



# VILLAGE OF ST. BERNARD

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

**Board of Zoning Appeals**  
**March 9, 2026 @ 6:00pm**  
Council Chambers  
110 Washington Ave  
St Bernard, Ohio 45217

		Chairperson		
<b>Ron Feldman</b>	<b>Keith Geraci</b>	<b>Brian Speed</b>	<b>Gary Schildmeyer</b>	<b>Kelly Valerius</b>
<b>Board Member</b>	<b>Board Member</b>	<b>Board Member</b>	<b>Board Member</b>	<b>Planning Commission</b>

**Roll Call:**

1 Public Hearing(s)

<b>SCHILDMEYER</b>	<b>VALERIUS</b>	<b>SPEED</b>	<b>GERACI</b>	<b>FELDMAN</b>

**Swearing in of Those Providing Testimony to the BZA:**

**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 BZA 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**

<b>SCHILDMEYER</b>	<b>VALERIUS</b>	<b>SPEED</b>	<b>GERACI</b>	<b>FELDMAN</b>

**Roll Call of Vote**

<b>SCHILDMEYER</b>	<b>VALERIUS</b>	<b>SPEED</b>	<b>GERACI</b>	<b>FELDMAN</b>



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## New Business:

### Agenda Item #1

#### **BZA 2026-03-003: Request for 5553 Vine Street**

The Applicant is requesting two (1) Variances under the St. Bernard Zoning Ordinance:

**Conditional Use: 1161.02** The following uses shall be permitted only if expressly authorized by the Board of Zoning Appeals.

(a) General. Any other use that is determined by the Board to be of the same general character as the above permitted uses and is so regulated.

#### **Variance 1: 1179.02 1179.02 FENCES, WALKS AND HEDGES.**

Fences, walks and hedges may be located in required yards as follows:

(a) If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, such features may be located in any yard.

(b) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard.

Staff: Andrew Schweier

#### Motion

SCHILDMEYER	VALERIUS	SPEED	GERACI	FELDMAN

#### Roll Call of Vote

SCHILDMEYER	VALERIUS	SPEED	GERACI	FELDMAN

## Approve February Minutes

#### Motion

SCHILDMEYER	VALERIUS	SPEED	GERACI	FELDMAN

#### Roll Call of Vote

SCHILDMEYER	VALERIUS	SPEED	GERACI	FELDMAN



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## Approve Notice of Decision 2026-02-001

Motion

SCHILDMEYER	VALERIUS	SPEED	GERACI	FELDMAN

Roll Call of Vote

SCHILDMEYER	VALERIUS	SPEED	GERACI	FELDMAN

## Approve Notice of Decision 2026-02-002

Motion

SCHILDMEYER	VALERIUS	SPEED	GERACI	FELDMAN

Roll Call of Vote

Feldman	GERACI	SPEED	SCHILDMEYER	PC MEMBER

## Adjournment:

Motion

Feldman	GERACI	SPEED	SCHILDMEYER	PC MEMBER

Roll Call of Vote

Feldman	GERACI	SPEED	SCHILDMEYER	PC MEMBER





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REPORT TO THE VILLAGE OF ST. BERNARD BOARD OF ZONING APPEALS  
FOR MEETING DATE OF March 9, 2026  
BZA 2026-03-003

**Board of Zoning Appeals Case No: 2026-03-003**

**PROPERTY ADDRESS: 5535 Vine Street**

**PARCEL #: 582-0001-0172-00**

**APPLICANT: Arco Construction for Rumpke**

### PROPOSED REQUEST:

The applicant is requesting a conditional use to install a Compressed Natural Gas facility and a variance to install an eight (8) foot fence in the front yard.

**Conditional Use:** Section 1161 M-1 General Manufacturing District defines the Permitted Uses under 1161.01 and the Conditional Uses under 1161.02. Compressed Natural Gas is not defined within the Zoning Ordinance and therefore is a Conditional Use.

**Variance 1:** Section 1179.02 Fences, Hedges, and Walks defines the permissible heights of fences for all zoning districts and locations. The Applicants are requesting an eight (8) foot fence in a front yard.

### BACKGROUND INFORMATION

The subject property is located at 5535 Vine Street. The property is located on the west side of Vine Street between Murray Road and Blade Ave.. The subject property is located in the M-1 General Manufacturing zoning district.

According to the Hamilton County Auditor's website 5535 Vine Street, parcel 582-0001-0172-00 is 10.7 acres in size. The Auditors Office shows that the building was built in 1970. The County records indicate that the property was last transferred in 2012.

The Applicant owns additional parcels to the south of the subject parcel. In total, the site covers approximately 21 acres.





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FOR MEETING DATE OF March 9, 2026  
BZA 2026-03-003

(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.

(d) Within 300 Feet of Any R-District and 100 Feet of Any Other District. The following uses are permitted when located not less than 300 feet from any R-District, and not less than 100 feet from any other district.

(1) Acetylene manufacturing in excess of fifteen pounds pressure per square inch;

(2) Acid manufacture, except as specified as a conditional use in Section [1161.02](#);

(3) Asbestos manufacturing;

(4) Automobile assembly;

(5) Bleaching, cleaning and dyeing plant of large scale production;

(6) Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing and reciprocating hammers or presses over twenty tons rated capacity;

(7) Candle or sperm oil manufacturing it;

(8) Coal yards;

(9) Dextrine, starch or glucose manufacturing;

(10) Disinfectant, insecticide or poison manufacturing;

(11) Dye and dyestuff manufacture;

(12) Enameling, lacquering or japanning;

(13) Emery cloth or sandpaper manufacturing ;

(14) Felt manufacturing;

(15) Flour or grain mill;

(16) Forge or foundry works;

(17) Gas: generation or storage for illumination or heating;



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BZA 2026-03-003

### 1161.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Board of Zoning Appeals.

(a) General. Any other use that is determined by the Board to be of the same general character as the above permitted uses and is so regulated.

### 1179.02 FENCES, WALKS AND HEDGES.

Fences, walks and hedges may be located in required yards as follows:

(a) If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, such features may be located in any yard.

(b) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard.  
(Ord. 12-1966. Passed 10-10-66.)

(c) In all fence constructions, the fabric or smooth side of the fence must face away from the property where the installation is being made.

### **STAFF COMMENTS:**

Staff has been working with the Applicant since October 2025 in reference to expansion of the existing recycling facility. The project is likely to be done in three phases.

Staff recently approved Phase 1 which is a partial demolition of a building and new construction to the remaining portions of the existing building to create a garage area for the Rumpke recycling trucks. While recycling is a Conditional Use within the M-1 Zoning District, Staff concluded that the creation of the garage, which is on a separate parcel, was a separate and independent request. Garages are a permitted use within the district, so no Board approvals were required and the request was approved through zoning and building departments.

If the BZA feels that the request should have been viewed as part of the overall regulations which require a conditional use, please advise staff as such and future projects will be viewed in that light.

The requests before the Board this evening relates to Phase 2 of the project. Phase 2 is a Conditional Use request to create a Compressed Natural Gas (CNG) facility on the subject parcel. The CNG facility will be an above ground facility which will distribute the CNG throughout the parking lot as shown on attached documents in order to fuel the vehicles while they are parked in place. The natural gas is being supplied to the facility through existing lines.



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FOR MEETING DATE OF March 9, 2026  
BZA 2026-03-003

IGS will supply and install the equipment for the CNG facility. The equipment will be connected to existing Duke gas lines. The CNG facility compresses the volume and pressurizes the gas, then dispenses the gas through the lines to the parked trucks. IGS has installed these facilities at multiple locations according to the applicant.

As part of the Conditional Use request, the applicant is requesting to secure the CNG facility with an eight foot fence. The CNG facility is proposed to be located in what is the front yard of the existing facility. Within the front yard of any zoning district, fences are only permitted to be four (4) feet in height. This request requires a variance from the St. Bernard zoning code.

The location of the CNG equipment is approximately 200 feet off of Vine Street. The topography for the proposed CNG location is also approximately ten (10) feet lower at than Vine Street and the existing building located at 5525 Vine Street. In addition to the lower topography, there is also some ground cover. Staff does not believe that the fence will be seen from the roadway.

### 1161.01 PRINCIPAL PERMITTED USES.

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.

The B-4 Zoning District does allow gas filling stations as a permitted use under 1157.04(a). If the Board finds that the Compressed Natural Gas facility proposed tonight is a similar use to a gas station, the Board is authorized to approve the use. Staff acknowledges that the uses are not the same (compressed natural gas vs gas, public vs private use), but the Board must only find that they “be of the same general character”.

Staff has also highlighted Section 1161.01 (d)(17) Gas Generation or storage for illumination or heating as a possible similar use. Staff believes that the B-4 section is the more appropriate application.

Criteria that the Board may want to consider when deciding on the appropriateness of a Conditional Use:

- The compatibility with surrounding uses and surrounding neighborhood.  
**Staff believes that the proposed use is compatible with the surrounding area.**



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BZA 2026-03-003

- The comparative size, floor area, and mass of the proposed structure as related to surrounding buildings.  
**The size, floor area, and mass of proposed structure is smaller than the surrounding structures.**
- The number of transit movements generated by the proposed use as related to any significant increase in traffic volume.  
**The number of transit movements will not be affected by this use.**
- The added noise level created by activities associated with the proposed use.  
**Staff does not anticipate added noise level associated to this proposed use**
- The effect on the general appearance of the neighborhood by the location of the proposed use.  
**The appearance of the neighborhood will not change with this use.**
- The potential for the proposed use to remain in existence for a reasonable time period and not become vacant or unused.  
**The likelihood that the use will continue for years is strong as the applicant is investing significant amounts of time and money to expand and improve their property.**

### **Comments from Other Departments:**

Police had no issue with the request.

Fire had the following concerns:

1. We are concerned about the completion of the repairs to the leaking hydrant we talked about before. In my opinion, these repairs should be a part of this as well.  
**We have no problem fixing the hydrants as a condition of approval.**
2. The drawings appear to indicate parking in and around the fenced area; however, I do not see any impact protection measures shown to safeguard the equipment from vehicles in this area.
3. We are unable to locate the emergency shut-off for the system on the provided drawings, although it may be shown on a separate plan.
4. Will there be a specialized suppression system in the vicinity?  
**There will be a fence around the entire facility, and there will be guardrails and/or curbs on the parking lot side. Remember, we don't have this particular part of the project fully designed yet. We won't begin true work on detailed designs until we receive BZA Approval. This also probably answers the question about the emergency shut off question and fire suppression system from the Fire Department, but I'll look to get better answers.**



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BZA 2026-03-003

### **Neighbor Comments**

There are approximately seventeen 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.

