY _____
PARCEL ID(S) _____ HILLSIDE DISTRICT: Yes No
BASE ZONING CLASSIFICATION _____ ZONING OVERLAY (if applicable) _____
HISTORIC DISTRICT: No Yes: (name) _____
 Non-Residential Project Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 3. OWNER

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

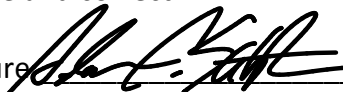
- Variance Special Exception Conditional Use Use Variance
- Expansion or Substitution of Non Conforming Use Hillside Overlay District Permission
- Urban Design Overlay District Permission DD District Phased Development Approval

Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name _____ Signature  Date ____/____/____

Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the existing and proposed project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none">• \$900.00 for Use Variances• Variances, including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside & Urban Design Overlay and DD District are as follows: \$300.00 for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling \$500.00 for Non-residential Projects (Non-RCO)

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
 - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
 - b. how the project meets either of the following conditions:
 - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
 - ii. a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE VARIANCE

Applicants requesting a use variance must demonstrate through “CLEAR AND CONVINCING EVIDENCE” in the form of credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-16. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a use variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-16, an applicant must show that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required. An applicant can show this by providing clear and convincing evidence demonstrating all of the following criteria are met:
 - a. the property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
 - b. the variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - c. the hardship condition is not created by actions of the applicant;
 - d. the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. the granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - f. the variance will be consistent with the general spirit and intent of the zoning code; and
 - g. The variance sought is the minimum that will afford relief to the applicant.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A SPECIAL EXCEPTION

Applicants requesting a special exception must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-19. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a special exception:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-19, an applicant must demonstrate all of the following:
 - a. the zoning code allows for a special exception in the district in which the property is located;
 - b. the proposed project meets any special standards for the specific special exception requested; and
 - c. the proposed project will meet all of the following standards:
 - i. be consistent with the purposes of the zoning code and the district where the use is located.
 - ii. not substantially diminish or impair the value of property within the neighborhood in which it is located.
 - iii. not have an adverse effect on the character of the area or the public health, safety and general welfare, and be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations.
 - iv. comply with all other standards imposed on it by this zoning code.

INSTRUCTIONS FOR APPLICATIONS REQUESTING AN EXPANSION OR SUBSTITUTION OF A NONCONFORMING USE

Applicants requesting an expansion or substitution of a nonconforming use must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1447-17. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for an expansion or substitution of a nonconforming use:

1. To meet the standard outlined in Cincinnati Municipal Code 1447-17, an applicant must demonstrate how the proposed project relates to one or more of the following standards:
 - a. consistency with the general purposes and intent of the zoning code;
 - b. promotion of the safe and efficient use of land;
 - c. compatibility with other adjacent land uses and buildings existing in the surrounding area;
 - d. consistency with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property; or
 - e. location in a building that is specially equipped or structurally designed for that use.

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN A HILLSIDE OVERLAY DISTRICT

Applicants requesting development permission in a Hillside Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1433-19 AND Cincinnati Municipal Code 1433-23. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in a Hillside Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1433-19, an applicant must demonstrate how the proposed project complies with all base development requirements for a Hillside Overlay District. The list of base development requirements is found in Cincinnati Municipal Code 1433-19.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1433-23, an applicant must demonstrate the proposed project is in harmony with adjacent buildings and the hillside environment. A list of standards considered by the Zoning Hearing Examiner to determine whether the proposed project is in harmony with adjacent buildings and the hillside environment is found in Cincinnati Municipal Code 1433-23.

*****Please note that applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.**

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN AN URBAN DESIGN OVERLAY DISTRICT

Applicants requesting development permission in an Urban Design Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1437-09. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in an Urban Design Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1437-09, an applicant must demonstrate how the proposed project complies with the standards found in Cincinnati Municipal Code 1437-09 that apply to the particular district in which the proposed project will be located.

INSTRUCTIONS FOR APPLICATIONS REQUESTING APPROVAL FOR A DD DISTRICT PHASED DEVELOPMENT

Applicants requesting approval for a DD District Phased Development must provide all information required by Cincinnati Municipal Code 1411-45.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for approval of a DD District Phased Development:

1. For projects that intend to phase development by first erecting a building and then enlarging that building or erecting one or more additional buildings or both, the applicant must:
 - a. provide a site master plan to the Zoning Hearing Examiner. The site master plan must be a schematic of the intended development of the entire site showing the locations, uses, heights and gross floor areas of every building. The master plan must contain such other information as necessary to determine whether the intended development conforms to the requirements of this zoning code. The master plan may be amended from time to time, provided any amended master plan be filed with the Zoning Hearing Examiner; **and**
 - a. comply with all other applicable requirements set forth in Cincinnati Municipal Code 1411-45.

INSTRUCTIONS FOR APPLICATIONS REQUESTING CONDITIONAL USE APPROVAL

Applicants requesting approval a conditional use approval must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a conditional use approval:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the conditional use is specifically listed in the applicable zoning district use regulations;
 - b. the project meets any limitations specifically listed in the applicable zoning district use regulations; **and**
 - c. the project’s location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE PERMIT

Applicants requesting approval Use Permit must demonstrate through credible testimony, documentary evidence, or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applicants that are not supported by testimony, documentary evidence, or written statements may be denied.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards a Use Permit:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the Use Permit is specifically listed in the applicable transect zone use table;
 - b. the project meets any limitations specifically listed in the applicable transect zone regulations; **and**
 - c. the project’s location, design, configuration, and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood

drawing dept

architecture & design

3217 madison rd cincinnati ohio 45209
513.272.8099 | www.drawingdept.com

March 5, 2021

City of Cincinnati Historic Conservation Board
805 Central Avenue Suite 500
Two Centennial Plaza
Cincinnati, OH 45202
Attn: Beth Johnson, Urban Conservator

Density Variance – 116 E. McMicken St.
Over-the-Rhine Historic District

Dear Beth,

This letter is to request a density variance for 116 E. McMicken St., a parcel with contributing structures in the Over the Rhine Historic District, to permit the addition of two additional one-bedroom apartments as part of a planned renovation. Historically, there are two structures located at 116 E. McMicken St., one fronting on E. McMicken St., the other abutting Hust Alley. In its existing state, the 'Front' building consists of 5 residential units with a ground floor commercial space. The 'Back' building consists of three one-bedroom apartments. The 'Back' building has been approved separately and is not subject to the variance request. It is proposed that the 'Front' building's existing, occupiable 4th floor, which is currently used simply for storage, be utilized to create two additional one-bedroom residential units.

Section 1409-09 of the zoning code stipulates a ratio of one unit per 500 Sq. Ft. of lot area, for existing buildings in CC-P zones. The lot area is approximately 2,995 SF, allowing 6 units by right. The proposed residential unit count between the two buildings totals 10 units, two more than presently exist. The proposed increase of density can be accomplished without modification of the exterior and has received approval from the Ohio State Historic Preservation Office and the National Park Service, which ensures that any modification to exterior or interior will be accomplished sensitively and appropriately.

The renovated units will contribute a diverse mix of studio, one, and two-bedroom apartments to the largely residential neighborhood, reconditioning existing housing stock for use well into the future. As proposed, the additional units do not detract from the subject property or the neighborhood. To the contrary, they reinforce the pedestrian nature of the commercial district, by providing additional customers for local businesses. Please see the attached exhibit for further analysis.

Respectfully Submitted,
Adam Stehura, AIA
Architect, Drawing Dept

Enclosure: _____

Exhibit 1 – § 1445-13. - General Standards; Public Interest.
Exhibit 2 – § 1445-19. - Standards for Special Exceptions.

Exhibit 1 - § 1445-13. - General Standards; Public Interest.

(a) *Zoning.* The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code or the Land Development Code, as applicable.

The proposed use is permitted in the CC-P zone. The proposed renovation will stabilize and maintain an historic asset that is currently unoccupied and in a state of disrepair.

(b) *Guidelines.* The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located. ***The project meets the Secretary of the Interior's Standards for Historic Preservation and has received approval from the National Park Service.***

(c) *Plans.* The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission. ***This project aligns with the Over-The-Rhine Comprehensive Plan of 2002, which aims to '... ensure the long-term sustainability of enough affordable housing to house current residents.' The availability of additional housing units in the Over the Rhine neighborhood, where utilities and infrastructure already exist, will help control the long term cost of housing and promote sustainability goals regionally.***

(d) *Traffic.* Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed. ***The project site is located within the 'Walkable Urban Core' overlay district, which promotes use of human-powered or public transportation within the Over the Rhine neighborhood. This will have a positive impact through increased foot traffic to local businesses.***

(e) *Buffering.* Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts. ***Adjacent properties are similarly configured, and vacant or dilapidated. There are no intra-zonal buffering requirements within Zone CC-P.***

(f) *Landscaping.* Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards. ***The structures are built to the property line, as permitted / required by CC-P development standards. No landscaping require, typical of the neighborhood.***

(g) *Hours of Operation.* Operating hours are compatible with adjacent land uses. ***There are no 'operating hours' for residential uses. The project is encompassed by other residential apartment buildings with similar usage patterns.***

(h) *Neighborhood Compatibility.* The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood. ***The project matches the prevailing development pattern within the neighborhood, which is mixed use with first floor commercial storefront.***

(i) *Proposed Zoning Amendments.* The proposed work is consistent with any proposed amendment to the zoning code or the Land Development Code then under consideration by the City Planning Commission or Council. ***The relief sought is consistent with the 'Urban Housing Overlay' district, a proposed amendment to the zoning code that would eliminate density requirements for projects within a zone largely coincident with the 'Walkable Urban Core'***

(j) *Adverse Effects.* Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings. ***All proposed renovation is contained within the existing building shell, with no additions. The proposed units will meet the adopted building code criteria for life safety and egress.***

(k) *Blight.* The elimination or avoidance of blight. ***The proposed renovation will stabilize and maintain an historic asset that is currently unoccupied and in a state of disrepair.***

(l) *Economic Benefits.* The promotion of the Cincinnati economy. ***Additional residential units in the urban core will promote the stabilization of housing prices and provide baseline support to local businesses.***

(m) *Job Creation.* The creation of jobs both permanently and during construction.

(n) *Tax Valuation.* Any increase in the real property tax duplicate. ***The rehabilitation of the building will increase the property value of the property.***

(o) *Private Benefits.* The economic and other private benefits to the owner or applicant. ***Redevelopment of the property will create an income stream for the owners which will be reinvested in the neighborhood.***

(p) *Public Benefits.* The public peace, health, safety or general welfare. ***Some benefits will include increased foot traffic, higher levels of commerce and community activity, some stabilization in housing costs, and higher utilization of existing assets.***

Exhibit 2 - § 1445-19. - Standards for Special Exceptions.

(a) Compliance With Code and District Purposes. The proposed development will be consistent with the purposes of this Code or the Land Development Code, as applicable, and the district where the use is located. ***The intent of the CC-P district is to promote a pedestrian-oriented commercial community. The relief requested is consistent with this goal.***

(b) No Substantial Impairment of Property Value. The proposed development will not substantially diminish or impair the value of property within the neighborhood in which it is located. ***The requested relief will have no adverse impact on adjacent properties.***

(c) No Undue Adverse Impact. The proposed development will not have an adverse effect on the character of the area or the public health, safety and general welfare. The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations. ***The requested relief will not have an adverse impact on the character of the district, as it will be accomplished within the shell of the existing building. A sensitive rehabilitation consistent with NPS / OTR Historic District guidelines will be an asset to the community.***

(d) Compliance With Other Standards. The proposed development complies with all other standards imposed on it by this Code or the Land Development Code, as applicable. ***Other than the relief sought for density, the proposed development complies with all requirements for Zoning, Historic rehabilitation, and land use.***


Dusty Rhodes, Hamilton County Auditor

generated on 3/4/2021 11:24:03 AM EST

Property Report

Parcel ID 094-0007-0244-00	Address 116 E MCMICKEN AVE	Index Order Parcel Number	Tax Year 2020 Payable 2021
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Property Information

Tax District 001 - CINTI CORP-CINTI CSD	School District CINCINNATI CSD	Land Use 404 - RETAIL/APARTMENT OVER	Images/Sketches 
Appraisal Area 01801 - OVER THE RHINE 01	Owner Name and Address 116 E MCMICKEN LLC 131 E MCMICKEN AVE CINCINNATI OH 45202 <i>(call 946-4015 if incorrect)</i>	Mailing Name and Address 116 E MCMICKEN LLC 131 E MCMICKEN AVE CINCINNATI OH 45202 <i>(call 946-4800 if incorrect)</i>	
Assessed Value 25,990	Effective Tax Rate 89.090432	Total Tax \$2,325.82	
Property Description 116 E MC MICKEN AVE 24 X 120 LOT 1 FINDLAY & LUDLOW SUB			

Appraisal/Sales Summary	
Year Built	1860
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	7/7/2020
Last Sale Amount	\$250,000
Conveyance Number	237833
Deed Type	LW - Limited Warrant Deed (Conv)
Deed Number	
# of Parcels Sold	1
Acreage	0.067

Tax/Credit/Value Summary	
Board of Revision	YES(12)
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	30,240
CAUV Value	0
Market Improvement Value	44,030
Market Total Value	74,270
TIF Value	3,970
Abated Value	0
Exempt Value	0
Taxes Paid	\$1,168.09
Tax as % of Total Value	0.000%

Notes

1) BOR #11-504084 DECREASE TO 60,000 1) 12-7-04 30 YEAR TIF ABATEMENT BEGAN 2003 THRU 2032

Structure List

Structure Name	Use Code	Finished Sq. Ft.	Year Built
Structure 2	404 RETAIL/APARTMENT OVER	1,944	1860
Structure 1	404 RETAIL/APARTMENT OVER	4,107	1860

Commercial Appraisal Data

Section	Occupancy	Finished Area (sq. ft.)	Story Height	Stories
Section 1	352 Multiple Res (Low Rise)	648	9	1
Section 2	326 Storage Garage	648	9	1
Section 3	326 Storage Garage	648	9	1

No Proposed Levies Found

Levies Passed - 2020 Pay 2021 Tax Bill

Levy	Levy Type	Mills	Current Annual Tax	Estimated Annual Tax	Note
Cincinnati CSD - Emergency (\$48,000,000)	Renewal	7.34	\$196.22	\$190.77	C, D

This is an estimated levy payment based on the current value of your property. Actual tax amounts per tax year may vary based on changes in property valuation and based on whether a parcel receives any abatement, credit, or reduction during the levy period.

