



**VILLAGE OF ST. BERNARD**  
 110 Washington Avenue, St. Bernard, Ohio 45217  
 Phone: (513) 242-7770 • Website: [www.cityofstbernard.org](http://www.cityofstbernard.org)

**Planning Commission**  
**March 5, 2026 @ 6:00pm**  
 Council Chambers  
 110 Washington Ave  
 St Bernard, Ohio 45217

**Benjamin Fraley**  
 Chairperson

<b>Benjamin Fraley</b> Chairman	<b>Taylor Vogt</b> Vice Chair	<b>Kelly Valerius</b> Commissioner	<b>Mark Wendling</b> Commissioner	<b>Jonathon Stuchell</b> Commissioner
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**Roll Call:** 1 Public Hearing(s)

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

**Swearing in of Those Providing Testimony to the Planning Commission:**  
 Chair

**Conflict of Interest Statement**

Prior to consideration of the following agenda items, each member should examine the agenda to determine whether he or she has any conflict of interest with any agenda item. If so, please note the agenda item for which you intend to abstain or recuse yourself as an exception to the upcoming motion. You may not discuss or vote on any item you have a conflict of interest with or act in any way to influence the deliberation or vote.

**Motion:** I move that a note be made upon the minutes that each member of the Planning Commission was furnished a copy of the agenda prior to its being considered at this meeting, and that, with the exception of the items so noted, no member has identified any conflict of interest regarding any agenda item.

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call of Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell



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## New Business:

### Election of Chair for 2026

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

### Election of Vice Chair for 2026

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

### Agenda Item #1

Case No 03-001-2026  
Zoning Map Amendment  
Hilltop Concrete

Staff Presentation: AJ Schweier

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell



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**Agenda Item #2**

Case No 03-002-2026

Zoning Text Amendment

Repeal Section 1127 Hearing Officer in its entirety.

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell
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Case No 03-003-2026

Zoning Text Amendment

Amend Section 1135.11 Property Maintenance Code-Appeals.

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell
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**Old Business:**

Minutes

December 4, 2025

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell



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### Miscellaneous:

The property owner for WOW Window box appeared in front of the BZA in February to request a variance for lot size. By obtaining the variance the applicant can do a lot split which will allow one parcel to remain in the M-2 District and the other parcel in the B-4 District as opposed to the one parcel being in both districts. Staff did not believe that a map amendment was the appropriate fix for the situation.

Rumpke received permits for partial demolition and construction on a maintenance facility. They have submitted a request to the BZA for a Conditional Use for Compressed Natural Gas "station" at the Vine Street Facility and a Variance request for a eight foot fence in a front yard.

The BZA amendments went before Council in February. Staff presented the changes to the Laws and Contracts Committee in late January, so the Ordinance was delayed a short time.

### Adjournment:

Motion to Adjourn

Motion

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell

Roll Call of Vote

FRALEY	VOGT	VALERIUS	WENDLING	Stuchell



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**PLANNING COMMISSION CASE NO: 03-001-2026**

**PROPERTY ADDRESS: 890 Kieley**

**PARCEL #: 582-0003-0176-00**

**APPLICANT: VILLAGE OF ST. BERNARD**

### **PROPOSED REQUEST:**

Staff is proposing a Map Amendment to the above listed address and parcel. The subject parcel is currently zoned as B-4 Business District. The request is to re-zone the parcel to M-2 Special Manufacturing District.

### **BACKGROUND INFORMATION**

The Village of St. Bernard established the Zoning Ordinance and related Zoning Map in October 1966. The most recent Zoning Map appears to have been adopted in 2011.

The most recent updates to the Zoning Map was updating the map so that it reflects the various zoning districts with the appropriate American Planners Association colors. Staff has also rezoned approximately six (6) other parcels to correct issues.

The subject parcel was purchased by Hilltop Concrete in 2020. The parcel is 2.09 acres in size. At the time that Hilltop purchased the parcel, there was a building located on it. According to aerial photography, the building appears to have demolished between September 2021 and September 2023. Those dates seem to coincide with the conversations about Hilltop expansion.

### **VILLAGE OF ST. BERNARD ZONING ORDINANCE**

The following are the applicable sections of the St Bernard Zoning Ordinance:

#### **1157.01 PRINCIPAL PERMITTED USES. (B-4 Zoning District)**

(l) Manufacturing. Except within fifty feet of any R-District, (subject to the provisions of subsection (l)(10) hereof) the manufacturing, compounding, processing, packaging, and assembling of products such as:

(1) Cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, vinegar, yeast, rendering or refining of fats or oils, or any other products which could create hazards, noxious or offensive conditions.

(2) Printing and lithographing and products from previously prepared materials.

(3) The manufacturing of canvas, cellophane, textiles, yarns, cloth, fibre, glass, paper, plastics, sheet metal (except when presses over twenty-ton rated capacity are employed ) and wax and of products which include bone, feathers, fur, hair, horn, leather, precious or semi-precious metals or stones, shell, tobacco and wood, but not within 100 feet of any R-District.



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(4) Sand, gravel and cement processing, but not within 500 feet of any R-District.

(5) Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.

(6) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.

(7) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.

(8) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.

### 1161.01 PRINCIPAL PERMITTED USES. (M-1 Zoning District)

No buildings structure or land shall be used and no building or structure shall be altered or enlarged which is arranged or designed for other than one of the following uses except as provided in Chapter [1189](#).

(a) General. Any use permitted and as regulated in the B-4 District except as hereinafter modified.

(b) Within 100 Feet of Any R-District. The following uses are permitted provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any R-District.

(1) Blacksmith, welding or other metal working shops excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine-operated tools; machine shops, cooperage works.

(2) Foundry, casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors.

(3) Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

(4) Ice manufacturing and cold storage plant; creamery and bottling plant.

(c) Within 200 Feet of Any R-district. The following uses are permitted when located not less than 200 feet from any R-District:

(1) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.

(2) Building material sales yards including concrete mixing, lumber yards including millwork, open yards for storage, sale of feed and/or fuel and contractors' equipment storage.

(3) Retail lumber yards including incidental millwork, building material yards; storage and sales of grain, livestock, feed or fuel; provided such uses are conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six feet high.



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### **STAFF COMMENTS:**

Hilltop Concrete purchased the subject property in 2020. In November 2022, Rick Roth from Hilltop contacted St. Bernard Service (Tom Paul) about constructing a washout pit, digging a detention pond, running electric from the current building to the new washout pit, filling in old pits, running a fence along the property, and upgrading sewer lines which was to be reviewed by MSD.

Staff at that time advised Hilltop that they were good to move forward and were not required to obtain a permit.

In September 2024, Hilltop sent another email to St. Bernard advising that they were ready to move forward with the request from 2022. They were provided a response by the new Director of Safety and Service (Tim Werdman) that upon consulting with the Chief Building Officer (Gerry Stoker) that they were approved to move forward but would have to submit a permit for the fence only.

The authorization provided by Staff to expand onto the new parcel located in the B-4 Zoning District, as well as the decision to allow the wash out pits to be built without a permit, created the current property violations that are being discussed today.

Staff was requested to review the subject property by the previous Safety and Service Director Tim Williams in August 2025 for potential violations. Staff had been advised that there were communications with Hilltop Concrete prior to Staff's arrival, but Staff had not seen those communications.

Staff observed several violations on the subject property and as a result sent a letter to Hilltop. The purpose of the letter was to open dialogue to resolve the violations.

The principal violations are related to Section 1157 of the St Bernard Zoning Code. The subject parcel is currently zoned as B-4 General Business District. The General Business District allows for Concrete Mixing/ Manufacturing but requires a five hundred (500) foot setback from any residential district. The parcel does not meet the setback regulation. As a result of expanding onto the lot without the correct setback, they created a non-conforming use violation. The code also limits processes which are objectionable by reason of dust, among other issues.

In late September 2025 Staff met with Hilltop on site to discuss the issues and work towards a resolution. Hilltop advised that by the end of 2025, their new facility should be fully operational. They estimated that they were currently running close to eighty (80) trucks a day from the St Bernard facility. When the new facility opened, the estimate was that the number of trucks would be reduced by about half operating from St. Bernard. Staff believed that this reduction may resolve the dust issue and agreed to wait and see the result. Hilltop agreed that



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if it was still an issue, they would pursue the fence or other options to help contain the dust. Staff has not received dust complaints since the reduction in trucks happened, but staff also realizes that could change.

In order to resolve that violation related to the expansion on to the new parcel, a zoning change is required. By changing the zoning to M-2, the setback requirement is reduced from five hundred (500) feet to two hundred (200) feet. The M-1 Section says that Cement Mixing is a permitted use if located two hundred (200) feet from any R district. The subject parcel is approximately 245 feet from the nearest property in a residential district. The M-2 Zoning District permits uses which are approved under the M-1 zoning District. The rezoning of the parcel brings the property into compliance with the setback requirements. The re-zoning also takes it from non-conforming status to conforming.

The last remaining issue is the building permit for the wash out pits. Staff believes that the permit must be obtained to protect both the Village and Hilltop in future years. Staff will be working with Hilltop and Hamilton County Building Department to determine the best path forward on this issue. There is no action needed from the Planning Commission regarding the building permit.

Staff had information on flooding in the area with concerns about the surrounding sewers. Staff reached out to MSD and spoke with David Pyles concerning this issue. Mr. Pyles advised that he investigated the complaint several years ago and the investigation concluded that the cement in the sewer was old and done by the previous operator of the facility. PYLES further advised that MSD and Hilltop are currently working together to get Hilltop connected properly. The applicant may be able to provide additional information on this issue.

### **NEIGHBOR COMMENTS:**

There are approximately ten different property owners within 200 feet of the subject property. Staff mailed out a Notice of Public Hearing to each property owner. Staff also posted the notice of the Public Hearing to the Village website.

As of the writing of the staff report, there were no neighbor comments.



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### MOTIONS

Motion to Approve: "I make a motion that Planning Commission recommend that Council hold a public hearing and take final action to APPROVE the Zoning Map amendment to rezone parcel 582-0003-0176-00 from B-4 to M-2.

Motion to Deny: "I make a motion that the Planning Commission recommend that Council hold a public hearing and take final action to DENY the Zoning Map amendment to rezone parcel 582-0003-0176-00 from B-4 to M-2.



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The subject parcel is outlined in red. Hilltop expanded on to this parcel after consulting village staff and built the wash out pits which are shown in the photograph. The approval to expand was issued by staff in error. The property outlined in orange is the original cement mixing facility currently owned by Hilltop



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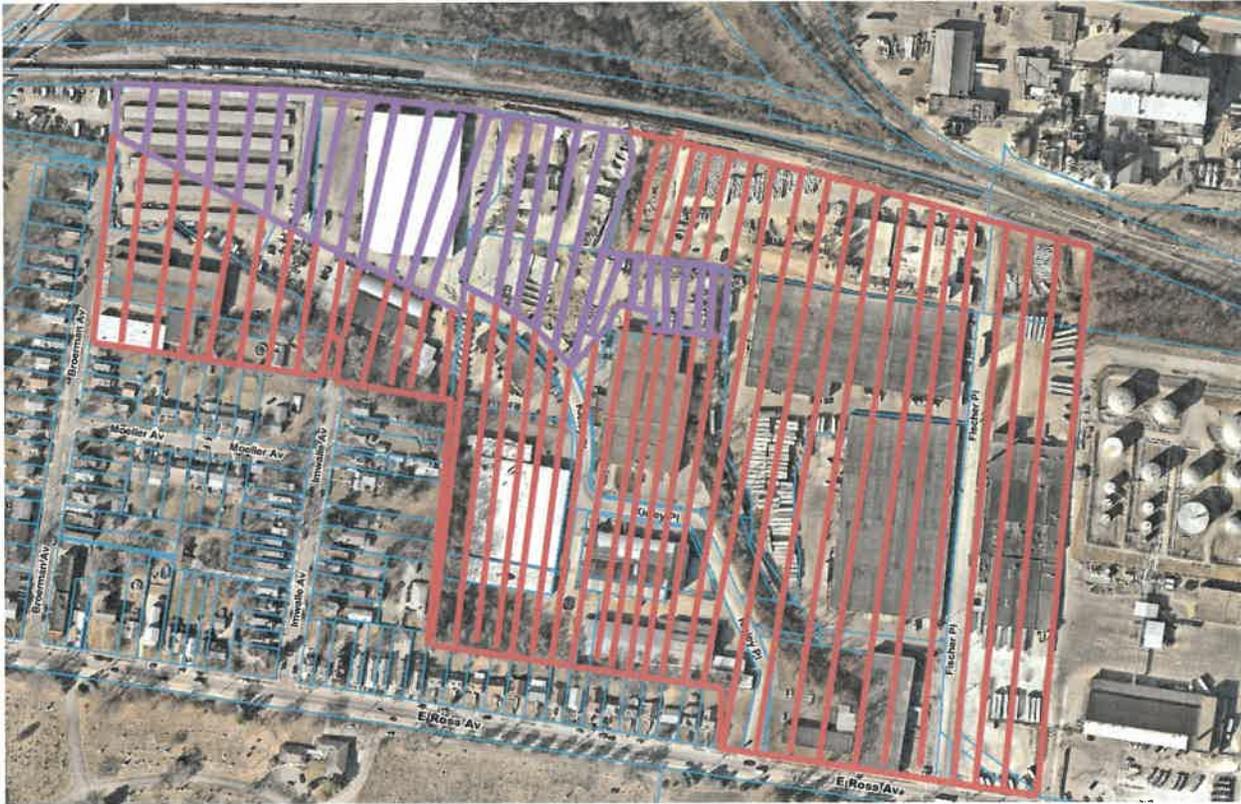


It is difficult to see on this map, but the distance from the subject property line to the nearest residential property line is roughly 244 feet.



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This would be the approximate new zoning map if the Map change was approved by Planning Commission and Village Council. The M-2 District would expand by 2.09 acres.

22 August 2025

Brad L. Slabaugh  
Hilltop Companies  
Vice President and General Manager  
Re: Findings of Fact for Hilltop Concrete

Dear Mr. Slabaugh,

I have enclosed the Staff review of the subject properties on Kieley Avenue. City Staff has interpreted Chapter 1157.01 "Manufacturing" in the least intense terms of combining the necessary elements to create concrete. Staff is not viewing "manufacturing" as the "mining" of the necessary components.

Applicable Codes:

Chapter 1157 B-4 General Business District  
Chapter 1161 M-1 General Manufacturing District  
Chapter 1163 M-2 Special Manufacturing District  
Chapter 1189 Non Conforming Uses

Exhibit A: Map of Subject Properties. M-2 Zoning District designated by PURPLE Lines. B-4 Zoning District designated by ORANGE lines

**CHAPTER 1157 B-4 General Business**

Chapter 1157 of the St Bernard Zoning Code encompasses the regulations for the B-4 General Business District.

1157.01 Permitted Uses No building, structure or land shall be used and no building or structure shall be altered or enlarged which is arranged or designed for other than one of the following uses except as provided by Chapter 1189.

Under 1157.01 Permitted Uses (l)(4) Manufacturing: Sand, Gravel and cement processing is prohibited "within 500 feet of any R-District"

1157.04 Required Uses further states "Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste".

1157.04(a) Closed Buildings additionally requires "All businesses, services, or processing shall be conducted wholly within a completely enclosed building except for incidental

display of merchandise, sale of motor vehicle fuel, lubricants and other fluids at service stations, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment.”

### **Chapter 1189 Non-Conforming Uses**

1189.02 Non-Conforming Uses or Buildings; Enlargement, Substitution, Etc No existing building or lot devoted to a use not permitted by this Zoning Ordinance in the district in which such building or lot is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted on the district in which such building or premises is located

1189.02(b) Extension Upon Adjoining Lot: When authorized by the Board in accordance with the provisions of Chapter 1131, the extension or completion of a building devoted to a nonconforming use upon the lot occupied by such building or an adjoining lot, provided that such lot was under the same ownership as the lot in question on the date the use of such building became nonconforming, and where such extension is necessary and identical to the existing use of such buildings.

**FACTS:** The authority for the cement mixing use originates in Chapter 1157 B-4 General Business District. The Zoning Ordinance is organized in such a way that permitted uses are “stacked” from one zoning district to another and exceptions are made in the later zoning districts.

Under 1157.01 Permitted Uses (l)(4) Manufacturing: Sand, Gravel and cement processing is prohibited “within 500 feet of any R-District”. If the facility is more than five hundred (500) feet away from a Residential District, it is a permitted use. Additional requirements for cement mixing facilities are contained in 1157.04 and 1157.04(a) as outlined above.

### **VIOLATIONS:**

**1157.01:** Subject property located at 890 Kieley, parcel 582-0003-0176-00, does not meet the 500 foot setback requirement of this Section. Exhibit B

**1157.04:** The processes and equipment and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.

**1157.04(a):** “All businesses, services, or processing shall be conducted wholly within a completely enclosed building”. The washout facility does not meet this standard.

**1189.02:** The subject parcel at 890 Kieley does not allow for the Use currently operating on that parcel and is in Violation as Non-Conforming.

**1189.02(b):** The Board of Zoning Appeals never authorized the expansion of the business or building onto an adjoining lot in accordance with the provisions of Chapter 1131.

**CHAPTER 1161 M-1 General Manufacturing**

Chapter 1161.01(a) states that any use permitted and as regulated in B-4 except as hereinafter modified:

1161.01(c)(2) Within 200 Feet of Any R-District: provides an exemption stating “Building material sales yards including concrete mixing, lumber yards including millwork, open yards for storage, sale of feed and/ or fuel and contractors equipment storage

**FACTS:** Establishes that the concrete mixing use is permitted within the M-1 Zoning District with a reduced setback of 200 feet from any R-District. Neither of the subject properties are located in the M-1 Zoning District.

No Violations of this Section as neither property is Zoned M-1

**CHAPTER 1163 M-2 Special Manufacturing District**

1163.01 Permitted Uses again states that “Any use permitted and as regulated in the M-1 District, except as hereinafter modified.

1163.03(b) Offensive Uses: Not to be Authorized. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Zoning Ordinance, and any additional conditions or requirements prescribed by the Board of Zoning Appeals, is or may become hazardous, noxious, offensive, or a nuisance, due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, heat frequency, refuse matter, or water-carried waste. (Ord. 12-1966. Passed 10-10-66.)

**Facts:** The subject property located at 900 Kieley, parcel 582-0063-0158-00 is a principally permitted use within the M-2 Zoning District. Based off of the exception provided in Chapter 1161.01(c)(2), noted above, the subject property does meet the setback requirement of 200 feet from any R-District.

**Violations:**

1163.03(b): No Use shall be permitted that is or may become hazardous, noxious, offensive, or a nuisance due to emissions of (DUST).

**Resolution:**

In order to correct these violations, the property owner would need to submit an application to the Planning Commission for a zoning map change. The subject property at

890 Kieley (parcel 582-0003-0176-00) would need to be re-zoned from B-4 to M-2. The re-zoning of parcel 582-0003-0176-00 would then place both parcels within the same zoning district. The M-2 district has the exemption which states:

*1161.01(c)(2) Within 200 Feet of Any R-District: provides an exemption stating "Building material sales yards including concrete mixing, lumber yards including millwork, open yards for storage, sale of feed and/ or fuel and contractors equipment storage.*

The required setback would then be 200 feet from the nearest Residential District and the subject property would be at least 230+ feet from the nearest residential parcel. The Zoning change would also address the Non-Conforming status addressed in Chapter 1189.

The additional violations in 1157.04 and 1157.04(a) could be addressed with Conditions attached to the Zone Change. In order to address the dust issues a requirement for screening could be attached. The noise issues can be addressed through a combination of hours of operation and/ or number of truck loads permitted at the facility per day. Egress issues may also be addressed in order to limit damage to the roadway due to weight. A Lot Combination of both parcels may be required..

The Applicant would also be required to submit an application to the Board of Zoning Appeals in order to resolve the violation under Chapter 1163.03(b) per the St Bernard Zoning Code.

Andrew J. Schweier  
Zoning Administrator  
513-482-5684  
zoning@cityofstbernard.org

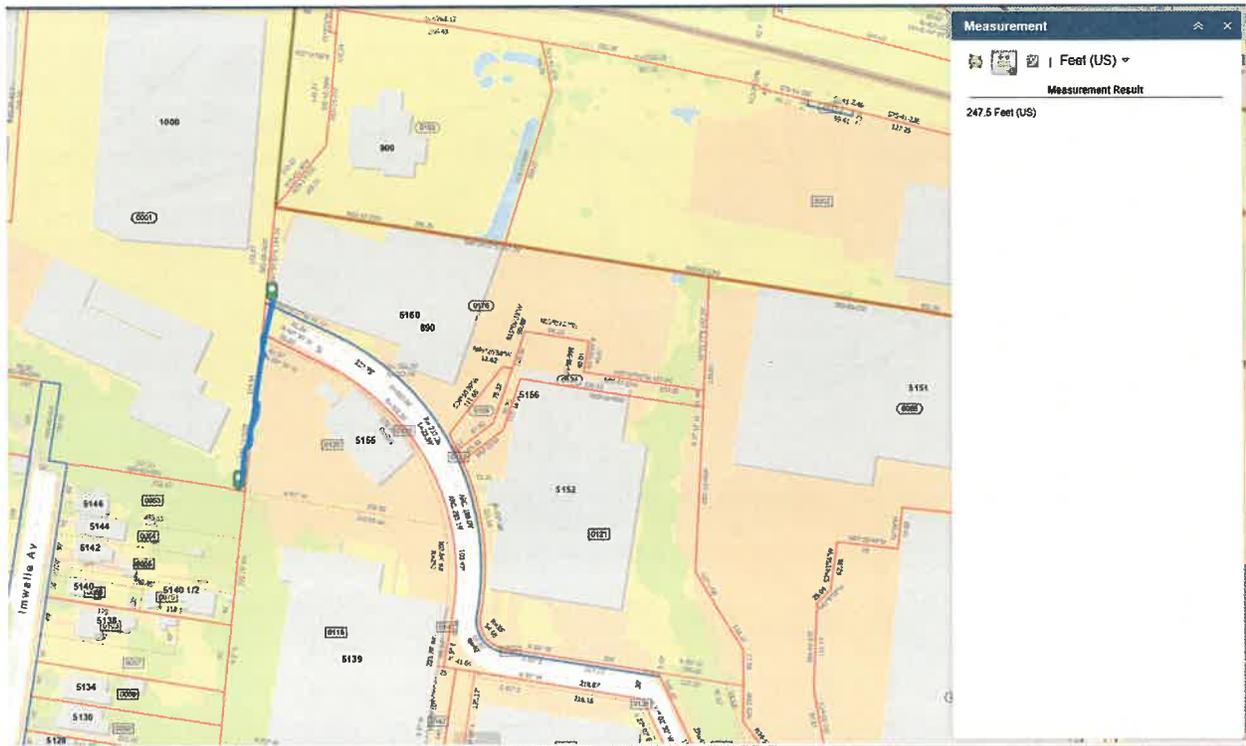
**Exhibit A:**



The area with the purple hash is Zoned M-2. 900 Kielely located in the M-2 zoning district. On the above map it is the far portion of the M-2 District

The area in orange is the B-4 zoning district. 890 Kielely is located in the center of the map where M-2 and B-4 meet directly below 900 Kielely.

**Exhibit B:**



Measurement between the property line at 890 Kieley to the closest residential property line measures roughly 247.5 feet. Less than half of the required setback of 500 feet for the B-2 Zoning District. Represented by the blue line

## Rick Roth

---

**From:** STBN Service Director <service@cityofstbernard.org>  
**Sent:** Wednesday, September 25, 2024 11:32 AM  
**To:** Rick Roth  
**Cc:** 'Jgoedde@jmaconsult.com'; Mark Faulhaber  
**Subject:** [External] RE: [External] RE: [External] FW: FW: [External] RE: 900 Kielely Place-Hilltop Washout Pit

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Rick,

Thank you. After speaking with our CBO, it appears the only Village permit you will need is for the proposed fencing. You are clear to proceed on the washout pit from our perspective.

TW



**Tim Werdmann**  
**Director of Public Services and Safety**  
Village of St. Bernard  
[service@cityofstbernard.org](mailto:service@cityofstbernard.org)  
513-482-7494

**From:** Rick Roth <RRoth@hilltopcompanies.com>  
**Sent:** Wednesday, September 25, 2024 11:19 AM  
**To:** STBN Service Director <service@cityofstbernard.org>  
**Cc:** 'Jgoedde@jmaconsult.com' <Jgoedde@jmaconsult.com>; Mark Faulhaber <MFaulhaber@hilltopcompanies.com>  
**Subject:** RE: [External] RE: [External] FW: FW: [External] RE: 900 Kielely Place-Hilltop Washout Pit

Page 11 of the plans should help you there. Thanks

Rick Roth  
Hilltop Companies St Bernard

Plant Manager / Sales  
rroth@hilltopcompanies.com

513-242-8400 St Bernard Plant  
513-401-2197 Cell (Best to get me at)  
513-621-1500 Dispatch & Order Dept  
859-283-5000 Corporate Offices



From: STBN Service Director <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
Sent: Wednesday, September 25, 2024 11:13 AM  
To: Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
Cc: 'Jgoedde@jmaconsult.com' <[jgoedde@jmaconsult.com](mailto:jgoedde@jmaconsult.com)>; Mark Faulhaber <[MFaulhaber@hilltopcompanies.com](mailto:MFaulhaber@hilltopcompanies.com)>  
Subject: [External] RE: [External] FW: FW: [External] RE: 900 Kieley Place-Hilltop Washout Pit

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Rick,

Can you please send me something that shows where these pits are to be constructed? It's not clear to me from the document you sent on Friday. Thanks.