Staff has not received any comments at the writing of the Staff Report

### **VARIANCE REVIEW CRITERIA:**

#### **St. Bernard Zoning Ordinance**

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.

#### **Variance-Findings of the Board:**

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?

APPLICANT'S RESPONSE: Yes. However, the 8'0 fence will provide additional protection around the new CNG equipment. \*Note: Applicant changed the original request from 6'0 to 8'0 so staff adjusted the answer.



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FOR MEETING DATE OF March 9, 2026  
BZA 2026-03-003

**Staff Comment: Yes, there can be a beneficial use of the property without the requested Variance.**

### II. Is the Variance substantial?

**APPLICANT'S RESPONSE: No.** Fencing will be 8'0 in lieu of 4'-0 fence. \*Note: Applicant changed the original request from 6'0 to 8'0 so staff adjusted the answer.

**Staff Comment: The zoning ordinance does not differentiate between residential and commercial properties. In terms of size, the request is a 100% increase. Based on all other factors (location and purpose), Staff does not believe that the request is substantial.**

### III. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

**APPLICANT'S RESPONSE: No**

**Staff Comment: No, there will be no visible change in the neighborhood**

### IV. Would the Variance adversely affect the delivery of governmental services?

**APPLICANT'S RESPONSE: No**

**Staff Comment: No, government services would not be affected.**



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FOR MEETING DATE OF March 9, 2026  
BZA 2026-03-003

V. Did the property owners purchase the property with the knowledge of the zoning restriction?

APPLICANT'S RESPONSE: No. CNG fueling technology and equipment was not available when the property was purchased.

Staff Comment: Hamilton County Auditors Office shows that the building was built in 1970 and the last transfer was in 2012. The code was established in 1966 and this technology likely did not exist at that time. The zoning code could not have anticipated this technology.

VI. Could the problem be solved in some other manner other than the granting of the Variance?

APPLICANT'S RESPONSE: Yes. But the additional fencing height would promote a higher level of safety and protection of equipment.

Staff Comment: A four foot fence would meet the code, but it does not address safety concerns related to CNG facility.

VII. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

APPLICANT'S RESPONSE: Yes.

Staff Comment: Staff believes that the granting of the variance does preserve the spirit and intent of the zoning code.

### **Decision Of Board of Zoning Appeals:**

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 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. 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.



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FOR MEETING DATE OF March 9, 2026  
BZA 2026-03-003

### ACTION:

The Board of Zoning Appeals shall approve, approve with conditions, or deny the applicants variance request.

Should the BZA approve the applicant's request, the following conditions should be considered for each request:

1. The BZA approves waiving the thirty (30) day waiting period to allow the applicant to receive any needed permits. The applicant hereby acknowledges that any work completed prior to the end of the appeal period is at their own risk.
2. The Fire Hydrant located at the end of the private drive which is owned by Rumpke must be replaced/ fixed to the Fire Departments satisfaction in order to stop the leak.
3. All Fire Department concerns are resolved to the Fire Departments satisfaction as part of the final plan submission for the CNG facility.



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BZA 2026-03-003



The aerial photo shows the subject property located at 5535 Vine Street.



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BZA 2026-03-003



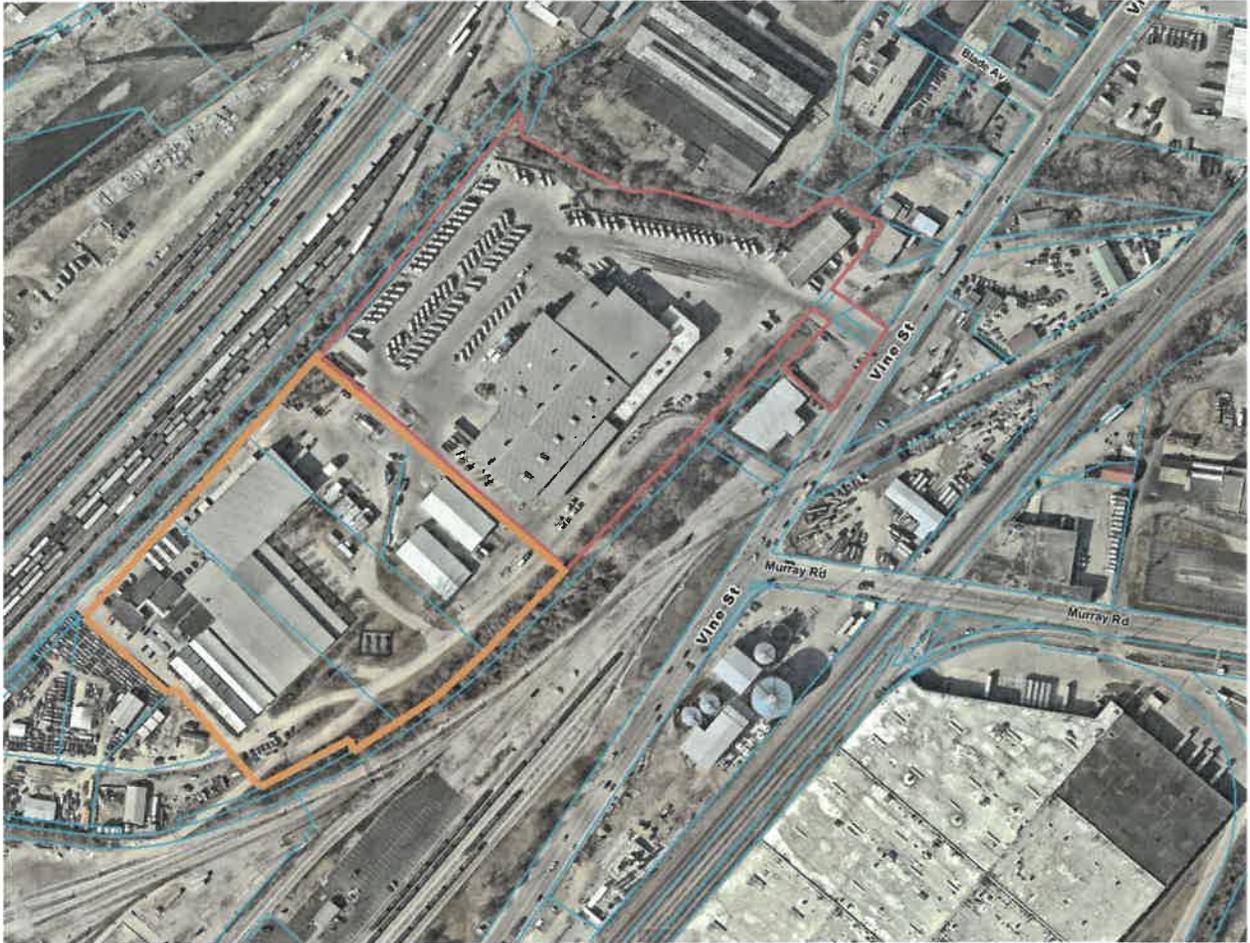
The approximate location of the CNG facility is shown as a red box.



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BZA 2026-03-003



The subject parcel is outlined in red. Rumpke also owns the adjacent parcels to the south which are outlined in orange. Phase 1 of the project is occurring on the parcels outlined in orange.

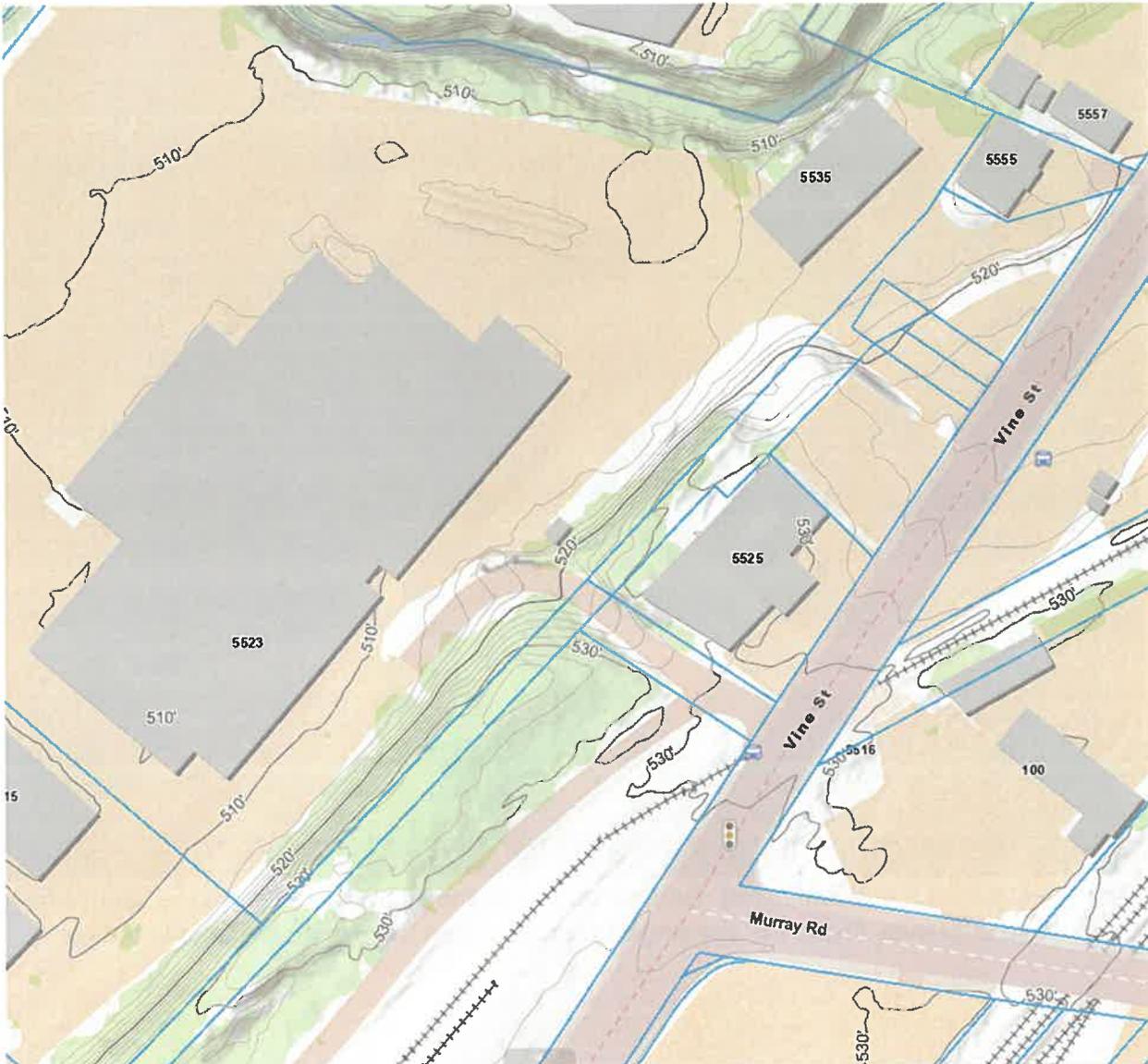


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FOR MEETING DATE OF March 9, 2026  
BZA 2026-03-003



The topography map shows that the building at 5525 Vine Street, not owned by the applicant, sits at approximately 530 feet. The proposed location for the CNG facility, located behind this building, is at an elevation of 520 feet. A ten foot drop off.