Effective for the tax year 2005, Ohio's biennial budget bill, Amended Substitute House Bill 66, signed by the Governor on June 30, 2005, terminates the 10 percent real property tax rollback for the commercial and industrial classes of property, and agricultural property used for the commercial production of timber.

Effective for the tax year 2013, Ohio's biennial budget bill, House Bill 59, signed by the Governor on June 30, 2013, terminates the 10 percent real property tax rollback and the 2.5 percent homestead credit on all additional or replacement levies passed at the November 5, 2013 election or after. As a result of this legislation, those same levies will not qualify for the stadium tax credit.

Existing and renewal levies, as well as levies passed at the May 7, 2013 and August 6, 2013 elections will qualify for the credits. Residential and most agricultural properties with qualifying levies will receive what is now the Non-Business Credit Rollback Factor. Owner occupied residential dwellings with qualifying levies will receive what is now the Owner Occupancy Credit Rollback Factor, as well as the stadium tax credit.

Transfer History

Year	Conveyance #	Selling Price	Transfer Date	Previous Owner	Current Owner
2020	237833	250,000	7/7/2020	MCMICKEN LOFTS LLC	116 E MCMICKEN LLC
2019	206462	50,000	6/24/2019	NASSAU AVENUE INVESTMENTS LLC NASSAU AVENUE INVESTMENTS LLC	MCMICKEN LOFTS LLC MCMICKEN LOFTS LLC
2019	197612	276,831	3/20/2019	HISTORIC LIMITED LIABILITY COMPANY % MODEL GROUP HISTORIC LIMITED LIABILITY CO LLC % MODEL GROUP	NASSAU AVENUE INVESTMENTS LLC NASSAU AVENUE INVESTMENTS LLC

Transfer History

2008	8587	100,000	6/27/2008	SYCAMORE HILLS LTD	HISTORIC LIMITED LIABILITY COMPANY
1900	0	0	1/1/1900	SEE OWNERSHIP CARD	SYCAMORE HILLS LTD

Value History

Tax Year	Assessed Date	Land	Improvements	Total	CAUV	Reason for Change
2020	8/22/2020	30,240	44,030	74,270	0	120 Reappraisal, Update or Annual Equalization
2017	11/15/2017	24,190	35,220	59,410	0	120 Reappraisal, Update or Annual Equalization
2011	9/25/2012	10,740	49,260	60,000	0	40 Changes by Board of Revision, Tax Appeals, Courts
2011	9/5/2011	10,740	68,830	79,570	0	120 Reappraisal, Update or Annual Equalization
2008	9/27/2008	11,340	66,190	77,530	0	120 Reappraisal, Update or Annual Equalization
2008	9/4/2008	10,700	62,440	73,140	0	120 Reappraisal, Update or Annual Equalization
2008	1/29/2008	10,700	62,500	73,200	0	50 Changes to/from Exempt Property
2005	9/19/2005	10,700	62,500	73,200	0	120 Reappraisal, Update or Annual Equalization
2002	10/8/2002	7,100	63,200	70,300	0	120 Reappraisal, Update or Annual Equalization
1999	11/6/1999	6,500	58,100	64,600	0	120 Reappraisal, Update or Annual Equalization
1996	1/1/1996	5,500	32,700	38,200	0	110 Miscellaneous

Board of Revision Case History

Case Number	Date Filed	Withdrawn	**Counter Complaint Filed	*Hearing Date/Time	Value Challenged	Value Requested	Value Decided by BOR	***Date Resolved
2011504084	4/4/2012	No		9/4/2012 3:15 PM	79,570	42,800	60,000	9/25/2012

*Once your hearing has been scheduled, you will receive a **Notice of Hearing** by certified mail, and the Scheduled Hearing Date and Time will be populated on this page.

**A counter-complaint may be filed by a party with interest in the value of your property, such as the Board of Education, if you request a decrease of \$50,000 or more in market value.

***Please allow four to six weeks to receive your **Notice of Result** by certified mail and to see your result on this page. Your Notice will contain basic facts about appealing your Board of Revision decision, should you wish to do so.

Payment Information

ROBERT A. GOERING, TREASURER

Tax Overview

Mail Payments to:	Hamilton County Treasurer 138 E. Court Street, Room 402 Cincinnati, Ohio 45202	Tax Lien Pending	No
Tax District:	001 - CINTI CORP-CINTI CSD	Tax Lien Sold	No
Current Owner(s)	116 E MCMICKEN LLC	Full Rate	109.790000
Tax Bill Mail Address	116 E MCMICKEN LLC 131 E MCMICKEN AVE CINCINNATI OH 45202	Effective Rate	89.090432
Taxable Value		Non Business Credit	0.088077
Land	10,580	Owner Occupancy Credit	0.022019
Improvements	15,410	Certified Delinquent Year	
Total	25,990	Delinquent Payment Plan	No
		TOP (Treasurer Optional Payment)	\$0.00
		Note: May represent multiple parcels	

Current Year Tax Detail

	Prior Delinquent	Adj. Delinquent	1st Half	Adj. 1st Half	2nd Half	Adj. 2nd Half
Real Estate			\$1,426.72		\$1,426.72	
Credit			\$268.99		\$268.99	
Subtotal			\$1,157.73		\$1,157.73	
Non Business Credit			\$0.00		\$0.00	
Owner Occupancy Credit			\$0.00		\$0.00	
Homestead			\$0.00		\$0.00	
Sales CR			\$0.00		\$0.00	
Subtotal	\$0.00	\$0.00	\$1,157.73	\$0.00	\$1,157.73	\$0.00
Interest/Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Real Estate Paid	\$0.00		\$1,157.73		\$0.00	
Real Estate Owed	\$0.00		\$0.00		\$1,157.73	
Special Assess Paid	\$0.00		\$10.36		\$0.00	
Special Assess Owed	\$0.00		\$0.00		\$0.00	
Total Due	\$0.00		\$1,168.09		\$1,157.73	
Total Paid	\$0.00		\$1,168.09		\$0.00	
Unpaid Delq Contract	\$0.00		\$0.00		\$0.00	
Total Owed	\$0.00		\$0.00		\$1,157.73	

Special Assessment Detail for 55-060 CINCINNATI - Urban Forestry

	Prior Delinquent	Adj. Delinquent	1st Half	Adj. 1st Half	2nd Half	Adj. 2nd Half
Charge	\$0.00	\$0.00	\$10.36	\$0.00	\$0.00	\$0.00
Interest/Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Paid	\$0.00		\$10.36		\$0.00	
Owed	\$0.00		\$0.00		\$0.00	

Payment Information for Current And Prior Year

Date	Half	Prior	1st Half	2nd Half	Surplus
2/2/2021	1 - 2020	\$0.00	\$1,168.09	\$0.00	\$0.00

Payment Information for Current And Prior Year

7/7/2020	2 - 2019	\$0.00	\$1,115.00	\$1,003.25	\$0.00
6/20/2019	2 - 2018	\$0.00	\$0.00	\$1,003.76	\$0.00
1/31/2019	1 - 2018	\$0.00	\$1,014.14	\$0.00	\$0.00
6/20/2018	2 - 2017	\$0.00	\$0.00	\$972.20	\$0.00
1/31/2018	1 - 2017	\$0.00	\$981.60	\$0.00	\$0.00
6/20/2017	2 - 2016	\$0.00	\$0.00	\$1,001.72	\$0.00
1/31/2017	1 - 2016	\$0.00	\$1,011.12	\$0.00	\$0.00
6/24/2016	2 - 2015	\$0.00	\$0.00	\$920.26	\$0.00
2/1/2016	1 - 2015	\$0.00	\$929.66	\$0.00	\$0.00

Information believed accurate but not guaranteed. Treasurer disclaims liability for any errors or omissions

Tax Distribution Information

Market Value		Assessed Value (35%)		Tax Rate Information	
Land	30,240	Land	10,580	Full Tax Rate (mills)	109.790000
Building	44,030	Building	15,410	Reduction Factor	0.188538
Total	74,270	Total	25,990	Effective Tax Rate (mills)	89.090432
				Non Business Credit	0.088077
				Owner Occupancy Credit	0.022019

Tax Calculations

Half Year Tax Distributions

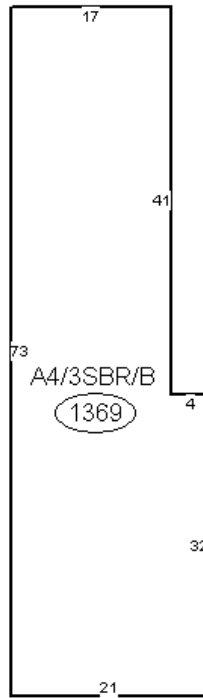
Gross Real Estate Tax	\$2,853.44	School District	\$696.81
- Reduction Amount	\$537.98	Township	\$0.00
- Non Business Credit	\$0.00	City/Village	\$215.92
- Owner Occupancy Credit	\$0.00	Joint Vocational School	\$0.00
- Homestead	\$0.00	County General Fund	\$27.81
Half Year Real Taxes	\$1,157.73	Public Library	\$22.39
- Sales Tax Credit	\$0.00	Family Service/Treatment	\$3.76
+ Current Assessment	\$10.36	HLTH/Hospital Care-Indigent	\$30.12
+ Delinquent Assessment	\$0.00	Mental Health Levy	\$25.78
+ Delinquent Real Estate	\$0.00	Developmental Disabilities	\$45.70
Semi Annual Net	\$1,168.09	Park District	\$11.44
		Crime Information Center	\$3.35
		Children Services	\$52.27
		Senior Services	\$17.41
		Zoological Park	\$4.97

This shows the most recent tax bill calculation which normally occurs in early December and May. However, adjustments or corrections may have been applied to the tax bill after the initial tax calculation. Go to the Payment Detail tab to view any corrections or adjustments occurring after the initial tax calculation.

Parcel Photo



Parcel Sketch



Special Assessments

Project	Ord/Res	Description	Certified	End Year	Payoff Amount
55-060		CINCINNATI - Urban Forestry	8/20/2019	2099	\$0.00

Related Names

Name	Relationship	Status
116 E MCMICKEN LLC	Parcel Owner	Current

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March 4, 2021

City of Cincinnati Historic Conservation Board
805 Central Avenue Suite 500
Two Centennial Plaza
Cincinnati, OH 45202
Attn: Beth Johnson, Urban Conservator

Density Variance – 116 E. McMicken

Over-the-Rhine Historic District

Dear Beth,

The following witnesses may be present at the zoning hearing to speak on behalf of the proposed project:

Jeremy Moore	<i>Northcrown Property jeremy@northcrownproperty.com</i>
Lauren Moore	<i>Northcrown Property lauren@northcrownproperty.com</i>
Dominic Sansalone	<i>Northcrown Construction dominic@northcrownproperty.com</i>
Rachel Hilvert O'Malley	<i>Common Bond Consulting, LLC r3omalley@gmail.com</i>
Ron Novak, AIA	<i>Drawing Dept Architect ron@drawingdept.com</i>
Adam Stehura, AIA	<i>Drawing Dept Architect adam@drawingdept.com</i>

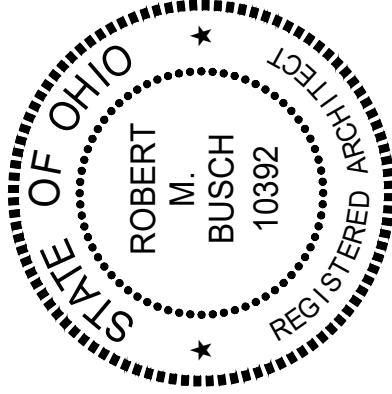
Respectfully Submitted,
Adam Stehura, AIA
Architect, Drawing Dept

DRAWING INDEX	
SHEET #	SHEET DESCRIPTION
0	COVER
1	SITE PLAN
2	EXISTING PLANS
3	EXISTING PLANS
4	EXISTING PLANS
5	EXISTING PLANS
6	EXISTING ELEVATIONS
7	EXISTING ELEVATIONS
8	EXISTING ELEVATIONS
9	PROPOSED PLANS
10	PROPOSED PLANS
11	PROPOSED PLANS
12	PROPOSED PLANS
13	PROPOSED ELEVATIONS
14	PROPOSED ELEVATIONS
15	PROPOSED ELEVATIONS

0

cover
5 March 2021 - CoA / Zoning Variance

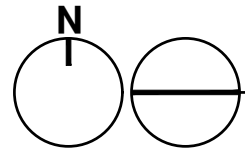
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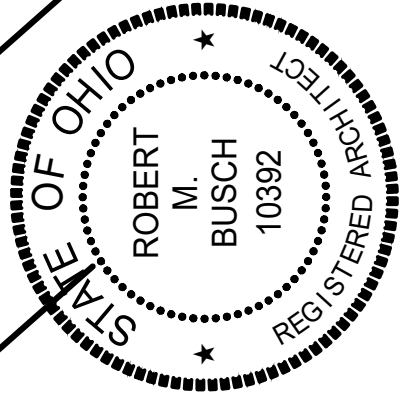
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Site Plan