TW



**Tim Werdmann**  
**Director of Public Services and Safety**  
Village of St. Bernard  
[service@cityofstbernard.org](mailto:service@cityofstbernard.org)  
513-482-7494

From: Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
Sent: Wednesday, September 25, 2024 11:07 AM  
To: STBN Service Director <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>

Cc: 'Jgoedde@jmaconsult.com' <Jgoedde@jmaconsult.com>; Mark Faulhaber <MFaulhaber@hilltopcompanies.com>  
Subject: RE: [External] FW: FW: [External] RE: 900 Kieley Place-Hilltop Washout Pit

Hi Tim, are we ok, to start the "Washout Pit" only part of our project? This is something we would like to get started right away, due to the availability of a contractor? Thanks

Rick Roth  
Hilltop Companies St Bernard  
Plant Manager / Sales  
rroth@hilltopcompanies.com

513-242-8400 St Bernard Plant  
513-401-2197 Cell (Best to get me at)  
513-621-1500 Dispatch & Order Dept  
859-283-5000 Corporate Offices



From: Rick Roth  
Sent: Monday, September 23, 2024 2:23 PM  
To: Tom Paul <service@cityofstbernard.org>  
Cc: 'Jgoedde@jmaconsult.com' <Jgoedde@jmaconsult.com>; Mark Faulhaber <MFaulhaber@hilltopcompanies.com>  
Subject: FW: [External] FW: FW: [External] RE: 900 Kieley Place-Hilltop Washout Pit

Tim and John please see email below and attachment below from our Director of Engineering here at Hilltop. Also as a reminder, right now we are looking at starting the "Washout Pit Only"  
Would like to get started on that as we gather any info you might need on the Stormwater / Sewer. Thanks

Rick Roth  
Hilltop Companies St Bernard  
Plant Manager / Sales  
rroth@hilltopcompanies.com

513-242-8400 St Bernard Plant  
513-401-2197 Cell (Best to get me at)  
513-621-1500 Dispatch & Order Dept  
859-283-5000 Corporate Offices



From: Mark Faulhaber <MFaulhaber@hilltopcompanies.com>  
Sent: Monday, September 23, 2024 1:52 PM  
To: Rick Roth <RRoth@hilltopcompanies.com>  
Cc: Brad Slabaugh <BSlabaugh@hilltopcompanies.com>  
Subject: RE: [External] FW: FW: [External] RE: 900 Kieley Place-Hilltop Washout Pit

Rick,

Please see the attached. John is correct that we were working with MDS on the sewer and stormwater tie-in and not the City of Cincinnati. We will likely need to get back in touch with Cardinal to see if they had made contact with MSD and if they could help us with the MSD permit revision. Let me know if you have any other questions or if Tim or John would like to have a meeting.

Regards,

**Mark Faulhaber, PE**  
Director of Engineering  
Hilltop Companies, Inc.  
(859) 653-3099

**From:** Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
**Sent:** Monday, September 23, 2024 1:16 PM  
**To:** Mark Faulhaber <[MFaulhaber@hilltopcompanies.com](mailto:MFaulhaber@hilltopcompanies.com)>  
**Cc:** Brad Slabaugh <[BSlabaugh@hilltopcompanies.com](mailto:BSlabaugh@hilltopcompanies.com)>  
**Subject:** FW: [External] FW: FW: [External] RE: 900 Kieley Place-Hilltop Washout Pit

Mark, see below. Can you forward whatever you have on the below. Include me please. Might as well include JMA

Rick Roth  
Hilltop Companies St Bernard  
Plant Manager / Sales  
[rroth@hilltopcompanies.com](mailto:rroth@hilltopcompanies.com)

513-242-8400 St Bernard Plant  
513-401-2197 Cell (Best to get me at)  
513-621-1500 Dispatch & Order Dept  
859-283-5000 Corporate Offices



**From:** STBN Service Director <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
**Sent:** Monday, September 23, 2024 1:12 PM  
**To:** Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
**Subject:** [External] FW: FW: [External] RE: 900 Kieley Place-Hilltop Washout Pit

---

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

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Hi Rick,

Thanks for the call this afternoon. I've attached my engineer's suggestion below. Let me know if there's any questions on your end about what he's referencing.

TW



**Tim Werdmann**  
**Director of Public Services and Safety**  
Village of St. Bernard  
[service@cityofstbernard.org](mailto:service@cityofstbernard.org)  
513-482-7494

**From:** John Goedde <[jgoedde@jmaconsult.com](mailto:jgoedde@jmaconsult.com)>  
**Sent:** Monday, September 23, 2024 11:12 AM  
**To:** STBN Service Director <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
**Cc:** Jennifer Vatter <[jvatter@jmaconsult.com](mailto:jvatter@jmaconsult.com)>; Dylan Osborn <[dosborn@teceng.com](mailto:dosborn@teceng.com)>  
**Subject:** Re: FW: [External] RE: 900 Kieley Place-Hilltop Washout Pit

Tim:

No plan review or anything. Maybe just a phone call to bounce it off me is what I seem to remember. I did talk to someone representing the owner (possibly their engineer) and I indicated that anything tributary to a combined sewer would need to go through MSDGC. Never heard anything after that. They say in the email that they are working on the detention with Cincinnati SMU, though I think it should be MSD. I recommend that they send you the approved calculations and correspondence indicating their approval for the detention.

Thanks.

John

On Mon, Sep 23, 2024 at 10:16 AM STBN Service Director <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)> wrote:

Hi John,

This just came across – something apparently lingering from 2022. Can you check to see if Tom had vetted any of this with you? It appears from the forwarded email string he had approved it, but I have no background on this. Any information you may have would be appreciated. Thanks.

TW



**Tim Werdmann**

**Director of Public Services and Safety**

Village of St. Bernard

[service@cityofstbernard.org](mailto:service@cityofstbernard.org)

513-482-7494

---

**From:** Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
**Sent:** Friday, September 20, 2024 12:28 PM  
**To:** STBN Service Director <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
**Subject:** RE: [External] RE: 900 Kieley Place-Hilltop Washout Pit

Tom, see email conversation below from 2022, where we discussed the washout pits we are putting in to make the whole situation better at our location here in St Bernard. I have attached the washout pit plans. Just wanted to make sure you understand what they are and to make sure if we need a permit on the washout pits themselves?

As far as water runoff ect. Detention Pond,we are working with City of Cincinnati Stormwater ect.

We are looking to start this immediately. So quick response would be appreciated. Thanks

Rick Roth

Hilltop Companies St Bernard

Plant Manager / Sales

[rroth@hilltopcompanies.com](mailto:rroth@hilltopcompanies.com)

513-242-8400 St Bernard Plant

513-401-2197 Cell (Best to get me at)

513-621-1500 Dispatch & Order Dept

859-283-5000 Corporate Offices



---

**From:** Tom Paul <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
**Sent:** Monday, November 14, 2022 9:10 AM  
**To:** Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
**Subject:** [External] RE: 900 Kieley Place-Hilltop Washout Pit

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Rick,

It appears you are ready to go.

Tom

---

**From:** Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
**Sent:** Monday, November 14, 2022 7:58 AM  
**To:** Tom Paul <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
**Subject:** 900 Kieley Place-Hilltop Washout Pit

Per our conversation you were saying that we can go ahead with the construction of the Concrete washout pit here at Hilltop. Here are the other improvements we will be doing here at Hilltop and wanted to make sure what the City of St B needed us to obtain permit or not:

1-Washout pit --you stated no permit needed.

- 2- We will be digging a Detention pond, Size ect under the direction of City of Cincinnati Storm Water Division
- 3- Sewer from our Building to the Sewer system – To be reviewed by MSD
- 4- Electrical and water from our building to the Pit
- 5- Filling in and leveling old pits, pouring some concrete to be used for additional aggregate piles.
- 6- Fence along the front, part of property, this fence will be a poured wall on the front side of the pit.

Please let me know what we need from St Bernard on the above if anything.

Thanks

Rick Roth

Hilltop Companies St Bernard

Plant Manager / Sales

[rroth@hilltopcompanies.com](mailto:rroth@hilltopcompanies.com)

513-242-8400 St Bernard Plant

513-401-2197 Cell (Best to get me at)

513-621-1500 Dispatch & Order Dept

859-283-5000 Corporate Offices

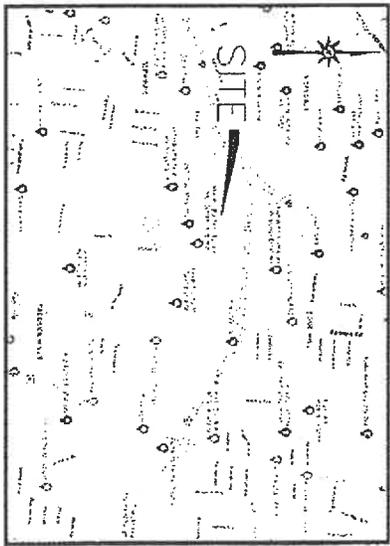


*Attached 9-23-2004  
 2:53 PM Email to Tom Paul  
 5 good for (5m A)*

# HILLTOP - 900 KIELEY PLACE

CIVIL SITE IMPROVEMENT DRAWINGS  
 ST. BERNARD  
 HAMILTON COUNTY, OHIO

NO.	DESCRIPTION	DATE
1	PRELIMINARY	11/10/03
2	REVISED	11/10/03
3	REVISED	11/10/03
4	REVISED	11/10/03
5	REVISED	11/10/03
6	REVISED	11/10/03
7	REVISED	11/10/03
8	REVISED	11/10/03
9	REVISED	11/10/03
10	REVISED	11/10/03
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48	REVISED	11/10/03
49	REVISED	11/10/03
50	REVISED	11/10/03



VICINITY MAP

- G-000 TITLE/VICINITY MAP
- G-100 SPECIFICATIONS
- V-100 EXISTING CONDITIONS
- C-200 GENERAL DETAILS
- C-201 GENERAL DETAILS
- C-202 GENERAL DETAILS
- C-300 INITIAL SANITARY REROUTE PLAN
- C-400 DEMOLITION PLAN
- C-401 DEMOLITION PLAN
- C-402 DEMOLITION PLAN
- C-500 SITE LAYOUT PLAN
- C-600 UTILITY PLAN
- C-700 GRADING PLAN
- C-800 EROSION AND SEDIMENTATION CONTROL PLAN
- C-900 SANITARY AND STORM SEWER PROFILES

## CONTACTS

**ZONING:**  
 CITY OF CINCINNATI  
 ZONING ADMINISTRATION  
 805 CENTRAL AVENUE, SUITE 500  
 CINCINNATI, OHIO 45202  
 (513) 352-3271

**WATER:**  
 GREATER CINCINNATI WATER WORKS  
 4747 SPRING GROVE AVENUE  
 CINCINNATI, OHIO 45232  
 (513) 591-7855 (RECORDS)  
 (513) 591-7837 (BRANCH SERVICES)

**SEWER:**  
 METROPOLITAN SEWER DISTRICT  
 1600 EAST STREET  
 CINCINNATI, OHIO 45204  
 (513) 244-1330 (DEVELOPMENT SERVICES)

**ELECTRIC:**  
 DUNE ENERGY  
 424 GILBY STREET  
 CINCINNATI, OHIO 45304  
 (513) 287-3589

**GAS:**  
 DUNE ENERGY  
 424 GILBY STREET  
 CINCINNATI, OHIO 45204  
 (513) 287-3589

**TELEPHONE:**  
 CINCINNATI BELL TELEPHONE COMPANY  
 5000 DOWNTOWN STREET  
 CINCINNATI, OHIO 45202  
 (513) 566-7185

**CABLE TELEVISION:**  
 TRAE WARNER CABLE  
 7906 ONEE THEMAN  
 CINCINNATI, OHIO 45241  
 (688) 725-0300

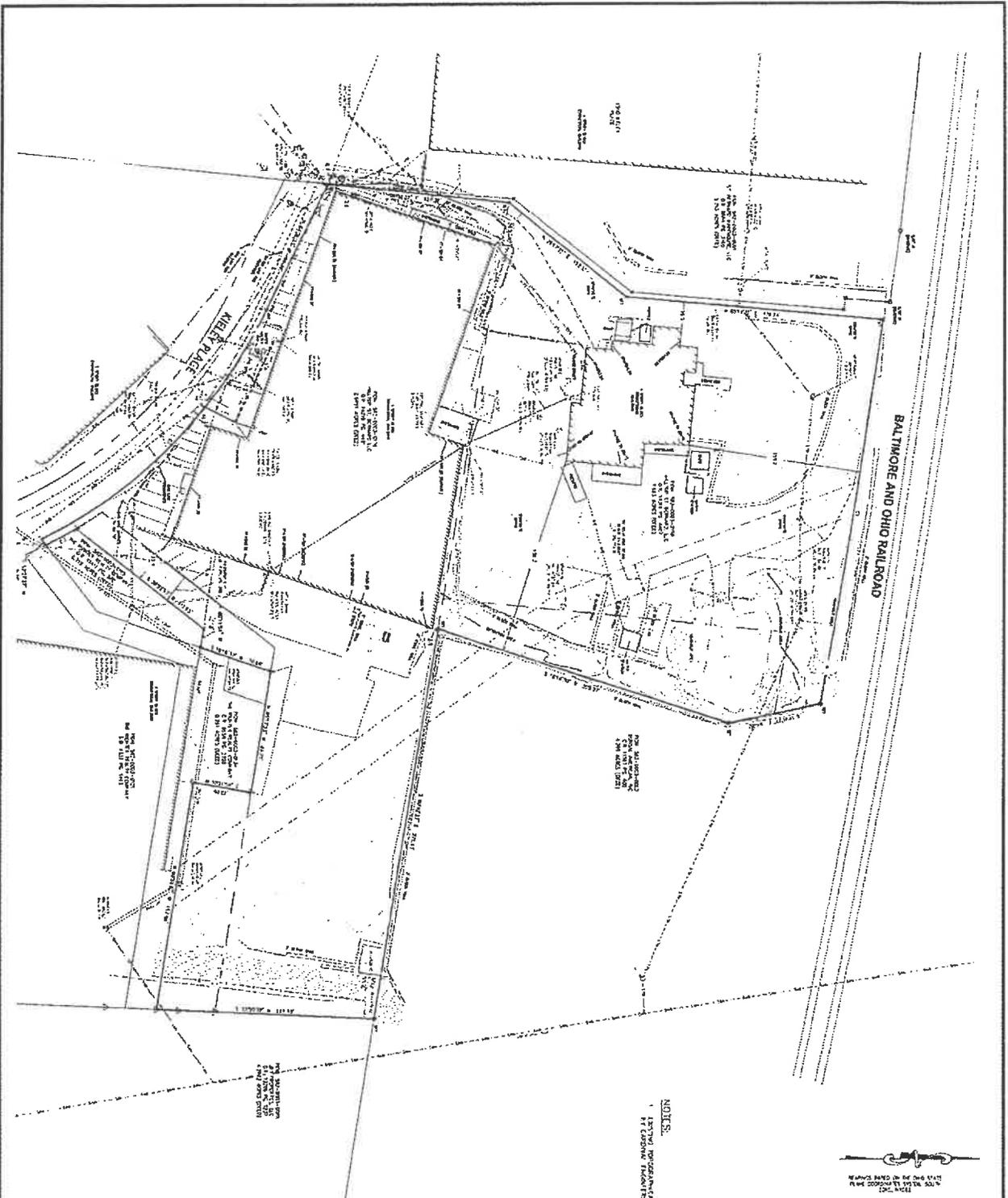
**OTHER UTILITIES:**  
 OHIO UTILITY PROTECTION SERVICE  
 (600) 362-2764



**BENCHMARK INFORMATION**  
 DRAWN BY: JMH  
 CHECKED BY: JMH  
 DATE: 01-07-2013  
 SCALE: AS NOTED  
 TITLE/VICINITY MAP

<p><b>CARDINAL</b>          ENGINEERING AND CONSTRUCTION          50 RIVERCENTER BOULEVARD, SUITE 1000          COVINGTON, KENTUCKY 41011</p>	<p>PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS          900 KIELEY PLACE          CINCINNATI, OHIO 45217</p>
	<p>CLIENT: HILLTOP COMPANIES          50 RIVERCENTER BOULEVARD, SUITE 1000          COVINGTON, KENTUCKY 41011</p>
<p>DATE: 01-07-2013          SCALE: AS NOTED          TITLE/VICINITY MAP</p>	<p>SHEET: C-000</p>





**NOTES:**  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND ALARM CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL HEALTH AND SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENVIRONMENTAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ACCESSIBILITY CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUSTAINABLE DESIGN CODES AND ALL APPLICABLE LOCAL ORDINANCES.

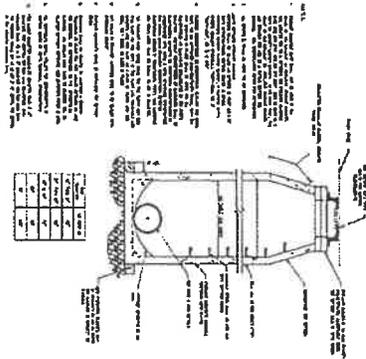
NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	01-01-2013
2	REVISED PLAN	01-01-2013
3	REVISED PLAN	01-01-2013
4	REVISED PLAN	01-01-2013
5	REVISED PLAN	01-01-2013
6	REVISED PLAN	01-01-2013
7	REVISED PLAN	01-01-2013
8	REVISED PLAN	01-01-2013
9	REVISED PLAN	01-01-2013
10	REVISED PLAN	01-01-2013

PROJECT NO.	22-012
SCALE	1" = 30'
DATE	01-01-2013
DISTING CONDITIONS	
SHEET	V-100

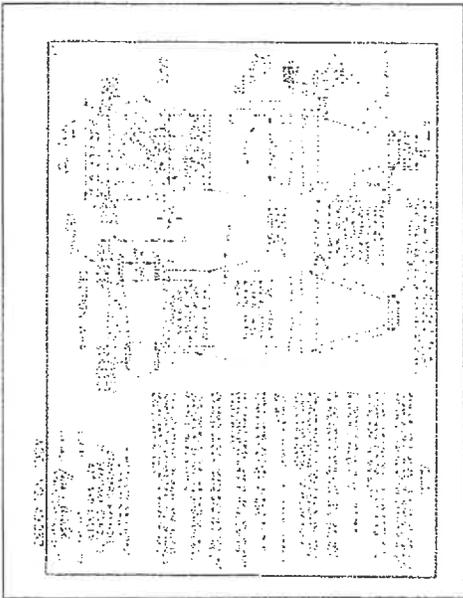
PROJECT:	CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217
CLIENT:	HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 COVINGTON, KENTUCKY 41011

**CARDINAL**  
 ENGINEERING  
 AND SURVEYING

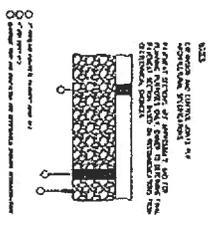
DATE	01-01-2013
BY	
CHECKED BY	
APPROVED BY	
SCALE	1" = 30'
DATE	01-01-2013



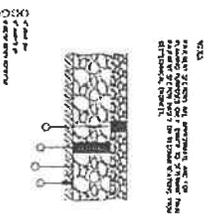
1 STORM MANHOLE DETAIL  
SCALE: 1/8" = 1'-0"



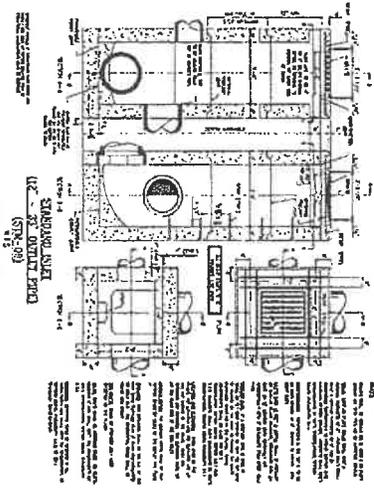
2 SANITARY MANHOLE  
SCALE: 1/8" = 1'-0"



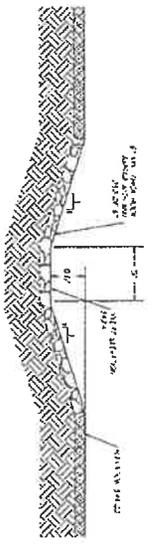
4 CONCRETE PAVEMENT SECTION  
SCALE: 1/8" = 1'-0"



5 GRAVEL PAVEMENT SECTION  
SCALE: 1/8" = 1'-0"



3 STANDARD INLET CB 2-3 (12"-33" OUTLET PIPE)  
SCALE: 1/8" = 1'-0"

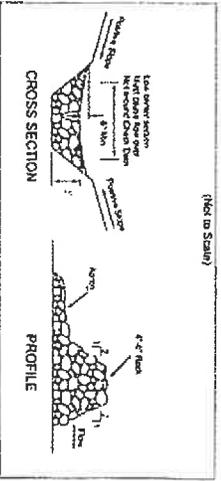


6 EMERGENCY SPILLWAY  
SCALE: 1/8" = 1'-0"

<p><b>CARDINAL</b> ENGINEERING ARCHITECTURE PLANNING LANDSCAPE ARCHITECTURE INTERIOR DESIGN</p>	<p>PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217</p>
	<p>CLIENT: HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 COVINGTON, KENTUCKY 41011</p>
<p>DATE: 01-02-2023</p>	<p>PROJECT NO: 23-004</p>
<p>SCALE: AS NOTED</p>	<p>DATE: 01-02-2023</p>
<p>GENERAL DETAILS</p>	<p>SHEET C-200</p>

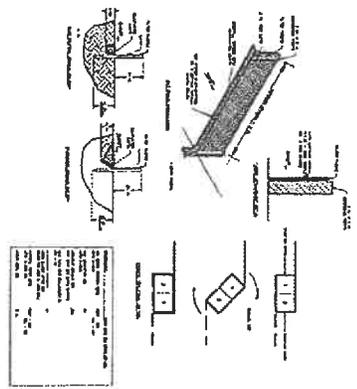
### Rock Check Dam

(Not to Scale)



- The rock dam shall be constructed of 4 ft x 6 ft x 8 ft aggregate rock. The dam shall be constructed on a prepared subgrade. The dam shall be constructed in a single layer. The dam shall be constructed in a single layer. The dam shall be constructed in a single layer.
- Subsequent to the construction of the dam, the dam shall be inspected and approved by the engineer. The dam shall be inspected and approved by the engineer. The dam shall be inspected and approved by the engineer.
- The dam shall be constructed in a single layer. The dam shall be constructed in a single layer. The dam shall be constructed in a single layer.
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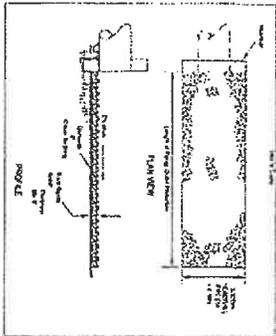
1 ROCK CHECK DAM



8 ST. FENCE DETAIL

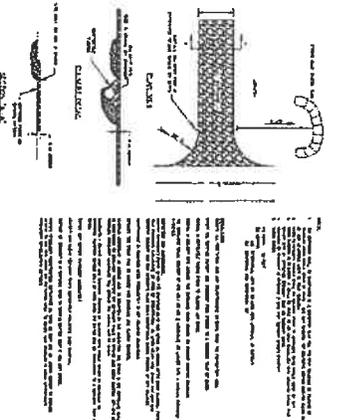
### Rock Outlet Protection

(Not to Scale)

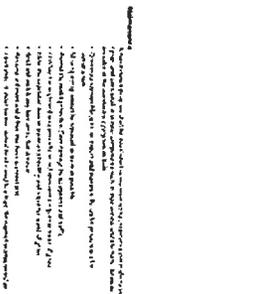


- The rock outlet protection shall be constructed of 4 ft x 6 ft x 8 ft aggregate rock. The outlet protection shall be constructed on a prepared subgrade. The outlet protection shall be constructed in a single layer. The outlet protection shall be constructed in a single layer.
- The outlet protection shall be constructed in a single layer. The outlet protection shall be constructed in a single layer. The outlet protection shall be constructed in a single layer.
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- The outlet protection shall be constructed in a single layer. The outlet protection shall be constructed in a single layer. The outlet protection shall be constructed in a single layer.