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### BOARD OF ZONING APPEALS APPLICATION

#### A. APPLICANT INFORMATION

NAME: ARCO National Construction – Ohio Valley      PHONE: (513) 272 -2333

ADDRESS: 8180 Corporate Park Drive \_\_\_\_\_

CITY/ST/ZIP: Cincinnati, OH 45242 \_\_\_\_\_

EMAIL: [glaake@arco1.com](mailto:glaake@arco1.com) \_\_\_\_\_

APPLICANT IS THE:       PROPERTY OWNER       AGENT

#### B. PROPERTY INFORMATION

PROPERTY OWNER: Rumpke of Ohio Inc \_\_\_\_\_

PROPERTY ADDRESS: 5535 Vine Street \_\_\_\_\_

CITY/ST/ZIP Cincinnati, OH 45217 \_\_\_\_\_

SECTION \_\_\_\_\_ TOWN \_\_\_\_\_ RANGE \_\_\_\_\_ PARCEL ID# 582-0001-0172 \_\_\_\_\_



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**D. PURPOSE OF APPLICATION**

REQUEST CONDITIONAL USE (PAGE 3)

REQUEST A VARIANCE FROM THE ST BERNARD ZONING CODE (PAGE 4-6)

**MOST COMMON VARIANCE REQUESTS**

FENCES       SETBACKS       SIGNAGE       ACCESSORY STRUCTURE

OTHER (EXPLAIN BELOW)

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APPEAL STAFF INTERPRETATION OF THE ZONING ORDINANCE (PAGE 7)

I hereby certify that all the statements, submitted information and drawings to be factual and representative of the existing and proposed conditions of the property relative to this application. I agree to comply with the Liberty Township Resolution and the conditions placed upon the property by the Liberty Township Board of Zoning Appeals in regards to the use of this property. I understand that all information submitted with this application will be assumed to be correct and the Applicant shall assume responsibility for any errors and/or inaccuracies resulting in an improper application.

Printed Name: Gerred Laake Date: 02/06/26

Applicant Signature: 





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**VARIANCE REQUEST**

THE APPLICANT(S) HEREBY REQUEST PERMISSION TO MAKE THE FOLLOWING IMPROVEMENTS TO THE SUBJECT PROPERTY LISTED ABOVE:

Provide 6'-0" tall fence around CNG fueling equipment for equipment protection. Fence will be installed at the "front" of the property, but the property does not have directed frontage to adjacent public roadways and is at a lower elevation that surrounding properties.

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THE FOLLOWING SPECIAL CIRCUMSTANCES, CONDITIONS, OR HARDSHIPS EXIST AT THIS PROPERTY BUT DO NOT GENERALLY APPLY THROUGHOUT THE ZONING DISTRICT:

1.) +/-10'-0" drop of from adjacent property along Vine Street.

2.) Rumpke property where CNG fueling equipment will be located does not technically have frontage along Vine Street or other public roadways.

3.) Fencing is intended to provide safety protection barrier around CNG fueling equipment.

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THE APPLICANT HEREBY REQUESTS A WAIVER OF THE THIRTY (30) DAY WAITING PERIOD X



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### VARIANCE REQUEST

**REQUIRED: VARIANCE FINDINGS OF THE BZA:** No variances of the provisions or requirements of the St Bernard Zoning Code shall be authorized by the BZA unless the BZA finds that practical difficulties exist sufficiently to warrant a variance. In making this determination the Board shall consider and weigh the following factors: Please address each item below in the space provided.

i. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?

Yes. However the 6'-0" fence will provide additional protection around the new CNG equipment.

ii. Is the Variance substantial?

No. Fencing will be 6'-0" in lieu of the permitted 4'-0" fence.

iii. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

No.



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iv. Would the Variance adversely affect the delivery of governmental services?

No.

v. Did the property owners purchase the property with the knowledge of the zoning restriction?

No. CNG vehicle fueling technology and equipment was not available when property was purchased.

vi. Could the problem be solved in some other manner other than the granting of the variance?

Yes. But the additional fencing height would promote a higher level of safety and protection of equipment.

vii. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

Yes.







# Village of St. Bernard Zoning Application

PROPERTY ADDRESS: 5535 VINE ST, CINCINNATI, OH 45217

Fee: \$50

## OWNER INFORMATION:

NAME: RUMPKE OF OHIO, INC. PHONE: (800) 828-8171

EMAIL: KYLE.LAWRENCE@RUMPKE.COM

ADDRESS (IF DIFFERENT FROM PROPERTY ADDRESS): 3990 GENERATION DR.

CITY CINCINNATI STATE OHIO ZIP CODE 45217

## APPLICANT INFORMATION:

NAME: ARCO NATIONAL CONSTRUCTION - OHIO VALLEY PHONE: (513) 272-2333

EMAIL: GLAAKE@ARCO1.COM

ADDRESS (IF DIFFERENT FROM OWNER): 8180 CORPORATE PARK DR. SUITE 340

CITY CINCINNATI STATE OHIO ZIP CODE 45242

TYPE OF IMPROVEMENT/REQUEST - CHECK ALL THAT APPLY:  Commercial  Residential

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> CHANGE OF USE  | <input type="checkbox"/> NEW BUILDING     | <input type="checkbox"/> ADDITION       |
| <input checked="" type="checkbox"/> ACCESSORY STRUCTURE (EX: SHED, POOL, GAZEBO)              | <input type="checkbox"/> WALL             | <input type="checkbox"/> DECK           |
| <input checked="" type="checkbox"/> FENCE (MATERIAL: <u>CHAIN LINK</u> HEIGHT: <u>6'-0"</u> ) | <input type="checkbox"/> PERMANENT SIGN   | <input type="checkbox"/> TEMPORARY SIGN |
| <input type="checkbox"/> TENT   | <input type="checkbox"/> ALTERATION       | <input type="checkbox"/> REPAIR         |
| <input type="checkbox"/> NEW SINGLE FAMILY  | <input type="checkbox"/> NEW MULTI-FAMILY |   |
| <input type="checkbox"/> HOME OCCUPATION  | <input type="checkbox"/> OTHER            | TOTAL SQUARE FOOTAGE: <u>+/- 3,375</u>  |

TOTAL IMPROVEMENT COST: \$ 150,000

DETAILS OF PROPOSED USE/REQUEST: Installation of new compressed natural gas (CNG) fueling equipment and fence.

**\*\*Some plans may also need approval from the Hamilton County Building Department. [Building and Inspections - Hamilton County, OH 513-946-4550](#)**

APPLICANT SIGNATURE: \_\_\_\_\_



ICE CHANG SERVICES  
6100 EASTALD DRIVE  
DUBLIN, OH 43017  
PH: (614) 891-4447

RUMPKE ST BERNARD  
JOB SITE STREET NAME  
CITY, STATE  
COMPRESSED NATURAL GAS FILLING STATION

ICE CHANG SERVICES  
6100 EASTALD DRIVE  
DUBLIN, OH 43017

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EMERGENCY CONTACT

PREPARED FOR  
IGS GAS SERVICES  
4900 SHERBURN HWY.  
DUBLIN, OH 43016  
PH: (614) 885-4477

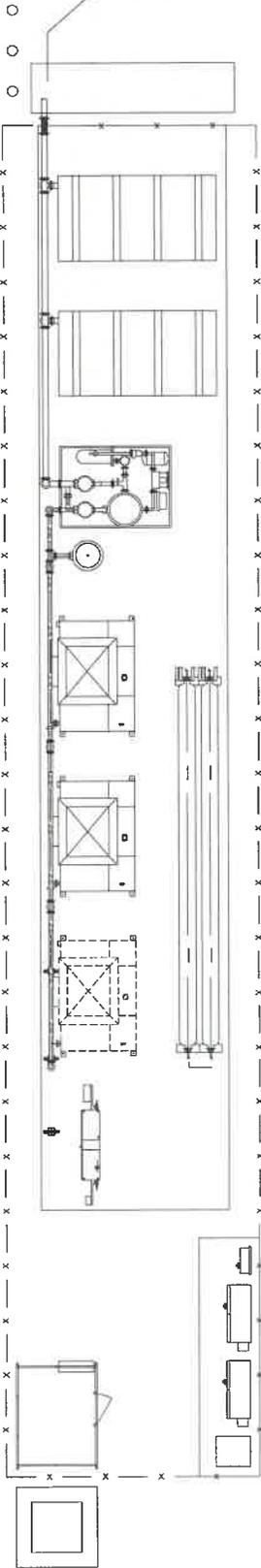
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CITY, STATE

IGS GAS SERVICES  
6100 SHERBURN HWY.  
DUBLIN, OH 43016

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IGS GAS SERVICES  
4900 SHERBURN HWY.  
DUBLIN, OH 43016  
PH: (614) 885-4477



CONTRACT  
ISOMETRIC

PREPARED FOR:  
RICK CASH SERVICES  
600 E. BROADWAY  
DENVER, CO 80202  
PH: (303) 733-4444

COMPRESSED NATURAL GAS FILLING STATION  
JOB SITE STREET NAME  
RUMPKE ST BERNARD  
CITY, STATE

ICS GAS SERVICES  
8100 BERNARD DRIVE  
DENVER, CO 80231

REVISION	DATE	BY	DESCRIPTION
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FOR THE CITY OF DENVER  
AND COUNTY OF DENVER  
BY: [Signature]  
DATE: [Date]














**St. Bernard Board of Zoning Appeals**  
**February 9, 2026**  
**6:00 p.m.**  
**MEETING MINUTES**

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The Board of Zoning Appeals was called to order at approximately 6:00 p.m. by Mr. Schildmeyer. The Pledge of Allegiance was recited.