1:200

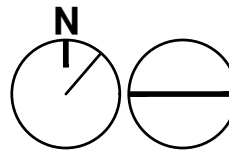
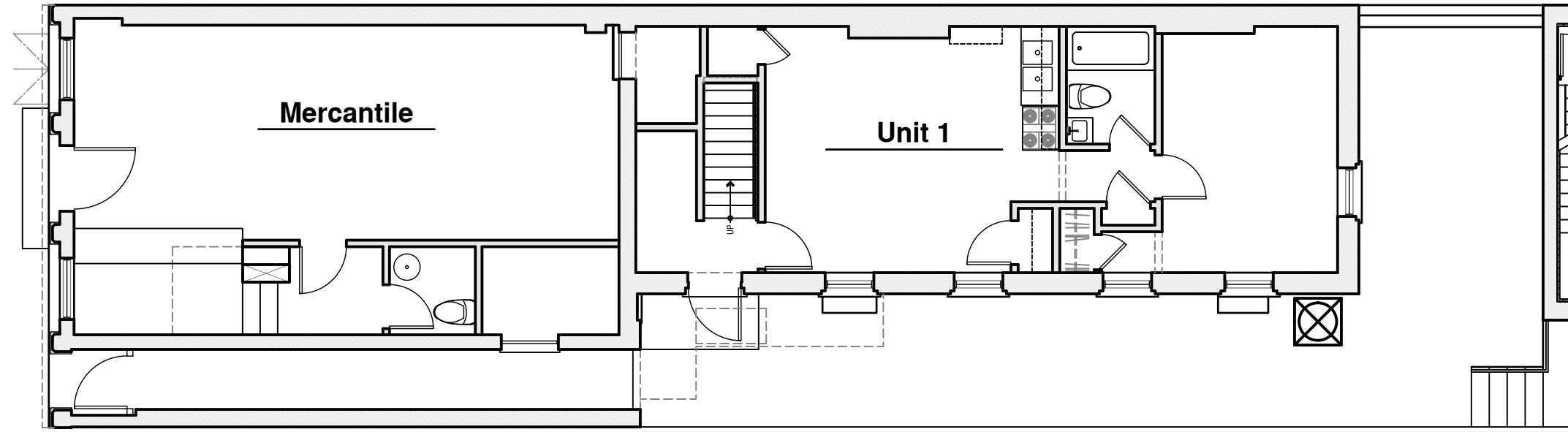
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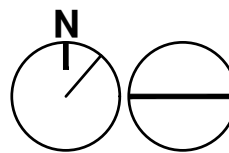
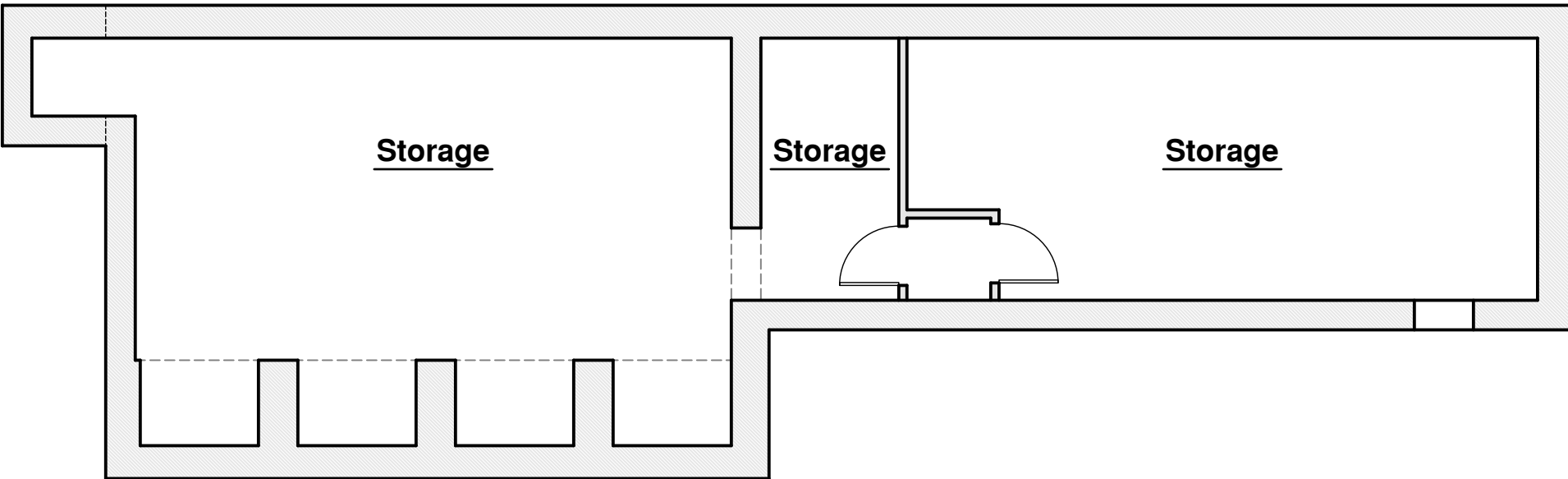
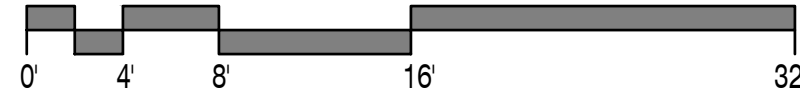
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1
Site Plan
5 March 2021 - CoA / Zoning Variance



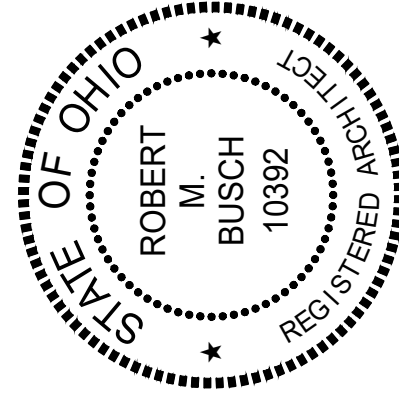
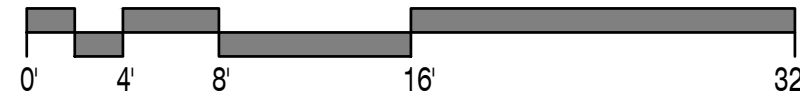
Exist. Level 1 Plan - Front

1/4"=1'-0"



Exist. Basement Plan - Front

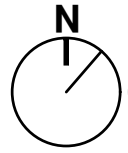
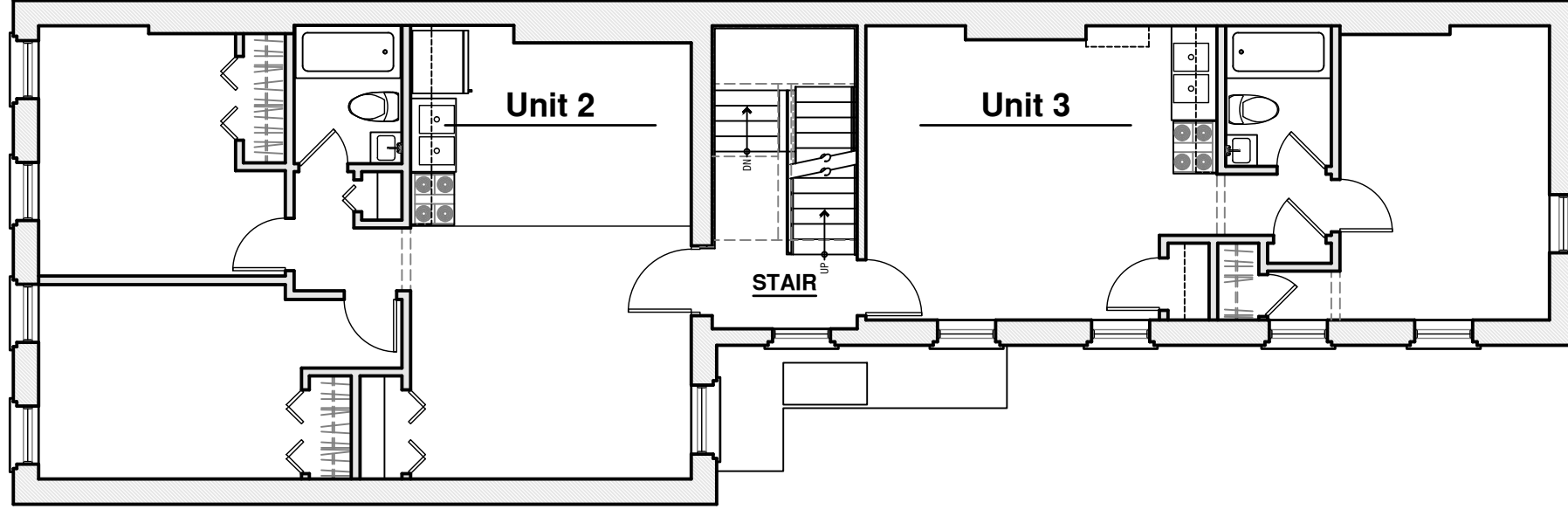
1/4"=1'-0"



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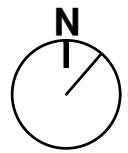
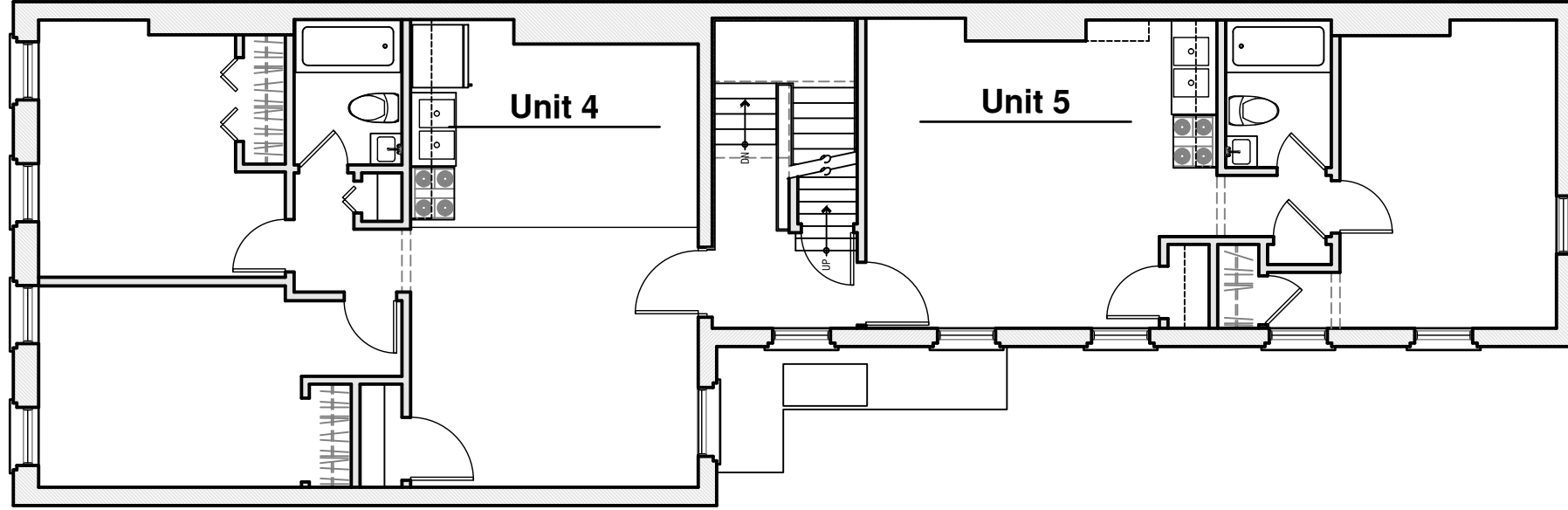
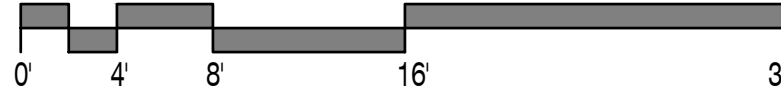
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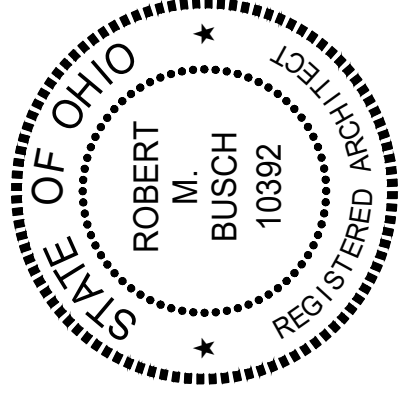
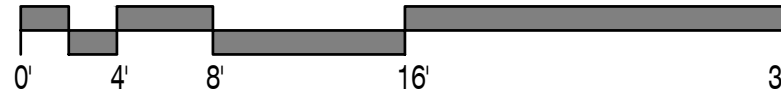
Exist. Level 2 Plan - Front

1/4"=1'-0"



Exist. Level 3 Plan - Front

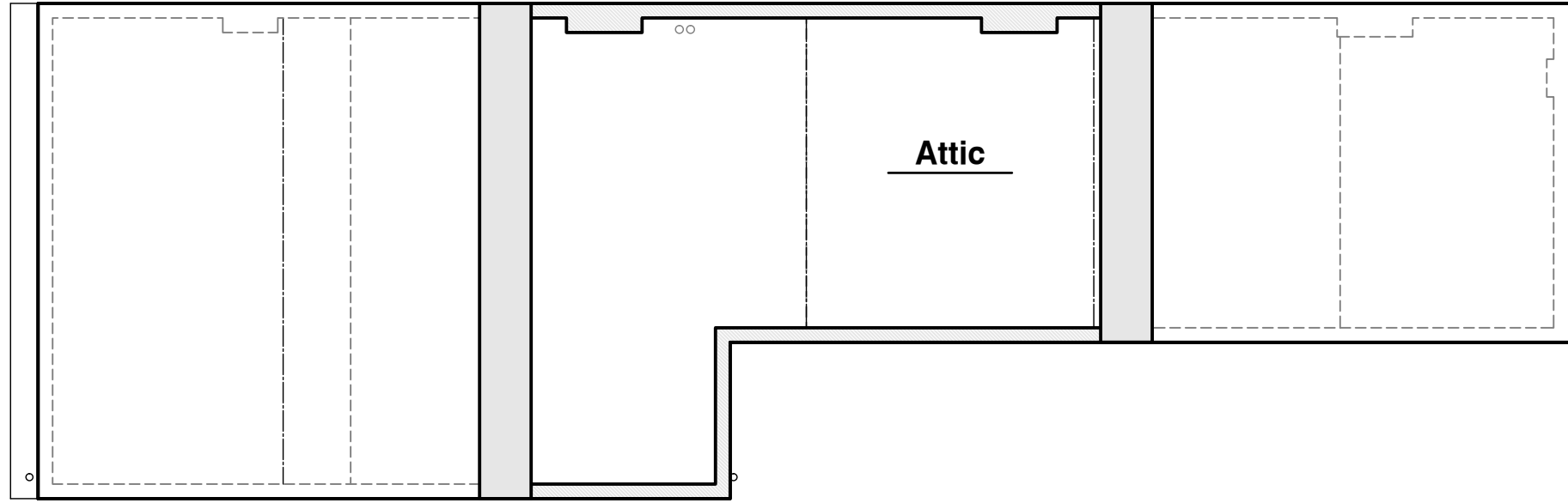
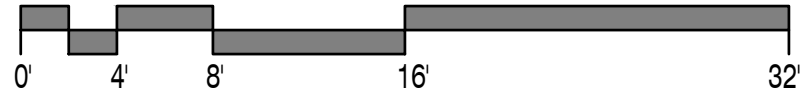
1/4"=1'-0"