9 OUTLET PROTECTION

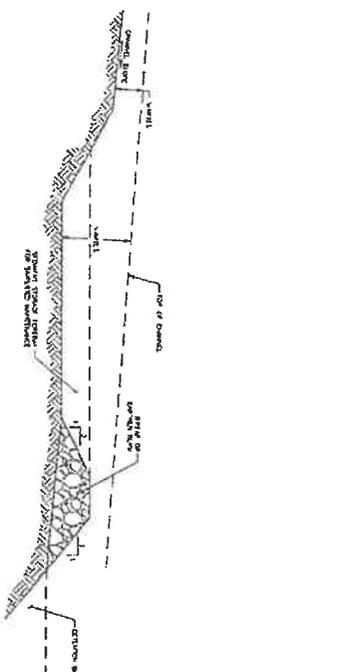


11 CONSTRUCTION EXIT DETAIL



- The construction exit detail shall be constructed of 4 ft x 6 ft x 8 ft aggregate rock. The construction exit detail shall be constructed on a prepared subgrade. The construction exit detail shall be constructed in a single layer. The construction exit detail shall be constructed in a single layer.
- The construction exit detail shall be constructed in a single layer. The construction exit detail shall be constructed in a single layer. The construction exit detail shall be constructed in a single layer.
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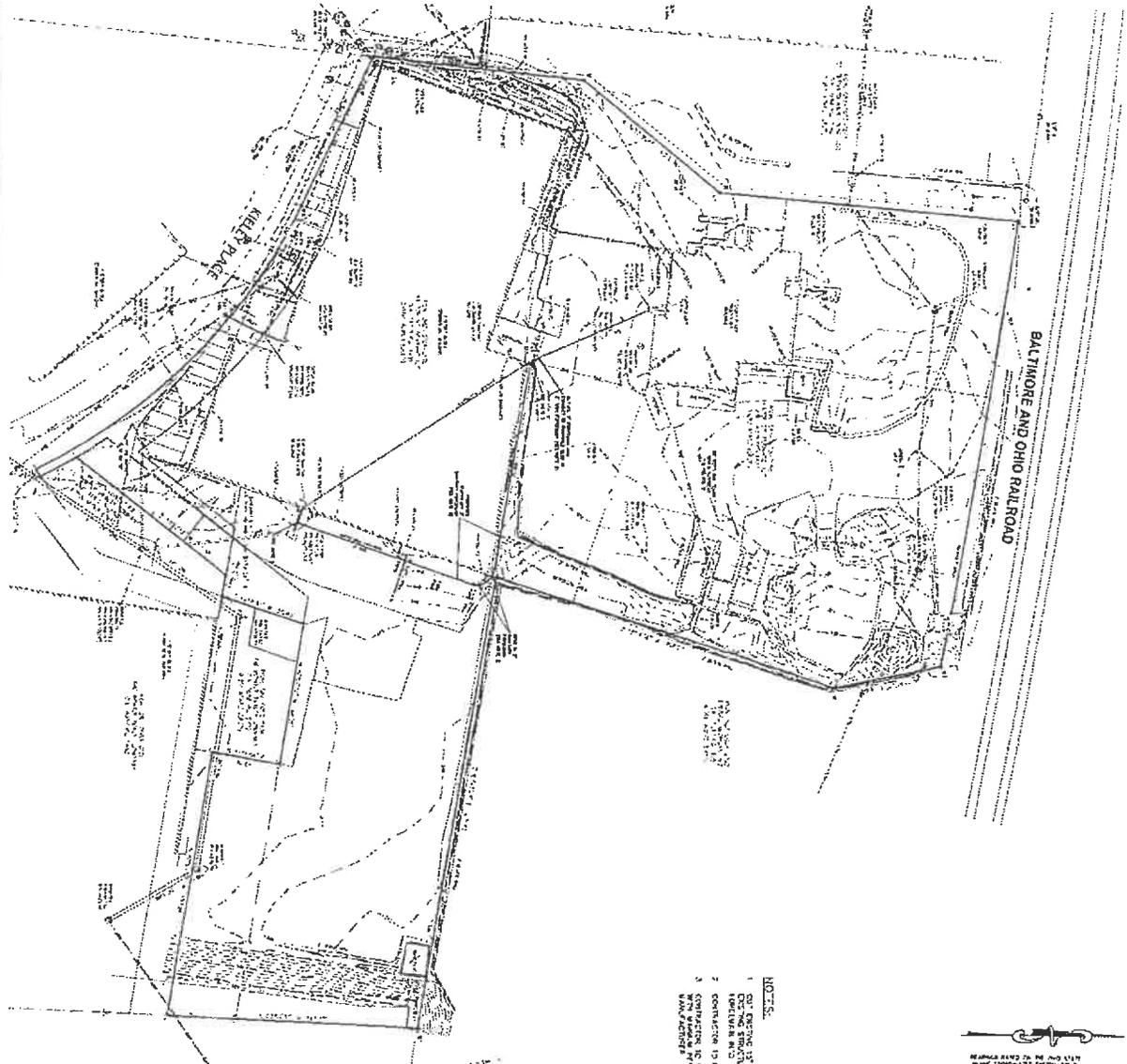
9 DANDY POP INLET PROTECTION



12 FOREBAY DAM PROFILE

<p><b>CARDINAL</b> CONSTRUCTION</p>	<p>PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217</p>
	<p>CLIENT: HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 COVINGTON, KENTUCKY 41011</p>
<p>DATE: 01-01-2021</p>	<p>PROJECT NO: 22-042 SCALE: AS NOTED</p>
<p>SHEET: C-201</p>	<p>DATE: 01-01-2021</p>





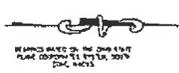
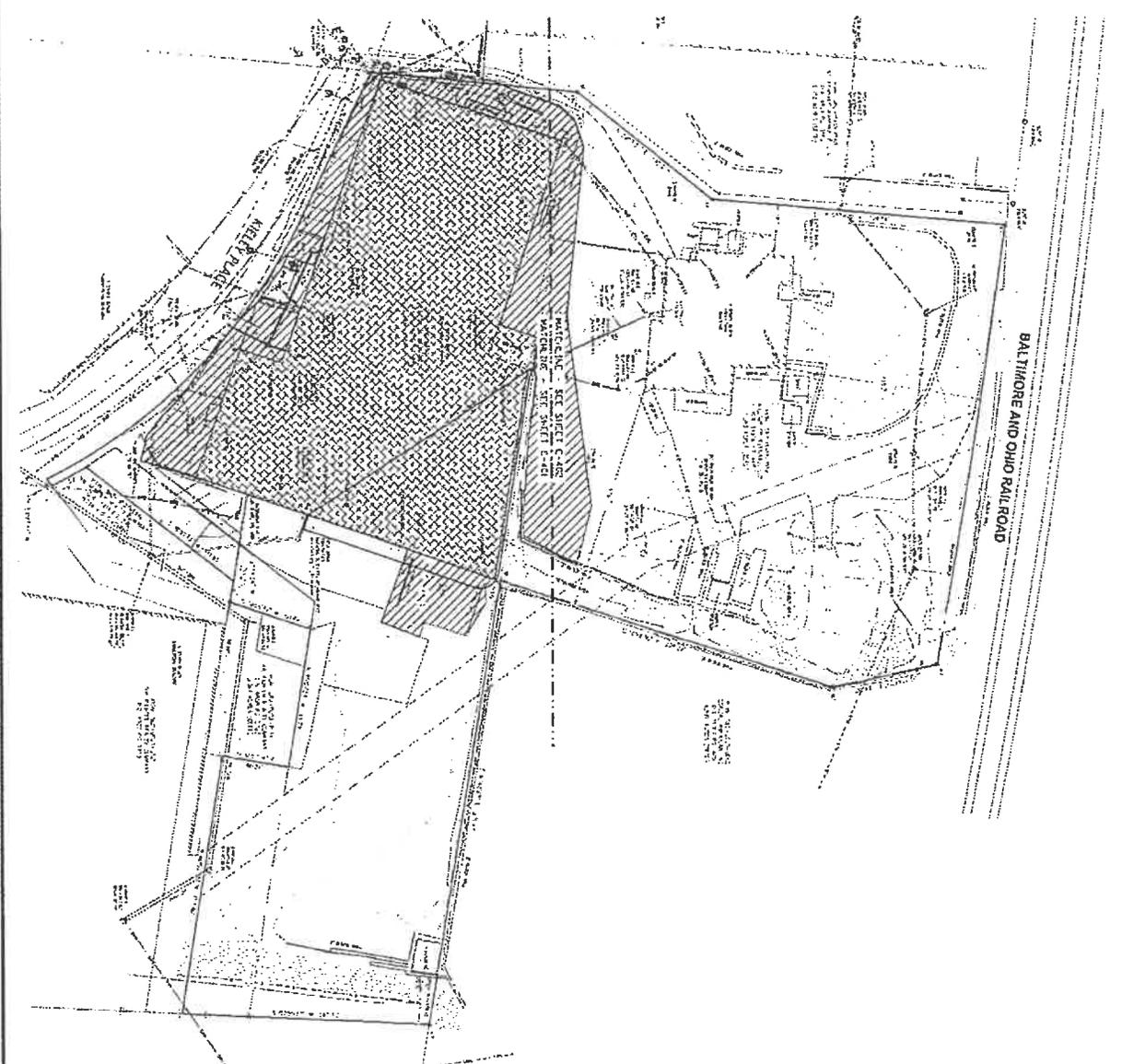
- NOTES:**
1. SEE DRAWING 37 FOR EXISTING SEWER AND LEAK 5.300 FROM EXISTING TO NEW CONNECTION TO EXISTING SEWER IN RAIL.
  2. CONSTRUCTION TO MATCH EXISTING SEWER SEE 217 AND 218L WITH SEWER AND 218L RECONSTRUCTION BY THE CONTRACTOR.

SYMBOL	DESCRIPTION
(Symbol)	EXISTING BUILDING
(Symbol)	EXISTING FOUNDATION
(Symbol)	EXISTING WALL
(Symbol)	EXISTING WINDOW
(Symbol)	EXISTING DOOR
(Symbol)	EXISTING ROOF
(Symbol)	EXISTING DRIVE
(Symbol)	EXISTING SIDEWALK
(Symbol)	EXISTING PAVEMENT
(Symbol)	EXISTING CURB
(Symbol)	EXISTING UTILITY
(Symbol)	EXISTING ELEVATION
(Symbol)	EXISTING FINISH
(Symbol)	EXISTING MATERIAL
(Symbol)	EXISTING CONDITION
(Symbol)	EXISTING DIMENSION
(Symbol)	EXISTING AREA
(Symbol)	EXISTING VOLUME
(Symbol)	EXISTING WEIGHT
(Symbol)	EXISTING LENGTH
(Symbol)	EXISTING WIDTH
(Symbol)	EXISTING HEIGHT
(Symbol)	EXISTING DEPTH
(Symbol)	EXISTING DIAMETER
(Symbol)	EXISTING RADIUS
(Symbol)	EXISTING ANGLE
(Symbol)	EXISTING CURVATURE
(Symbol)	EXISTING SLOPE
(Symbol)	EXISTING GRADE
(Symbol)	EXISTING ELEVATION
(Symbol)	EXISTING FINISH
(Symbol)	EXISTING MATERIAL
(Symbol)	EXISTING CONDITION
(Symbol)	EXISTING DIMENSION
(Symbol)	EXISTING AREA
(Symbol)	EXISTING VOLUME
(Symbol)	EXISTING WEIGHT
(Symbol)	EXISTING LENGTH
(Symbol)	EXISTING WIDTH
(Symbol)	EXISTING HEIGHT
(Symbol)	EXISTING DEPTH
(Symbol)	EXISTING DIAMETER
(Symbol)	EXISTING RADIUS
(Symbol)	EXISTING ANGLE
(Symbol)	EXISTING CURVATURE
(Symbol)	EXISTING SLOPE
(Symbol)	EXISTING GRADE



<p>PROJECT NO. 22042 SCALE: 1" = 20' DATE: 03-28-2013 PROJECT: HILLTOP COMPANIES CLIENT: 50 RIVERCENTER BOULEVARD, SUITE 1000 CINCINNATI, OHIO 45217</p>	<p>PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217</p> <p>CLIENT: HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 CINCINNATI, OHIO 45217</p>	<p>DATE: 03-28-2013 SCALE: 1" = 20' PROJECT: HILLTOP COMPANIES CLIENT: 50 RIVERCENTER BOULEVARD, SUITE 1000 CINCINNATI, OHIO 45217</p>	<p>PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217</p> <p>CLIENT: HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 CINCINNATI, OHIO 45217</p>
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SHEET C-300



1" = 30'	DATE: 01-08-2023
PROJECT NO: 22-042	SCALE: 1" = 30'
PROJECT NAME: DEMOLITION PLAN	
SHEET: C-400	

**NOTES**  
 1. SEE SHEET C-401 FOR REFERENCE ONLY. REFER TO SHEET C-400 AND C-401 FOR LOCATION OF ALL NOTES.

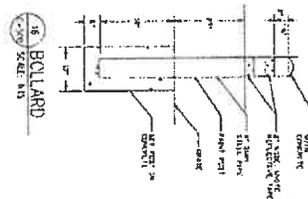
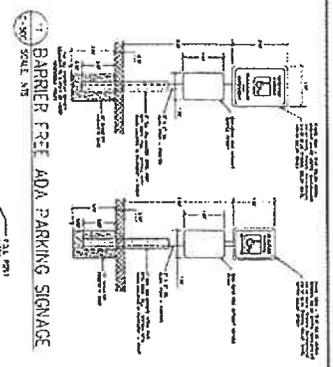
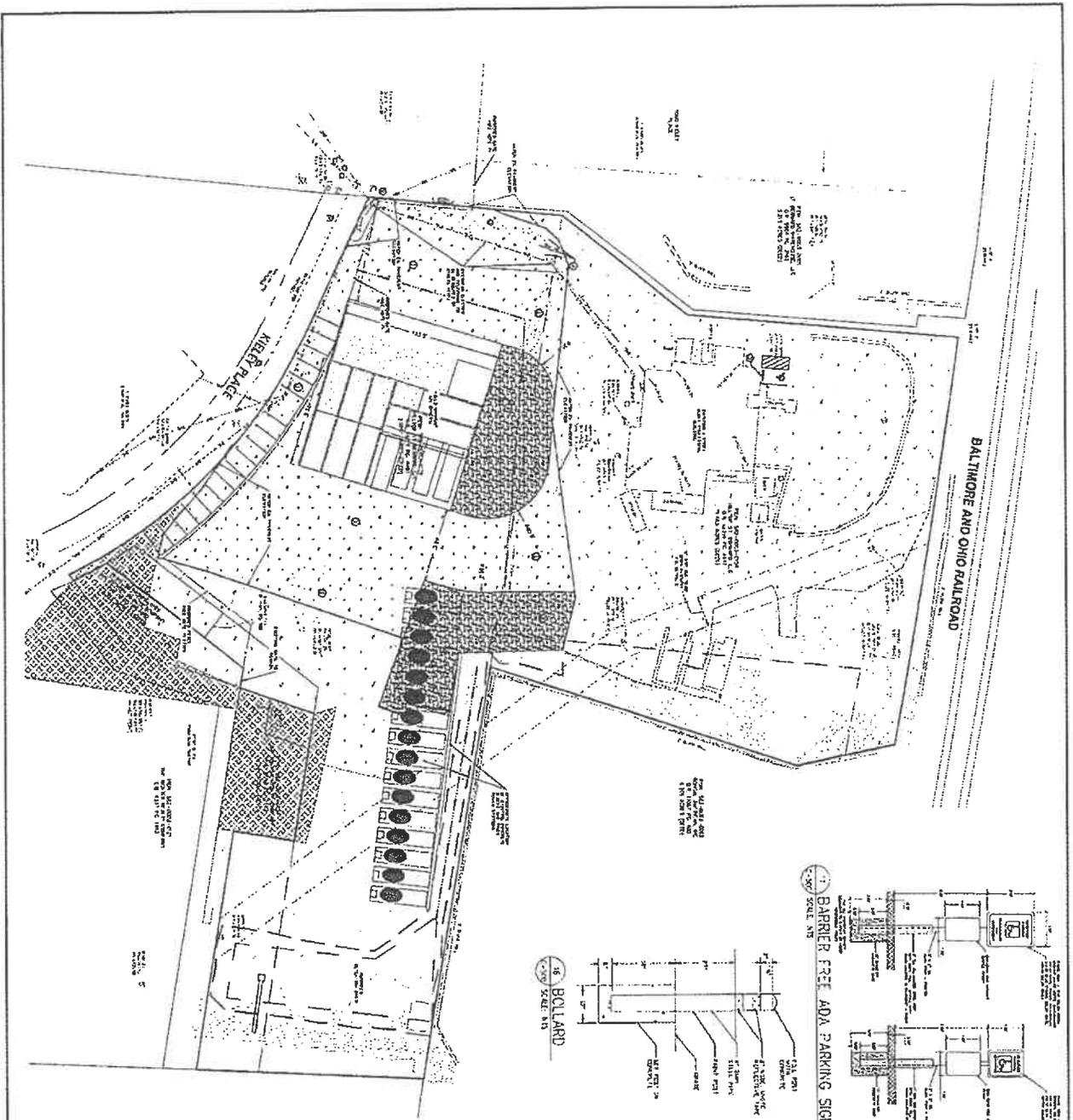
	DEMOLITION LEGEND
	AREAS TO BE REMOVED
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PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217	CLIENT: HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 COVINGTON, KENTUCKY 41011
PROJECT NO: 22-042 SCALE: 1" = 30' DATE: 01-08-2023	SHEET: C-400

**CARDINAL**  
 ENGINEERING  
 1000 W. WASHINGTON ST.  
 CINCINNATI, OHIO 45202  
 TEL: 513.251.1000  
 WWW.CARDINAL-ENR.COM







- GENERAL NOTES:**
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION.
  - CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND STRUCTURES AT ALL TIMES DURING CONSTRUCTION.
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  - CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND STRUCTURES AT ALL TIMES DURING CONSTRUCTION.

**SITE PLAN LEGEND**

- 1. EXISTING CONCRETE PAVEMENT
- 2. EXISTING ASPHALT PAVEMENT
- 3. EXISTING ASPHALT DRIVE
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- 100. EXISTING ASPHALT DRIVE

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	03-23-2013	JMM
2	ISSUED FOR CONSTRUCTION	03-23-2013	JMM
3	ISSUED FOR AS-BUILT	03-23-2013	JMM
4	ISSUED FOR RECORD	03-23-2013	JMM
5	ISSUED FOR FINAL	03-23-2013	JMM

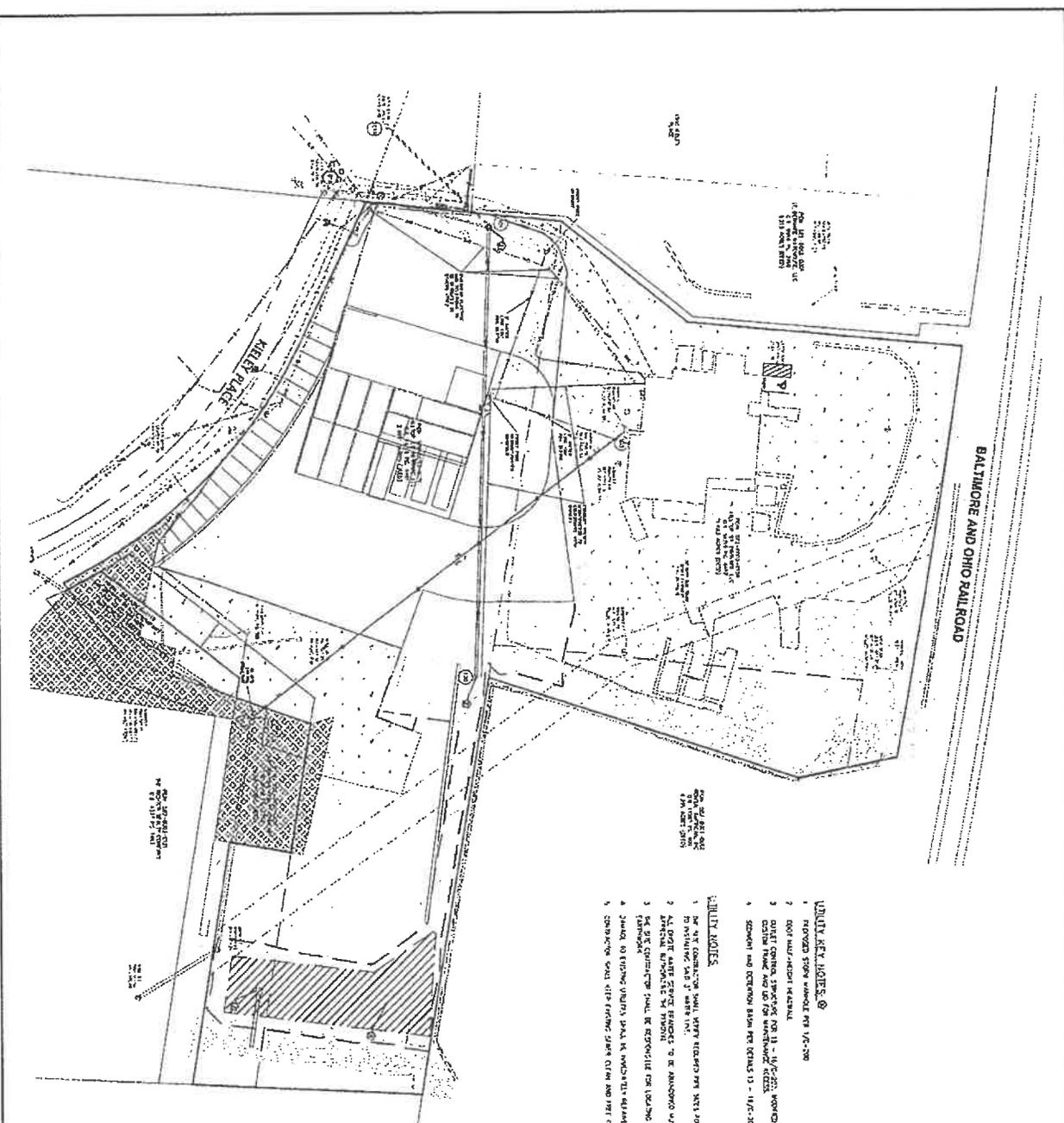
**PROJECTIONS**  
DATE: 03-23-2013  
SHEET: 111 M

**PROJECT:** CIVIL SITE IMPROVEMENT DRAWINGS  
900 KIELEY PLACE  
CINCINNATI, OHIO 45217

**CLIENT:** HILLTOP COMPANIES  
50 RIVERCENTER BOULEVARD, SUITE 1000  
COVINGTON, KENTUCKY 41011

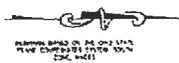
**CARDINAL ENGINEERING**  
1440 WALKER BLVD  
CINCINNATI, OHIO 45224  
TEL: 513-763-1100  
WWW.CARDINAL-ENGINEERING.COM

**SHEET C-500**  
SHEET LAYOUT PLAN  
DATE: 03-23-2013  
PROJECT NO: 21-043  
SCALE: 1" = 10'



- UTILITY NOTES:**
1. PROPOSED STORM SEWER PER 1/27-200
  2. GROUND WATER TABLE
  3. EXISTING UTILITY STRUCTURES FOR 11 - 15 KV/25KV POWER ON 2-3 MILES WITH A 4.5 MILE RADIUS AND 60 FT. SPACING
  4. EXISTING AND PROPOSED SEWER PER DETAILS 13 - 1/27-200

- GENERAL NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AS APPLICABLE.
  2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AS APPLICABLE.
  3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AS APPLICABLE.
  4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.



NO.	DATE	DESCRIPTION
1	01-02-2023	ISSUED FOR PERMITTING
2	01-02-2023	ISSUED FOR PERMITTING
3	01-02-2023	ISSUED FOR PERMITTING
4	01-02-2023	ISSUED FOR PERMITTING
5	01-02-2023	ISSUED FOR PERMITTING
6	01-02-2023	ISSUED FOR PERMITTING
7	01-02-2023	ISSUED FOR PERMITTING
8	01-02-2023	ISSUED FOR PERMITTING
9	01-02-2023	ISSUED FOR PERMITTING
10	01-02-2023	ISSUED FOR PERMITTING

**GENERAL NOTES:**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AS APPLICABLE.

2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AS APPLICABLE.