Upon call of the roll, members in attendance were Mr. Gary Schildmeyer, Ms. Kelly Valerius, Mr. Keith Geraci, Mr. Brian Speed, and Mr. Ron Feldman. Also in attendance was Andrew Schweier, Zoning Administrator, presenting for staff.

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

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Staff read the conflict-of-Interest statement and no conflicts were noted. Commissioner Schildmeyer made a motion and Commissioner Speed seconded the conflict of interest statement. The motion was passed unanimously.

Staff advised that the first order of business was to elect a Chair and Vice Chair. Staff advised that at the Chairs discretion, those votes could be held at the end of the meeting and the cases on the agenda could be heard first. Chair Schildmeyer requested those votes be held at the end of the meeting and the cases proceed.

New Business

Case 2026-02-001 was presented by staff. Staff read the variance request and code section which applied. Staff read each of the seven requirements with the Applicant response and Staff Comment. The staff report is submitted as part of the minutes for the record.

Steve Schad spoke on behalf of Roger Bacon High School. He sees and experiences the parking challenges on Leonard. The construction is vital for the safety of the students. He advised that as the number of students has increased, the number of drivers has also increased. The parking at the stadium is not sufficient to meet the parking needs. When taking into consideration the number of faculty and staff, it only becomes more critical. He understands the dangers of driving on Leonard and believes that the additional parking would only ease those concerns by maximizing the number of spaces.

Steve Korte, Kleingers and Associates, addressed how the plans should help the flow of traffic, the design meets the requirements requested from the Fire Department. He stated that there are lots in St. Bernard with the smaller parking spaces and in urban settings the smaller spots are favored to maximize the number.

Phil Stegman spoke in favor of the plan, but stated that it used to be only seniors could drive and now everyone does. He stated that the issues go beyond Leonard and include Orchard and Angels Way and he would like those streets included as well. He stated that it does not seem that the added spots are sufficient for the needs and asked about creating parking in

front of the school. He also advised that the stadium lot is nearly empty every day, if needed create a shuttle and bus the kids up.

Peggy Stoerrer Helton spoke against and asked why the parking was not addressed at the time of the new construction. She also wanted to know why the school did not engage the neighbors. She was concerned that there are already two parking lots on the street and now a third will be added. She did not believe that the traffic would be improved on Leonard especially during events.

Phil Stegman returned to the podium and ask if Roger Bacon could talk about future parking plans. Chair Schildmeyer advised that the meeting was to talk about the current proposal not to get into future plans.

Peggy Helton returned to the podium and asked about the fence at the rear of her house. Staff explained that it was not part of the submitted plan but Roger Bacon had talked about a potential fence in that location.

Commissioner Geraci confirmed that Staff would adjust the conditions to include Orchard and Angels Way. Staff advised that was noted.

A motion was made to approve Variance 1 with conditions. A roll call vote was taken and the motion passed unanimously: Commissioner Schildmeyer yes; Commissioner Valerius yes; Commissioner Geraci yes; Commissioner Speed yes; Commissioner Feldman yes.

A motion was made to approve Variance 2 with conditions. A roll call vote was taken and the motion passed unanimously: Commissioner Schildmeyer yes; Commissioner Valerius yes; Commissioner Geraci yes; Commissioner Speed yes; Commissioner Feldman yes.

Case 2026-02-002 was presented by staff. Staff read the variance request and code section which applied. Staff read each of the seven requirements with the Applicant response and Staff Comment. The staff report is submitted as part of the minutes for the record.

Josh Niederhelman, the applicant, spoke on behalf of the proposal. He advised he was happy to answer any questions.

Sean Davis, WOW window box spoke. He advised that the company is growing and in order for them to stay, they need to purchase the property for additional storage, parking, and employees.

Commissioner Valerius confirmed that the parcel DAVIS was talking about was the parcel which would be in the B-4 district. DAVIS confirmed that was correct.

Tim Burke, Attorney for Hilltop advised that his client wanted to express their approval of the request.

Lisa Messer spoke against the request. She is concerned that any construction along the rear of her property involving the trees would cause the hill to collapse. Staff met with Messer at the podium and discussed that building plans would have to be submitted and those concerns addressed. She advised that there was a soil sample done previously.

Applicant responded by advising that the zoning for the property was not changing and that there is no construction happening at the property. If there is, it would all be a part of a building permit.

The public portion of the meeting was closed.

A motion was made to approve Case 2026-02-002. A roll call vote was taken and the motion passed unanimously: Commissioner Valerius yes; Commissioner Geraci yes; Commissioner Speed yes; Commissioner Feldman yes; Commissioner Schildmeyer yes.

Staff then returned to the election of Chair and Vice Chair. The board had a brief discussion about keeping it the same since it was just decided in December. The Board agreed to maintain the same positions: Mr. Schildmeyer as Chair and Mrs. Valerius as Vice Chair. A motion was made by Commissioner Valerius and seconded Commissioner Schildmeyer. The motion was unanimously approved.

A motion was made by Commissioner Geraci and seconded by Commissioner Speed to approve the meeting minutes from December 2025. The motion was passed unanimously with Mr. Feldman abstaining.

A motion was made by Commissioner Speed and seconded by Commissioner Valerius to approve the Notice of Decision for BZA 2025-12-001. The motion passed unanimously with Mr. Feldman abstaining. Staff notes that Commissioner Schildmeyer voted yes and also should have abstained as he recused himself. The motion still carries.

#### Old Business

There were no old business items.

#### Miscellaneous

Staff advised that one application had been received for the March 8, 2026 meeting. Staff advised that the applicant was Rumpke for a Conditional Use and a Fence Variance.

Staff advised that Planning Commission would be discussing televising their meeting at their next meeting (March). Staff asked for thoughts about televising the BZA meeting. Vice Chair Valerius advised that a resident had raised the issue. Staff advised that the meetings are held at a time and location which allow residents to attend and for that reason, staff was opposed. BZA was in agreement not to televise the meetings.

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

Respectfully submitted,

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Gary Schildmeyer, Chairman

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Andrew Schweier, Secretary



## VILLAGE OF ST. BERNARD

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

REPORT TO THE VILLAGE OF ST. BERNARD BOARD OF ZONING APPEALS  
FOR MEETING DATE OF DECEMBER 8, 2025  
BZA 2026-02-001

**CASE NO. BZA: 2026-02-001**

**PROPERTY ADDRESS: 4227 Leonard, 4229 Leonard, 4231 Leonard and 4320 Vine Street**

**PARCEL ID #582-0013-0171-00; 582-0013-0170-00; 582-0013-0169-00 and 582-0013-0106-00**

**APPLICANT: The Kleingers Group for Roger Bacon High School**

### PROPOSED REQUEST:

The applicant is requesting two variances for the construction of a new parking lot for Roger Bacon High School.

#### **Variance 1: 1181.14 STANDARDS FOR ACCESSORY OFF-STREET PARKING.**

(a) Minimum Size of Space. Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than 1,000 square feet in area.

Applicant is requesting the parking spots be 9x18 or 162 square feet. **A variance request of 10%.**

#### **Variance 2: 1181.15 DEVELOPMENT AND MAINTENANCE OF OFF-STREET PARKING AREAS.**

Every lot hereinafter used as a public or private parking area including a public parking lot as well as motor vehicle and trailer sales lots shall be developed and maintained in accordance with the following requirements:

(a) Screening and Landscaping. Off street parking areas for more than five (5) vehicles shall be effectively screened by landscaping on each side which adjoins or faces institutional premises or premises situated in any R-district. Such landscaping must be approved by a registered landscape architect and shall be maintained in a landscaping bed, free of weeds and with plantings maintained in good condition.

i. Evergreen shrubbery/ bush, which at maturity, will be a minimum of four (4) feet in height shall be required. Number shall be determined by type of shrub/bush to be planted.

ii. Flowering perennial plants: three (3) per required shrub or bush.

Applicant is proposing a four (4) foot solid fence in place of the landscaping. **A variance request of 100%**

### BACKGROUND INFORMATION

The subject property is located at 4320 Vine Street and 4227 Leonard, 4229 Leonard, and 4231 Leonard Avenue. The Leonard Ave properties are located on the west side of Leonard between Albert Ave and Orchard St. 4320 Vine Street is located on the east side of Vine between Mitchell Ave and Orchard St.



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FOR MEETING DATE OF DECEMBER 8, 2025  
BZA 2026-02-001

According to the Hamilton County Auditor's website 4320 Vine Street (parcel 582-0013-0106-00) is 9.150 acres in size. 4227 Leonard Ave (parcel 582-0013-0171-00) is .165 acres; 4229 Leonard (parcel 582-0013-0170-00) is .110 acres; and 4231 Leonard (parcel 582-0013-0169-00) is .110 acres for a total lot area of 9.535 acres. The Auditor's Office shows that the school was built in 1930.