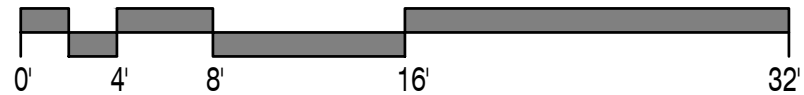
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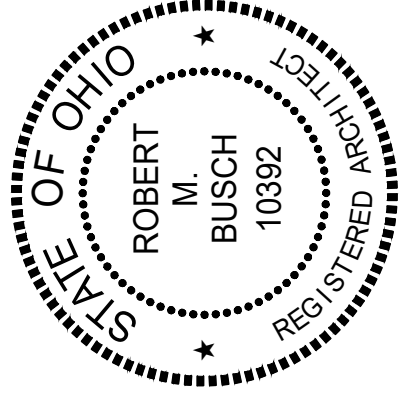
Exist. Level 4 Plan - Front
 1/4"=1'-0"



Exist. Attic Plan - Front
 1/4"=1'-0"

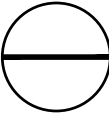
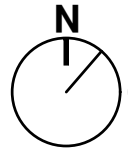


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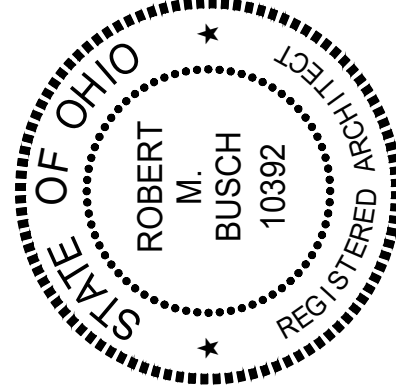
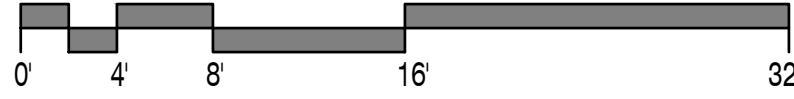
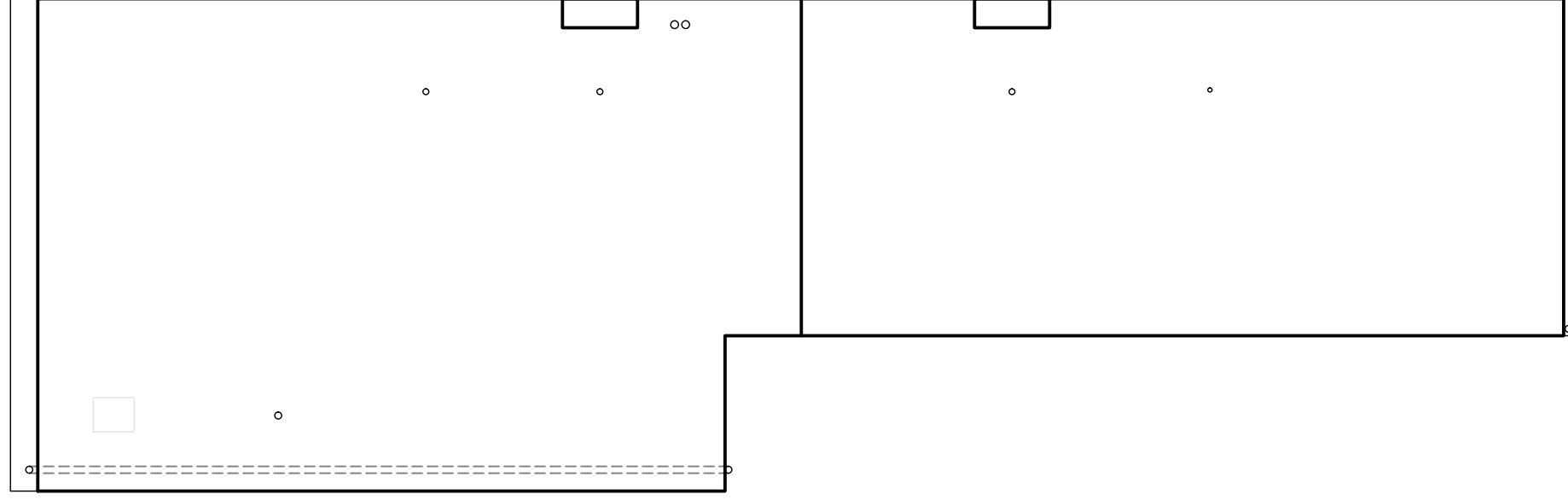
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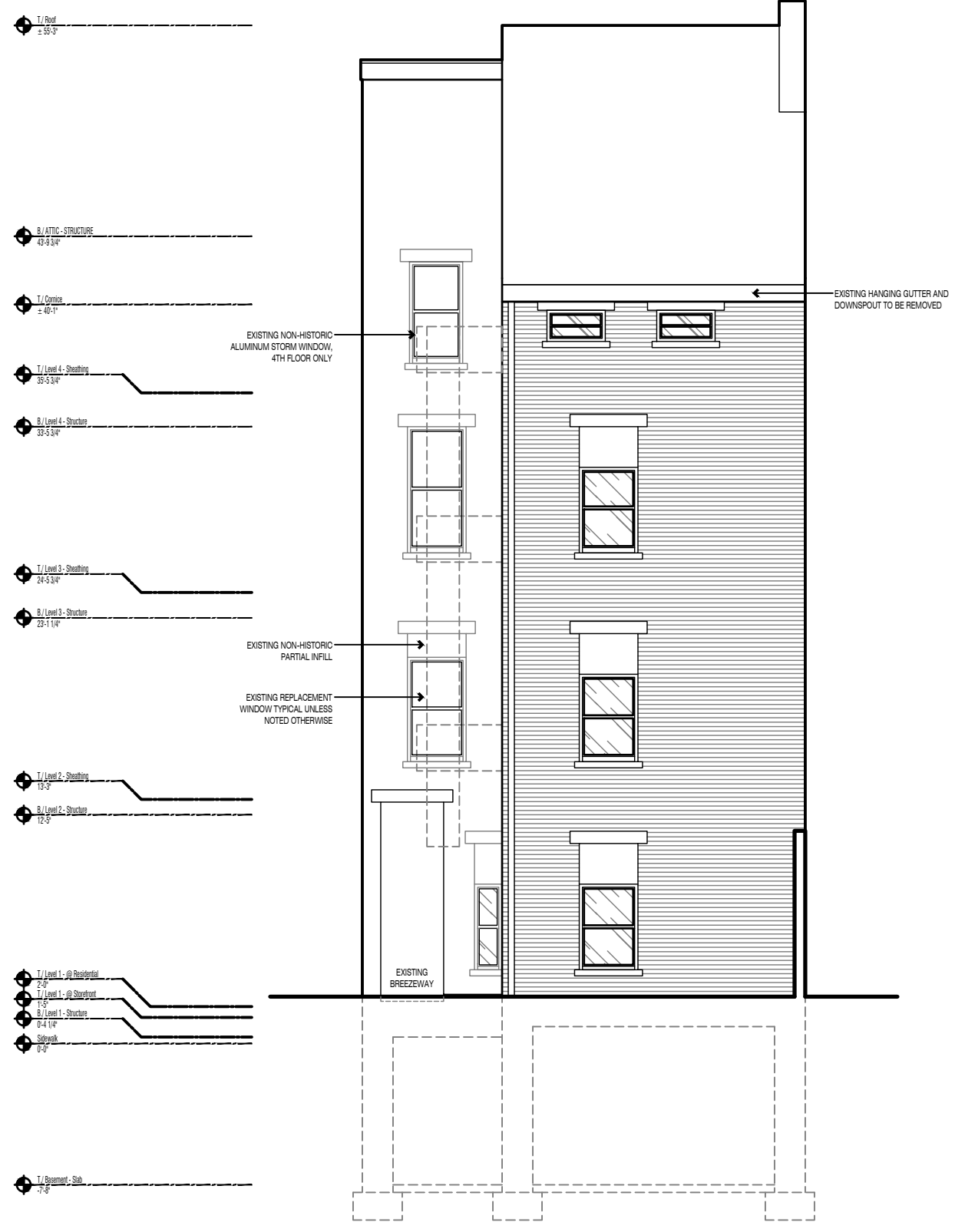


Exist. Roof Plan - Front

1/4"=1'-0"

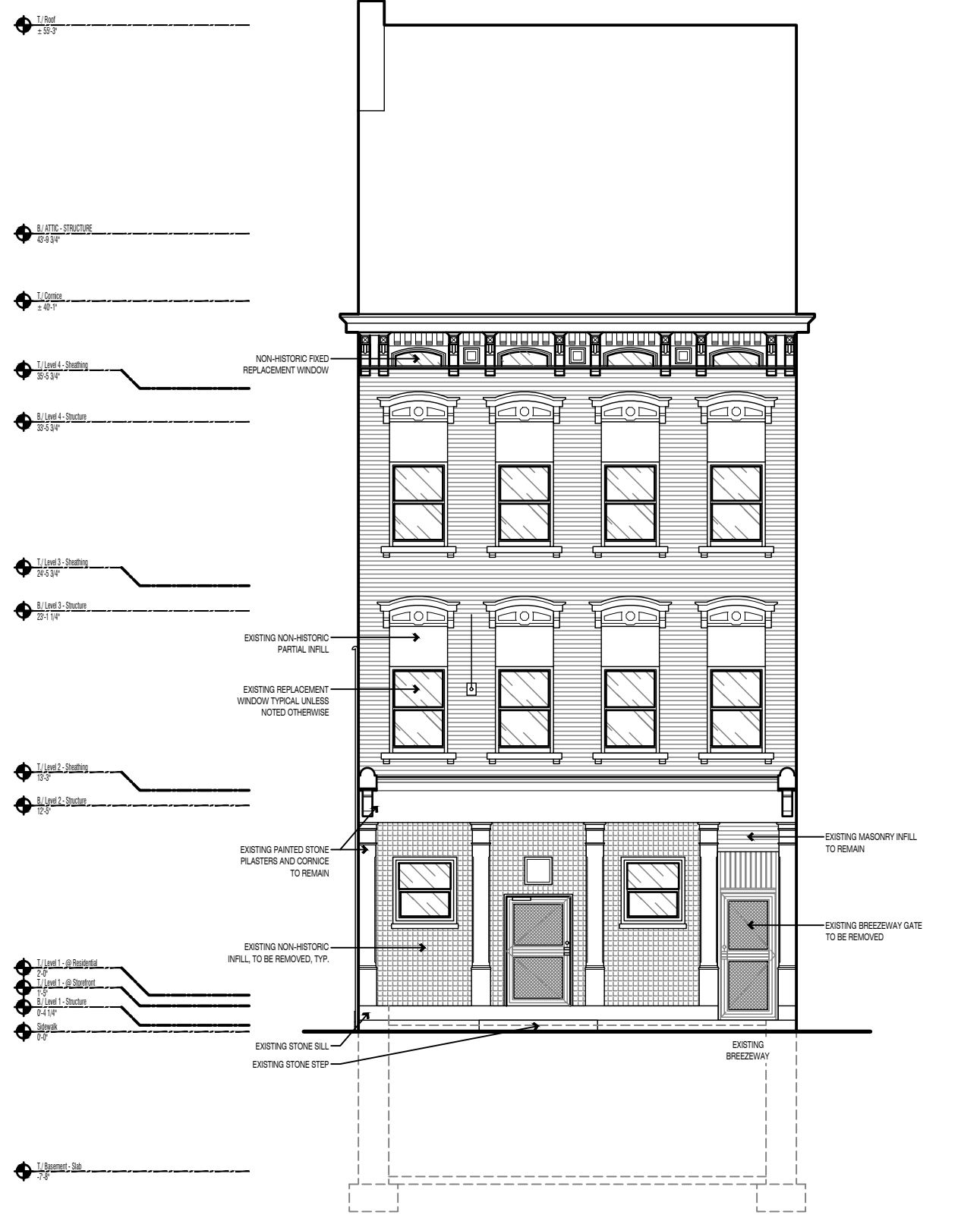


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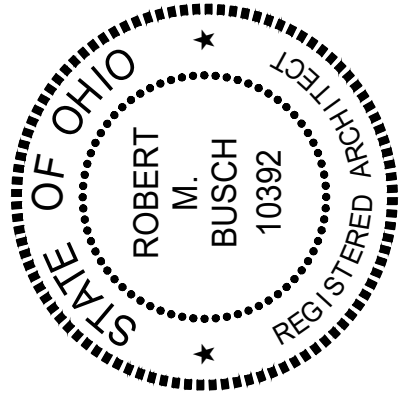
- T./Roof ± 55'-3"
- B./ATTIC - STRUCTURE 49'-6 3/4"
- T./Cornice ± 40'-1"
- T./Level 4 - Sheathing 35'-5 3/4"
- B./Level 4 - Structure 33'-5 3/4"
- T./Level 3 - Sheathing 24'-5 3/4"
- B./Level 3 - Structure 23'-1 1/4"
- T./Level 2 - Sheathing 13'-5"
- B./Level 2 - Structure 12'-5"
- T./Level 1 - @ Residential 2'-0"
- T./Level 1 - @ Street 1'-0"
- B./Level 1 - Structure 0'-4 1/4"
- Sidewalk 0'-0"
- T./Basement - Slab -7'-6"

Existing East (Back) Elevation
1/8"=1'-0"