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4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

**UNBIDDED LEGEND**

- PROPOSED STORM SEWER / STORM MANHOLE
- PROPOSED STORM / STORM
- PROPOSED DETENTION BASIN

DATE: 01-02-2023  
 SCALE: 1" = 30'  
 PROJECT NO.: 23-012  
 SHEET: C-600

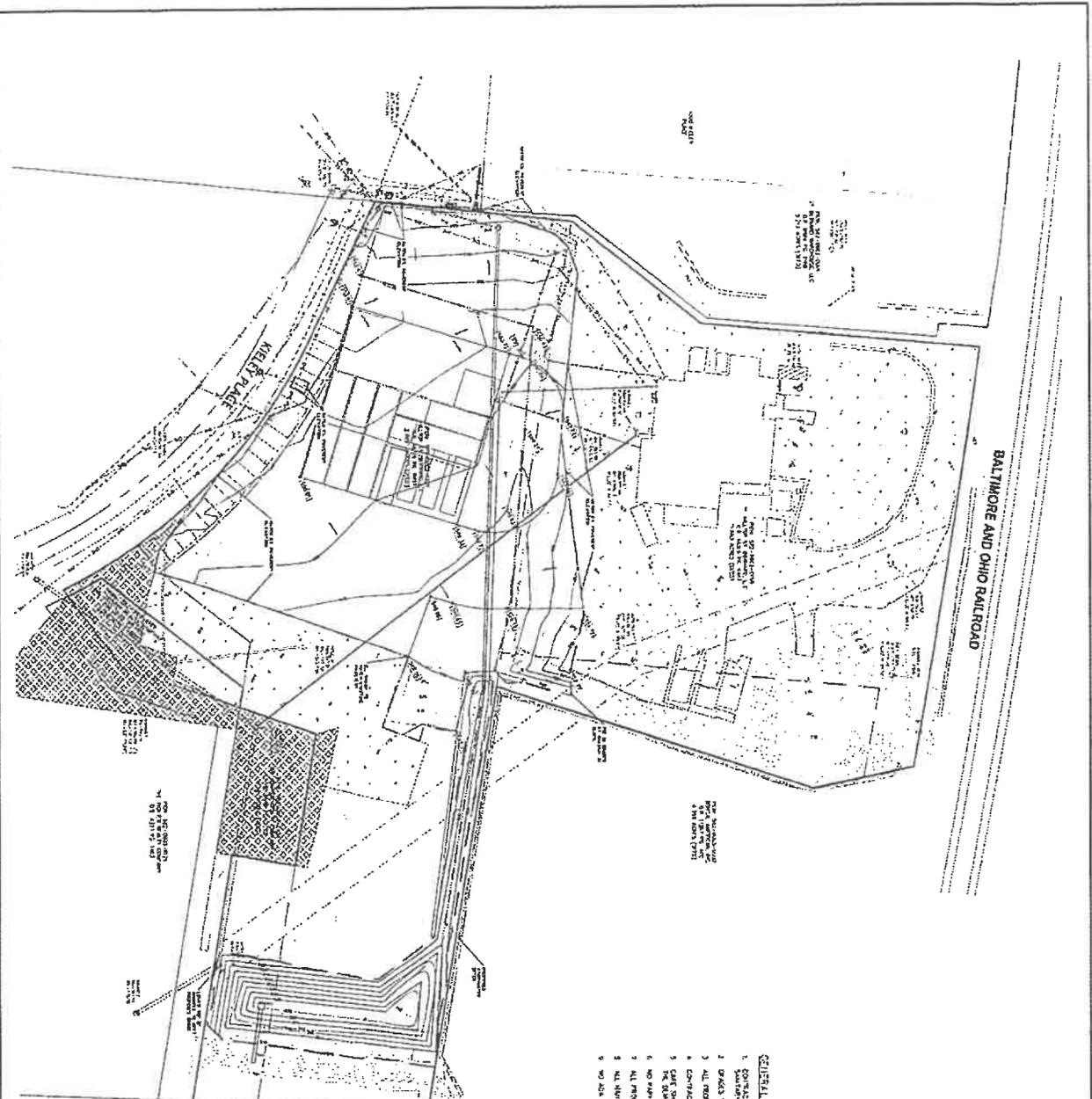
**PROJECT:** CIVIL SITE IMPROVEMENT DRAWINGS  
 900 KIELEY PLACE  
 CINCINNATI, OHIO 45217

**CLIENT:** HILLTOP COMPANIES  
 50 RIVERCENTER BOULEVARD, SUITE 1000  
 COVINGTON, KENTUCKY 41011

**CARDINAL ENGINEERING**

114 N. W. 11th St.  
 Cincinnati, OH 45202  
 (513) 261-1111  
 www.cardinaleng.com

DATE: 01-02-2023  
 SCALE: 1" = 30'  
 PROJECT NO.: 23-012  
 SHEET: C-600



**GENERAL GRADING NOTES**

1. PORTLAND CEMENT CONCRETE FOR ALL FINISH TO BE EXPOSED PERMITS DESIGN OF ALL GRADE, STORM AND/OR SANITARY SEWER EXTERIOR OVERLAYS.
2. GRADE SHALL BE 1/4" PER FOOT SLOPE.
3. ALL EXPOSED PAVEMENT SHALL BE 4" ASPHALT WITH 1/2" SLOPE.
4. CONCRETE SHALL BE 4" THICK WITH 1/2" SLOPE AND 1/4" SLOPE.
5. ALL EXPOSED PAVEMENT SHALL BE 4" THICK WITH 1/2" SLOPE AND 1/4" SLOPE.
6. ALL EXPOSED PAVEMENT SHALL BE 4" THICK WITH 1/2" SLOPE AND 1/4" SLOPE.
7. ALL EXPOSED PAVEMENT SHALL BE 4" THICK WITH 1/2" SLOPE AND 1/4" SLOPE.
8. ALL EXPOSED PAVEMENT SHALL BE 4" THICK WITH 1/2" SLOPE AND 1/4" SLOPE.
9. ALL EXPOSED PAVEMENT SHALL BE 4" THICK WITH 1/2" SLOPE AND 1/4" SLOPE.



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	03/22/03
2	ISSUED FOR PERMITS	03/22/03
3	ISSUED FOR PERMITS	03/22/03
4	ISSUED FOR PERMITS	03/22/03
5	ISSUED FOR PERMITS	03/22/03
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7	ISSUED FOR PERMITS	03/22/03
8	ISSUED FOR PERMITS	03/22/03
9	ISSUED FOR PERMITS	03/22/03
10	ISSUED FOR PERMITS	03/22/03

**GRADING PLAN LEGEND**

	SPOT ELEVATION
	SPOT ELEVATION 1/4"
	GRADE
	PROPOSED GROUND CHANGE

**SPOT ELEVATION LEGEND**

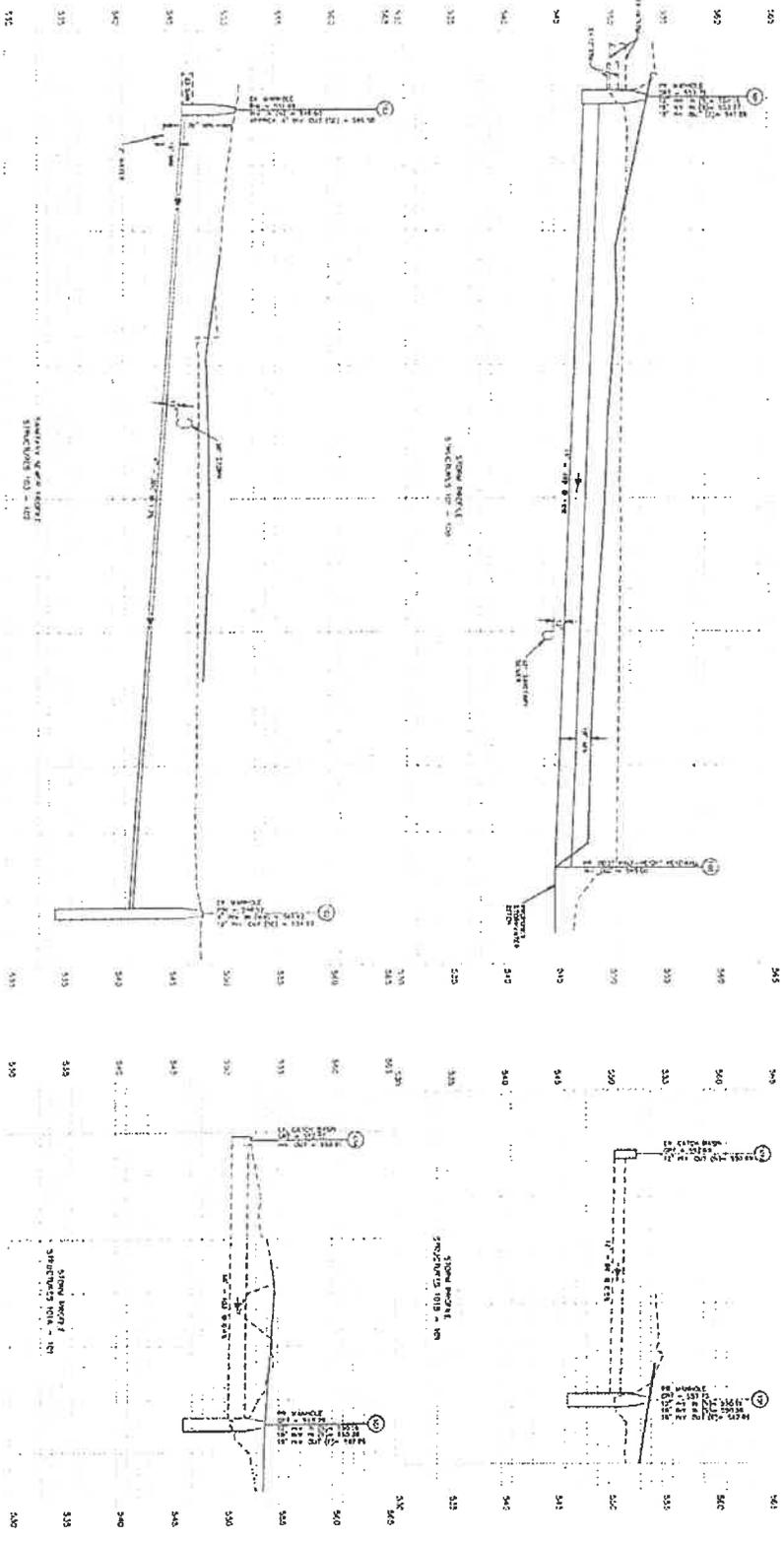
	EXISTING GRADE
	PROPOSED GRADE
	SPOT ELEVATION



<p><b>PROJECT:</b> CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217</p> <p><b>CLIENT:</b> HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 COVINGTON, KENTUCKY 41011</p>	<p><b>DATE:</b> 03/22/03</p> <p><b>SCALE:</b> 1" = 30'</p> <p><b>PROJECT NO.:</b> 22-002</p> <p><b>DATE:</b> 03/22/03</p>	<p><b>PROJECT NO.:</b> 22-002</p> <p><b>SCALE:</b> 1" = 30'</p> <p><b>DATE:</b> 03/22/03</p>	<p><b>PROJECT NO.:</b> 22-002</p> <p><b>SCALE:</b> 1" = 30'</p> <p><b>DATE:</b> 03/22/03</p>	<p><b>PROJECT NO.:</b> 22-002</p> <p><b>SCALE:</b> 1" = 30'</p> <p><b>DATE:</b> 03/22/03</p>	<p><b>PROJECT NO.:</b> 22-002</p> <p><b>SCALE:</b> 1" = 30'</p> <p><b>DATE:</b> 03/22/03</p>
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**SHEET C-700**

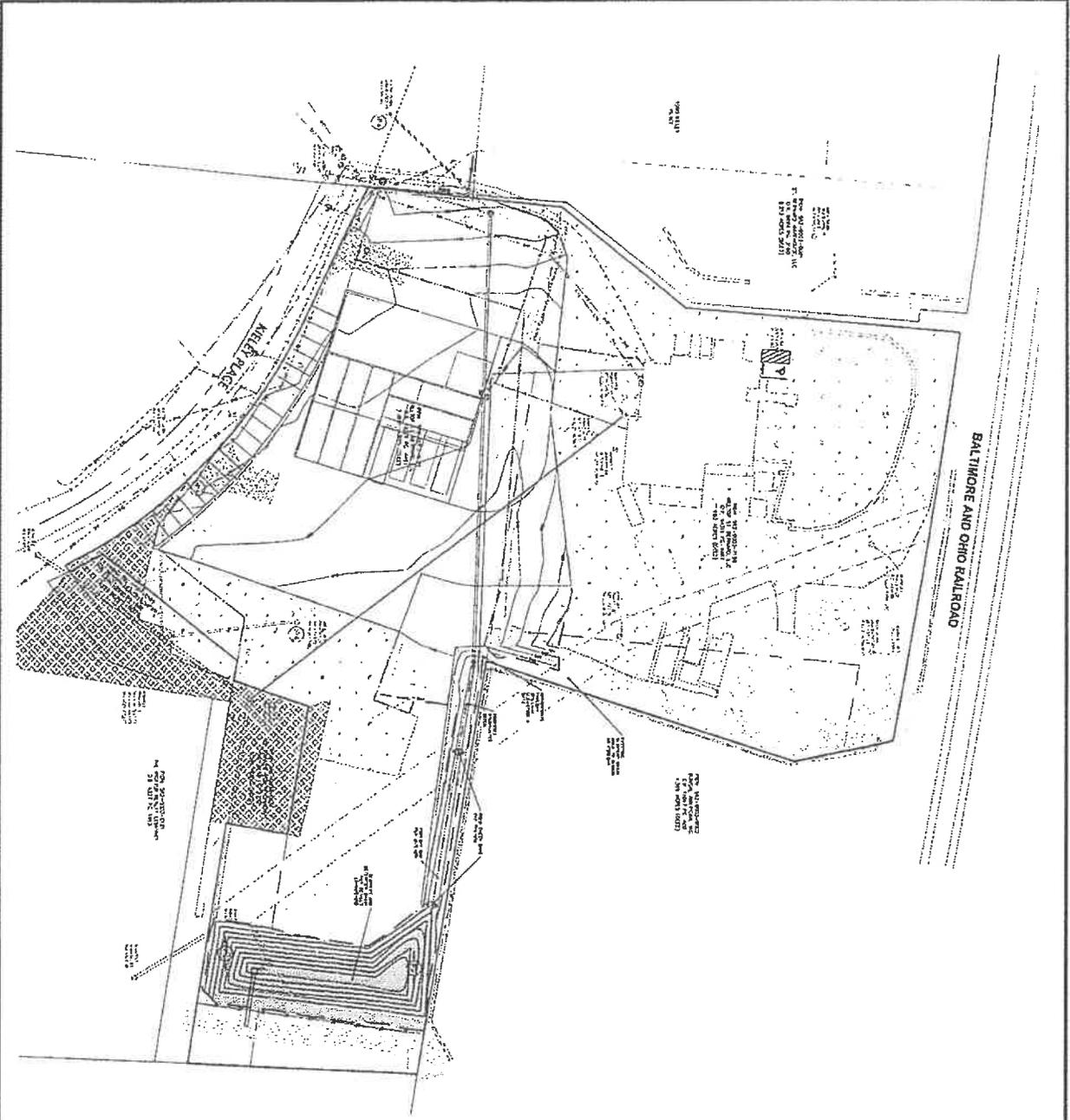
SANITARY AND STORM PROFILES



**NOTES:**  
 1. ALL EXISTING AND PROPOSED SEWERS SHALL BE CONSTRUCTED TO A MINIMUM OF 18\"/>

**CONCRETE SEWER PIPE**  
 ALL CONCRETE SEWER PIPE SHALL BE 15\"/>

<p>PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS                  900 KIELEY PLACE                  CINCINNATI, OHIO 45217</p>		<p>CARDINAL                  ENGINEERING                  LAND SURVEYING                  1000 W. WASHINGTON                  CINCINNATI, OHIO 45202</p>
<p>CLIENT: HILLTOP COMPANIES                  50 RIVERCENTER BOULEVARD, SUITE 1000                  COVINGTON, KENTUCKY 41011</p>		
<p>DATE: 03-02-2023</p>	<p>PROJECT NO: 22-042</p>	<p>SCALE: AS NOTED</p>
<p>SHEET: C-900</p>	<p>SANITARY AND STORM SEWER PROFILES</p>	<p>DATE: 03-02-2023</p>



NO.	DESCRIPTION	DATE
1	PREPARED BY: J. W. HARRIS	12/15/20
2	DESIGNED BY: J. W. HARRIS	12/15/20
3	CHECKED BY: J. W. HARRIS	12/15/20
4	APPROVED BY: J. W. HARRIS	12/15/20
5	DATE: 12/15/20	
6	SCALE: AS SHOWN	
7	PROJECT NO.: 21-042	
8	DATE: 02-02-2023	
9	PROJECT NO.: 21-042	
10	DATE: 02-02-2023	
11	PROJECT NO.: 21-042	
12	DATE: 02-02-2023	

**STANDARD SYMBOLS**

1. Hatched area: EXISTING CONCRETE

2. Dotted area: EXISTING ASPHALT

3. Solid black area: EXISTING GRAVEL

4. Dashed line: EXISTING CURB

5. Solid line: EXISTING DRIVE

6. Solid line with dots: EXISTING SIDEWALK

7. Solid line with dashes: EXISTING DRIVE

8. Solid line with long dashes: EXISTING DRIVE

9. Solid line with short dashes: EXISTING DRIVE

10. Solid line with diagonal dashes: EXISTING DRIVE

11. Solid line with cross-hatch: EXISTING DRIVE

12. Solid line with wavy pattern: EXISTING DRIVE

13. Solid line with zig-zag pattern: EXISTING DRIVE

14. Solid line with diamond pattern: EXISTING DRIVE

15. Solid line with square pattern: EXISTING DRIVE

16. Solid line with triangle pattern: EXISTING DRIVE

17. Solid line with circle pattern: EXISTING DRIVE

18. Solid line with star pattern: EXISTING DRIVE

19. Solid line with cross pattern: EXISTING DRIVE

20. Solid line with dot pattern: EXISTING DRIVE

PROJECT: CIVIL SITE IMPROVEMENT DRAWINGS 900 KIELEY PLACE CINCINNATI, OHIO 45217  CLIENT: HILLTOP COMPANIES 50 RIVERCENTER BOULEVARD, SUITE 1000 COVINGTON, KENTUCKY 41011	<p><b>CARDINAL</b> ENGINEERING &amp; ARCHITECTURE LAND SURVEYING PLANNING &amp; DESIGN</p>	SHEET NO. 21-042
		SHEET C-800





**Rick Roth**

---

**From:** Rick Roth  
**Sent:** Friday, September 20, 2024 12:28 PM  
**To:** 'Tom Paul'  
**Subject:** RE: [External] RE: 900 Kieley Place-Hilltop Washout Pit  
**Attachments:** 23600.09 HILLTOP CONCRETE WASHOUT PIT - 2023 04 24.pdf

Tom, see email conversation below from 2022, where we discussed the washout pits we are putting in to make the whole situation better at our location here in St Bernard. I have attached the washout pit plans. Just wanted to make sure you understand what they are and to make sure if we need a permit on the washout pits themselves?

As far as water runoff ect. Detention Pond, we are working with City of Cincinnati Stormwater ect.

We are looking to start this immediately. So quick response would be appreciated. Thanks

Rick Roth  
Hilltop Companies St Bernard  
Plant Manager / Sales  
[rroth@hilltopcompanies.com](mailto:rroth@hilltopcompanies.com)

513-242-8400 St Bernard Plant  
513-401-2197 Cell (Best to get me at)  
513-621-1500 Dispatch & Order Dept  
859-283-5000 Corporate Offices



**From:** Tom Paul <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
**Sent:** Monday, November 14, 2022 9:10 AM  
**To:** Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
**Subject:** [External] RE: 900 Kieley Place-Hilltop Washout Pit

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Rick,  
It appears you are ready to go.  
Tom

**From:** Rick Roth <[RRoth@hilltopcompanies.com](mailto:RRoth@hilltopcompanies.com)>  
**Sent:** Monday, November 14, 2022 7:58 AM  
**To:** Tom Paul <[service@cityofstbernard.org](mailto:service@cityofstbernard.org)>  
**Subject:** 900 Kieley Place-Hilltop Washout Pit

Per our conversation you were saying that we can go ahead with the construction of the Concrete washout pit here at Hilltop. Here are the other improvements we will be doing here at Hilltop and wanted to make sure what the City of St B needed us to obtain permit or not:

- 1- Washout pit --you stated no permit needed.
- 2- We will be digging a Detention pond, Size ect under the direction of City of Cincinnati Storm Water Division
- 3- Sewer from our Building to the Sewer system – To be reviewed by MSD
- 4- Electrical and water from our building to the Pit
- 5- Filling in and leveling old pits, pouring some concrete to be used for additional aggregate piles.
- 6- Fence along the front, part of property, this fence will be a poured wall on the front side of the pit.

Please let me know what we need from St Bernard on the above if anything.

Thanks

Rick Roth  
Hilltop Companies St Bernard  
Plant Manager / Sales  
[rroth@hilltopcompanies.com](mailto:rroth@hilltopcompanies.com)

513-242-8400 St Bernard Plant  
513-401-2197 Cell (Best to get me at)  
513-621-1500 Dispatch & Order Dept  
859-283-5000 Corporate Offices





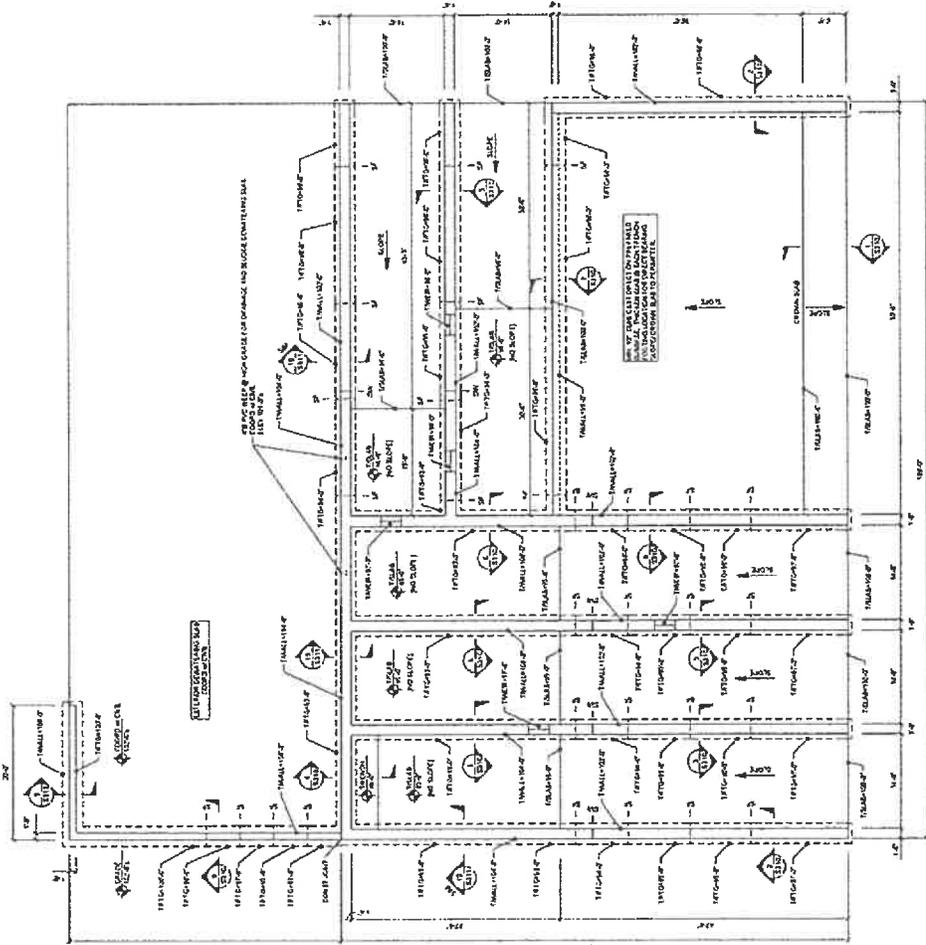


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 Date: \_\_\_\_\_  
 Drawing No.: \_\_\_\_\_

**PLAN NOTES:**

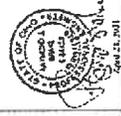
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS INDICATED OTHERWISE.
2. ALL WALLS TO BE CONCRETE UNLESS OTHERWISE NOTED.
3. ALL WALLS TO BE 12" THICK UNLESS OTHERWISE NOTED.
4. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
5. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
6. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
7. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
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9. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
10. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD UNLESS OTHERWISE NOTED.

SEE SHEET S110 FOR THE BUILDING

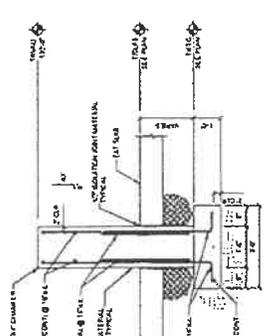


FOUNDATION PLAN  
 SCALE: 1/8" = 1'-0"  
 ELEV: 1000' ± 100' CIVIL

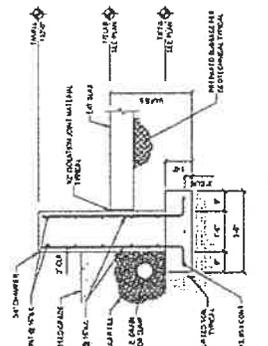
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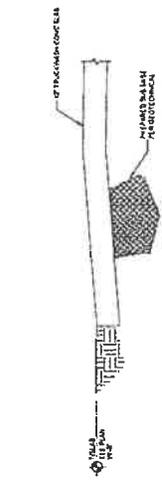
Project Number: 090039	Design Name: HILLTOP
Foundation Sections	
1. Foundation Sections - 090039	



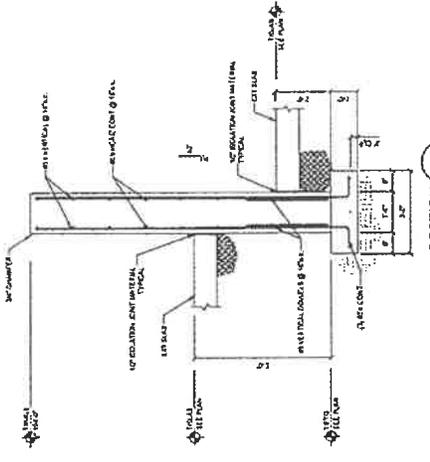
SECTION 1  
 SCALE 1/2" = 1'-0" S310



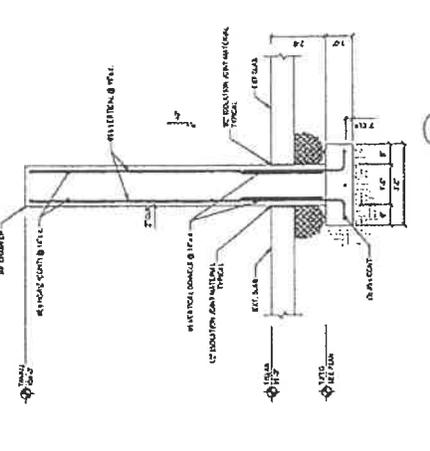
SECTION 2  
 SCALE 1/2" = 1'-0" S310



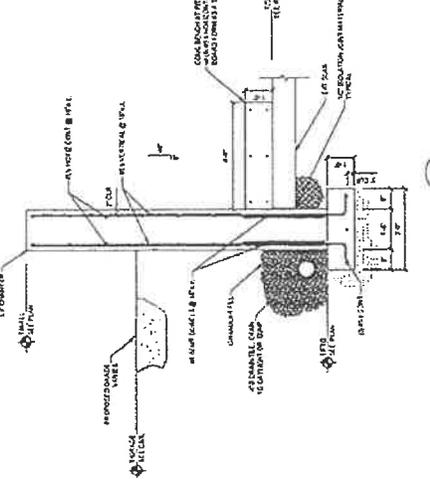
SECTION 3  
 SCALE 1/2" = 1'-0" S310



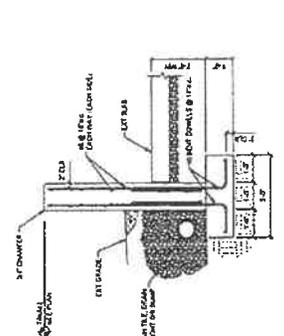
SECTION 4  
 SCALE 1/2" = 1'-0" S310



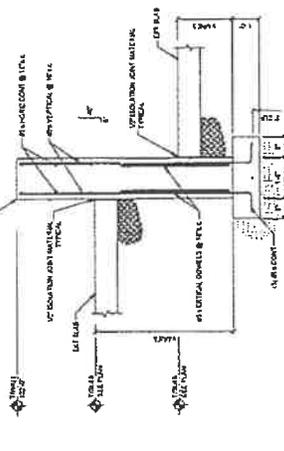
SECTION 5  
 SCALE 1/2" = 1'-0" S310



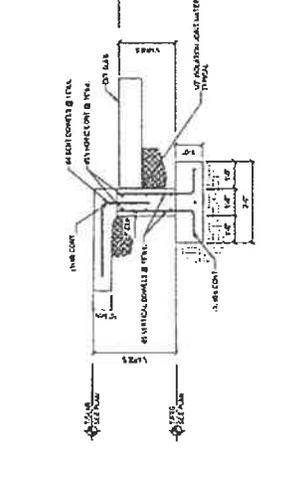
SECTION 6  
 SCALE 1/2" = 1'-0" S310



SECTION 7  
 SCALE 1/2" = 1'-0" S310



SECTION 8  
 SCALE 1/2" = 1'-0" S310



SECTION 9  
 SCALE 1/2" = 1'-0" S310



Partial Inspection  
Course of Construction

Date 2-28-25

Add 700 KIEV

Inspection Bureau  
Inc.