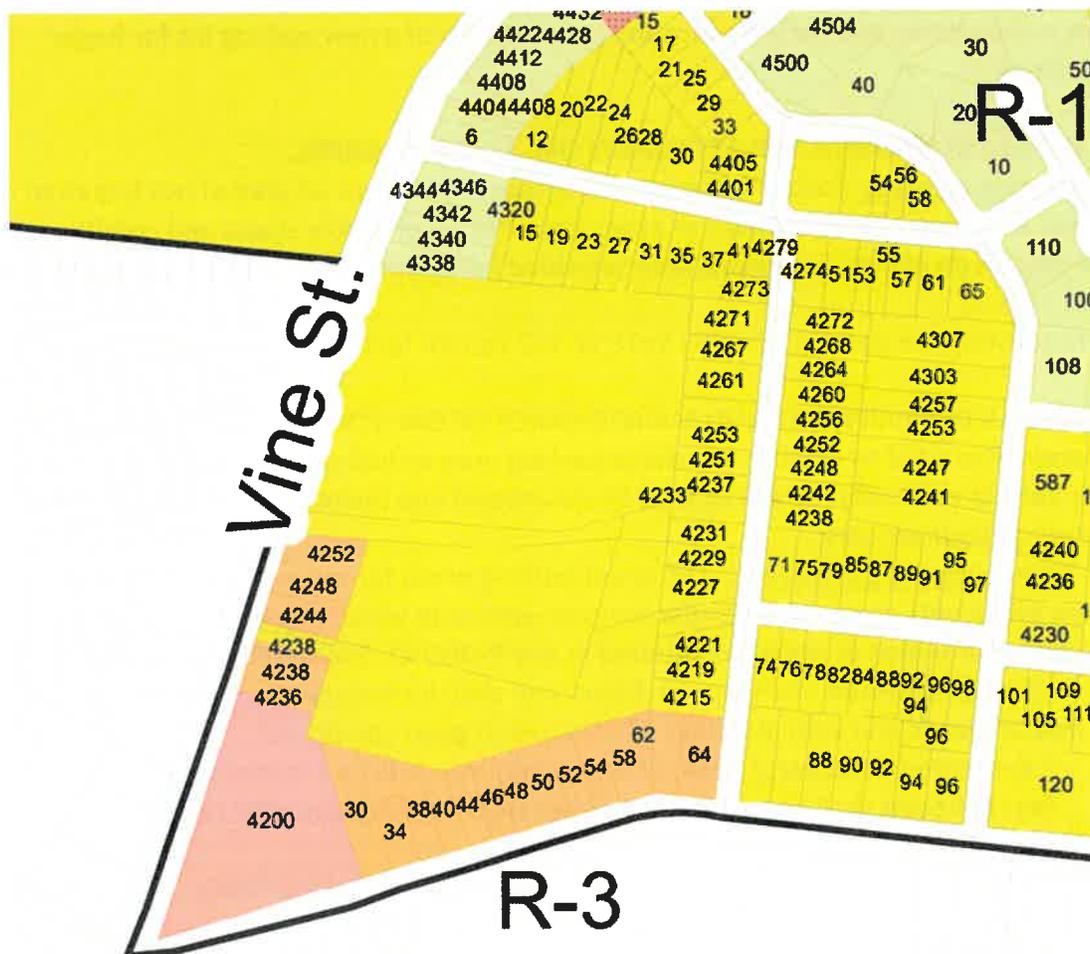


Figure 1: Zoning Map. Shows that the subject properties are within the "R-2 One and Two Family Residence District".



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BZA 2026-02-001

The properties to the north in bright yellow are zoned R-2 One- and Two-Family Residence. The properties to the north in light yellow are zoned R-1, One Family Residence District. The properties in bright yellow to the South are zoned "R-2" One- and Two-Family Residence. The properties in tan are zoned R-3 Multi Family Residence District. The properties in pink are zoned B-1 Neighborhood Business District. The properties to the east in bright yellow are zoned R-2 One- and Two-Family Residence. The properties in bright yellow to the west are zoned "R-2" One- and Two-Family Residence. The properties in tan are zoned R-3 Multi Family Residence District.

### **St. Bernard Zoning Ordinance:**

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

#### **Variance 1: 1181.14 STANDARDS FOR ACCESSORY OFF-STREET PARKING.**

(a) Minimum Size of Space. Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than 1,000 square feet in area. Applicant is requesting parking spot be 9x18 or 162 square feet.

#### **Variance 2: 1181.15 DEVELOPMENT AND MAINTENANCE OF OFF-STREET PARKING AREAS.**

Every lot hereinafter used as a public or private parking area including a public parking lot as well as motor vehicle and trailer sales lots shall be developed and maintained in accordance with the following requirements:

(a) Screening and Landscaping. Off street parking areas for more than five (5) vehicles shall be effectively screened by landscaping on each side which adjoins or faces institutional premises or premises situated in any R-district. Such landscaping must be approved by a registered landscape architect and shall be maintained in a landscaping bed, free of weeds and with plantings maintained in good condition.

i. Evergreen shrubbery/ bush, which at maturity, will be a minimum of four (4) feet in height shall be required. Number shall be determined by type of shrub/bush to be planted.

ii. Flowering perennial plants: three (3) per required shrub or bush.

Applicant is proposing a four (4) foot solid fence in place of the landscaping.

### **STAFF COMMENTS:**

Staff met with Steve Schad and Jon Powers of Roger Bacon High School in September 2025 to discuss the potential for a parking lot and what some of the requirements might be. At that time, there were no plans presented to Staff, it was only a discussion. One item that Staff



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BZA 2026-02-001

discussed with Roger Bacon at that time was the desire to have the lots consolidated. Staff noted that the school and Friars club consisted of approximately sixteen parcels and that buildings crossed parcel lines as did parking lots. Staff advised that from zoning standards, that was not acceptable. Roger Bacon Staff responded that they understood the requirement and believed that was acceptable.

Staff began reviewing the code to determine what requirements would be required for the construction of the parking lot. Staff notes the following requirements according to Chapter 1181 Off Street Loading and Parking:

### 1181.13 Schedule of Required Spaces

- Requires Churches and schools to have 1 parking spot for each ten seats in auditorium or 1 for each twenty classroom seats

### 1181.14 Standards for Accessory Off Street Parking

- Each parking space must be 180 sq feet
- One way traffic lanes may be reduced to not less than ten (10) feet
- Shall not be located more than 300 feet from nearest point of building

### 1181.15 Development and Maintenance

- Parking areas for more than five cars shall be effectively screened on each side which adjoins premises in any R- District by a masonry wall or solid fence. Parking for more than thirty vehicles requires a masonry wall.
- No part of any parking area for more than five vehicles shall be closer than ten feet to any dwelling, school, hospital...

Staff immediately recognized that that multiple parking lots which had been constructed in the Village were not in compliance, and that a parking lot request which had recently been approved was not going to be in compliance with 1181.15 Development and Maintenance- the parking lots did not have the required wall or fence, but only had landscaping. Staff drafted a text amendment to this section and presented it to legal counsel for review. The draft was then presented to Planning Commission and Village Council and adopted in December 2025. The text amendment eliminated the fence and wall requirements and replaced it with a landscaping which seemed to be how the previous requests were being approved.

Staff also took measurements to determine the setbacks from residential properties. Staff notes that the parking lots were setback ten feet from the property lines as best as could be determined. Staff does not recall if at that time measurements of the actual spaces were



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FOR MEETING DATE OF DECEMBER 8, 2025  
BZA 2026-02-001

obtained. However, since this application was received, Staff has measured the square footage of parking spaces in several lots. Staff notes that the parking spaces in several lots measure 9x18 or 162 square feet.

On December 18, 2025 Staff met with Roger Bacon. At this time, Kleingers representatives were present with drawings for the proposed parking lot. Staff reviewed the drawings and provided feedback with the areas of concern which included screening requirements along abutting properties and parking space size.

After receiving the application Staff conducted additional research as part of the approval process. Staff notes that the code requires the school to have between 29-58 parking spots. The current lot has 49 parking spots. The proposed parking plan would add an additional 47 parking spots. Staff notes that the current zoning requirements do not account for any school staff, which is an additional 80 people. In reviewing other zoning codes, the requirements for parking are one spot for every five students plus a spot for staff or based on a square footage calculation. Under these calculations, the school would be required to have 116 spots for students and 80 additional spots for staff. Staff believes that the code is in need of further updates.

In terms of the parking space size, codes vary from jurisdiction to jurisdiction. Some are similar to St. Bernard; others mimic what is being requested by the applicant. Based on lots recently constructed, it appears that the 9x18 (162 sq ft) is what has been approved. Staff did not locate any documentation that showed the BZA reviewed and approved the reduced parking spaces. In the case of Roger Bacon, the smaller parking spots do help add spaces to the lot and bring them closer to full compliance.

### **Comments from Other Departments:**

The Fire Department required that the entry and exit lanes be a minimum of twenty (20) feet wide in order to gain access with equipment in case of emergency. Those changes were made and are reflected in the current plan which was approved by Fire.

No other departments provided feedback.

### **Neighbor Comments**

There are approximately ninety-five 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.



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Staff has not received any comments at the writing of the Staff Report. Staff did speak with two residents prior to the application being submitted. Gil Patton, 4262 Leonard, asked if there would be a public hearing. Staff advised that it depended on the requests. If variances were needed, a hearing would be held. In terms of an informational meeting, Staff advised that would be left to Roger Bacon to determine. Staff also spoke with Peggy Stoerr of 4254 Leonard with similar concerns.

1/30/2026: Received a message from Phil Stegmen, Orchard Drive, asking about the number of parking spaces that were being created by the new parking lot. Mr. Stegmen advised that he was not opposed to the proposal but wanted to make sure that students would not be parking along Orchard as well. Mr. Stegmen advised that he would be present for the meeting.

### **VARIANCE REVIEW CRITERIA:**

#### **St. Bernard Zoning Ordinance**

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.

#### **Variance-Findings of the Board:**

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?



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**APPLICANT'S RESPONSE:** There is still value and use of the property without the variance. However, this parking expansion will improve the safety for neighborhood and traveling public by reducing the need for on street parking.

**Staff Comment:** Yes, there can be a beneficial use of the property without the requested Variances.

### II. Is the Variance substantial?

**APPLICANT'S RESPONSE:** We do not feel the variances are substantial.

1) The parking space dimension variance to 9'x18' is consistent with many other existing parking lots in St. Bernard with the same dimension, including the newly constructed St Bernard-Elmwood Place HS and a large parking lot along railroad Avenue. Furthermore, for comparison, the City of Cincinnati code allows for parking spaces to be 9x18. This is especially impactful in tight urban areas.

2) The proposed 4' high fence is not substantial as it still meets the spirit and intent of the Zoning Code.

**Staff Comment:**

The request is to reduce the parking space size by ten percent or 18 square feet. Staff does not view this as significant.