- T./Roof ± 55'-3"
- B./ATTIC - STRUCTURE 49'-6 3/4"
- T./Cornice ± 40'-1"
- T./Level 4 - Sheathing 35'-5 3/4"
- B./Level 4 - Structure 33'-5 3/4"
- T./Level 3 - Sheathing 24'-5 3/4"
- B./Level 3 - Structure 23'-1 1/4"
- T./Level 2 - Sheathing 13'-5"
- B./Level 2 - Structure 12'-5"
- T./Level 1 - @ Residential 2'-0"
- T./Level 1 - @ Street 1'-0"
- B./Level 1 - Structure 0'-4 1/4"
- Sidewalk 0'-0"
- T./Basement - Slab -7'-6"

Existing West (Front) Elevation
1/8"=1'-0"

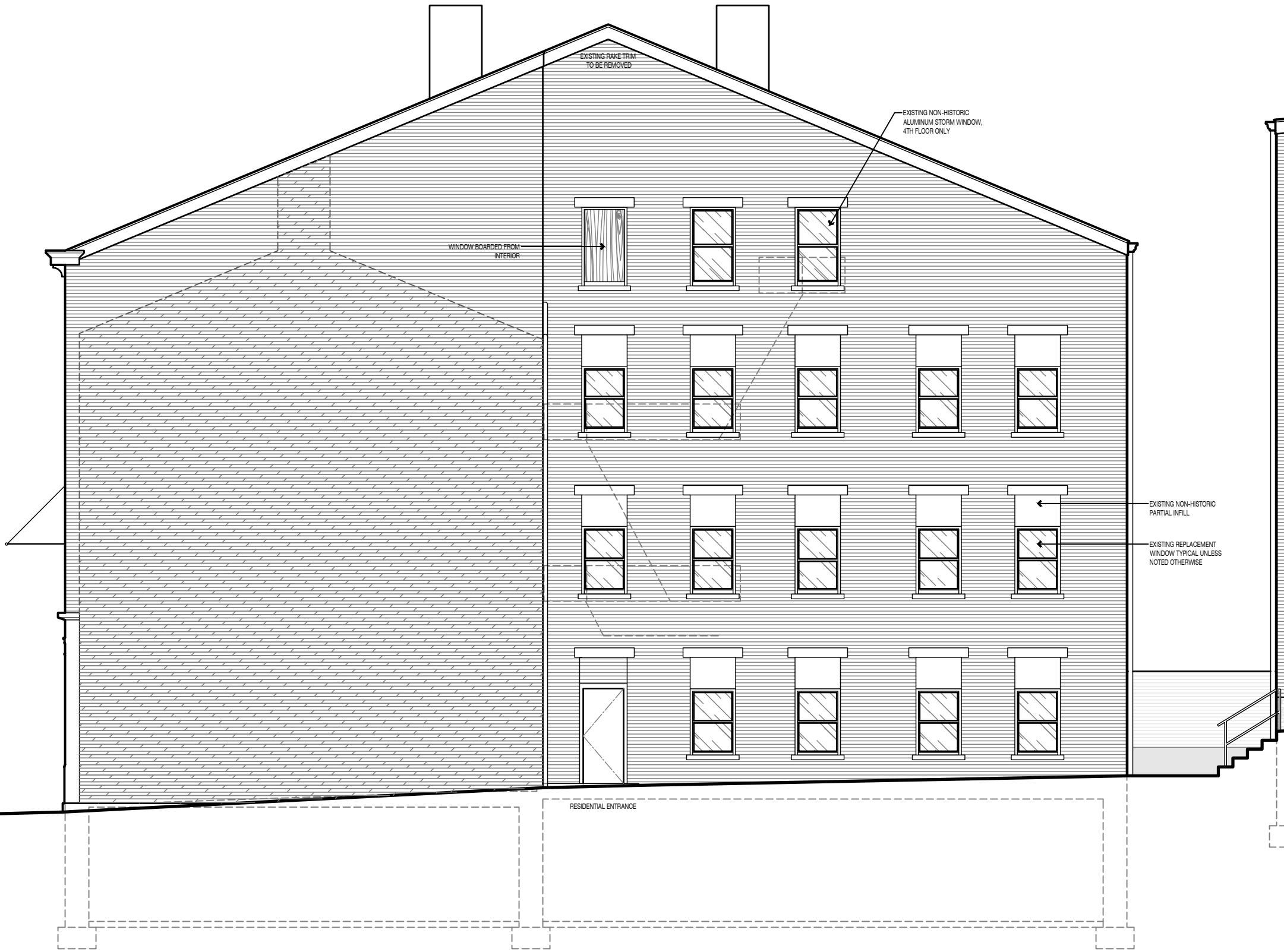


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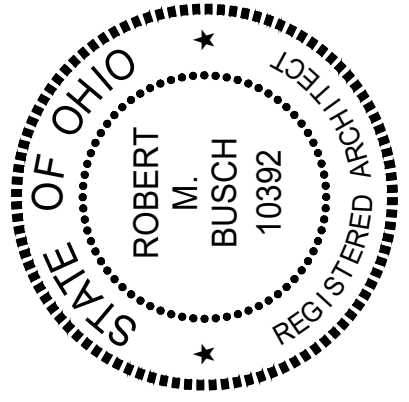
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- T/ Roof
= 55'-3"
- B/ ATTIC - STRUCTURE
= 49'-8 3/4"
- T/ Cornice
= 49'-11"
- T/ Level 4 - Sheathing
= 39'-5 3/4"
- B/ Level 4 - Structure
= 39'-5 3/4"
- T/ Level 3 - Sheathing
= 24'-5 3/4"
- B/ Level 3 - Structure
= 23'-1 1/4"
- T/ Level 2 - Sheathing
= 12'-0"
- B/ Level 2 - Structure
= 12'-0"
- T/ Level 1 - @ Boardwalk
= 7'-0"
- T/ Level 1 - @ Boardwalk
= 7'-0"
- B/ Level 1 - Structure
= 7'-4 1/4"
- Sidewalk
= 7'-0"
- T/ Basement - Slab
= 7'-0"



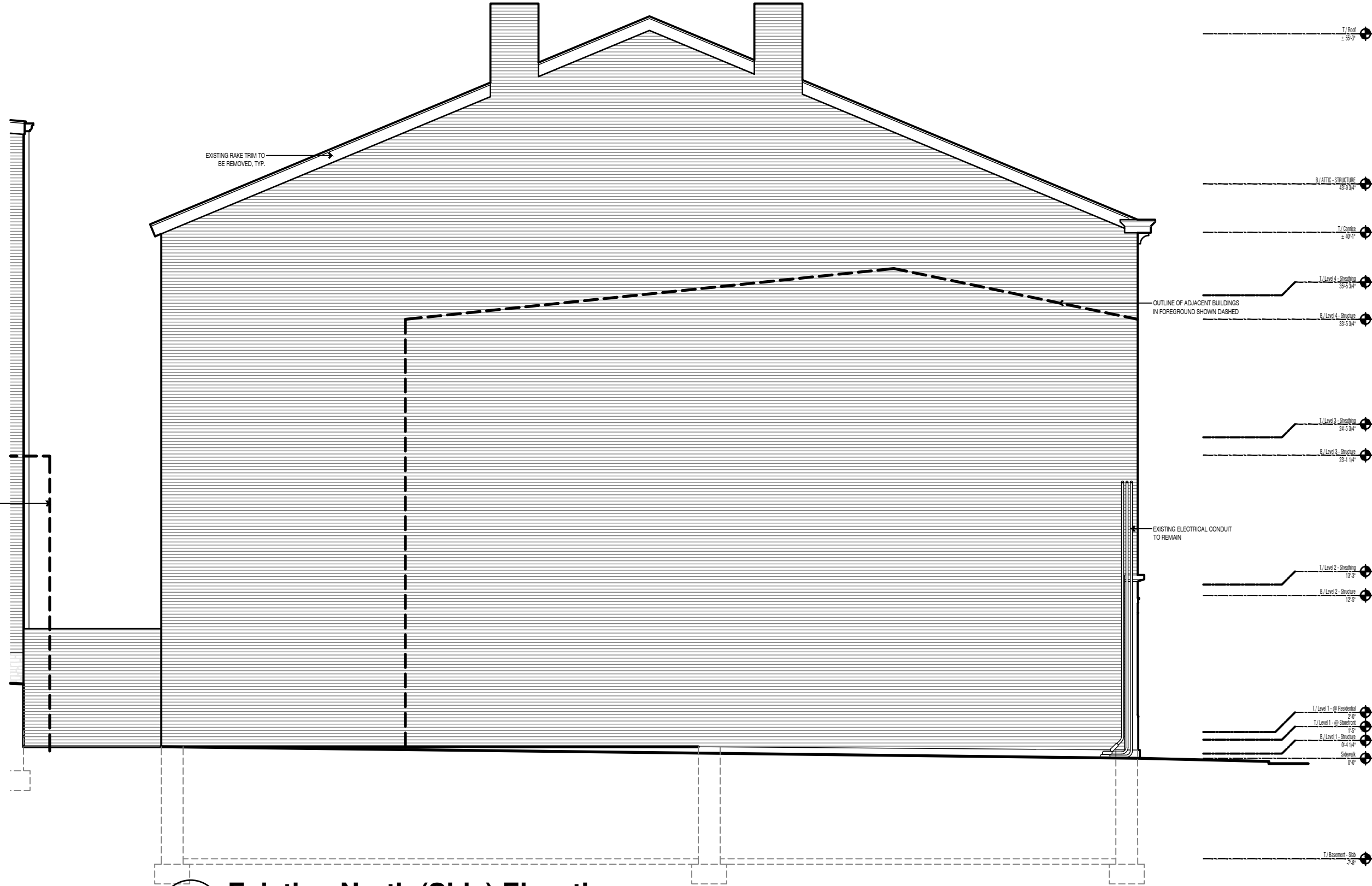
 **Existing South (Side) Elevation**
1/8"=1'-0"

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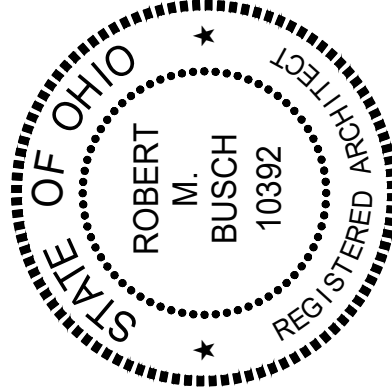


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Existing North (Side) Elevation
 1/8"=1'-0"

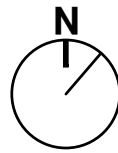
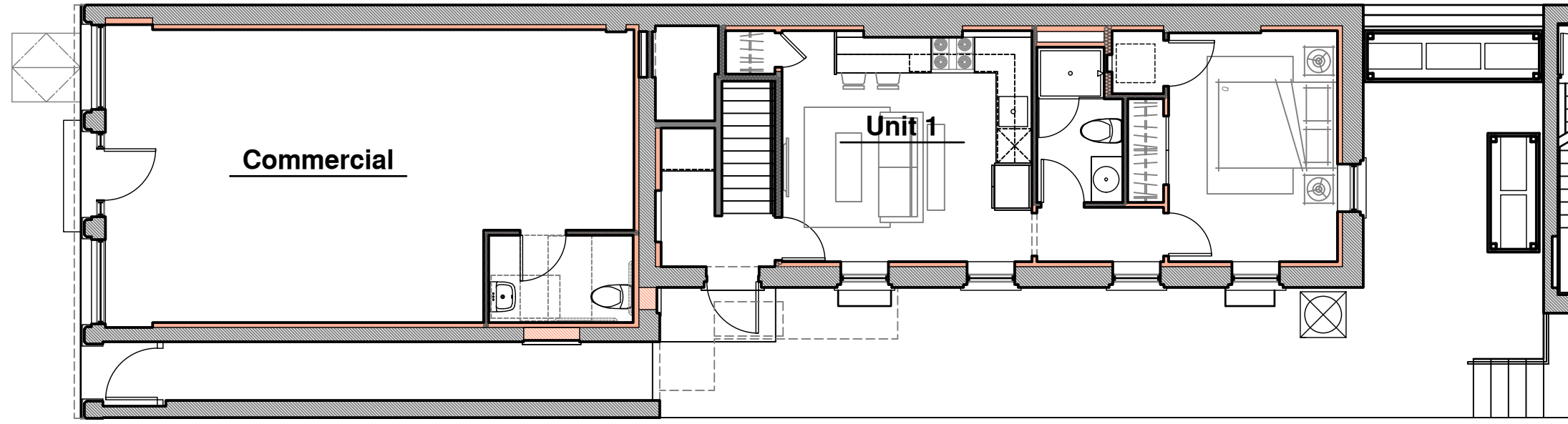