Cincinnati, Ohio 45202

UG RICS EXISTING

Walls BUILDING TO

Ceilings NEW BUILDING

Rough-in (Residential Only)

As Noted

Inspector IBI CJT

This tag to be removed  
by Building Inspector



# FINAL CERTIFICATE

INSPECTION BUREAU, INC. - 250 W. COURT STREET - CINCINNATI, OHIO 45202 - (513) 381-6080

APPLICATION # HIO2500159

MUNICIPALITY STBR

FINAL FEE PAID

\$275.53

PROPERTY / LOCATION: 900 KIELEY PL

BUILDING PERMIT NUMBER: PENDING

OWNER: HILLTOP ST BERNARD LLC

JOB NUMBER:

APPLICANT: LPM ELECTRIC INC

E-MAIL ADDR: angie.bezold@lpmelectric.com

TYPE OF CERTIFICATE: RESIDENTIAL  NONRESIDENTIAL

Y  NAW

CONSTRUCTION TEMPORARY  N

**FINAL CERTIFICATE:** This certifies that the electrical wiring and any apparatus specified below have been inspected and found to be in compliance with the National Electrical Code (NEC) and the Ohio Building Code (OBC) provisions applicable to electrical installations. Applicant acknowledges and agrees that Inspection Bureau, Inc. (IBI), in issuing this certificate on behalf of a governmental entity, is performing a governmental function by conducting an electrical safety inspection for the general public and not for the benefit of any specific person or entity. This certification is not being made for the benefit of the holder of this certificate, its assignee or any other party, none of whom have the right to rely upon this certification for their individual benefit. Any changes or additions made to the electrical installation invalidate this certificate

## ELECTRICAL WORK

1. Const. Temp.: Serv. Cond. (OH)  N or Lateral (UG)  N  
0  $\phi$  No. / sets 0 Size Amps 0  
 No. Meters 0 Volts

2. Perm. Service: Serv. Cond. (OH)  N or Lateral (UG)  N  
 1  $\phi$  No. Sets 0 Size Amps 0  
 1  $\phi$  Serv. Sw No. Meters 0 Volts  
 3  $\phi$  No. Sets 2 Size 250 KCMIL Amps 500  
 3  $\phi$  Serv. Sw 400 No. Meters 1 Volts 208

3. Equipment/Wiring Information: **(NONRESIDENTIAL ONLY)**  
 No. 1  $\phi$  Motors 0 Tot. HP 0 No. 3  $\phi$  Motors 0 Tot. HP 0  
 No. 1  $\phi$  Trnfrms 0 Size Sec. Amp 0  
 No. 3  $\phi$  Trnfrms 0 Size Sec. Amp 0  
 No. Feeders 0 Size Tot. Amps 0  
 No. Circuits 0 No. Elec. Heaters 0 Tot. KW  
 Estimated Fault Current at Service Line Terminals 0  
 No. Signs 0 Volts KVA 0  
 Other Equipment: Tot. HP 0 Tot. KW 0

(14C) Final listed visible wiring.

4. Equipment/Wiring Information: (RESIDENTIAL ONLY)

	No. Circuits	Wire Size	Type - or - Load	
			cu	cu cl
Lighting	0	0	cu	N
Small	0	0	cu	N
Washer	0	0	cu	N
Dishwasher	0	0	cu	N
Disposal	0	0	cu	N
Water Heater	0	0	cu	N
Range	0	0	KW	
Ovens	0	0	KW	
Dryers	0	0	KW	
Electric Furnace	0	0	KW	
Blower Motor	0	0	HP	
Air Cond Unit	0	0		
	0	0		
	0	0		

Date 04/01/2025

Inspector AUJOHNSON

Date Input By:



# Inspection Bureau, Inc.

CINCINNATI, OHIO 45202

ELECTRICAL INSTALLATION APPROVED  
AS PER CERTIFICATE ON FILE

Date 4.1.25 Cert.# H102500159

Add 900 KIELEY PLACE

Type of Work NAW \*As Noted

\*Exclude: Signs  HVAC

Fire Alarm  Other:

Elec. Insp. IBI/RAC

This section of ELECTRICAL  
APPROVAL LABEL to be removed by  
Building Inspector ONLY.

Date 4.1.25 Cert.# H102500159

Add 900 KIELEY PLACE

Type of Work NAW \*As Noted

\*Exclude: Signs  HVAC

Fire Alarm  Other:

Elec. Insp. IBI/RAC



Partial Inspection  
Course of Construction

Date 3-5-25

Add 900 KIELEY

Inspection Bureau  
Inc.

Cincinnati, Ohio 45202

UG RINGS FROM

Walls NEW BUILDING

Ceilings TURNING UP

Rough-in (Residential Only)

As Noted IN WIREWAY

Inspector JOE COT

*This tag to be removed  
by Building Inspector*



**METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI**

**MUNICIPALITY: SAINT BERNARD**

**Permit No: M000068741**

**Date Issued: 2-13-2025**

**Permit Expiration Date: 8-12-2025**

*This permit is granted on behalf of HILLTOP ST BERNARD LLC owner, to SMITHCORP, INC. Sewer Tapper to tap and make Connection with the public sewer in Easement f for the purpose of draining the premises known as 900 KIELEY PL Lot No: N/A*

*In accordance with the Rules and Regulations of the Metropolitan Sewer District of Greater Cincinnati*

<b>Building Permit No:</b>		<b>Prior Connection:</b>	N	<b>New Bldg:</b>	N
<b>Availability No:</b>	N/A	<b>Private Sewer:</b>	N	<b>Main Line:</b>	N
<b>Meter No:</b>		<b>Residential:</b>	N	<b>Void:</b>	N
<b>Water District:</b>	CWW	<b>Main Line Released:</b>	N	<b>Released was on Hold:</b>	N
<b>Meter Size:</b>		<b>Addition:</b>	N	<b>Aband. Septic:</b>	N
		<b>Alteration:</b>	Y		

2/24/25  
FB

<b>Sewer No:</b> 2902	<b>Sheet No:</b> 0 of 0	<b>Cut Sheet:</b> 0
<b>Record Sheet No:</b>	<b>Book:</b> 0 <b>Page:</b> 0	<b>Upstream Mh:</b>
<b>Book Page Parcel:</b> 058200030168		<b>Downstream Mh:</b>

**Project Location from Intersection:** North of Kieley Pl

<b>Y</b> CLEANOUT TO BE CONSTRUCTED AT A POINT NO MORE THAN 10' INSIDE PROPERTY.	<b>Y</b> CONSTRUCT AS PER APPROVED PLAN
	<b>N</b> USE APPROVED TAP SADDLE
	<b>Y</b> COMBINED SEWER
	<b>N</b> SANITARY SEWER
	<b>N</b> STORM ONLY
<b>N</b> CLEANOUT TO BE CONSTRUCTED AT A POINT 10 OFF THE MAIN SEWER.	<b>N</b> EASEMENT ON FILE

JAMES

**COUNTY STREET OPENING PERMIT  
STATE STREET OPENING PERMIT**

513-907-6137

<b>Y</b> tee	<b>N</b> Insert		<b>For Inspection Call</b>
<b>N</b> wye	<b>N</b> lateral	<b>24</b> Size Main	<b>Metro Sewer District of Greater Cincinnati - (513) 244-5537</b>
<b>N</b> cuthole	<b>N</b> Force Main	<b>6</b> Size Lateral	<b>County Inspection for Force Mains - (513) 946-7852 or (513) 946-7854</b>

**307.00 feet in length from the main sewer with an end depth of 0 feet location on the North side of Easement, 10.00 feet East from 2nd manhole in Easement**

<b>Tap-In Fee:</b>	<b>\$0.00</b>
<b>Resolution Tap-In Fee:</b>	<b>\$0.00</b>
<b>Local Connection Fee*:</b>	<b>\$0.00</b>
<b>Additional Inspection:</b>	<b>\$0.00</b>
<b>Additional Fees:</b>	<b>\$110.00</b>
<b>TOTAL PERMIT FEES:</b>	<b>\$110.00</b>
<b>Receipt No:</b> T001022956	

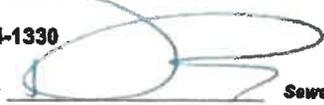
**TAP LEFT: N TAP RIGHT: Y**

**\*\*LOCAL CONNECTION FEES MAY BE PAID OVER 20 YEARS. 20 YEAR PAYMENT PLAN SELECTED (Y/N): N**

THIS TAP PERMIT SHOWS APPROXIMATE LOCATION OF SANITARY AND/OR COMBINED SEWERS AND SANITARY BUILDING SEWERS (LATERALS). ACTUAL LOCATION AND LENGTH OF SANITARY BUILDING SEWERS (LATERALS) MAY DIFFER FROM THAT SHOWN ON THE SEWER RECORD SHEET. THIS INFORMATION SHOULD BE USED ONLY FOR PLANNING (NOT FOR CONSTRUCTION). PAVEMENT SHOWN ON SEWER RECORD SHEETS MAY BE ORIGINAL PAVED WIDTH INDICATED AT THE TIME OF SEWER INSTALLATION; NOT NECESSARILY EXISTING PAVEMENT. SEWER TAPPER IS RESPONSIBLE FOR ENSURING THAT THE EXISTING LATERAL IS OPERABLE. CLEANING VIDEO TAPPING, WATER AND DYE TESTING MAY BE NECESSARY. 2 WAY CLEAN OUT REQUIRED AT EASEMENT / R.O.W.

**FOR ADDITIONAL INFORMATION CALL (513) 244-1330**

**Prepared By: PM**

**Issued By:** 

**Sewers Chief Engineer:**

**Reese Johnson**

**Misc Notes:**

T001022956

Relocating Lateral; inspection fee

40

**NOTICE**

Tap-In Fees are subject to an annual adjustment, starting January 1, 2002 and each subsequent year thereafter, in accordance with the Rules & Regulations. When an application is made for new permit, the difference between the current tap-in fee and a previously paid tap-in-fee must be paid, due to the expiration of an existing permit, except that no refund will be offered if the annual adjustment results in a reduction of the tap-in-fee. (EXAMPLE: current year fee - previously paid fee = Difference to be paid for permit requests during the current calendar year.)

**Permit No: M000068741**

**Printed on: 02/13/2025**



# RECEIPT

**RECEIPT ONLY - THIS IS NOT A PERMIT**

Record Information	
Total Fee:	110.00
Total Paid:	110.00
Balance Due:	0.00

**RECEIVED FROM:**

SMITHCORP, INC.  
 130 NOVNER DRIVE  
 CINCINNATI, OHIO 45215  
 BRYAN GESSNER - TAPPER  
 513-582-1818 (BRYAN GESSNER)

**SEWER TAPPER**

SMITHCORP, INC.  
 130 NOVNER DRIVE  
 CINCINNATI, OHIO 45215  
 BRYAN GESSNER - TAPPER  
 513-582-1818 (BRYAN GESSNER)

**RECORD NUMBER:** M000068741

**ADDRESS:** 900 KIELEY PL

**RECORD TYPE:** HMSDTAP1

MSD Sewer Tap Permit

**SUB TYPE:** CALT

COM Alteration

**DESCRIPTION:**

**TRANSACTION DATE:** February 13, 2025

**TOTAL PAYMENT:** 110.00

**TRANSACTION ID:** T001022956

**TRANSACTION LIST**

TYPE	METHOD	CHECK NO.	NOTATION	AMOUNT
Payment	Check	5151		110.00
FEE ITEM	DESCRIPTION	ACCOUNT CODE		AMOUNT
6130	Sewer Inspections	701-400-0000-8858		110.00
<b>TOTAL:</b>				<b>110.00</b>

**RECEIPT ISSUED BY:** PMADAR

**INITIALS:** PM

**PRINTED:** 02/13/2025

**PAYMENT DATE:** 02/13/2025

**PAYMENT TIME:** 12:14:06 pm

**RECEIPT NO.:**



Submit to: [MSDTapPermits@cincinnati-oh.gov](mailto:MSDTapPermits@cincinnati-oh.gov)  
1600 Gest St. 45204  
(513)244-1330

## Sewer Tap Permit Application

Project Address: 900 KIELEY PLACE

Date: FEB. 12, 2005

Property Owner: Hilltop Companies

Licensed Tapper: JAY SMITH SMITHCORP. INC

MSD Tapper License #: MT00011950

Tapper Email/Fax: JAY.SMITH@SMITHCORP.COM

Tapper Phone: 513.582.4062

### New Construction / Connection

- Building Permit #: \_\_\_\_\_
- Site Utility Plan
- Water Meter Documentation - Size: \_\_\_\_\_
- Sewer Tap Permit Fee: \$ \_\_\_\_\_

### Repair / Replace / Extend / Modify / Cap

- Description of Work INSTALL NEW 6" CULVERT
- Length of Repair 307 IF of REPLACEMENT

### Septic-to-Sewer Conversion

- Site Utility Plan
- Meter Size Documentation
- Clear Water Affidavit
- Sewer Tap Permit Fee (Residential): \$480
- Septic Abandonment Permit
- Sewer Tap Permit Fee (Commercial):  
\$ \_\_\_\_\_ meter size: \_\_\_\_\_

### Dry Tap

- Building Permit - Permit #: \_\_\_\_\_
- I understand that no connection to the structure is allowed under this permit. A full application and sewer tap permit fee are required for final connection. Initials: \_\_\_\_\_
- Site Utility Plan

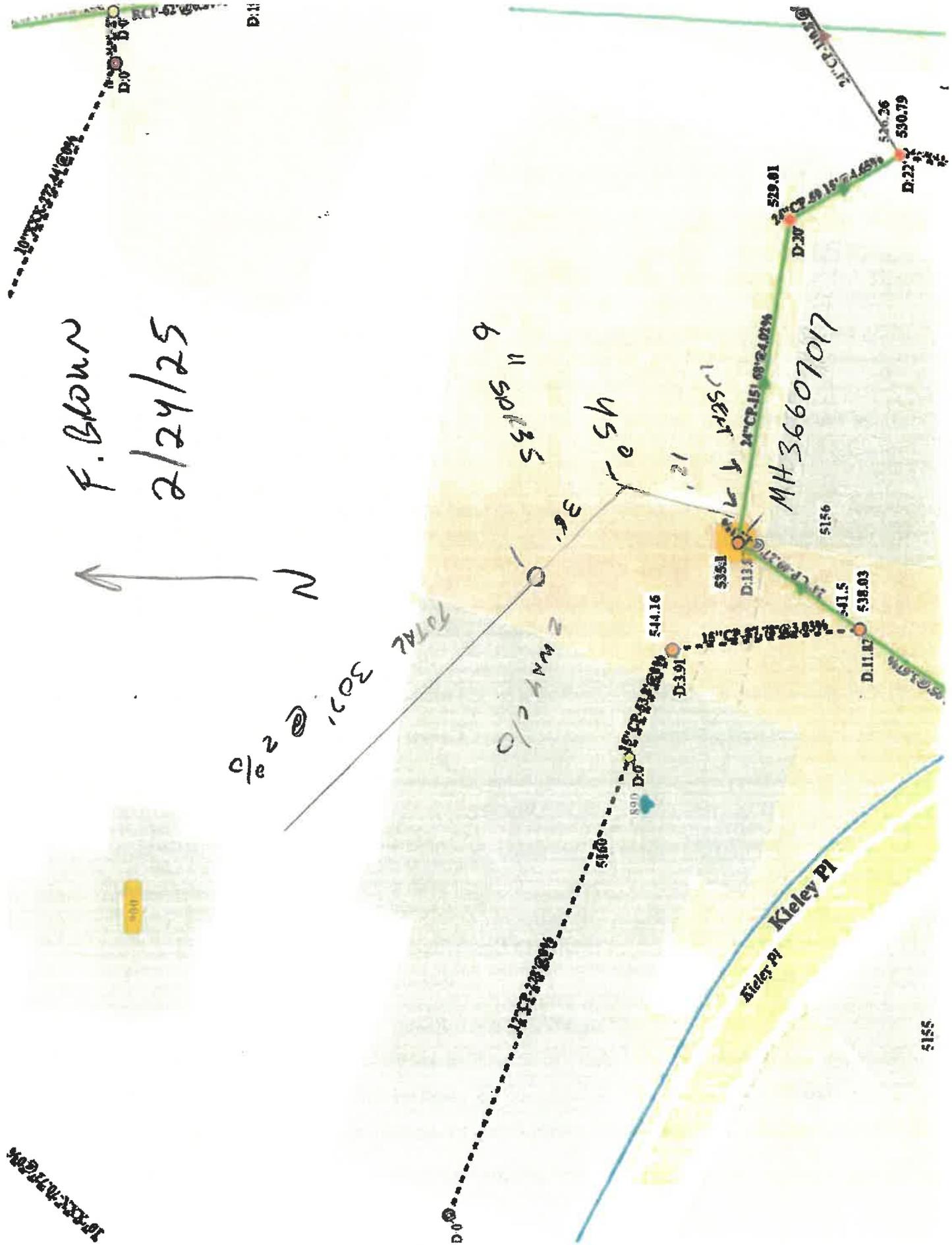
### Storm to Combined

- Site Utility Plan
- Building Permit - Permit #: \_\_\_\_\_

### Additional Submittals

- Street Opening Permit
- Plumbing Permit for Pumped Laterals
- State Street Permit
- FOD for Abandoned Meter
- Easement/Maintenance Agreement
- Availability Approval #: \_\_\_\_\_

Notes:



F. Blown  
2/24/25

N  
TOTAL 3021 @ 2%

6 11 SP 135

45 2

12'

MH 36607017

Kieley Pl  
Kieley Pl

SISS



**METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI**

**MUNICIPALITY: SAINT BERNARD**

**Permit No: M000068741**

**Date Issued: 2-13-2025**  
**Permit Expiration Date: 8-12-2025**

*This permit is granted on behalf of HILLTOP ST BERNARD LLC owner, to SMITHCORP, INC. Sewer Tapper to tap and make Connection with the public sewer in Easement f or the purpose of draining the premises known as 900 KIELEY PL Lot No: N/A*

*In accordance with the Rules and Regulations of the Metropolitan Sewer District of Greater Cincinnati*

<b>Building Permit No:</b>		<b>Prior Connection:</b>	N	<b>New Bldg:</b>	N
<b>Availability No:</b>	N/A	<b>Private Sewer:</b>	N	<b>Main Line:</b>	N
<b>Meter No:</b>		<b>Residential:</b>	N	<b>Void:</b>	N
<b>Water District:</b>	CWW	<b>Main Line Released:</b>	N	<b>Released was on Hold:</b>	N
<b>Meter Size:</b>		<b>Addition:</b>	N	<b>Aband. Septic:</b>	N
		<b>Alteration:</b>	Y		

<b>Sewer No:</b> 2902	<b>Sheet No:</b> 0 of 0	<b>Cut Sheet:</b> 0
<b>Record Sheet No:</b>	<b>Book:</b> 0 <b>Page:</b> 0	<b>Upstream Mh:</b>
<b>Book Page Parcel:</b> 058200030158		<b>Downstream Mh:</b>

**Project Location from Intersection: North of Kieley Pl**

<b>Y CLEANOUT TO BE CONSTRUCTED AT A POINT NO MORE THAN 10' INSIDE PROPERTY.</b>	<b>Y CONSTRUCT AS PER APPROVED PLAN</b>
	<b>N USE APPROVED TAP SADDLE</b>
	<b>Y COMBINED SEWER</b>
	<b>N SANITARY SEWER</b>
	<b>N STORM ONLY</b>
<b>N CLEANOUT TO BE CONSTRUCTED AT A POINT 10 OFF THE MAIN SEWER.</b>	<b>N EASEMENT ON FILE</b>

**COUNTY STREET OPENING PERMIT**  
**STATE STREET OPENING PERMIT**

<b>Y tee</b>	<b>N insert</b>		<b>For Inspection Call</b>
<b>N wye</b>	<b>N lateral</b>	<b>24 Size Main</b>	<b>Metro Sewer District of Greater Cincinnati - (513) 244-5537</b>
<b>N cutthole</b>	<b>N Force Main</b>	<b>6 Size Lateral</b>	<b>County Inspection for Force Mains - (513) 946-7852 or (513) 946-7854</b>

**307.00 feet in length from the main sewer with an end depth of 0 feet location on the North side of Easement, 10.00 feet East from 2nd manhole in Easement**

<b>Tap-In Fee:</b>	<b>\$0.00</b>
<b>Resolution Tap-In Fee:</b>	<b>\$0.00</b>
<b>Local Connection Fee*:</b>	<b>\$0.00</b>
<b>Additional Inspection:</b>	<b>\$0.00</b>
<b>Additional Fees:</b>	<b>\$110.00</b>
<b>TOTAL PERMIT FEES:</b>	<b>\$110.00</b>
<b>Receipt No:</b>	<b>T001022956</b>

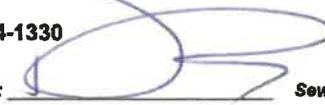
**TAP LEFT: N TAP RIGHT: Y**

**\*\*LOCAL CONNECTION FEES MAY BE PAID OVER 20 YEARS. 20 YEAR PAYMENT PLAN SELECTED (Y/N): N**

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**FOR ADDITIONAL INFORMATION CALL (513) 244-1330**

**Prepared By: PM**

**Issued By:** 

**Sewers Chief Engineer:**

**Reese Johnson**

**Misc Notes:**

**T001022956**  
**Relocating Lateral; insepction fee**

**NOTICE**

Tap-In Fees are subject to an annual adjustment, starting January 1, 2002 and each subsequent year thereafter, in accordance with the Rules & Regulations. When an application is made for new permit, the difference between the current tap-in fee and a previously paid tap-in-fee must be paid, due to the expiration of an existing permit, except that no refund will be offered if the annual adjustment results in a reduction of the tap-in-fee. (EXAMPLE: current year fee - previously paid fee = Difference to be paid for permit requests during the current calendar year.)