The request to replace landscaping with a fence seems significant at 100%, but the fence would have been approved by Staff without a variance two months ago. Landscaping is not feasible on the retaining wall and the fence is a better alternative with up to a twenty-foot drop. The fence meets the spirit and intent of the code to block the light from cars and screen the lot from view. Neither variance request is substantial.

### III. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

**APPLICANT'S RESPONSE:** No, the variances will not cause a detriment to the adjoining properties:



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BZA 2026-02-001

- 1) The parking space size reduction will likely not be noticeable, the reduction in on street parking will be noticed by the neighborhood.
- 2) The proposed 4' high fence will screen the vehicles and headlights from the adjacent residential property

**Staff Comment: The variance requests will not cause a substantial alteration or detriment to the adjoining properties.**

#### IV. Would the Variance adversely affect the delivery of governmental services?

APPLICANT'S RESPONSE: No

**Staff Comment: No, government services would not be affected.**

#### V. Did the property owners purchase the property with the knowledge of the zoning restriction?

APPLICANT'S RESPONSE: The property was purchased prior to the adoption of the current zoning code

**Staff Comment: The Zoning Code was not adopted until 1966. Roger Bacon High School was built in the 1930's and preexisted the zoning code.**

#### VI. Could the problem be solved in some other manner other than the granting of the Variance?

APPLICANT'S RESPONSE:

- 1) The parking space dimension variance allows us to provide more off-street parking. Without the variance, the parking space yield will be reduced. Again, the intent is to provide as much off-street parking as practical, thereby improving safety.
- 2) Proposed 4' solid fence- it is not practical to provide a landscape buffer at the top of a retaining wall. The fence is also being provided for reasons of safety and security

**Staff Comment: The Applicants could comply with the Zoning Ordinance by making the parking spaces 180 square feet. However, the most recently approved parking lots all have 162 square**



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REPORT TO THE VILLAGE OF ST. BERNARD BOARD OF ZONING APPEALS  
FOR MEETING DATE OF DECEMBER 8, 2025  
BZA 2026-02-001

feet parking spaces. The school needs the additional parking and the larger spaces will reduce the number of available spaces.

In the case of the landscaping and retaining wall, Staff does not believe the problem can be solved in another manner.

VII. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

APPLICANT'S RESPONSE: Yes. Commercial/ Industrial property have no distinction from residential property in the current ordinance regulations regarding fences.

Staff Comment: Staff believes that the granting of the variances does preserve the spirit and intent of the zoning code for the reasons previously stated.

### **Decision Of Board of Zoning Appeals:**

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 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. 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.

### **ACTION:**

The Board of Zoning Appeals shall approve, approve with conditions, or deny the applicants variance request.

Should the BZA approve the applicant's request, the following conditions should be considered for each request:

1. The BZA approves waiving the thirty (30) day waiting period to allow the applicant to receive any needed permits. The applicant hereby acknowledges that any work completed prior to the end of the appeal period is at their own risk.



## VILLAGE OF ST. BERNARD

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FOR MEETING DATE OF DECEMBER 8, 2025  
BZA 2026-02-001

2. The Applicant shall perform a lot combination to combine the properties into a single parcel or two parcels keeping the school on one parcel and Friars club on a second parcel. This decision is left to Roger Bacon and the Friars.

3. The Applicants will require all students of Roger Bacon High School to park on property and will take action to prevent the students/staff from parking on Leonard Ave.



This is an overview of the entire campus of Roger Bacon High School and Friars Club.



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BZA 2026-02-001



The subject parcels which will become the parking lot and exit are outlined in red.



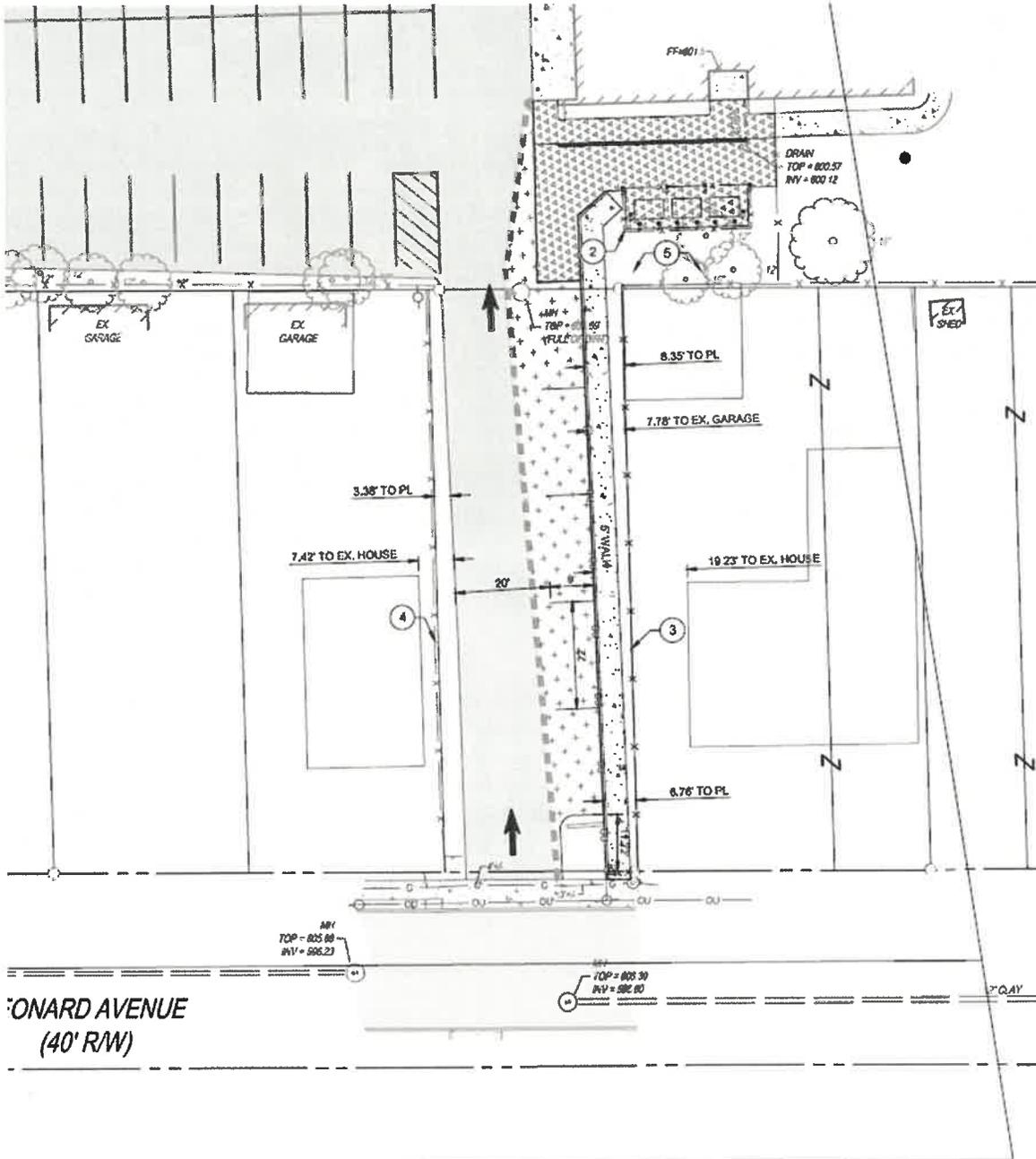
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FOR MEETING DATE OF DECEMBER 8, 2025

BZA 2026-02-001



This is the existing north drive which connects to the current parking lot. This will become a one way entry. The applicants are proposing five parking spaces along this area. The code requirements are applicable for more than five parking spaces so the parking lot requirements do not apply. The applicant is proposing to place a solid four foot fence on the north side along 4261 Leonard



# VILLAGE OF ST. BERNARD

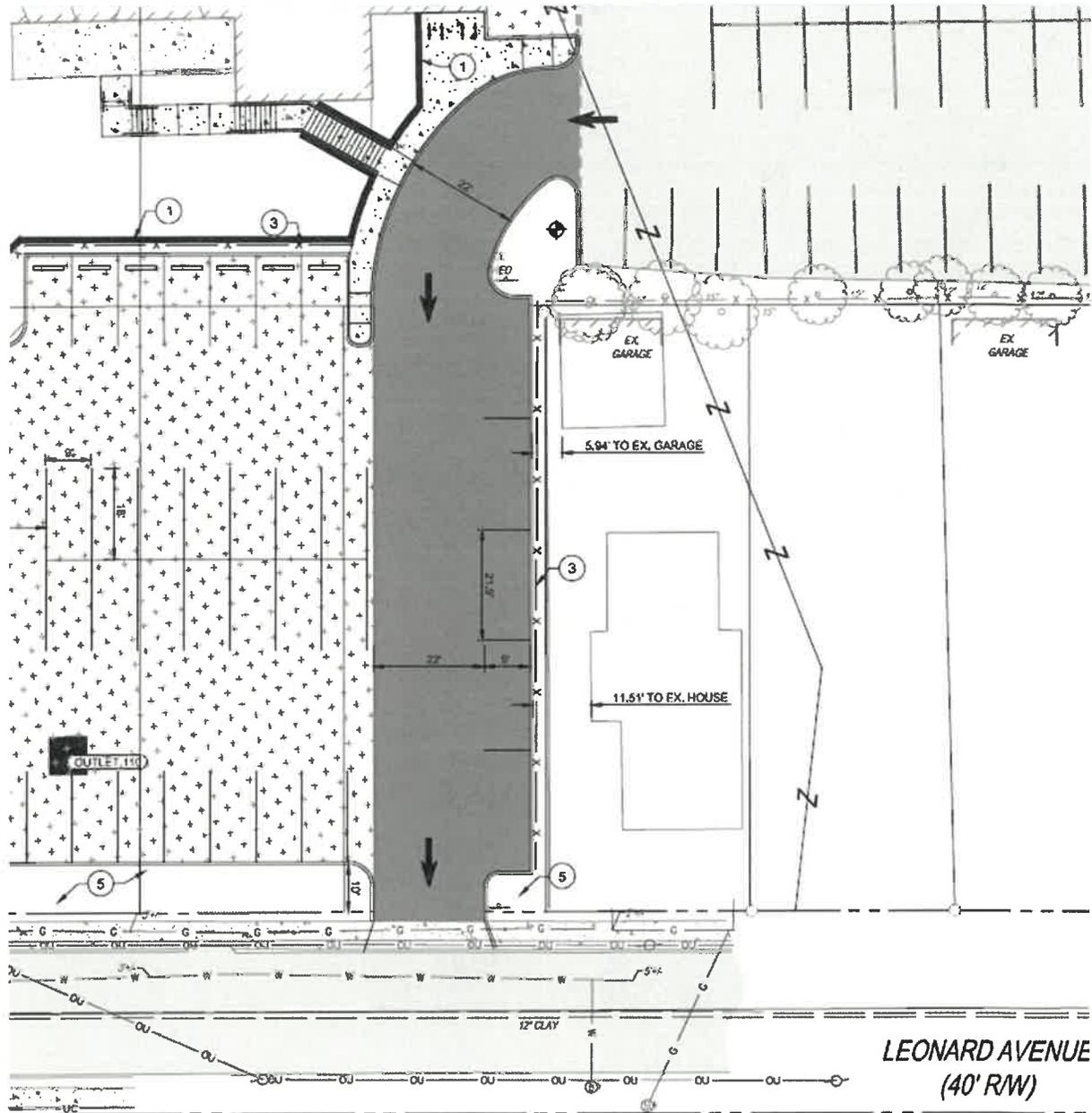
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FOR MEETING DATE OF DECEMBER 8, 2025