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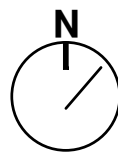
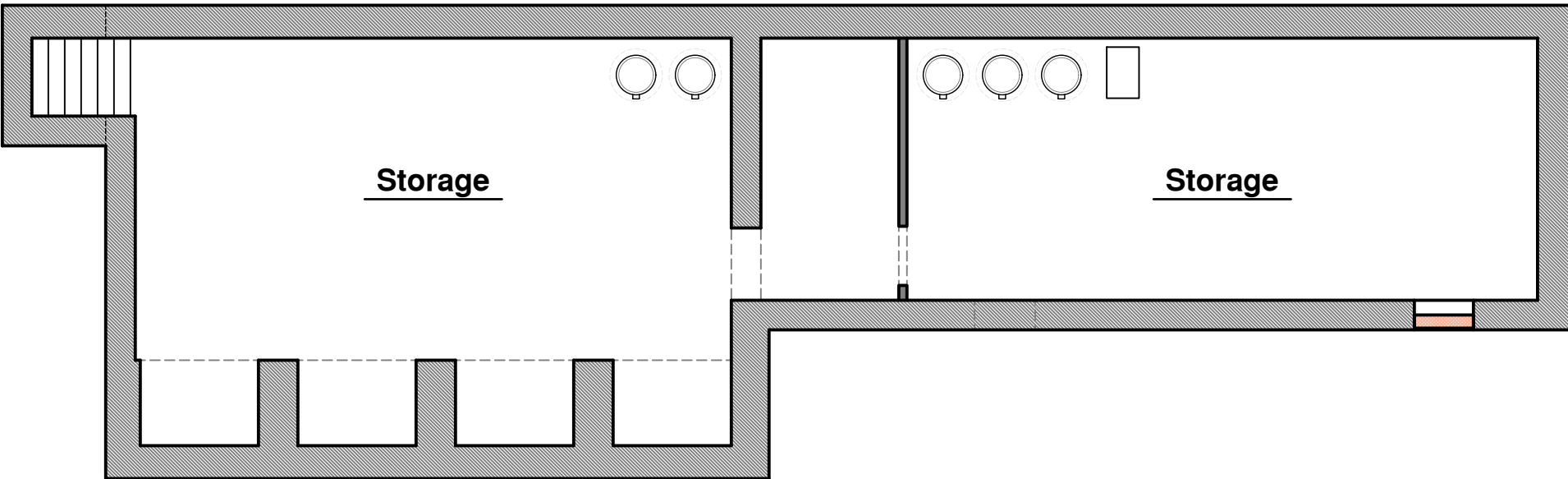
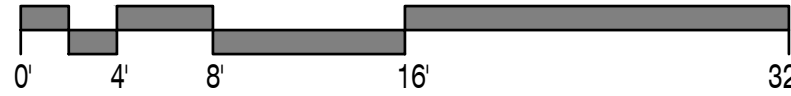
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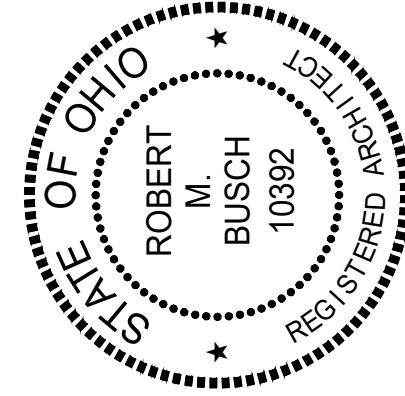
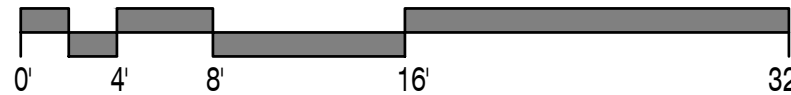
Level 1 Plan - Front

1/4"=1'-0"



Basement Plan - Front

1/4"=1'-0"

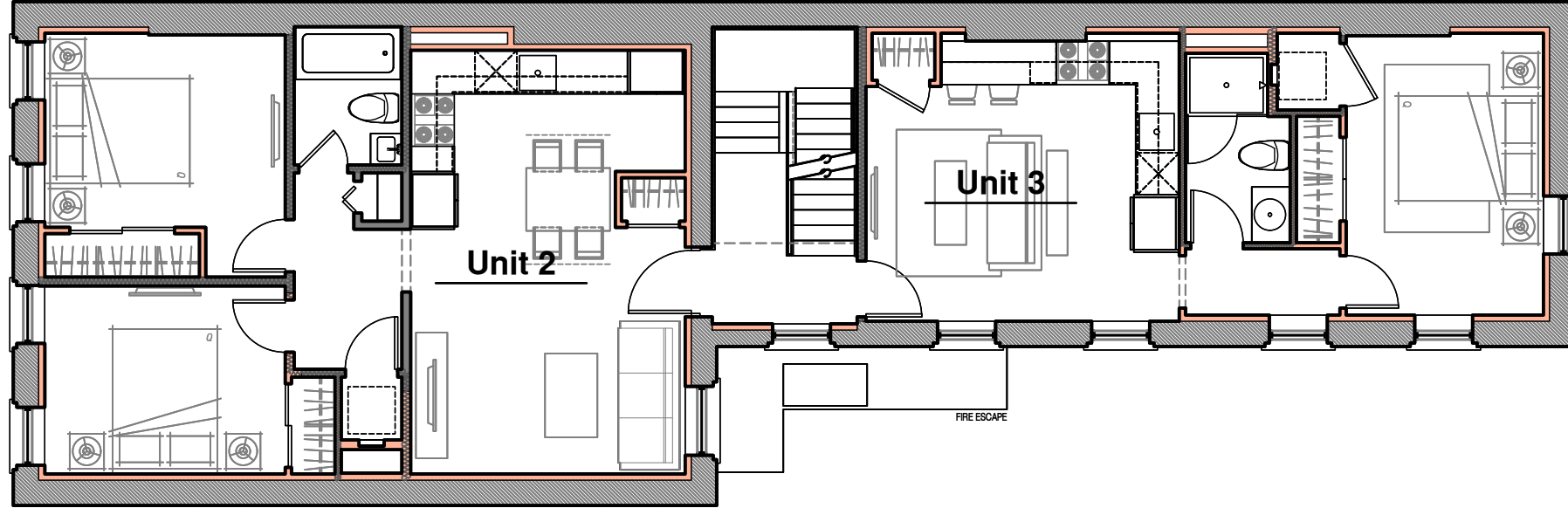


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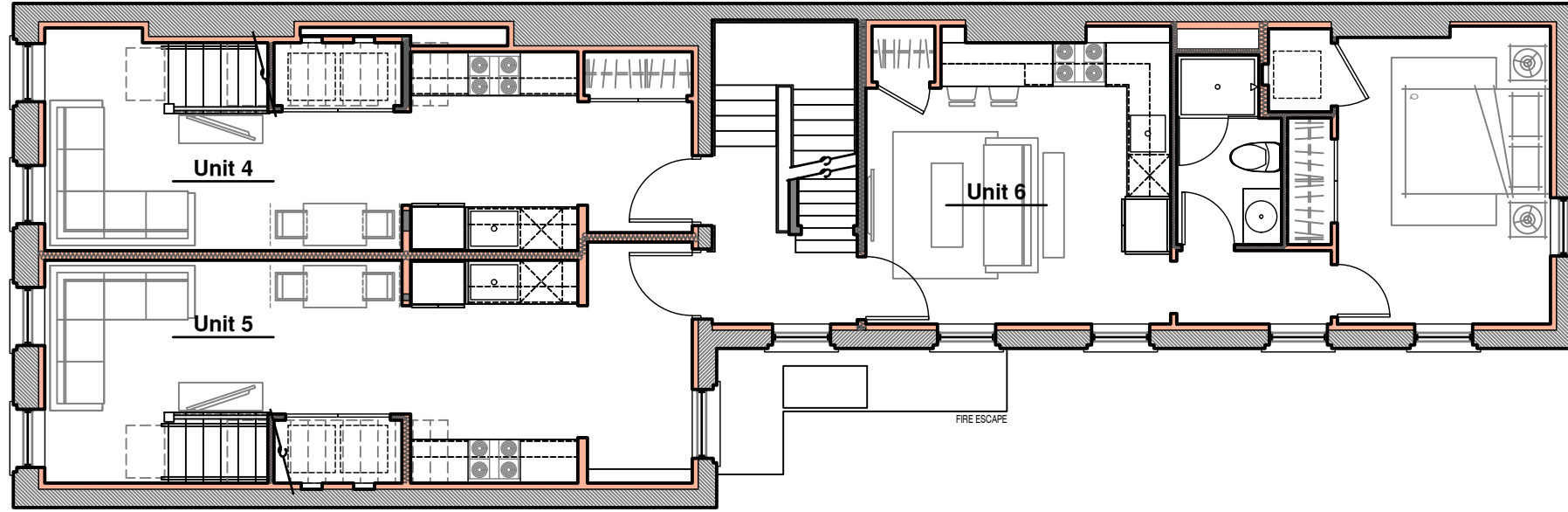
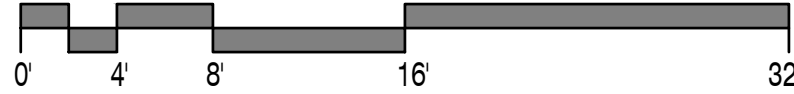
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Proposed Plans
5 March 2021 - CoA / Zoning Variance

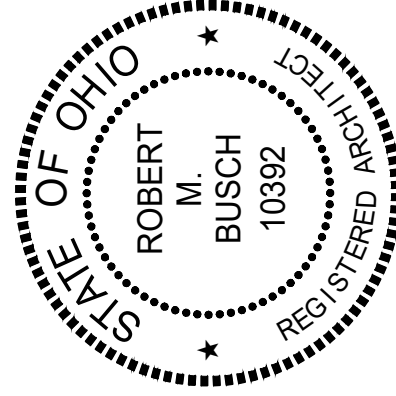
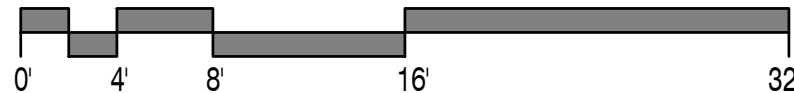
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Level 2 Plan - Front
1/4"=1'-0"



Level 3 Plan - Front
1/4"=1'-0"

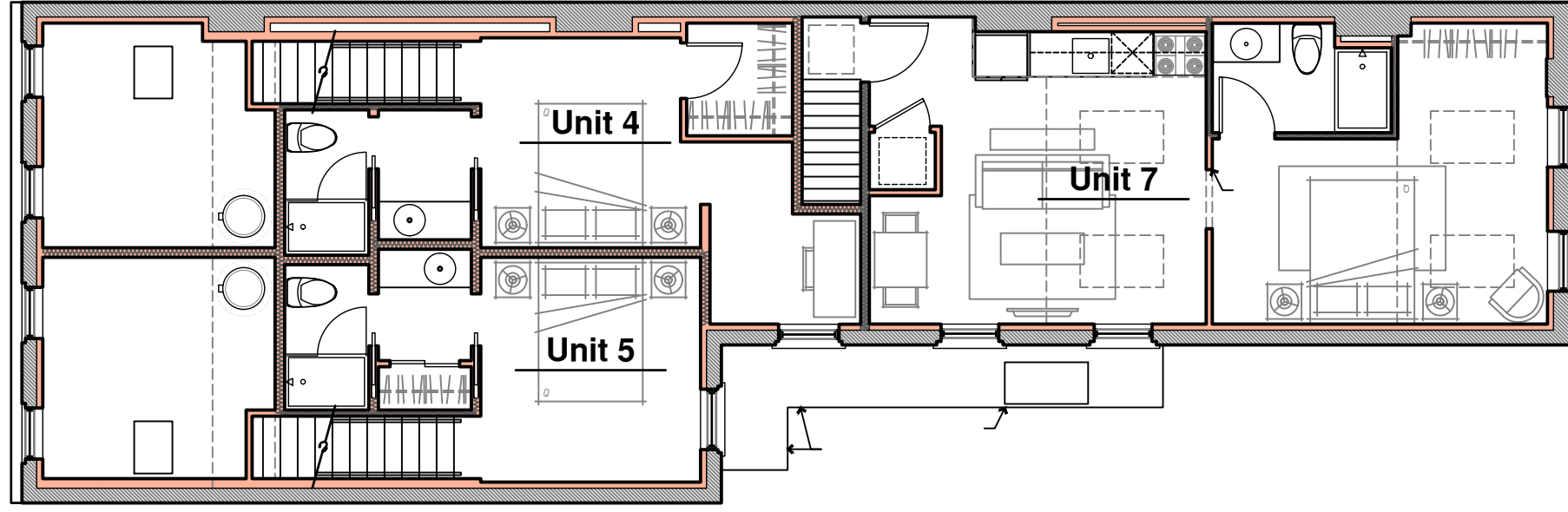


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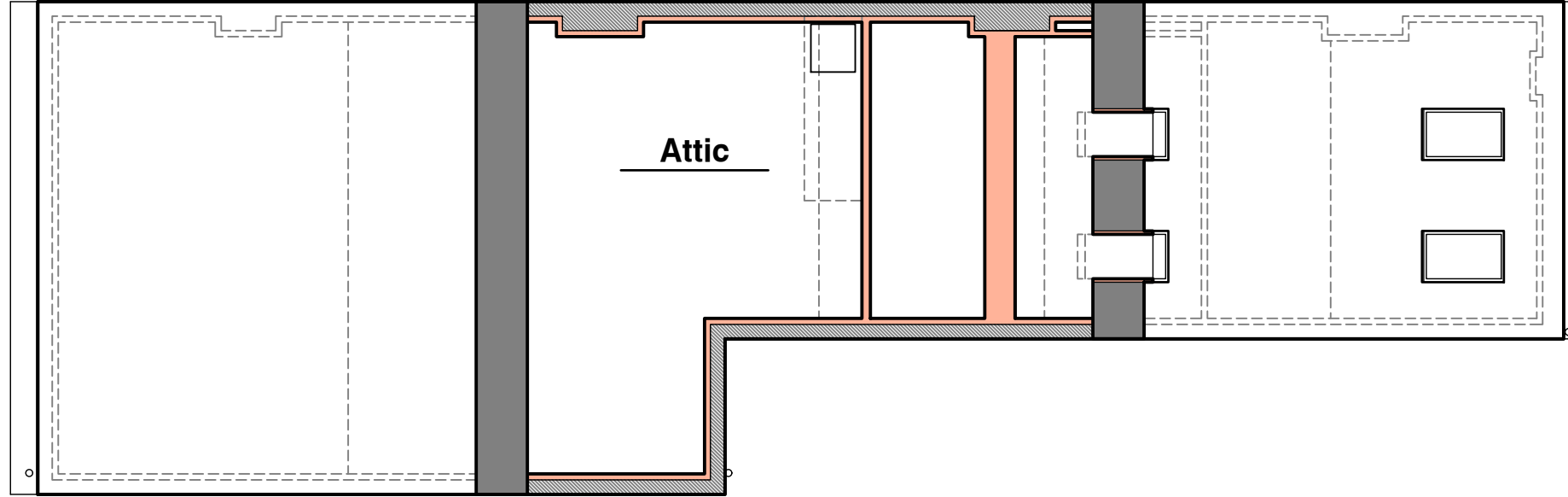
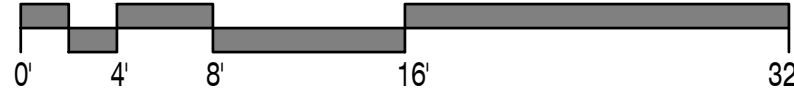
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Proposed Plans
5 March 2021 - CoA / Zoning Variance