**Permit No: M000068741**



**Printed on: 02/13/2025**



# RECEIPT

**RECEIPT ONLY - THIS IS NOT A PERMIT**

Record Information	
Total Fee:	110.00
Total Paid:	110.00
Balance Due:	0.00

**RECEIVED FROM:**

SMITHCORP, INC.  
 130 NOVNER DRIVE  
 CINCINNATI, OHIO 45215  
 BRYAN GESSNER - TAPPER  
 513-582-1818 (BRYAN GESSNER)

**SEWER TAPPER**

SMITHCORP, INC.  
 130 NOVNER DRIVE  
 CINCINNATI, OHIO 45215  
 BRYAN GESSNER - TAPPER  
 513-582-1818 (BRYAN GESSNER)

**RECORD NUMBER:** M000068741  
**ADDRESS:** 900 KIELEY PL  
**RECORD TYPE:** HMSDTAP1      MSD Sewer Tap Permit  
**SUB TYPE:** CALT                      COM Alteration  
**DESCRIPTION:**

**TRANSACTION DATE:** February 13, 2025  
**TOTAL PAYMENT:** 110.00  
**TRANSACTION ID:** T001022956

**TRANSACTION LIST**

<u>TYPE</u>	<u>METHOD</u>	<u>CHECK NO.</u>	<u>NOTATION</u>	<u>AMOUNT</u>
Payment	Check	5151		110.00
<u>FEE ITEM</u>	<u>DESCRIPTION</u>	<u>ACCOUNT CODE</u>		<u>AMOUNT</u>
6130	Sewer Inspections	701-400-0000-8858		110.00
			<b>TOTAL:</b>	<b>110.00</b>

**RECEIPT ISSUED BY:** PMADAR                      **INITIALS:** PM                      **PRINTED:** 02/13/2025  
**PAYMENT DATE:** 02/13/2025                      **PAYMENT TIME:** 12:14:06 pm                      **RECEIPT NO.:**



Submit to: [MSDTapPermits@cincinnati-oh.gov](mailto:MSDTapPermits@cincinnati-oh.gov)  
1600 Gest St. 45204  
(513)244-1330

# Sewer Tap Permit Application

Project Address: 900 KIELEY PLACE. Date: FEB. 12, 2025  
Property Owner: Hilltop Companies  
Licensed Tapper: JAY SMITH SMITHCORP, INC. MSD Tapper License #: MT00011450  
Tapper Email/Fax: JAY.SMITH@SMITHCORP.COM Tapper Phone: 513.582.9062

### New Construction / Connection

- Building Permit #: \_\_\_\_\_
- Site Utility Plan
- Water Meter Documentation - Size: \_\_\_\_\_
- Sewer Tap Permit Fee: \$ \_\_\_\_\_

### Repair / Replace / Extend / Modify / Cap

- Description of Work INSTALL NEW 6" LATERAL
- Length of Repair 307 IF of REPLACEMENT

### Septic-to-Sewer Conversion

- Site Utility Plan
- Meter Size Documentation
- Clear Water Affidavit
- Sewer Tap Permit Fee (Residential): \$480
- Septic Abandonment Permit
- Sewer Tap Permit Fee (Commercial):  
\$ \_\_\_\_\_ meter size: \_\_\_\_\_

### Dry Tap

- Building Permit - Permit #: \_\_\_\_\_
- I understand that no connection to the structure is allowed under this permit. A full application and sewer tap permit fee are required for final connection. Initials: \_\_\_\_\_
- Site Utility Plan

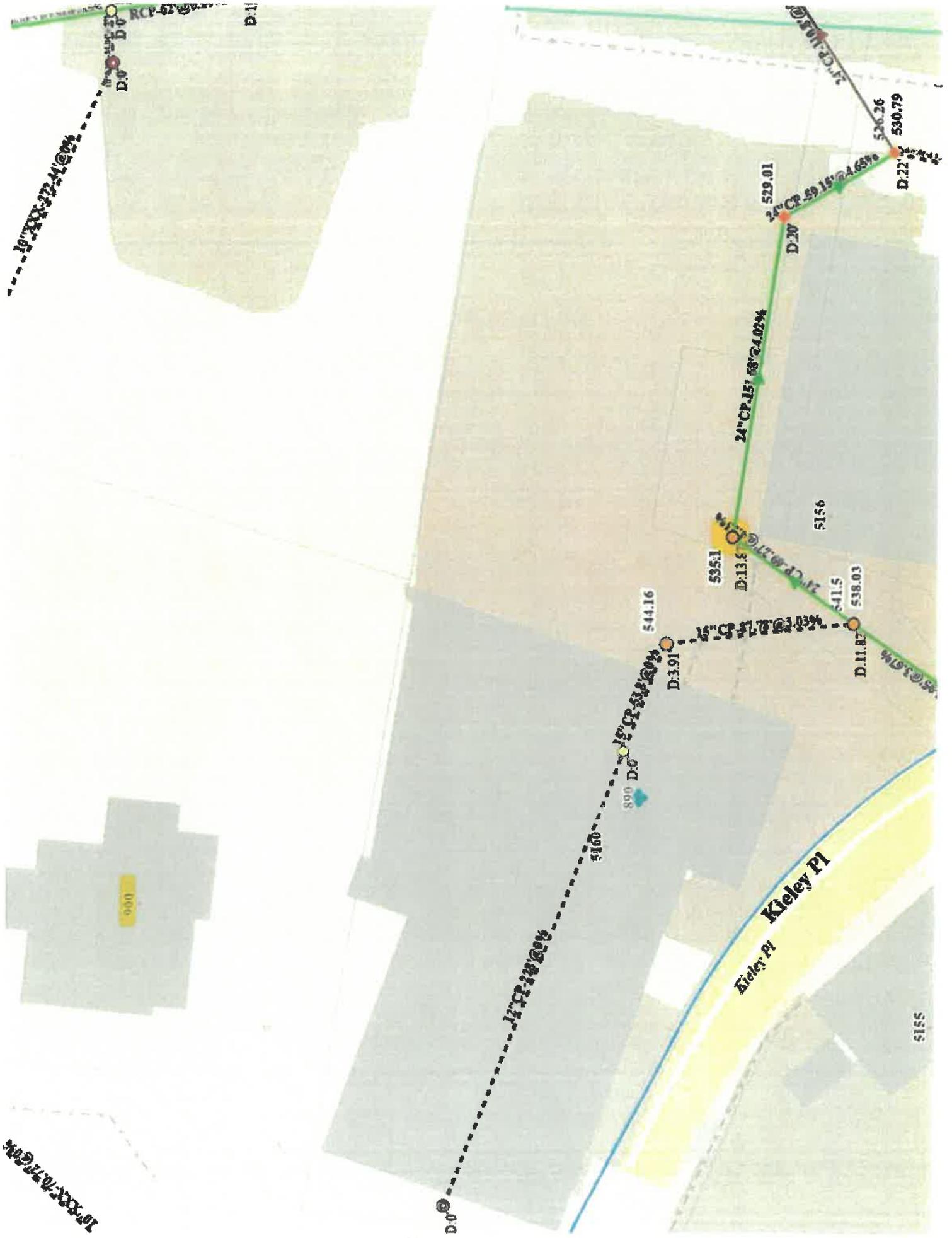
### Storm to Combined

- Site Utility Plan
- Building Permit - Permit #: \_\_\_\_\_

### Additional Submittals

- Street Opening Permit
- Plumbing Permit for Pumped Laterals
- State Street Permit
- FOD for Abandoned Meter
- Easement/Maintenance Agreement
- Availability Approval #: \_\_\_\_\_

Notes:



RCP-02

D-11

900

S156

S41.5

S38.03

S155

Kieley Pl  
Kieley Pl

10°33'27.41" @ 100.00'

D-00

890 D-0

S160

S44.16

D-3.91

S35.1

D-11.8

D-11.87

S38.03

S41.5

24°CR.15' @ 84.02'

D-20

S29.01

24°CR.59.15' @ 4.659'

S30.26

S30.79

D-22

10°33'27.41" @ 100.00'





## **VILLAGE OF ST. BERNARD**

110 Washington Avenue, St. Bernard, Ohio 45217  
Phone: (513) 242-7770 • Website: [www.cityofstbernard.org](http://www.cityofstbernard.org)

**PLANNING COMMISSION CASE NO: 03-002-2026**

**PROPERTY ADDRESS: NA**

**PARCEL #: NA**

**APPLICANT: VILLAGE OF ST. BERNARD**

### **PROPOSED REQUEST:**

Staff is proposing a Zoning Code Text Amendment to repeal Chapter 1127 of the St. Bernard Zoning Ordinance titled "Hearing Examiner" in its entirety.

### **BACKGROUND INFORMATION**

The Village of St. Bernard established the Zoning Ordinance in October 1966. Chapter 1127 was passed by Ordinance 41-1978 on December 21, 1978. It does not appear to have received any updates since it was originally passed.

### **VILLAGE OF ST. BERNARD ZONING ORDINANCE**

The following are the applicable sections of the St Bernard Zoning Ordinance:

#### **Chapter 1127 Hearing Officer**

Please refer to Exhibit A for the redline version of the Current Zoning Ordinance

### **STAFF COMMENTS:**

Staff reviewed the current Ordinance and believes that the requirement for a Hearing Officer is duplicative to the other boards already established.

The listed roles of the Hearing Officer are virtually identical to the roles of the Zoning Administrator and the Board of Zoning Appeals.

Sections 1127.05 thru 1127.09 and 1127.11; 1127.15-1127.17 are all duties and actions which are currently taken by the Zoning Administrator.

Sections 1127.10, 1127.12, and 1127.18 are decision making responsibilities which are currently part of the policies and guidelines for the BZA.

Section 1127.19 Reconsideration is a role for the Common Pleas Court to review the facts of the case and make a determination. Under the current code, the Hearing Officer reviews himself.



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Section 1127.14 is the one part of the code that specifically refers to the Heritage Hill District, Chapter 1159, which should be maintained but within Chapter 1159. Refer to Exhibit B

### **NEIGHBOR COMMENTS:**

Staff has not received any comments at the writing of the Staff Report. The original Agenda was posted to the Village website fourteen (14) days prior to the meeting date. The Staff Report was posted a minimum of seven (7) days prior to the meeting date on the Village website.

There was no mailing related to this case.

### **MOTIONS**

**Motion to Approve:** "I make a motion that Planning Commission recommend that Council hold a public hearing and take final action to APPROVE the repeal of Chapter 1127 of the St. Bernard Zoning Ordinance titled "Hearing Officer" and add wording provided from 1127.14 to Chapter 1159.

**Motion to Deny:** "I make a motion that the Planning Commission recommend that Council hold a public hearing and take final action to DENY the repeal of Chapter 1127 of the St. Bernard Zoning Ordinance titled "Hearing Officer".



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### **EXHIBIT A:**

#### **CHAPTER 1127**

##### **Hearing Examiner**

- 1127.01 Purpose.**
- 1127.02 Creation and purpose.**
- 1127.03 Appointment and term.**
- 1127.04 Removal.**
- 1127.05 Qualifications.**
- 1127.06 Special Examiner - duties.**
- 1127.07 Powers.**
- 1127.08 Pre-hearing conference.**
- 1127.09 Request for hearing.**
- 1127.10 Examiner's decision.**
- 1127.11 Affected persons.**
- 1127.12 Quasi-judicial powers.**
- 1127.13 Freedom from improper influence.**
- 1127.14 Public hearing.**
- 1127.15 Village representative.**
- 1127.16 Notice.**
- 1127.17 Rules and regulations.**
- 1127.18 Examiner's findings.**
- 1127.19 Reconsideration.**
- 1127.20 Written decision.**

#### **CROSS REFERENCES**

South Vine Development District - see P. & Z. Ch. 1159



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### **1127.01 PURPOSE.**

(a) Recognizing four basic needs:

(1) The need to expedite the decision-making process on land planning decisions that must be made in order to protect the public interest, health, safety and general welfare in the process of redevelopment;

(2) The need to separate the application of regulatory controls to the land from planning;

(3) The need to better protect and promote the interests of public and private elements of the community; and

(4) The need to expand the principles of fairness and due process in public hearings.

(b) The purpose of this chapter is to provide a system of considering and applying regulatory devices which will best satisfy these needs.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.02 CREATION AND PURPOSE.**

The office of Hearing Examiner is hereby created. The Hearing Examiner shall act on behalf of the Village or of its agencies or departments or commissions or boards as he may be empowered to act by Council pursuant to ordinances passed from time to time.

**The Mayor has appointed BZA members and Planning Commission Members to conduct hearings. The purpose of the citizen boards fulfills 1127.01 and .02**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.03 APPOINTMENT AND TERM.**

The Mayor shall appoint the Hearing Examiner with the approval of Council under the terms of a contract to be approved by Council. The Mayor shall have the power to appoint special examiners with the approval of Council to serve under contract to conduct hearings of matters assigned to them by the Examiner.

**Each board has a policy and procedure which outlines appointments and terms. For the BZA, this is also outlined in Chapter 1131**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.04 REMOVAL.**

The Hearing Examiner may be removed from office at any time by the Mayor with the approval of an affirmative vote of not less than five members of Council. A special examiner shall serve for the duration of the term under the terms of a contract.

**Each board has a policy and procedure which outlines reasons for removal.**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.05 QUALIFICATIONS.**

The Examiner and any special examiner shall be appointed solely with regard to his or her personal qualifications for the duties of the office, and shall have such training or experience as will qualify the Examiner to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon the Examiner.

**Each member of the board has been selected based on their professional qualifications**

(Ord. 41-1978. Passed 12-21-78.)



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### **1127.06 SPECIAL EXAMINER - DUTIES.**

Any special examiner shall have the same powers and authority to conduct hearings and to otherwise dispose of matters assigned to him by the Examiner. In the event of the absence or the inability of the Examiner to act, the Mayor may designate a special examiner to have all the duties and powers of the Examiner.

**The Zoning Administrator conducts the hearings for each board with the board making the final decision or recommendation to Council**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.07 POWERS.**

The Examiner shall receive and examine the available information, conduct public hearings and prepare a record thereof, and enter findings and conclusions which contain a recommendation to Council or to any board or commission to which the Examiner is assigned hearing jurisdiction by ordinance passed by Council with respect to all matters assigned to the Hearing Examiner by ordinance adopted by Council.

**This role is being performed by the Zoning Administrator.**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.08 PRE-HEARING CONFERENCE.**

After the applicant has filed his application, he may at any time request a pre-hearing conference to be conducted by the Examiner or by a special examiner. Notice of the time, place and subject of the pre-hearing conference shall be sent by the Examiner to the applicant and to all persons whose names and addresses are listed in the application. The staff and the Village and any interested party may present recommendations and considerations at a pre-hearing conference. The applicant may request more than one pre-hearing conference. The Hearing Examiner may schedule a preliminary conference on his own initiative. At least one pre-hearing conference must be held prior to the Examiner's hearing.

**Staff is conducting pre-conference meetings with all applicants**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.09 REQUEST FOR HEARING.**

The Examiner's hearing shall be scheduled after the applicant requests a hearing. If the applicant fails to request a pre-hearing conference or a hearing within twelve months of filing, he shall be deemed to have abandoned his application.

**Staff has established a calendar which shows the meeting dates and deadlines. Each board has an application and process to request a hearing.**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.10 EXAMINER'S DECISION.**

The Examiner may act or recommend action, as his authority may be in each case, to grant or to deny the application, or to approve with such conditions, modifications and restrictions as the Examiner finds necessary to make the application compatible with the environment of the land to which the application relates and to carry out the objectives and goals of the



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Comprehensive Plan, the Zoning Ordinance, the Subdivision Code, the South Vine Development District Plan and other official policies and objectives of the Village.

Each board is making the determination as to the appropriateness of the application as opposed to one person.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.11 AFFECTED PERSONS.**

All applications filed for review by the Examiner shall contain an accurate list of the names and addresses of all property owners and occupants of property contiguous to the area affected by the application and within 200 feet of the area affected by the application.

This requirement is in place for each board as well.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.12 QUASI-JUDICIAL POWERS.**

The Examiner may exercise administrative powers and such quasi-judicial powers as may be granted by municipal ordinance.

The BZA is a quasi judicial board.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.13 FREEDOM FROM IMPROPER INFLUENCE.**

Individual Council members, municipal officials, or any other persons shall not interfere with or attempt to interfere with the Examiner or with any special examiner in the performance of his assigned duties.

Staff has implemented a Conflict of Interest clause for each board. Council acting in an inappropriate manner is addressed in their rules and regulations.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.14 PUBLIC HEARING.**

All applications for a permit for new construction in the South Vine Development District shall be filed with the Commissioner of Buildings. If the Commissioner finds that the application meets the requirements as to form and the rules of the Examiner, he shall forthwith transmit it to the Examiner. Before rendering a report and recommendation on any application, the Examiner shall hold at least one public hearing thereon. Any application shall be accompanied by a fee based upon a schedule approved by Council.

Staff has created an amendment which is ready for the Planning Commission review at this meeting to edit this statement and add it to the Heritage Hill District regulations in Chapter 1159 if the board wants to maintain this clause. Staff believes that it should be included.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.15 VILLAGE REPRESENTATIVE.**

When an application has been set for public hearing, a representative of the Village administration may present evidence or submit a written report to the Hearing Examiner for



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consideration. Any written reports from any department to the Hearing Examiner shall be public record and available for inspection and copying by all parties to the proceeding.

**Staff is responsible for presenting the issues to both boards. Staff creates the written reports and provided the to the boards and to council for awareness.**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.16 NOTICE.**

Notice of the time and place of the public hearing shall be given to the applicant, to all Village departments, and to all persons who own or occupy real estate that is contiguous to or is within 200 feet of the area covered by the application. The notice shall be by ordinary first class mail. Notice given by the Examiner shall include notice of the fact that subsequent hearings shall take place before Council or before the Hearing Examiner. The notice of the fact that subsequent hearings shall or may take place shall include the place where the subsequent hearings will be held, the name, address and telephone number of the Examiner, and a statement that all persons who advise the Examiner of a desire to be notified of later hearings will be notified by first class mail. The notice issued by the Examiner for the Examiner's hearing shall serve as a notice of subsequent hearings held by Council, by the Planning Commission, or by any other board or commission on whose behalf the Hearing Examiner is directed to act by municipal ordinance, except that the applicant and those persons who request notice shall be mailed a notice ten days before the subsequent hearings.

**Staff has posted the hearing dates for each board to the village website. Staff made part of the procedure that residents within 200 feet will be notified by mail of any hearing.**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.17 RULES AND REGULATIONS.**

The Examiner shall have the power to prescribe rules and regulations for the conduct of hearings before him, and also to issue summons for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Examiner.

**Rules and regulations have been developed and approved by each board**

(Ord. 41-1978. Passed 12-21-78.)

### **1127.18 EXAMINER'S FINDINGS.**

When the Examiner renders a decision or recommendation, he shall make and enter findings from the record and conclusions therefrom which support his decision. The findings and conclusions shall set forth and demonstrate the manner in which the decision recommended carries out and helps to implement the goals and objectives of the Comprehensive Plan, the Zoning Ordinance, the Subdivision Code, the South Vine Development District plan, and other official policies and objectives of the Village, and that the granting of the request for which application is made will not be unreasonably incompatible with or detrimental to the affected properties and to the general public.



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Staff maintains a record of the meetings and in the case of the BZA issues a notice of decision. In the case of the PC the findings are presented to council when a recommendation is made and a notice of decision is provided when the PC has final say.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.19 RECONSIDERATION.**

Any aggrieved person feeling that the decision of the Examiner is based upon errors of procedure or of fact may make a written request for review by the Examiner within fourteen days of the mailing of the decision. This request shall set forth the alleged errors, and the Examiner may, after a review of the record, take such further action as he deems proper, and may render a revised decision. Council may direct the Examiner to hold a reconsideration hearing.

In terms of the BZA, the applicant or any aggrieved party has the right to appeal the decision to the Court of Common Pleas. This is an independent review not relying on the same person to reconsider their decision.

In terms of PC, the board makes a recommendation and Council has the final decision after having two public meetings, ample time for affected persons to appeal to council.

(Ord. 41-1978. Passed 12-21-78.)

### **1127.20 WRITTEN DECISION.**

Within five days of the conclusion of the hearing, the Examiner shall render a written decision and shall transmit a copy of his decision by ordinary first class mail to the applicant and to other affected persons. At the expiration of the fourteen-day period provided for a rehearing, or within five days of the conclusion of the rehearing if one is conducted, the Examiner shall file his decision, together with the recommended implementary resolution, if required, with the Clerk of Council, who shall set it on the Council calendar.

Written decisions are issued by the BZA. The Applicant is notified in writing of the decision

(Ord. 41-1978. Passed 12-21-78.)



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### **EXHIBIT B**

- 1159.01** Scope.
- 1159.02** Purpose.
- 1159.03** Applicability of district.
- 1159.04** Use regulations.
- 1159.05** **Development standards.**
- 1159.06** Residential lot requirements.
- 1159.07** Site layout criteria.
- 1159.08** Building setbacks.
- 1159.09** Site layout and building configuration.
- 1159.10** Pedestrian and vehicular access and circulation.
- 1159.11** Parking.
- 1159.12** Building design.
- 1159.13** Scale and massing.
- 1159.14** Architectural details.
- 1159.15** Exterior construction materials.
- 1159.16** Colors.
- 1159.17** Variation of materials and colors on facades.
- 1159.18** Signage
- 1159.19** Lighting.
- 1159.20** Landscaping.
- 1159.21** Public facilities.
- 1159.22** Definitions.
- 1159.23** Review procedure.

### CROSS REFERENCES

Hearing Examiner authority - see P. & Z. [1127.10](#), [1127.14](#)  
Division into districts; boundaries; Map - see P. & Z. Ch. [1141](#)



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### 1159.01 SCOPE

- (a) To replace in its entirety Chapter [1159](#) of the Zoning Code.
- (b) The provisions of this Chapter supersede any provisions that may be in conflict with the remainder of the Zoning Code. (Ord. 32-2011. Passed 6-2-11.)

### 1159.02 PURPOSE.

Heritage Hill District (HHD) is established in order to impose specific design criteria for both rehabilitation and new construction projects within the Heritage Hill District of St. Bernard. Therefore the purposes of this chapter are to:

- (a) Ensure that new development in the Heritage Hill District shall conform to the Village's general plans for the physical development of this district
- (b) Guide development and redevelopment in the Heritage Hill District to protect and enhance the Village's image.
- (c) Ensure that new development and redevelopment respects the Village's historic qualities and resources through thoughtful and compatible design.
- (d) Provide the basis for consistency and objective decision-making by providing criteria and a review process to be used by the Zoning Administrator, Planning Commission, Streetscape Committee and Village Council when evaluating proposed development.
- (e) Provide standards for property owners, architects and contractors to aid in the preparation of appropriate plans.
- (f) Increase public awareness of the value of good design in the Village.
- (g) To create a more cohesive development pattern and density.
- (h) To strengthen the District by promoting redevelopment that enhances the visual and economic vitality of the District. (Ord. 32-2011. Passed 6-2-11.)

### 1159.03 APPLICABILITY OF DISTRICT.

All Vine Street properties designated OB-1, OB-2, R-3 on the official zoning map of the Village shall be subject to the regulations of this chapter.  
(Ord. 32-2011. Passed 6-2-11.)

### 1159.04 USE REGULATIONS.

All uses in the HHD shall be governed as listed in Schedule of Permitted Uses.  
(Ord. 32-2011. Passed 6-2-11.)

### 1159.05 DEVELOPMENT STANDARDS.

All applications for a permit for new construction in the South Vine Development District shall be filed with the Zoning Department. If the Zoning Department finds that the application meets the requirements as to form and the rules, the Zoning Department shall prepare the plans to be reviewed by Planning Commission for a public hearing according to the policies and procedures of the Planning Commission.



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All lots, buildings, and structures in the HHD shall comply with the standards set forth in this chapter.

(Ord. 32-2011. Passed 6-2-11.)





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**PLANNING COMMISSION CASE NO: 03-003-2026**

**PROPERTY ADDRESS: NA**

**PARCEL #: NA**

**APPLICANT: VILLAGE OF ST. BERNARD**

### **PROPOSED REQUEST:**

The applicant is proposing a Zoning Code Text Amendment to Chapter 1135.11 of the St. Bernard Zoning Ordinance titled "Property Maintenance Code- Right to Appeal"

### **BACKGROUND INFORMATION**

The Village of St. Bernard established the Zoning Ordinance in October 1966. The most recent update to Chapter 1131 appears to have been adopted in 1996. The code changes at that time only appear to have affected certain portions of the code.

### **VILLAGE OF ST. BERNARD ZONING ORDINANCE**

The following are the applicable sections of the St Bernard Zoning Ordinance:

Chapter 1135.11 Property Maintenance Code-Right to Appeal

Please refer to Exhibit A for the redline version of the Current Zoning Ordinance.

### **STAFF COMMENTS:**

The only change that is being requested currently is to 1135.11 Right to Appeal. The current code establishes a Property Maintenance Board under (b); establishes Board Membership under (c) establishes Voting requirements under (d); establishes a financial interest statement under (e); and establishes a records requirement under (f).

Staff eliminated the Property Maintenance Board established under (b) and granted the authority to hear appeals to the Board of Zoning Appeals. Staff eliminated the Board Membership as the BZA already has members who are appointed by the Mayor. Staff replaced (c) with a Procedure for filing an appeal.

Section (d), (e), and (f) were each eliminated as the substantive categories are each covered by either Chapter 1131 Board of Zoning Appeals or the Policies and Procedures of the BZA.



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### **NEIGHBOR COMMENTS:**

Staff has not received any comments at the writing of the Staff Report. The original Agenda was posted to the Village website fourteen (14) days prior to the meeting date. The Staff Report was posted a minimum of seven (7) days prior to the meeting date on the Village website.

### **MOTIONS**

**Motion to Approve:** "I make a motion that Planning Commission recommend that Council hold a public hearing and take final action to APPROVE the Zoning Ordinance amendment to Chapter 1135.11 of the St. Bernard Zoning Ordinance titled "Property Maintenance Code- Right to Appeal".

**Motion to Deny:** "I make a motion that the Planning Commission recommend that Council hold a public hearing and take final action to DENY the Zoning Ordinance amendment to Chapter 1135.11 of the St. Bernard Zoning Ordinance titled "Property Maintenance Code- Right to Appeal".



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### **EXHIBIT A:**

#### **ADMINISTRATION AND ENFORCEMENT**

- 1335.01 General.
- 1335.02 Validity.
- 1335.03 Existing structures.
- 1335.04 Enforcement authority.
- 1335.05 Duties and powers of Code Official.
- 1335.06 Condemnation.
- 1335.07 Notices and orders.
- 1335.08 Placarding.
- 1335.09 Building Code Officials.
- 1335.10 Violations and penalty.
- 1335.11 Right to appeal.**
- 1335.12 Demolition.