BZA 2026-02-001



• 505.20

This is the proposed one way exit drive next to 4233 Leonard. There are five parking spots proposed along the exit drive. The parking regulations are not applicable under this proposal. The applicant is proposing a four foot solid fence on the property line. If the Board believes that the exit lane and parking lot are one unit, the regulations would apply. The variance request would be for the fence which the applicant is already proposing.



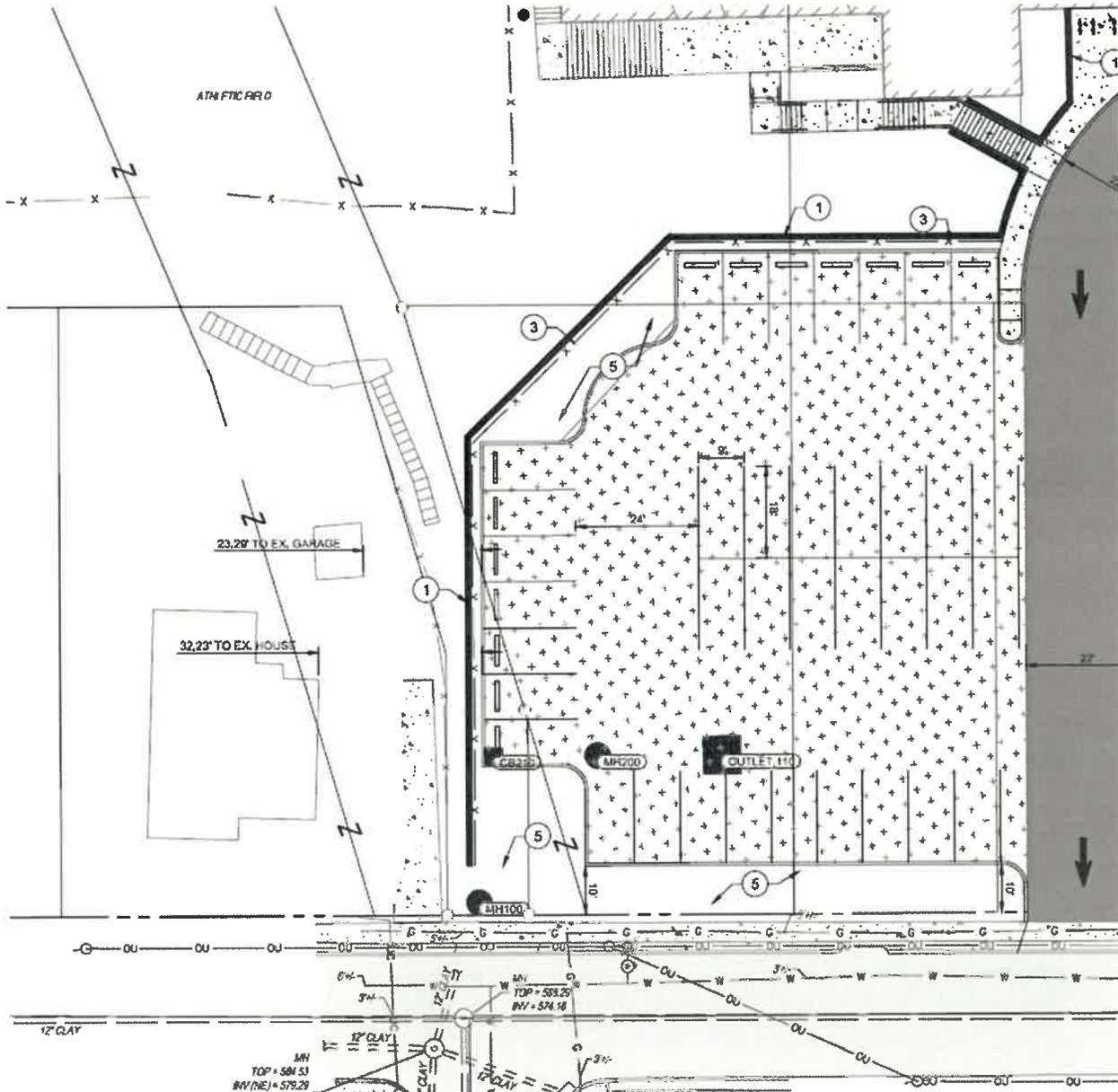
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FOR MEETING DATE OF DECEMBER 8, 2025

BZA 2026-02-001



This is the proposed parking lot next to 4221 Leonard. The dark line on the edge of the parking lot is the retaining wall which is proposed for the lot. The fence is shown on the retaining wall as well. The parking spaces are shown as 9x18.



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FOR MEETING DATE OF DECEMBER 8, 2025  
BZA 2026-02-001



This map shows the topography from the edge of the current house at 4227 Leonard to the southwest property line. There is a twenty-foot drop in that span which Staff views as significant.





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REPORT TO THE VILLAGE OF ST. BERNARD BOARD OF ZONING APPEALS  
FOR MEETING DATE OF February 9, 2026  
BZA 2026-02-002

**CASE NO. BZA: 2026-02-002**  
**PROPERTY ADDRESS: 1000 Kieley**  
**PARCEL ID #582-0003-0001-00**  
**APPLICANT: Josh Niederhelman**

PROPOSED REQUEST:

The applicant is requesting one variance in order to perform a lot split at the subject property.

**Variance 1: Variance 1: 1163.05 Lot Area, Frontage, and Yard Requirements**

	<b>Lot Frontage</b>	<b>Front Yard Depth</b>	<b>Side Yard Width</b>	<b>Rear Yard Depth</b>
<b>Lot Area</b>				
5 acres or more	None	30 feet	None; except when adjoining any R-District; then not less than 25 feet	None; except when adjoining any R-Districts; then not less than 40 feet

BACKGROUND INFORMATION

The subject property is located at 1000 Kieley Ave. The property is located at the dead end of Kieley Avenue. The property is located in two different zoning districts. The northern portion of subject property is Zoned "M-2 Special Manufacturing District". The southern portion of the subject property is Zoned "B-4 General Business District".

According to the Hamilton County Auditor's website 1000 Kieley Ave (parcel 582-0003-0001-00) is 5.213 acres in size. The Auditors Office shows that the building was built in 1997. The County records indicate that the property has been owned by the same person/LLC since at 2000.





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FOR MEETING DATE OF February 9, 2026  
BZA 2026-02-002

### **St. Bernard Zoning Ordinance:**

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

#### **Section 1163.05 (Chart Lot Area)**

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth</b>	<b>Side Yard Width</b>	<b>Rear Yard Depth</b>
5 acres or more	None	30 feet	None; except when adjoining any R-District; then not less than 25 feet	None; except when adjoining any R-Districts; then not less than 40 feet

### **STAFF COMMENTS:**

Staff has been working with the Applicant since August 2025 in reference to performing a lot split. The Applicant recently advised that they were ready to move forward with this request.

The subject property has two different zoning classifications on the same parcel, which should not happen. Staff looked at the possible solutions and has determined that a variance for the lot size is the most appropriate course of action.

The other option available in this situation was to request a zoning map change through the Planning Commission and Village Council. However, that solution creates a more serious problem from Staff's perspective. If the entire parcel were to be re-zoned B-4 General Business, the map would change would then create two M-2 parcels not connected to each other. These two parcels would then be considered spot zoning which has been determined to be unconstitutional. A similar result would occur if the parcel was rezoned from B-4 and made M-2. As a result, Staff does not believe that the re-zoning of the parcel is not a viable option.

As a result, the only option is to do a lot split creating two lots each maintaining their current zoning. In order to do the lot split, the variance must be granted because the newly created M-2 lot will be less than five acres in size which would violate Section 1163.05. The current parcel is 5.213 acres. The new parcels would be 3.2545 for the M-2 district and 1.958 for the B-4 zoning district.



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REPORT TO THE VILLAGE OF ST. BERNARD BOARD OF ZONING APPEALS  
FOR MEETING DATE OF February 9, 2026  
BZA 2026-02-002

Staff notes that the current parcels within the M-2 zoning district are not five acres in size. The self-storage lot is 3.25 acres and Hilltop Concrete is only 1.68 acres. The new lot would be consistent with the surrounding lots in the M-2 zoning district.

The B-4 zoning district does not have any lot size requirements so this will not create any additional zoning issues.

The Applicant will be required to perform the lot split with one year of the BZA approval.

### **Comments from Other Departments:**

Police had no issue with the request.

Fire had no issue with the request.

### **Neighbor Comments**

There are approximately seventeen 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.

Staff has not received any comments at the writing of the Staff Report.

1/30/2026: Staff received a message from Tim Burke, attorney for Hilltop Concrete, asking for information regarding the variance request. Staff explained that the parcel was located in two different zoning districts and staff was trying to correct the error. Mr. Burke advised that there was no objection from his client.

### **VARIANCE REVIEW CRITERIA:**

#### **St. Bernard Zoning Ordinance**

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



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FOR MEETING DATE OF February 9, 2026  
BZA 2026-02-002

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.