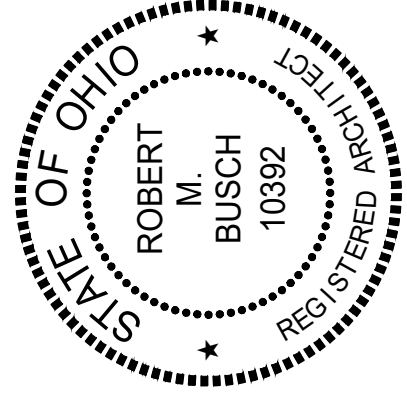
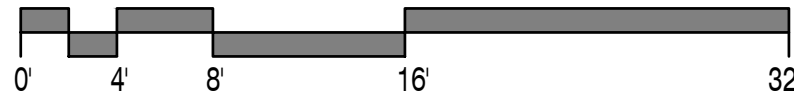
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Level 4 Plan - Front
1/4"=1'-0"



Attic Plan - Front
1/4"=1'-0"

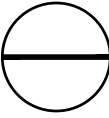
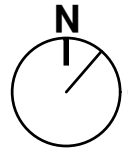


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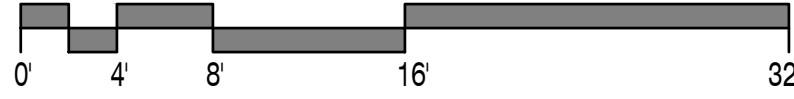
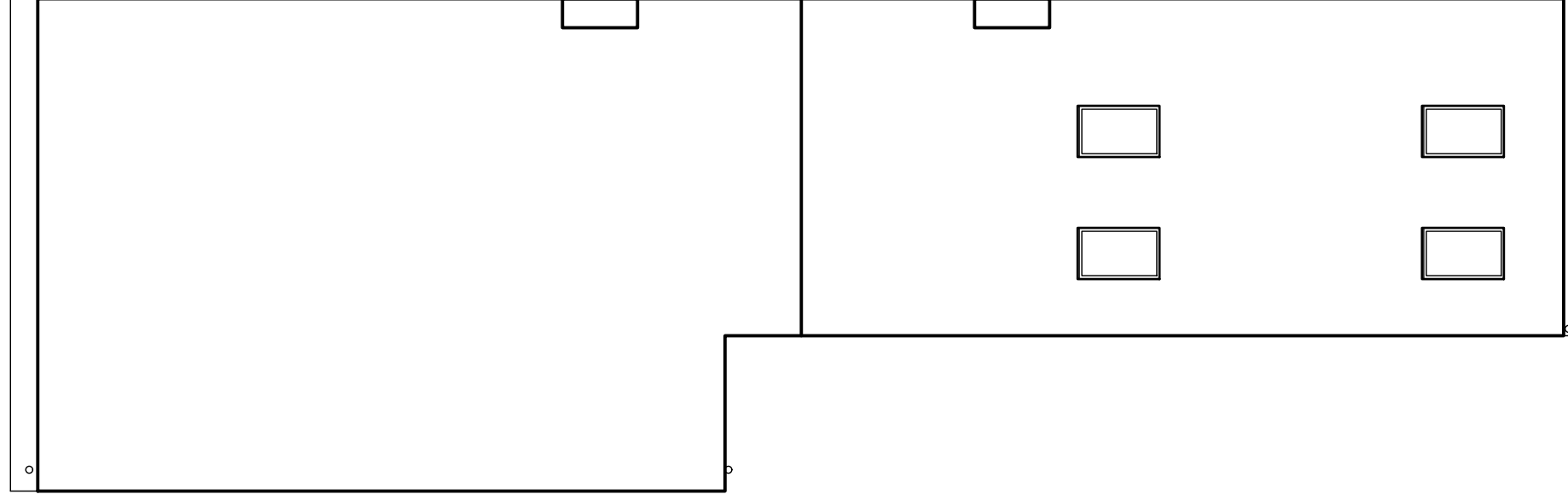
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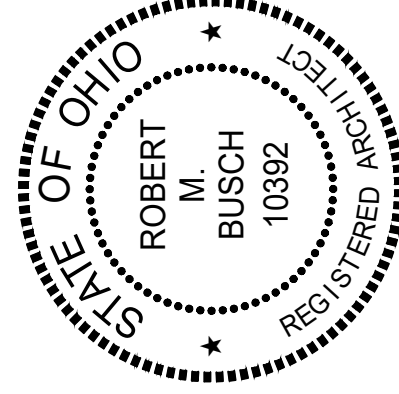
Roof Plan - Front

1/4"=1'-0"



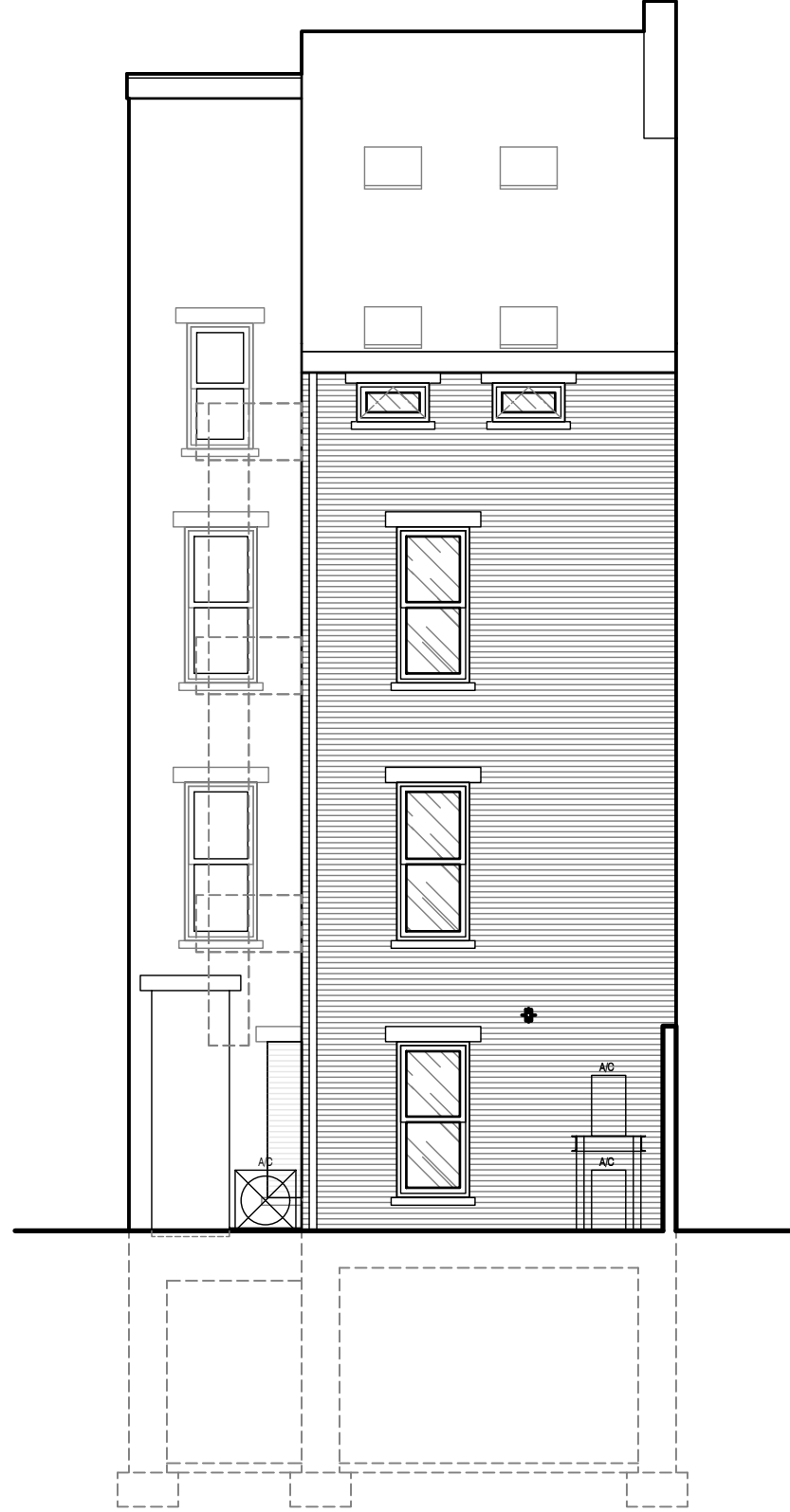
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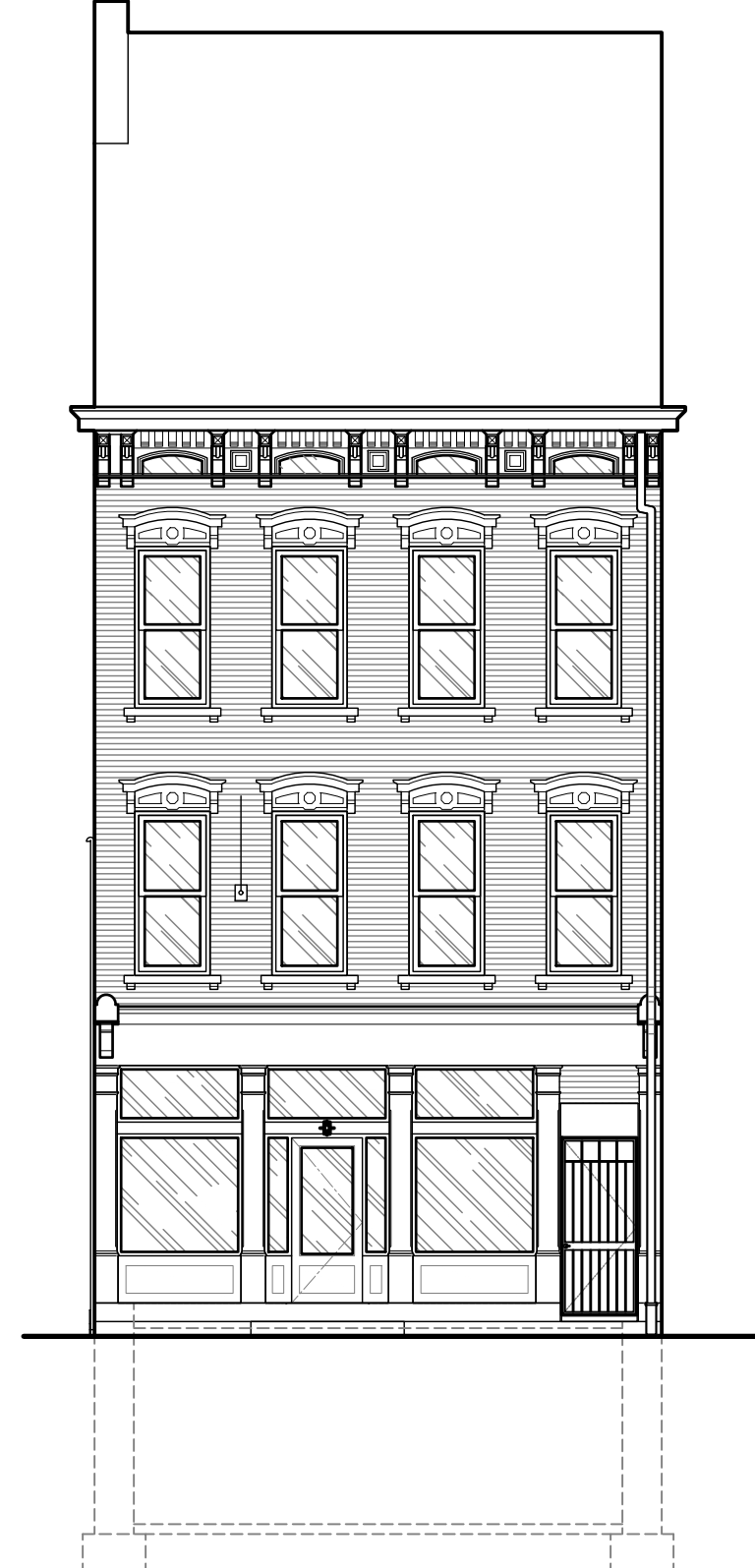
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- T./Roof ± 55'-3"
- B./ATTIC - STRUCTURE 49'-8 3/4"
- T./Cornice ± 40'-1"
- T./Level 4 - Sheathing 38'-5 3/4"
- B./Level 4 - Structure 38'-5 3/4"
- T./Level 3 - Sheathing 24'-5 3/4"
- B./Level 3 - Structure 23'-1 1/4"
- T./Level 2 - Sheathing 12'-5"
- B./Level 2 - Structure 12'-5"
- T./Level 1 - @ Residential 2'-0"
- T./Level 1 - @ Streetfront 1'-0"
- B./Level 1 - Structure 0'-4 1/4"
- Sidewalk 0'-0"
- T./Basement - Slab -7'-8"

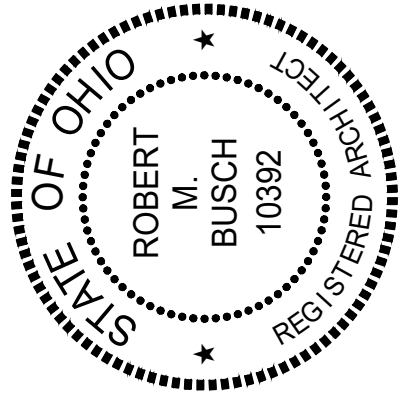


Proposed East (Back) Elevation
1/8"=1'-0"

- T./Roof ± 55'-3"
- B./ATTIC - STRUCTURE 49'-8 3/4"
- T./Cornice ± 40'-1"
- T./Level 4 - Sheathing 38'-5 3/4"
- B./Level 4 - Structure 38'-5 3/4"
- T./Level 3 - Sheathing 24'-5 3/4"
- B./Level 3 - Structure 23'-1 1/4"
- T./Level 2 - Sheathing 12'-5"
- B./Level 2 - Structure 12'-5"
- T./Level 1 - @ Residential 2'-0"
- T./Level 1 - @ Streetfront 1'-0"
- B./Level 1 - Structure 0'-4 1/4"
- Sidewalk 0'-0"
- T./Basement - Slab -7'-8"