#### **DEFINITIONS**

- 1335.21 General.
- 1335.22 Applied meaning of words and terms.

#### **REGISTRATION/INSPECTIONS**

- 1335.23 Residential rental unit and institutional structure registration and fee required; application for and issuance of certificate of registration; revocation.
- 1335.24 Transfer of registration.
- 1335.25 Mandatory inspection of institutional structures and rental units.

#### **ENVIRONMENTAL REQUIREMENTS**

- 1335.31 General.
- 1335.32 Premises conditions.
- 1335.33 Exterior structure.
- 1335.34 Interior structure.

#### **LIGHT, VENTILATION AND SPACE REQUIREMENTS**

- 1335.41 General.
- 1335.42 Light.
- 1335.43 Ventilation.
- 1335.44 Dwelling unit limitations.



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### **1335.45 Space requirements.**

#### **PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

**1335.51 General.**

**1335.52 Required facilities.**

**1335.53 Toilet rooms.**

**1335.54 Plumbing fixtures.**

**1335.55 Water system.**

**1335.56 Sewage system.**

**1335.57 Storm drainage.**

#### **MECHANICAL AND ELECTRICAL REQUIREMENTS**

**1335.61 General.**

**1335.62 Heating facilities.**

**1335.63 Electrical facilities.**

**1335.64 Elevators, escalators and  
dumbwaiters.**

#### **FIRE SAFETY REQUIREMENTS**

**1335.71 General.**

**1335.72 Means of egress.**

**1335.73 Accumulations and storage.**

**1335.74 Fire resistance ratings.**

**1335.75 Fire protection systems.**

#### **FIRE WARNING SYSTEMS**

**1335.81 General.**

**1335.82 Early fire warning system required.**

**1335.83 Detectors required within private areas.**

**1335.84 Location of detectors within public (non private) areas.**

**1335.85 Retroactive requirements.**

#### **RESPONSIBILITIES OF PERSONS**

**1335.91 General.**

**1335.92 Sanitary conditions.**

**1335.93 Extermination.**

#### **CROSS REFERENCES**

Adoption of technical codes - see Ohio R.C. 731.231

Board of Health - see ADM. Ch. 147

Restoration of blighted premises - see ADM. Ch. 197



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Health, safety and sanitation - see GEN. OFF. Ch. 517

Junk and rubbish storage - see GEN. OFF. Ch. 523

Rat control - see GEN. OFF. Ch. 539

### ADMINISTRATION AND ENFORCEMENT

#### 1335.01 GENERAL.

(a) Title. These regulations shall be known as the Property Maintenance Code of the City of St. Bernard, hereinafter referred to as the Property Maintenance Code or "this code."

(b) Scope. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises as hereinafter provided, by:

(1) Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises now in existence;

(2) Fixing the responsibilities of owners, operators and occupants of all structures; and

(3) Providing for administration, enforcement and penalties.

(c) Intent. This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

(d) Other Regulations. The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

(e) Application of Building Code. Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the Building Code.

(f) Existing Remedies. The provisions in this code shall not be deemed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

(Ord. 31-2024. Passed 12-19-24.)

#### 1335.02 VALIDITY.

(a) Validity. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

(b) Saving Clause. This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. 31-2024. Passed 12-19-24.)

#### 1335.03 EXISTING STRUCTURES.



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As provided in Section 1335.01, this code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment or facilities.

(Ord. 31-2024. Passed 12-19-24.)

### **1335.04 ENFORCEMENT AUTHORITY.**

(a) Officer. It shall be the duty and responsibility of the code official to enforce the provisions of this code as herein provided.

(b) Jurisdiction. The Fire Chief or his authorized representative shall have concurrent jurisdiction, powers and duties, as the Code Official with respect to application and enforcement of Code Sections 1335.71 through 1335.75 “Fire Safety Requirements” and Code Sections 1335.81 through 1335.84 “Fire Warning Systems”.

(c) Relief from Personal Liability. Any code official, officer or employee who acts in good faith and without malice in the discharge of his duties of enforcement of this code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, he shall not be held liable for any costs in any action, suit or proceeding that may be instituted by him in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

(d) Official Records. An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the code official to maintain the integrity and security of such records.

(Ord. 31-2024. Passed 12-19-24.)

### **1335.05 DUTIES AND POWERS OF CODE OFFICIAL.**

(a) General. The code official shall enforce all the provisions of this code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

(b) Notices and Orders. The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the code requirements for the safety, health, and general welfare of the public.

(c) Inspections. In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing his duties under this code.

(1) Right of Entry. If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist with such interference.



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(2) Access by Owner or Operator. Every occupant of a structure or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

(d) Credentials. The code official or his authorized representative shall disclose proper credentials of his respective office for the purpose of inspecting any and all buildings and premises in the performance of his duties under this code.

(e) Coordination of Enforcement. Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of code officials so charged by the jurisdiction. Whenever, in the opinion of a code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other department, he shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders which it determines must be issued.

(f) Rule Making Authority. The code official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating accepted engineering practice involving public safety.

(g) Annual Report. At least annually, the code official shall submit to the chief authority of the jurisdiction a written statement of operations in the form and content as shall be prescribed by such authority.

(Ord. 31-2024. Passed 12-19-24.)

### **1335.06 CONDEMNATION.**

(a) General. When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this code and may be placarded and vacated. It shall not be re-occupied without the approval of the code official. Unsafe equipment shall be placarded and placed out of service.

(1) An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

(2) Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe



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equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

(3) A structure is unfit for human occupancy or use whenever the code official finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rodent infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because its location constitutes a hazard to its occupants or to the public.

(4) An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(b) Closing of Vacant Structures. If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause it to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(Ord. 31-2024. Passed 12-19-24.)

### **1335.07 NOTICES AND ORDERS.**

(a) Whenever the HIP Inspector determines that there has been a violation of any of the provisions of this Chapter, he shall give notice of the violation to the person responsible therefore and order compliance, as herein provided. The notice and order shall:

(1) Be put in writing on an appropriate form as the Department of Building, Planning and Development shall determine;

(2) Include a list of violations, refer to the sections and divisions violated and order remedial action which will effect compliance with the provisions of this Chapter;

(3) Specify a reasonable time within which to comply; and

(4) Be served on the operator, owner or occupant, personally, or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address or the building affected.

(b) Whenever a person violates or fails to comply with any of the provisions of this Chapter, the Building Code Official shall have the authority to impose an administrative penalty. The Building Code Official shall consider the following criteria in assessing an administrative penalty:

(1) The extent to which the person has benefited by the violation of this Chapter;

(2) The degree of harm to the public health, safety, welfare and aesthetics as a result of the violation of this Chapter;

(3) The recidivism of the person, including previous notices and orders to comply and previous enforcement action;



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(4) Good faith efforts of the person to remedy the violation of this Chapter; and  
(5) The duration of the violation after a notice and order to comply was served pursuant to this section.

(c) The imposition of an administrative penalty shall be accomplished only after a notice and order is provided to the occupant, operator or owner. Notice of a decision imposing an administrative penalty shall:

(1) Be put in writing on an appropriate form as the Department of Building, Planning and Development shall determine;

(2) State the basis for the administrative penalty, including the section of this Chapter that has been violated;

(3) Specify the date and manner by which the penalty must be paid; and

(4) Be served on the occupant, operator or owner personally, or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address or the dwelling affected.

(d) Notice to Owner or to Person or Persons Responsible. Whenever the code official determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, or whenever he has condemned any structure or equipment under the provisions of Section 1335.06, he shall give notice to the owner or the person or persons responsible therefore in the manner prescribed below. If he has condemned the property or part thereof, he shall give notice to the owner and to the occupants of his intent to placard and to vacate the property or to order equipment out of service.

(e) Form. Such notice prescribed in subsection (a) hereof shall:

(1) Be in writing,

(2) Include a description of the real estate sufficient for identification;

(3) Include a statement of the reason or reasons why it is being issued;

(4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and

(5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.

(f) Service. Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at his last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

(g) Service on Occupant. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property



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after non-compliance shall be stated. Owners or persons responsible for compliance shall vacate at the time set for correction of defects if there is failure of compliance.

(h) Penalties. Penalties for noncompliance of orders and notices shall be subject to the penalties set forth in Section 1335.10.

(i) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 31-2024. Passed 12-19-24.)

### **1335.08 PLACARDING.**

(a) Placarding of Structure. After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure to comply within the time given, the code official may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "Condemned as Unfit for Human Occupancy or Use", and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

(b) Prohibited Use. Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

(c) Removal of Placard. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

(Ord. 31-2024. Passed 12-19-24.)

### **1335.09 BUILDING CODE OFFICIALS.**

(a) Rules and Regulations. The Building Code Official is authorized to make and adopt rules and regulations and fix reasonable standards as may be necessary for the proper enforcement of the provisions of this Chapter and to carry out the intent thereof.

(b) Emergency Situation. Whenever the Building Code Official finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order stating the existence of the emergency and requiring that action be taken as he/she deems necessary to meet the emergency. The order shall be effective



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immediately. Any person to whom the order is directed shall comply therewith immediately, but, on petition to the Director of Community Development, shall be afforded a hearing as soon as possible. After the hearing, depending on his/her finding as to whether or not the emergency condition has been abated, the Director of Community Development shall continue the order in effect or modify or revoke it.

(c) Failure to Obey Order. In the event that the person to whom the order is directed neglects or refuses to obey the order, the Director of Community Development or a properly authorized employee of the Department of Community Development is hereby authorized to abate the emergency situation at the expense of the person in noncompliance with the order, and to collect any costs so incurred as authorized by law.

(Ord. 31-2024. Passed 12-19-24.)

### **1335.10 VIOLATIONS AND PENALTY.**

(a) Administrative Penalties. In addition to any criminal penalties that may be imposed pursuant to subsection (d) hereof, any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this Chapter shall be subject to following administrative penalties in accordance with the criteria stated in Section 1335.07 of this Chapter:

- (1) For a first offense, an administrative fine of up to \$100.00.
- (2) For a second offense, an administrative fine of up to \$500.00.
- (3) For a third offense, an administrative fine of up to \$1000.00.

(b) If a person, occupant, operator, owner or purchaser fails neglects or refuses to pay an administrative penalty within the time ordered pursuant to Section 1335.07 of this Chapter, then the Building Official shall so notify the St. Bernard Auditor. The St. Bernard Auditor shall certify the administrative penalty to the County Auditor. In addition to the administrative penalty, an interest rate equal to the current rate of interest charged by St. Bernard on special assessments shall be imposed by St. Bernard for the life of the administrative penalty, added to the administrative penalty, and collected as provided in this section. The St. Bernard Auditor shall then certify the amount of the administrative penalty, including interest, to the County Auditor. The County Auditor shall enter the amount on the tax duplicate of the County as a special assessment against the person's real estate at issue.

(c) Criminal Penalties. In addition to any administrative penalties that may be imposed pursuant to subsection (a) hereof, any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$1500.00 or imprisoned not more than thirty (30) days, or both, and shall, in addition to any other penalties within these maximum amounts, be subject to imposition of the following minimum mandatory penalties, which shall not be suspended or held in abeyance:

(1) A person, occupant, operator, owner or purchaser who has not previously been convicted of any violation of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$50.00.



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(2) A person, occupant, operator, owner or purchaser who has previously been convicted of one violation of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$200.00.

(3) A person, occupant, operator, owner or purchaser who has previously been convicted of two violations of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$350.00.

(4) A person, occupant, operator, owner or purchaser who has previously been convicted of three violations of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$500.00.

(d) Application of Prior Convictions. A conviction or convictions obtained prior to January 1, 2011 shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code.

(e) Continuing Violations. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(f) Strict Liability. The provisions of this Chapter are specifically intended to impose strict liability.

To prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued. (Ord. 31-2024. Passed 12-19-24.)

### **1335.11 RIGHT TO APPEAL.**

(a) Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board; provided that such person shall file in the office of the Board a written petition requesting such hearing and containing a statement of the grounds therefor within twenty days after the day the notice was served.

(b) Appeals Board. **The Board of Zoning Appeals is hereby designated as the appeals board for appeals related to Chapter 1335.** ~~In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a Property Maintenance Code Appeals Board, hereafter referred to as the Board, consisting of five members who shall be appointed by the chief executive of the jurisdiction.~~

(c) Procedure. **Any petition filed by an affected person shall follow the guidelines as outlined in Chapter 1131 titled Board of Zoning Appeal.**

~~(c) Board Membership. The Board shall consist of five residents and electors of the jurisdiction appointed by the chief executive including: one person skilled in real estate and~~



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~~property management for at least two years; one general contractor for at least three years; one registered architect or other professional person for at least three years; one citizen who is a renter for at least two years; and one citizen who is a homeowner for at least two years. The chief executive shall also appoint one member to act as chairman, who will serve one year. Each member shall have been a resident of the jurisdiction for at least one year prior to appointment. The renter member and the homeowner member will be asked to resign if their status as renter or homeowner is changed. The chief executive may appoint for a term of one year an alternate member of such Board in addition to the five members above provided for, who shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. Thereafter, all appointments shall be for periods of two years. Each member shall serve until his successor has been appointed. The code official shall appoint one member of his department who shall act as Secretary to the Board.~~

~~—(d) Vote. The Board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.~~

~~—(e) Financial Interest. A member of the Board shall not participate in any hearings or vote on any appeal in which he has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which he has any personal interest.~~

~~—(f) Records. The Secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis of each decision made by the Board.~~

(Ord. 31-2024. Passed 12-19-24.)



**St. Bernard Planning Commission**  
**December 4, 2025**  
**6:00 p.m.**  
**MEETING MINUTES**

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The Planning Commission was called to order at approximately 6:00 p.m. by Mr. Fraley. The Pledge of Allegiance was recited.

Upon call of the roll, members in attendance were Mr. Benjamin Fraley, Ms. Taylor Vogt, Ms. Kelly Valerius, Mr. Jonathon Stuchell and Mr. Mark Wendling. Also, in attendance was Andrew Schweier, Zoning Administrator.

Mr. Fraley reviewed the hearing procedures and performed a group swearing in.

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Mr. Fraley called for the first case.

Staff read the conflict-of-Interest statement. No conflicts were noted. Commissioner Fraley made a motion and Commissioner Vogt seconded the motion. The motion was passed unanimously.

Staff presented case 11-005-2025, a zoning text amendment request to amend Chapter 1131 of the St Bernard Zoning Ordinance titled "Board of Zoning Appeals".

Staff provided the background information listed in the staff report.

Staff highlighted that changes were made to change wording from Zoning Inspector to Zoning Administrator. Staff advised that some additional changes would occur within 1131.05 regarding the definitions.

Staff specifically addressed that Use Variances in 1131.05 were being eliminated from the code. Staff spoke about 1131.05.3 Variance Conditions Prevailing, a new section which is a guide to the BZA on how to make decisions. Section C of the same section Variances Findings of the Board instituted the seven standards (Duncan Standards).

Staff advised that the biggest question remaining was the application fee for the BZA in 1131.03. Staff advised that the current fee is \$15. Staff advised that we are moving to Hamilton County for building review, so the thought was to follow the Hamilton County Fee structure. Staff advised that the residential fee is \$193 but Commercial starts around \$1,000. Staff believed that amount was too much. It is written as \$200 but the option is the boards.

Staff concluded the presentation.

Commissioner Vogt asked about sections that appeared to be eliminated. Staff explained that most all of the sections were simply merged into other sections, not totally eliminated.

Staff addresses a question from Commissioner Valerious about the "him/his" language. Staff advised that they would address the language to him her or Zoning Administrator.

Commissioner Fraley asked for anyone wishing to speak in favor. No one rose. Commissioner Fraley asked for anyone against, there was no to speak against. The public portion was closed.

Commissioner Fraley advised that he believed that it was appropriate to increase the fee too \$200 for residential, he did not have a strong opinion on the commercial aspect.

Commissioner Wendling expressed his belief that it would be easier to have a flat fee versus the staff having to figure out the actual rate. That would also make it clear to applicants what the rate would be.

Commissioner Fraley advised that he was okay with the flat fee but was concerned with the potential for a larger project where that fee would not be enough to cover work required by staff.

Commissioner Vogt stated that she agreed that the flat fee for the residential was appropriate. She stated she thought that a different tier for commercial over \$100,000 would be a larger fee established by Hamilton County Fee Schedule.

Commissioner Valerious made a motion that Planning Commission recommend Council hold a hearing to approve the changes to Chapter 1131. Seconded by Commissioner Fraley. The motion passed unanimously.

#### Old Business

A motion was made by Commissioner Fraley and seconded by Commissioner Valerious to approve November Minutes. A roll call vote was taken and the motion passed unanimously.

#### Miscellaneous

No meeting in January as no new cases were submitted.

Staff advised that the first BZA case had been scheduled for December 8 in regards to a fence for P&G.

Mayor Stuchell asked about two other potential BZA cases on Kieley. Staff advised that Rumpke is ready to submit requests for demo and new plans for maintenance.

Hilltop had asked about a hearing officer which is in the code, but the village does not have so one would have to be appointed or it goes to BZA.

WOW Window was awaiting completion of the sale to move forward. Commissioner Wendling advised that he was on a tour with them and they are excited to move forward.

Commissioner Vogt asked about the re development of Vine Street and how zoning would interact. Staff advised that as plans became final, staff would make sure that zoning matched the plans. Staff advised that the parking was one of the areas of concern.

Commissioner Vogt asked about the commercial/ retail portions of the district. Staff advised that definitions have been re written and are mostly complete. Staff believes that the definitions are critical because they define the business and what is a permitted use. Staff has created a Use Chart which then defines permitted, accessory or conditional uses and where each business is permitted or not permitted. Those businesses/ uses could change but staff believes that we are in a good place currently.

A motion was made and seconded to Adjourn. All voted in favor. The meeting was closed.

Respectfully submitted,

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Benjamin Fraley, Chairman

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Andrew Schweier, Secretary





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**PLANNING COMMISSION CASE NO: 12-005-2025**

**PROPERTY ADDRESS: NA**

**PARCEL #: NA**

**APPLICANT: VILLAGE OF ST. BERNARD**

### **PROPOSED REQUEST:**

The applicant is proposing a Zoning Code Text Amendment to Chapter 1131 of the St. Bernard Zoning Ordinance titled "Board of Zoning Appeals"

### **BACKGROUND INFORMATION**

The Village of St. Bernard established the Zoning Ordinance in October 1966. The most recent update to Chapter 1131 appears to have been adopted in 1996. The code changes at that time only appear to have affected certain portions of the code.

Staff worked with outside legal counsel to review the current code and the proposed changes which are presented to you tonight.

### **VILLAGE OF ST. BERNARD ZONING ORDINANCE**

The following are the applicable sections of the St Bernard Zoning Ordinance:

#### **Chapter 1131. Board of Zoning Appeals**

Please refer to Exhibit A for the redline version of the Current Zoning Ordinance

### **STAFF COMMENTS:**

Staff reviewed the current Ordinance and determined that certain updates were needed to bring the code into compliance with current state law and some sections needed to be updated for better organizational purposes.

Staff has changed wording throughout the code from Zoning Inspector to Zoning Administrator. As staff did with the Planning Commission, Staff has become the Secretary of the Board in order to take accountability for documenting the actions of the board and posting meeting notices, etc. Staff also added wording to allow the Mayor to appoint alternates to the board so that the board can continue to function in case of absences or conflicts of interest.

Staff notes that there will be changes to Section 1131.05.1 as the Zoning Code undergoes additional changes. Those changes cannot be made until other text amendments are presented and approved.



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Staff notes that there are some significant changes to bring to the Commissions attention:

Staff is eliminating the BZA's ability to approve "Use Variances" in 1131.05. Staff and legal council had multiple discussions on this topic. Staff and legal council agreed that the elimination of Use Variances is the appropriate step forward for the code. Staff is working to revise the zoning code, add a "Permitted Use Chart" and properly align uses within each district. The Planning Commission and ultimately Council will approve those recommendations. Staff does not believe that allowing the BZA to change those regulations is in the best interest of the Village. The BZA will retain the ability, at this time, to review if a proposed use is similar enough in nature to an approved use to allow the proposed use in a zoning district.

Language was added under 1131.05 Decisions which originally included use variance language. Staff and Legal Counsel agreed that use variances should not be permitted so the language was removed. The primary focus of the original language was to add a time frame for the approved variances to be implemented.

Staff views the changes to Section 1131.05.3 as the most significant changes made to the code. Section B "Variance Conditions Prevailing" provides the outline by which the BZA is guided in making a decision to approve a variance request. Requests are based on hardships and or practical difficulty to comply with the code due to existing land conditions. The current code does not contain these provisions.

Section C "Variance Findings of the Board" has been amended to meet the current legal requirements of the State of Ohio. The State established the seven requirements, known as the Duncan Standards, and the courts have made clear that upon an appeal to the courts, these are the factors that the courts will review to determine if a proper decision was made by the BZA. The Board currently uses three factors for consideration. Staff has made the changes to the code to reflect the requirements established by the State. Staff also added language in this section eliminating use variances being approved by the BZA

Staff believes that the only outstanding issue that must be addressed is in Section 1131.03 "Hearings, Appeals and Notices". The current application fee for the BZA is a minimum of \$15.00. Staff believes that this amount is inadequate. The options before Planning Commission are to allow the adoption of the Hamilton County Fee structure or adopt a flat fee of \$200.

Staff's original thought was to adopt the Hamilton County fee structure. The Village currently uses this fee structure to establish fees for all building permits and zoning permits to a degree. The BZA fee for residential requests starts at \$193.00. The fee can increase based on various factors as staff understands the structure. The fee for a commercial request begins at over \$1,000.00 and could increase. Staff has reservations about that cost.



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The proposed \$200.00 fee would apply to residential and commercial alike. It is in line with the Hamilton County fee structure used through out the county. The \$200 fee is also consistent with jurisdictions outside of Hamilton County.

Staff is happy to answer any other questions which have not been specifically addressed.

Please refer to Exhibit B to see how the proposed text amendment would read without the strike throughs and changes outlined in red.

If the proposed changes are adopted, Staff has a BZA Procedure manual ready to present to the BZA for approval.

### **NEIGHBOR COMMENTS:**

Staff has not received any comments at the writing of the Staff Report. The original Agenda was posted to the Village website fourteen (14) days prior to the meeting date. The Staff Report was posted a minimum of seven (7) days prior to the meeting date on the Village website.

### **MOTIONS**

Motion to Approve: "I make a motion that Planning Commission recommend that Council hold a public hearing and take final action to APPROVE the Zoning Ordinance amendment to Chapter 1131 of the St. Bernard Zoning Ordinance titled "Board of Zoning Appeals".

Motion to Deny: "I make a motion that the Planning Commission recommend that Council hold a public hearing and take final action to DENY the Zoning Ordinance amendment to Chapter 1131 of the St. Bernard Zoning Ordinance titled "Board of Zoning Appeals".



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### **EXHIBIT A:**

This is what was presented to Legal Counsel for review. Items in black reflect the current code language. Items in red are the proposed changes to the code, mainly for new language. Items in blue were my explanation to Legal Counsel why the change was being proposed. Items which have been struck thru have been eliminated or moved to another portion of the code.

### CHAPTER 1131 Board of Zoning Appeals

- 1131.01 Appointment.
- 1131.02 Procedure.
- 1131.03 Hearings, Appeals, and Notices (combine .06 and .07)
- 1131.04 Stay of Proceedings
- 1131.05 Powers and Duties
- ~~1131.03~~ Quorum, etc. I think quorum goes 1131.09
- 1131.06 Decisions (from 1131.08 and possibly add in 1131.15 )
- 1131.07 Quorum
- 1131.08 Assistance from other departments.
- 1131.09 Applications.
- ~~1131.06~~ Appeals. Move to 1131.03
- ~~1131.07~~ Hearings and fees. Move to 1131.03
- ~~1131.08~~ Decisions. Combined 1131.08
- ~~1131.09~~ Stay of proceedings. 1131.04
- ~~1131.10~~ Powers. Move to 1131.05
- 1131.10 Conditional uses.
- ~~1131.12~~ Interpretation of Zoning Map. Move to 1131.05.01
- ~~1131.13~~ Variances authorized. Move to 1131.05.03
- ~~1131.14~~ Variance: findings of the Board. Move to 1131.05.03
- ~~1131.15~~ Variances: Board may reverse orders, etc. 1131.06 Decisions (from 1131.08 and possibly add in 1131.15 )
- ~~1131.16~~ Administrative review. Move to 1131.05.04

#### CROSS REFERENCES

- Appeals from zoning decisions - see Ohio R.C. 713.11
- Definitions - see P. & Z. Ch. 1123
- Enforcement - see P. & Z. Ch. 1125



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### 1131.01 APPOINTMENT.

An Administrative board known as the Board of Zoning Appeals is hereby established created. Such The Board shall consist of five members who shall be appointed by the Mayor and vacancies shall be filled in the same manner for the unexpired term. One of these members shall be a member of the Planning Commission. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. The term of the member of the Planning Commission shall expire at the same time as his/her term on such Commission. Each member shall serve until his successor is appointed and qualified.

Alternate members may be appointed by the Mayor to serve in place of a member when such member notifies the Zoning Department that the member will be absent or unable to participate in a meeting. Alternate members shall be appointed to a five (5) year term Members of the Board shall serve without compensation and shall be citizens of St Bernard. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other causes, by the Mayor (Council) upon written charges having been filed with the Mayor (Council) and, after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing either personally or by registered mail or by leaving the same in his usual place of residence. The the member shall be given an opportunity to be heard and answer such charges.