### **Variance-Findings of the Board:**

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?

APPLICANT'S RESPONSE: WOW window box will need to move outside the village to accommodate growth.

Staff Comment: Yes, there can be a beneficial use of the property without the requested Variance. However, this request is about correcting an issue created by improper zoning.

II. Is the Variance substantial?

APPLICANT'S RESPONSE: No-this does not materially impact.

Staff Comment: Staff does not believe that this request is substantial. The lot size reduction is 35% from standards which normally would be significant, but this situation is created by the parcel being in two different zoning districts.

III. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?

APPLICANT'S RESPONSE: No

Staff Comment: No, there will be no visible change in the neighborhood



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FOR MEETING DATE OF February 9, 2026  
BZA 2026-02-002

IV. Would the Variance adversely affect the delivery of governmental services?

APPLICANT'S RESPONSE: No

Staff Comment: No, government services would not be affected.

V. Did the property owners purchase the property with the knowledge of the zoning restriction?

APPLICANT'S RESPONSE: Yes

Staff Comment: The Zoning Code was adopted in 1966. This issue may have been created at that time.

VI. Could the problem be solved in some other manner other than the granting of the Variance?

APPLICANT'S RESPONSE: Not to my knowledge

Staff Comment: Staff does not believe the issue can be resolved in any other fashion.

VII. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

APPLICANT'S RESPONSE: Yes.

Staff Comment: Staff believes that the granting of the variance does preserve the spirit and intent of the zoning code.



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REPORT TO THE VILLAGE OF ST. BERNARD BOARD OF ZONING APPEALS  
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### **Decision Of Board of Zoning Appeals:**

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 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. 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.

### **ACTION:**

The Board of Zoning Appeals shall approve, approve with conditions, or deny the applicants variance request.

Should the BZA approve the applicant's request, the following conditions should be considered for each request:

1. The BZA approves waiving the thirty (30) day waiting period to allow the applicant to receive any needed permits. The applicant hereby acknowledges that any work completed prior to the end of the appeal period is at their own risk.
2. The Applicant shall perform the lot split within one year from approval of the BZA.
3. Access agreement for the self-storage facility must be maintained.



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FOR MEETING DATE OF February 9, 2026  
BZA 2026-02-002



The photo shows the current property lines at 1000 Kieley Ave. The photo also shows that Kieley Ave ends at the property. The property owner has indicated that they do have an easement agreement with the neighbors for access to their properties which will remain in force.



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FOR MEETING DATE OF February 9, 2026  
BZA 2026-02-002



Using CAGIS Hamilton County the property is approximately 5.23 acres. Hamilton County Auditor lists it as 5.213 acres.



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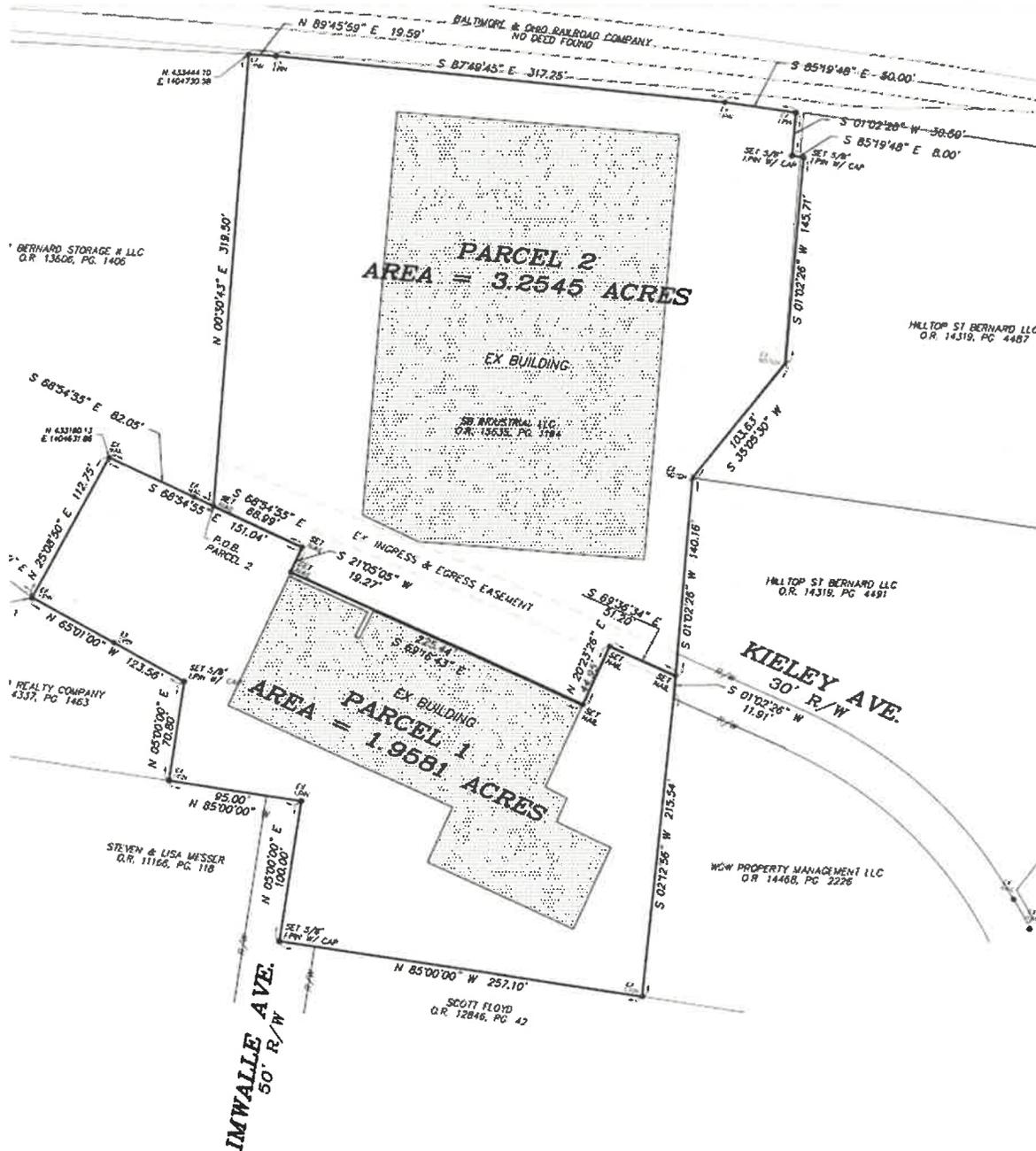
This photo represents the current zoning in an aerial view just to present a better view.



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This is the proposed lot split which the board has no decision making responsibilities on.





**VILLAGE OF ST. BERNARD**  
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Board of Zoning Appeals Case 2026-02-001

Notice of Decision and Resolution: To Approve   X  

To Deny       

A public hearing was held by the Village of St. Bernard Board of Zoning Appeals on Monday, February 9, 2026 on the following application:

**APPLICANT:** The Kleingers Group  
**OWNER:** Roger Bacon High School  
**REQUEST:** Variance 1: 1181.14 STANDARDS FOR ACCESSORY OFF-STREET PARKING  
 Variance 2: 1181.15 DEVELOPMENT AND MAINTENANCE OF OFF-STREET PARKING AREAS.

Description: The applicant is requesting two variances for the construction of a new parking lot for Roger Bacon High School.

Location: 4227 Leonard, 4229 Leonard, 4231 Leonard and 4320 Vine Street

**DECISION:** After the hearing, the Board of Zoning Appeals deliberated on the above application and passed a motion to approve the variance request with conditions noted by staff.

**FINDINGS OF FACT:** The BZA finds that the variance request meets the spirit and intent of the zoning code, will not cause a substantial alteration to the character of the neighborhood, and the variance request is not significant based on staff comments.

Upon call of the roll to APPROVE Variance 1 resulted as follows:

Motion:	Mr. Schildmeyer	Yes
Second:	Mrs. Valerius	Yes
	Mr. Geraci	Yes
	Mr. Speed	Yes
	Mr. Feldman	Yes



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Upon call of the roll to APPROVE Variance 2 resulted as follows:

Motion:	Mr. Schildmeyer	Yes
Second:	Mrs. Valerius	Yes
	Mr. Geraci	Yes
	Mr. Speed	Yes
	Mr. Feldman	Yes

The motions were carried and the Variance requests were Approved.

---

Gary Schildmeyer Chair

I Andrew J. Schweier, Secretary of the Village of St Bernard Planning Commission, do hereby certify that the forgoing is a true and accurate record of the action taken by the Village of St Bernard Planning Commission on the referenced application.

Effective Date: March 9, 2026

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Andrew J. Schweier



## VILLAGE OF ST. BERNARD

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Board of Zoning Appeals Case 2026-02-002

Notice of Decision and Resolution: To Approve   X  

To Deny       

A public hearing was held by the Village of St. Bernard Board of Zoning Appeals on Monday, February 9, 2026 on the following application:

**APPLICANT:** Josh Niederhelman

**OWNER:** Josh Niederhelman

**REQUEST:** Variance 1: 1163.05 Lot Area, Frontage, and Yard Requirements

**Description:** The applicant is requesting one variance in order to perform a lot split at the subject property.

**Location:** 1000 Kieley Ave, St. Bernard Ohio 45217

**DECISION:** After the hearing, the Board of Zoning Appeals deliberated on the above application and passed a motion to approve the variance request with conditions noted by staff.

**FINDINGS OF FACT:** The BZA finds that the variance request meets the spirit and intent of the zoning code and will not cause a substantial alteration to the character of the neighborhood.

Upon call of the roll to APPROVE BZA 2026-02-002 resulted as follows:

Motion:	Mrs. Valerius	Yes
Second:	Mr. Geraci	Yes
	Mr. Speed	Yes
	Mr. Feldman	Yes
	Mr. Schildmeyer	Yes



## **VILLAGE OF ST. BERNARD**

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The motions were carried and the Variance requests were Approved.

---

Gary Schildmeyer Chair

I Andrew J. Schweier, Secretary of the Village of St Bernard Planning Commission, do hereby certify that the forgoing is a true and accurate record of the action taken by the Village of St Bernard Planning Commission on the referenced application.

Effective Date: March 9, 2026

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Andrew J. Schweier