Proposed West (Front) Elevation
1/8"=1'-0"



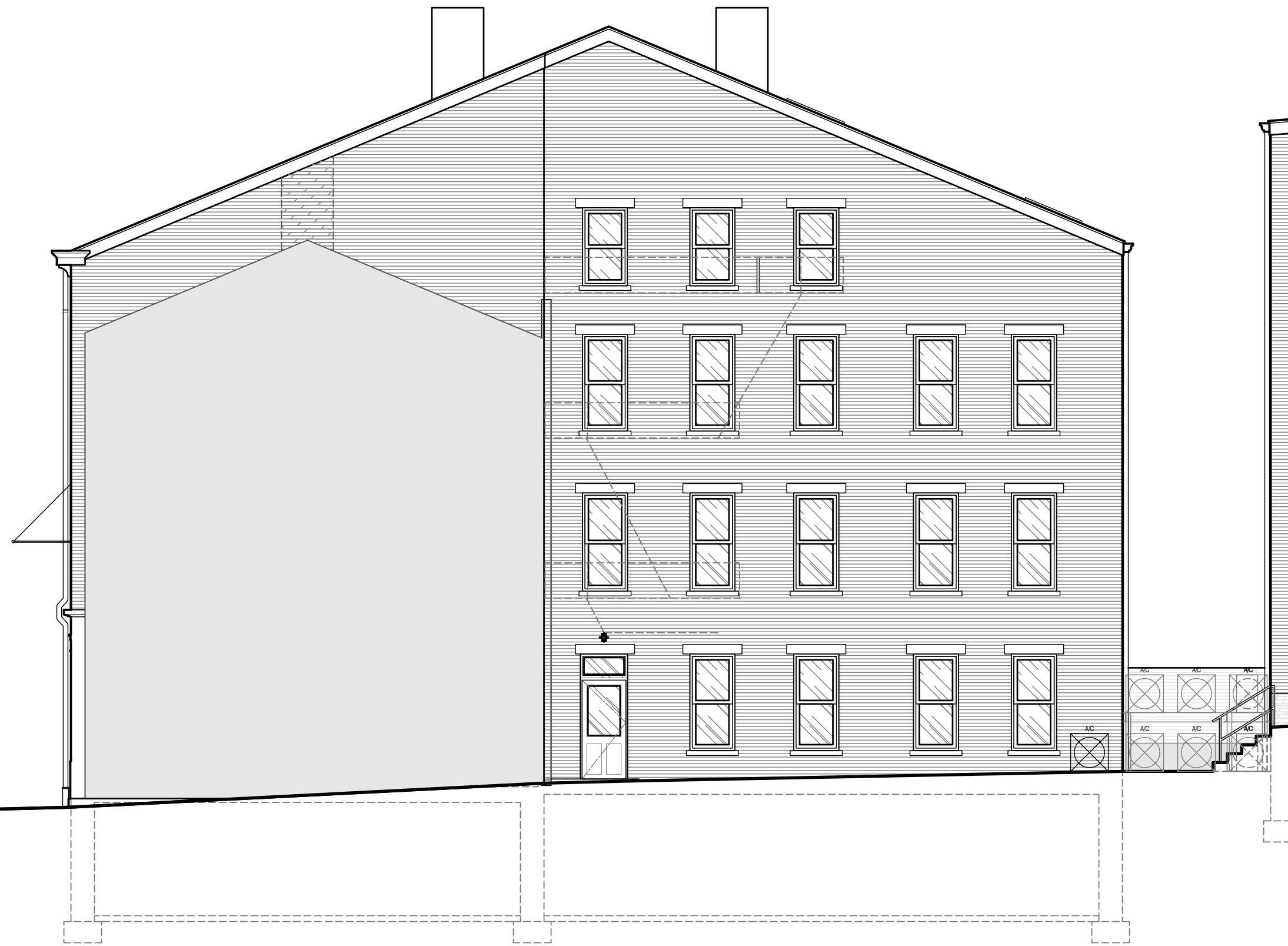
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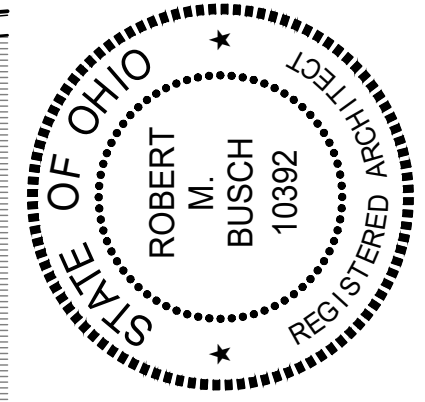
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- T/ Roof
= 55'-3"
- B/ ATTIC - STRUCTURE
= 49'-8 3/4"
- T/ Cornice
= 49'-11"
- T/ Level 4 - Sheathing
= 39'-5 3/4"
- B/ Level 4 - Structure
= 39'-5 3/4"
- T/ Level 3 - Sheathing
= 24'-5 3/4"
- B/ Level 3 - Structure
= 23'-1 1/4"
- T/ Level 2 - Sheathing
= 12'-0"
- B/ Level 2 - Structure
= 12'-0"
- T/ Level 1 - @ Sheathing
= 7'-0"
- T/ Level 1 - @ Sheathing
= 7'-0"
- B/ Level 1 - Structure
= 7'-4 1/4"
- Sillmark
= 7'-0"
- T/ Basement - Sill
= 7'-0"

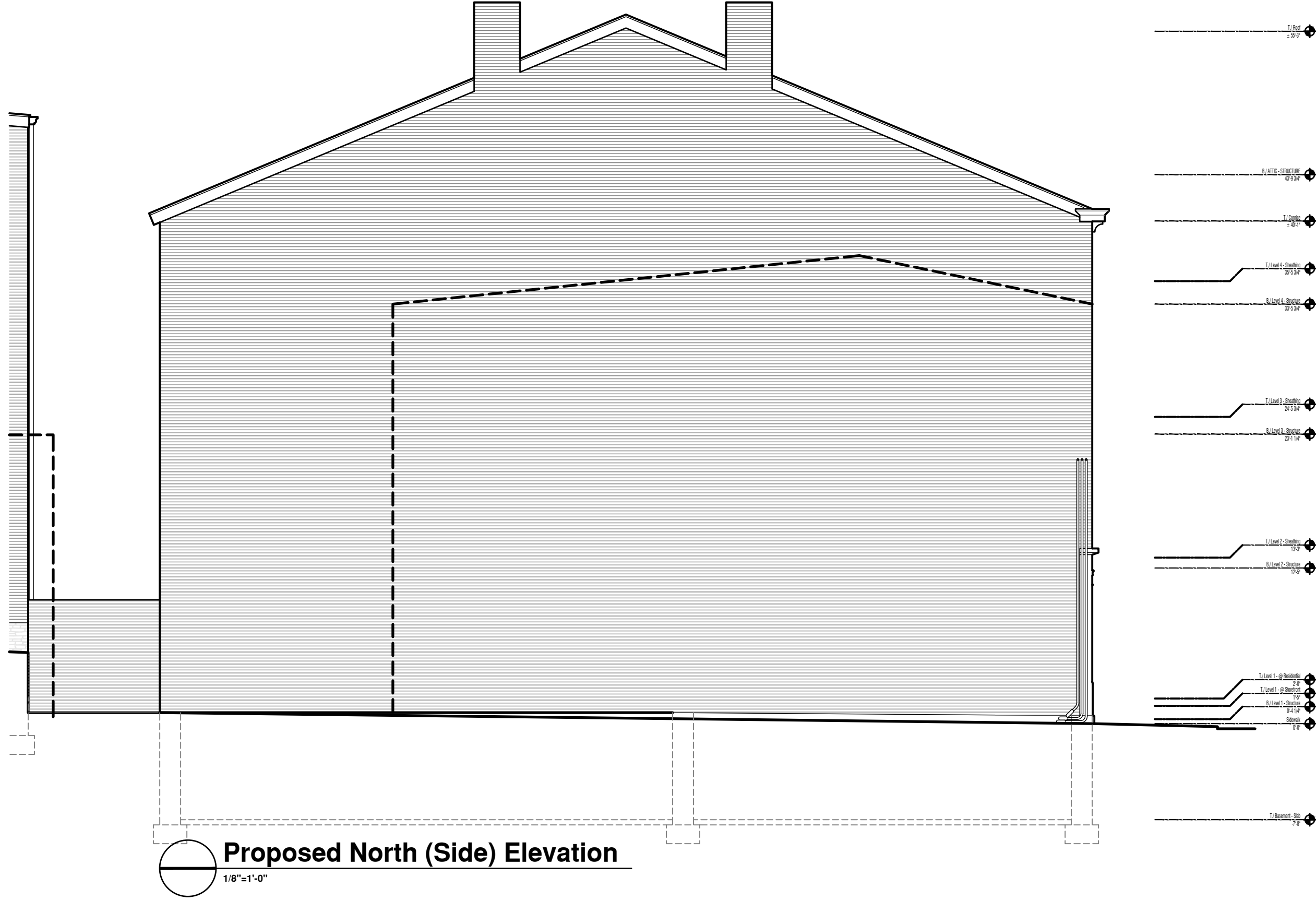


 **Proposed South (Side) Elevation**
1/8"=1'-0"

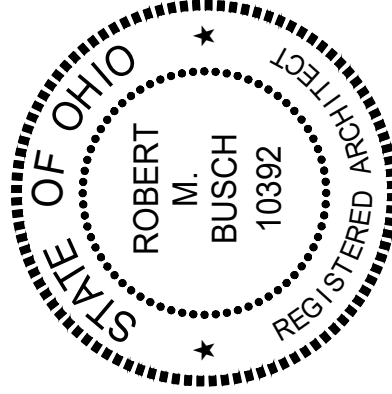


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Proposed North (Side) Elevation
 1/8"=1'-0"



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 Exp. Date: 12/31/2021

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March 2021 Staff Approved COAs.

NUMBER_KEY	REVIEW_COMPLETED_DATE	ORIGINALADDRESS1	COMP_TYPE	DESCRIPTION	ENTRY_COMMENTS
2021P01681	03/08/2021	539 MILTON ST	CBPCBCP	Alteration	\$121.68 - STAFF COA - STAFF APPROVAL PER BFJ IN EMAIL TO APPLICANT DATED 12.7.2020
2021P01226	03/01/2021	18 W ELDER ST	CBPCBCP	Alteration	\$121.68 STAFF COA - EXTERIOR WORK MEETS CONSERVATION GUIDELINES INCLUDING STOREFRONT AND WINDOWSDENSITY REMAINING THE SAME AT 7 UNITS
2021P01883	03/10/2021	4176 HAMILTON AV	CBPCSGN	Signs	\$121.68 STAFF COA - MEETS SIGN REGULATIONS FOR NORTHSIDE NBD
2021P01252	03/10/2021	1400 VINE ST	CBPCBCP	Alteration	\$121.68 STAFF COAOUTDOOR PATIO MODIFICATION IS APPROVABLE AT STAFF LEVEL, PER BFJSAME DIMENSIONS AND FORM AS EXISTING - GLASS STOREFRONT ENCLOSURE AND NEW ROOF ARE APPROPRIATE TO DISTRICT
2020P09758	03/31/2021	1206 BROADWAY	CBPCBCP	Alteration	COA STAFF REVIEW.CHANGE ON A WINDOW TO A DOOR ON SIDE FIRST FLOOR, NOT VISIBLE FROM THE STREET. WIDTH IS NOT CHANGING.
2021P01281	03/01/2021	116 E MCMICKEN AV	CBPCBCP	Alteration	EXISTING 3-UNIT DENSITY TO REMAIN IN REAR BUILDING - CHANGES TO EXTERIOR MEET CONSERVATION GUIDELINES FOR STOREFRONTS AND WINDOWS
2020P05934	03/24/2021	3712 STEVENS PL	CBPCBCP	Alteration	PER BFJ: STAFF LEVEL COA - APPROVE THE RECREATION OF THE HISTORIC PORCH FORM AND ROOF. THE RAILING, MATERIALS AND DETAILING ARE APPROPRIATE FOR THE BUILDING
2021P02261	03/24/2021	632 VINE ST	CBPCBCP	Alteration	STAFF APPROVAL COAALL EXTERIOR WORK IS IN COMPLIANCE WITH THE LANDMARK GUIDELINES AND THE SEC. OF INTERIORS STANDARDS. PROJECT IS A HISTORIC REHABILITATION TAX CREDIT PROJECT.
2021P02289	03/26/2021	532 W MCMICKEN AV	CBPCBCP	Repair	STAFF APPROVAL.EXISTING GARAGE REPAIR AND A NEW ROOF.
2021P00597	03/19/2021	300 MAIN ST	CBPCBCP	Alteration	STAFF APPROVAL:EXTERIOR REHABILITATION OF THE BUILDING. ALL WORK MEETS THE 3RD AND MAIN STREET HISTORIC DISTRICT GUIDELINES, WORK APPROVED INCLUDES NEW STOREFRONT, NEW WINDOWS (TO MATCH THE ORIGINAL CODITION- MUST BE WOOD OR ALUMINUM CLAD WOOD), OUTDOOR DINING AREA RAILING, AND NEW DECORATIBE ORANAMENTATION ON THE BLANK WALL ON THE SOUTH FACE.
2021P02280	03/26/2021	1400 ELM ST	CBPCSGN	Signs	STAFF APPROVAL-NEW SIGN. SAME SIZE AND LOCATION. NON-ILLUMINATED. SIGN MEETS OTR DESIGN GUIDELINES.
2021P01073	03/29/2021	31 E COURT ST	CBPCBCP	Alteration	STAFF COA \$121.68 - EXTERIOR CHANGES MEET COURT STREET HISTORIC GUIDELINES FOR STOREFRONTS, WINDOWS AND LOW-PROFILE SKYLIGHTS.
2021P01823	03/15/2021	1610 MANSFIELD	DOOR	Alteration	Approval of a new fiberglass front door to replace the existing.