I believe that this should be adopted as part of the Boards policy/Procedure not part of the code. If it remains part of the Code, then adopt language proposed in the new BZA Procedures.

(Ord. 12-1996. Passed 10-10-66.)

### 1131.02 PROCEDURE.

The Board of Zoning Appeals shall organize and adopt rules for its own governance government in accordance with this Zoning Ordinance. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Secretary of the Board in the office of the Clerk of Council and shall be a public record.

Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Vice Chairman, may administer oaths and the Board may compel the attendance of witnesses.

All meetings of the Board shall be open to the public. (Ord. 12-1996. Passed 10-10-66.)

### 1131.03 Hearings, Appeals, and Notices

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Administrator Inspector. Such appeal shall be taken within twenty (20) days after the Zoning authorities' decision or



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**interpretation**, by filing with the Zoning **Administrator Inspector** and with the Board a notice of appeal specifying the grounds thereof. **The Appeal shall be filed on forms as prescribed by the Board.** The Zoning **Administrator Inspector** shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the application or appeal, give at least ten (10) days notice, in writing, to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing and decide the same within a reasonable time after it is submitted. At the hearing any party may appear in person or by an attorney.

Each application or appeal shall be accompanied by a check payable to the Treasurer of the Village of St. Bernard, Ohio, or a cash payment **as determined by the Hamilton County Fee Schedule OR a fee of \$200.** ~~sufficient in amount to cover the cost of publishing and mailing the notices of the hearing, but in no event shall it be less than fifteen dollars (\$15.00).~~

~~I think if we go with the Hamilton County fee schedule, which we use already for other things, we don't have to adjust our code in future years. The county fee for residential is 193, but Commercial it starts at over \$1000.~~

(Ord. 12-1996. Passed 10-10-66.)

### 1131.04 STAY OF PROCEEDINGS

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning **Administrator Inspector** certifies to the Board of Zoning Appeals after notice of appeal shall have been filed with him, that by reasons of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, in due cause shown, be granted by the Board on application after notice to the Zoning **Administrator Inspector**, or by judicial proceedings.

### 1131.05 POWERS AND DUTIES

**1131.05.1 GENERAL:** The powers of the Board of Zoning Appeals shall be:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Ordinance;
- (b) To authorize, on appeal, variances as defined in Section 1123.82;
- (c) To grant a zoning certificate for conditional uses as hereinbefore specified and as defined in Section 1123.17;
- (d) To interpret the provision of this Zoning Ordinance as provided in Chapter 1141;
- (e) To authorize or prohibit additional uses as provided in Chapter 1171;
- (f) To permit the extension and/or substitution of a nonconforming use as provided in Chapter 1189;
- ~~(g) To permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Ordinance for the district in which it is located; provided that such use be of a~~



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~~temporary nature and does not involve the erection of a substantial structure, and further provided that a zoning certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve month period, subject to such conditions as will safeguard the public health, safety, convenience, comfort, prosperity and general welfare; and~~

~~This to me gets into a Use Variance which the code does not permit, and which I wish to continue. If you have other thoughts, please let me know~~

(h) Such other duties as may be necessary for the administration of the provisions of this Zoning Ordinance.

(Ord. 12-1996. Passed 10-10-66.)

### 1131.05.2 INTERPRETATION OF ZONING MAP.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board. In considering an interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures.

(Ord. 12-1996. Passed 10-10-66.)

### 1131.05.3 VARIANCES AUTHORIZED.

**A.** In authorizing a variance the Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and will be complied with.

(Ord. 12-1996. Passed 10-10-66.)

**B. Variance Conditions Prevailing:** Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of the property immediately adjoining the piece of property in question, the literal enforcement of the requirements would involve practical difficulty or would cause unnecessary hardship (unnecessary to carry out the spirit and purpose of this Ordinance) the Board shall have the power to authorize a variance from the terms of this ordinance, so as to relieve the hardship. In authorizing such variance, the Board may attach thereto such conditions necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to enforce the compliance with the conditions attached.



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**C. Variance Findings of the Board:** No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board of Zoning Appeals unless the Board finds that practical difficulties exist sufficiently to warrant a variance. ~~all of~~ In making this determination, the Board will consider the following factors ~~and conditions exists:~~

- i. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?
- ii. Is the Variance substantial?
- iii. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause substantial detriment to the adjoining properties?
- iv. Would the Variance adversely affect the delivery of government services?
- v. Did the property owners purchase the property with the knowledge of the zoning restriction?
- vi. Could the problem be solved in some other manner than granting the Variance?
- vii. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the Variance?

**No Use Variances shall be granted by the Board.**

~~—(a)—That there are exceptional or extraordinary circumstances applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district;~~

~~—(b)—That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity; and~~

~~—(c)—That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Zoning Ordinance or public interest.~~

~~—No grant of variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property for which variance is sought—one or the other or in combination—is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations~~

~~(Ord. 12-1966. Passed 10-10-66.)~~

[This is revised to the Duncan Standards](#)

### 1131.05.4 ADMINISTRATIVE REVIEW.

In considering an appeal from an alleged error in the administration of this Zoning Ordinance, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of this Zoning Ordinance that apply and the effect of the desired interpretation upon neighboring properties in the public interest. In exercising its power to review such an allegation, the Board may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirms wholly or partly, or may modify the order, decision or determination made and to that end shall have all powers of the officer from whom the appeal is taken.

(Ord. 12-1966. Passed 10-10-66.)



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### 1131.06 DECISIONS

The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning ~~Inspector~~ **Administrator**, to decide in favor of an applicant in any matter on which the Board has original jurisdiction under this Zoning Ordinance, or to grant any variance from the requirements stipulated in this Zoning Ordinance.

A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.

B. A ~~certified copy~~ **Notice** of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning ~~Inspector~~ **Administrator**. Such decision shall be binding upon the Zoning ~~Inspector~~ **Administrator** and observed by him, and he shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a certificate is authorized by the Board.

C. A decision of the Board shall ~~not~~ become final **upon** ~~until the expiration of five days from the date~~ **the findings of fact, conclusions of law, or the minutes are approved.** ~~such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.~~

D. Any party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Hamilton County **as provided based on Ohio Law.** ~~on the ground that the decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeals.~~

### ~~1131.15 VARIANCES: BOARD MAY REVERSE ORDERS, ETC.~~

E. In exercising its power, the Board of Zoning Appeals may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

~~No order of the Board permitting the erection, or alteration of a building, (or the use of a building or premises) shall be valid for a period longer than twelve (12) months unless a building permit for such erection or alteration is obtained and the work has started within such period or, where no erection or alteration is necessary, the permitted use is established within such period.~~

~~Again, this leans to a Use Variance which we don't want to permit.~~

### ~~1131.03 QUORUM; VOTING.~~

### 1131.07 QUORUM

Three members of the Board of Zoning Appeals shall constitute a quorum. ~~The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, to decide in favor of an applicant in any matter on which the Board has original jurisdiction under this Zoning~~



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~~Ordinance, or to grant any variance from the requirements stipulated in this Zoning Ordinance. The lined out portion was added to [Decisions 1131.08](#) (Ord. 12-1996. Passed 10-10-66.)~~

### 1131.08 ASSISTANCE FROM OTHER DEPARTMENTS.

The Board of Zoning Appeals may call upon the Village departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.  
(Ord. 12-1996. Passed 10-10-66.)

### 1131.09 APPLICATIONS.

An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this Zoning Ordinance, may be taken by any property owners including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning ~~Administrator~~ **Inspector** who shall transmit the same to the Board.  
(Ord. 12-1996. Passed 10-10-66.)

### ~~1131.06 APPEALS.~~

~~An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.  
(Ord. 12-1996. Passed 10-10-66.)~~

### ~~1131.07 HEARINGS AND FEES.~~

~~—(a) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the application or appeal, give at least ten days notice, in writing, to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Village at least ten days before the date of such hearing and decide the same within a reasonable time after it is submitted. At the hearing any party may appear in person or by an attorney.  
—(b) Each application or appeal shall be accompanied by a check payable to the Treasurer of the Village of St. Bernard, Ohio, or a cash payment sufficient in amount to cover the cost of publishing and mailing the notices of the hearing, but in no event shall it be less than fifteen dollars (\$15.00).  
(Ord. 12-1996. Passed 10-10-66.)~~

### ~~1131.08 DECISIONS.~~

~~—(a) The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.~~



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~~—(b) A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a certificate is authorized by the Board.~~

~~—(c) A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.~~

~~—(d) Any party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Hamilton County on the ground that the decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeals.~~

~~(Ord. 12 1996. Passed 10 10 66.)~~

### 1131.09 STAY OF PROCEEDINGS:

~~An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals after notice of appeal shall have been filed with him, that by reasons of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, in due cause shown, be granted by the Board on application after notice to the Zoning Inspector, or by judicial proceedings.~~

~~(Ord. 12 1996. Passed 10 10 66.)~~

### 1131.10 POWERS:

The powers of the Board of Zoning Appeals shall be:

~~—(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Ordinance;~~

~~—(b) To authorize, on appeal, variances as defined in Section 1123.82;~~

~~—(c) To grant a zoning certificate for conditional uses as hereinbefore specified and as defined in Section 1123.17;~~

~~—(d) To interpret the provision of this Zoning Ordinance as provided in Chapter 1141;~~

~~—(e) To authorize or prohibit additional uses as provided in Chapter 1171;~~

~~—(f) To permit the extension and/or substitution of a nonconforming use as provided in Chapter 1189;~~

~~—(g) To permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Ordinance for the district in which it is located; provided that such use be of a temporary nature and does not involve the erection of a substantial structure, and further provided that a zoning certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience, comfort, prosperity and general welfare; and~~



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~~(h) Such other duties as may be necessary for the administration of the provisions of this Zoning Ordinance.~~

~~(Ord. 12-1996. Passed 10-10-66.)~~

### 1131.10 CONDITIONAL USES.

In considering an application for a conditional use, the Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures, and in authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Zoning Ordinance for the particular conditional use - as the Board may deem necessary for the protection of the public health, safety, convenience, comfort, prosperity and general welfare and for the protection of adjacent properties.

(Ord. 12-1996. Passed 10-10-66.)

### 1131.12 INTERPRETATION OF ZONING MAP.

~~Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board. In considering an interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures.~~

~~(Ord. 12-1996. Passed 10-10-66.)~~

### 1131.13 VARIANCES AUTHORIZED.

~~In authorizing a variance the Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and will be complied with.~~

~~(Ord. 12-1996. Passed 10-10-66.)~~

### 1131.14 VARIANCES: FINDINGS OF THE BOARD.

~~No such variance shall be authorized by the Board of Zoning Appeals unless the Board finds that all of the following facts and conditions exists:~~

~~—(a) That there are exceptional or extraordinary circumstances applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district;~~



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~~—(b) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity; and~~

~~—(c) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Zoning Ordinance or public interest.~~

~~—No grant of variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property for which variance is sought—one or the other or in combination—is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.~~

~~(Ord. 12-1966. Passed 10-10-66.)~~

### 1131.15 VARIANCES: BOARD MAY REVERSE ORDERS, ETC.

~~In exercising its power the Board of Zoning Appeals may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.~~

~~(Ord. 12-1966. Passed 10-10-66.)~~

### 1131.16 ADMINISTRATIVE REVIEW.

~~In considering an appeal from an alleged error in the administration of this Zoning Ordinance, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of this Zoning Ordinance that apply and the effect of the desired interpretation upon neighboring properties in the public interest. In exercising its power to review such an allegation, the Board may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirms wholly or partly, or may modify the order, decision or determination made and to that end shall have all powers of the officer from whom the appeal is taken.~~

~~(Ord. 12-1966. Passed 10-10-66.)~~



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### **EXHIBIT B**

## **CHAPTER 1131 Board of Zoning Appeals**

- 1131.01 Appointment.
- 1131.02 Procedure.
- 1131.03 Hearings, Appeals, and Notices
- 1131.04 Stay of Proceedings
- 1131.05 Powers and Duties
- 1131.06 Decisions
- 1131.07 Quorum
- 1131.08 Assistance from other departments.
- 1131.09 Applications
- 1131.10 Conditional uses.

### **CROSS REFERENCES**

Appeals from zoning decisions - see Ohio R.C. 713.11

Definitions - see P. & Z. Ch. 1123

Enforcement - see P. & Z. Ch. 1125



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### 1131.0 APPOINTMENT.

An Administrative board known as the Board of Zoning Appeals is hereby established. The Board shall consist of five members who shall be appointed by the Mayor and vacancies shall be filled in the same manner for the unexpired term. One of these members shall be a member of the Planning Commission. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. The term of the member of the Planning Commission shall expire at the same time as his/her term on such Commission. Each member shall serve until his successor is appointed and qualified. Alternate members may be appointed by the Mayor to serve in place of a member when such member notifies the Zoning Department that the member will be absent or unable to participate in a meeting. Alternate members shall be appointed to a five (5) year term. Members of the Board shall serve without compensation and shall be citizens of St Bernard. (Ord. 12-1996. Passed 10-10-66.)

### 1131.02 PROCEDURE.

The Board of Zoning Appeals shall organize and adopt rules for its own governance in accordance with this Zoning Ordinance. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed with the Secretary of the Board and shall be a public record.

Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Vice Chairman, may administer oaths and the Board may compel the attendance of witnesses.

All meetings of the Board shall be open to the public. (Ord. 12-1996. Passed 10-10-66.)

### 1131.03 Hearings, Appeals, and Notices

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the Zoning authorities' decision or interpretation, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Appeal shall be filed on forms as prescribed by the Board. The Zoning Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the application or appeal, give at least ten (10) days' notice, in writing, to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Village or by posting to the Village website at least ten (10) days before the date of such hearing and decide the same within a reasonable time after it is submitted. At the hearing any party may appear in person or by an attorney.

Each application or appeal shall be accompanied by a check payable to the Treasurer of the Village of St. Bernard, Ohio, or a cash payment as determined by the **Hamilton County Fee Schedule or \$200.**

(Ord. 12-1996. Passed 10-10-66.)



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### 1131.04 STAY OF PROCEEDINGS

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals after notice of appeal shall have been filed with him, that by reasons of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, in due cause shown, be granted by the Board on application after notice to the Zoning Administrator, or by judicial proceedings.

### 1131.05 POWERS AND DUTIES

**1131.05.1 GENERAL:** The powers of the Board of Zoning Appeals shall be:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Ordinance;
- (b) To authorize, on appeal, variances as defined in Section 1123.82;
- (c) To grant a zoning certificate for conditional uses as hereinbefore specified and as defined in Section 1123.17;
- (d) To interpret the provision of this Zoning Ordinance as provided in Chapter 1141;
- (e) To authorize or prohibit additional uses as provided in Chapter 1171;
- (f) To permit the extension and/or substitution of a nonconforming use as provided in Chapter 1189;
- (g) Such other duties as may be necessary for the administration of the provisions of this Zoning Ordinance.

(Ord. 12-1996. Passed 10-10-66.)

### 1131.05.2 INTERPRETATION OF ZONING MAP.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board. In considering an interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures.

(Ord. 12-1996. Passed 10-10-66.)

### 1131.05.3 VARIANCES AUTHORIZED.

A. In authorizing a variance the Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and will be complied with.

(Ord. 12-1996. Passed 10-10-66.)



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**B. Variance Conditions Prevailing:** by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of the property immediately adjoining the piece of property in question, the literal enforcement of the requirements would involve practical difficulty or would cause unnecessary hardship (unnecessary to carry out the spirit and purpose of this Ordinance) the Board shall have the power to authorize a variance from the terms of this ordinance, so as to relieve the hardship. In authorizing such variance, the Board may attach thereto such conditions necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to enforce the compliance with the conditions attached.

**C. Variance Findings of the Board:** No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board of Zoning Appeals unless the Board finds that practical difficulties exist sufficiently to warrant a variance. In making this determination, the Board will consider the following factors:

- i. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?
- ii. Is the Variance substantial?
- iii. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause substantial detriment to the adjoining properties?
- iv. Would the Variance adversely affect the delivery of government services?
- v. Did the property owners purchase the property with the knowledge of the zoning restriction?
- vi. Could the problem be solved in some other manner than granting the Variance?
- vii. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the Variance?

No Use Variances shall be granted by the Board.

(Ord. 12-1966. Passed 10-10-66.)

### 1131.05.4 ADMINISTRATIVE REVIEW.

In considering an appeal from an alleged error in the administration of this Zoning Ordinance, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of this Zoning Ordinance that apply and the effect of the desired interpretation upon neighboring properties in the public interest. In exercising its power to review such an allegation, the Board may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirms wholly or partly, or may modify the order, decision or determination made and to that end shall have all powers of the officer from whom the appeal is taken.

(Ord. 12-1966. Passed 10-10-66.)

### 1131.06 DECISIONS

The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Administrator, to



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decide in favor of an applicant in any matter on which the Board has original jurisdiction under this Zoning Ordinance, or to grant any variance from the requirements stipulated in this Zoning Ordinance.

A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.

B. A Notice of the Board's decision shall be transmitted to the applicant or appellant. Such decision shall be binding upon the Zoning Administrator and observed by him, and he shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a certificate is authorized by the Board.

C. A decision of the Board shall not become final upon the date the findings of fact, conclusions of law, or the minutes are approved.

D. Any party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Hamilton County as provided based on Ohio Law.

E. In exercising its power, the Board of Zoning Appeals may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months unless a building permit for such erection or alteration is obtained and the work has started within such period or, where no erection or alteration is necessary, the permitted use is established within such period.

### 1131.07 QUORUM

Three (3) members of the Board of Zoning Appeals shall constitute a quorum.  
(Ord. 12-1996. Passed 10-10-66.)

### 1131.08 ASSISTANCE FROM OTHER DEPARTMENTS.

The Board of Zoning Appeals may call upon the Village departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.  
(Ord. 12-1996. Passed 10-10-66.)

### 1131.09 APPLICATIONS.

An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this Zoning Ordinance, may be taken by any property owners including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit the same to the Board.  
(Ord. 12-1996. Passed 10-10-66.)

### 1131.10 CONDITIONAL USES.

In considering an application for a conditional use, the Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures, and in authorizing a conditional use, the Board may impose such requirements and conditions with



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respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Zoning Ordinance for the particular conditional use - as the Board may deem necessary for the protection of the public health, safety, convenience, comfort, prosperity and general welfare and for the protection of adjacent properties.  
(Ord. 12-1996. Passed 10-10-66.)

## 2025 BZA SCHEDULE OF FEES

CONDITIONAL USES	FEE
Conditional Uses	\$923.00 plus \$193.00 per acre pertaining to the area of the conditional use.
<b>MODIFICATIONS</b>	
Modifications to approved Conditional Uses	\$744.00

### VARIANCES AND APPEALS

VARIANCES	FEE
<b>RESIDENTIAL</b>	
Proposed improvements valued up to \$25,000	\$193.00
Proposed improvements valued over \$25,001	\$289.00
<b>COMMERCIAL</b>	
Proposed Improvements valued up to \$500,000	\$923.00
Proposed Improvements valued between \$500,001 and \$1,000,000	\$1,296.00
Proposed Improvements valued between \$1,000,001 and \$10,000,000	\$1,835.00
Proposed improvements valued above \$10,000,000	\$3,685.00
<b>ZONING CERTIFICATE</b>	
Issuance of a Zoning Certificate	Fees are based on the Use type shown in Appendix 6- Zoning Certificates
<b>PENALTIES</b>	
The Board of Zoning Appeals may invoke a penalty fee of up to two times the application fee when a project is commenced prior to obtaining an approval.	
<b>APPEALS</b>	
Appeal to any order, decision, or determination made by an Administrative Official	\$564.00

### NONCONFORMING USE AND COMPATIBLE NONCONFORMING USE APPLICATIONS

NONCONFORMITIES	FEE
Nonconforming Uses of Land and Structures	\$104.00
Noncomplying Structures	No Charge
Nonconforming Lots of Record	No Charge
<b>COMPATIBLE NONCONFORMING USES</b>	
Application for Compatible Nonconforming Uses	\$564.00
Notice of Refusal Letter	\$126.00
Legal Advertisement	\$74.00
5% technology fee will be added to all fees effective 1/17/17	

**Make checks payable to the Hamilton County Treasurer. All processing fees are nonrefundable.**

**HAMILTON COUNTY FEE SCHEDULE: 2025**

RESIDENTIAL		ZONING FEE	INSPECTION FEE	5% TECH FEE	TOTAL DUE
1	SINGLE FAMILY RESIDENCE	\$200.00	\$45.00	\$12.25	\$257.25
2	MULTI FAMILY RESIDENCE (PER UNIT)	\$200.00	\$45.00	\$12.25	\$257.25
3	ADDITIONS	\$126.00	\$45.00	\$8.55	\$179.55
4	ACCESSORY or TEMPORARY STRUCTURES	\$126.00	\$45.00	\$8.55	\$179.55
5	SWIMMING POOLS (IN GROUND or ABOVE GROUND)	\$126.00	\$45.00	\$8.55	\$179.55
6	FENCES OR WALLS (INCLUDES RETAINING WALLS)	\$126.00	\$45.00	\$8.55	\$179.55
7	DECKS (ATTACHED or DETACHED)	\$126.00	\$45.00	\$8.55	\$179.55
8	ANTENNAS or SATELLITE DISHES	\$126.00	\$45.00	\$8.55	\$179.55
9	REVISION TO AN EXISTING RESIDENTIAL ZONING CERTIFICATE	½ ORIGINAL COST <small>(MAX FEE OF \$299.00)</small>	N/A	BASED ON ZONING FEE	
10	IN HOME OCCUPATION CERTIFICATE	\$126.00	\$45.00	\$855	\$179.55
NON-RESIDENTIAL		ZONING FEE	INSPECTION FEE	5% TECH FEE	TOTAL DUE
11	NEW BUILDING / ADDITIONS 0 – 1000 SF	\$299.00	\$45.00	\$17.20	\$361.20
12	NEW BUILDING / ADDITIONS 1001 – 2000 SF	\$392.00	\$45.00	\$21.85	\$458.85
13	NEW BUILDING / ADDITIONS 2001 – 9000 SF	\$0.28/SF	\$45.00		
14	NEW BUILDING / ADDITIONS 9001 – MORE	\$2,545.00 + \$0.16/SF OVER 9000 SF	\$45.00	BASED ON ZONING FEE	
15	TENTS	\$107.00	\$45.00	\$7.60	\$159.60
16	AWNINGS or MARQUEES	\$200.00	\$45.00	\$12.25	\$257.25
17	SWIMMING POOLS or ABOVE GROUND STORAGE TANKS	\$200.00	\$45.00	\$12.25	\$257.25
18	ANTENNAS; SATELLITE DISHES; MISC ACCESSORY STRUCTURES	\$200.00	\$45.00	\$12.25	\$257.25
19	FENCES or WALLS	\$200.00	\$45.00	\$12.25	\$257.25
20	RETAINING WALLS	\$200.00	\$45.00	\$12.25	\$257.25
21	NON-CONFORMING USE CERTIFICATE	\$155.00		\$7.75	\$162.75
22	SIGNS or BILLBOARDS	\$193.00 + \$2.09/SF OVER 32/SF <small>(MAX FEE OF \$299.00)</small>	\$45.00	BASED ON ZONING FEE	
23	SIGNS – TEMPORARY (ONE FEE PER NEW SIGN)	\$155.00	\$45.00	\$10.00	\$210.00
24	SIGNS – FACE CHANGE (ONE FEE PER PROPERTY)	\$155.00	\$45.00	\$10.00	\$210.00
25	PARKING LOTS (NEW, RESTRIPING)	\$200.00	\$45.00	\$12.25	\$257.25
26	LANDFILL or EXCAVATION	\$2,894.00	\$45.00	\$146.95	\$3,085.95
27	GRAVEL MINING or EXTRACTION	\$1,936.00	\$45.00	\$99.05	\$2,080.05
28	COMMERCIAL ALTERATIONS; FAÇADE CHANGES or NEW TENANT (WHERE PARKING ANALYSIS IS REQUIRED)	\$348.00	\$45.00	\$19.65	\$412.65
29	NEW TENANT (WHERE NO PARKING ANALYSIS IS REQUIRED)	\$107.00	\$45.00	\$7.60	\$159.60
30	REVISION TO AN EXISTING NON-RESIDENTIAL ZONING CERTIFICATE	½ ORIGINAL COST <small>(MAX FEE OF \$392.00)</small>	N/A	BASED ON ZONING FEE	
OTHER		ZONING FEE	INSPECTION FEE	5% TECH FEE	TOTAL DUE
31	REFUSAL LETTER	\$126.00	N/A	\$6.30	\$132.30 *
32	ZONING CERTIFICATION LETTER	\$80.00	N/A	\$4.00	\$84.00
33	ZONING INSPECTION	\$362.00	\$45.00/HOUR		
34	FINAL INSPECTION FEE	N/A	\$45.00	N/A	\$45.00
35	5% TECHNOLOGY FEE – ADDED TO ALL ITEMS LISTED ABOVE (EFFECTIVE 1/17/2017)				

RESIDENTIAL CONSTRUCTION: For multiple construction types on one application (any or all of the above) - fee as one - the highest fee. NON-RESIDENTIAL CONSTRUCTION: Fee is per type.  
 \* For refusal letters issued where no variance/appeal request submitted.

**PLEASE MAKE CHECKS PAYABLE TO THE "HAMILTON COUNTY TREASURER"**