



VILLAGE OF ST. BERNARD

110 Washington Avenue, St. Bernard, Ohio 45217

Phone: (513) 242-7770 • Website: www.cityofstbernard.org

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

Lot Area	Lot Frontage	Front Yard Depth	Side Yard Width	Rear Yard Depth
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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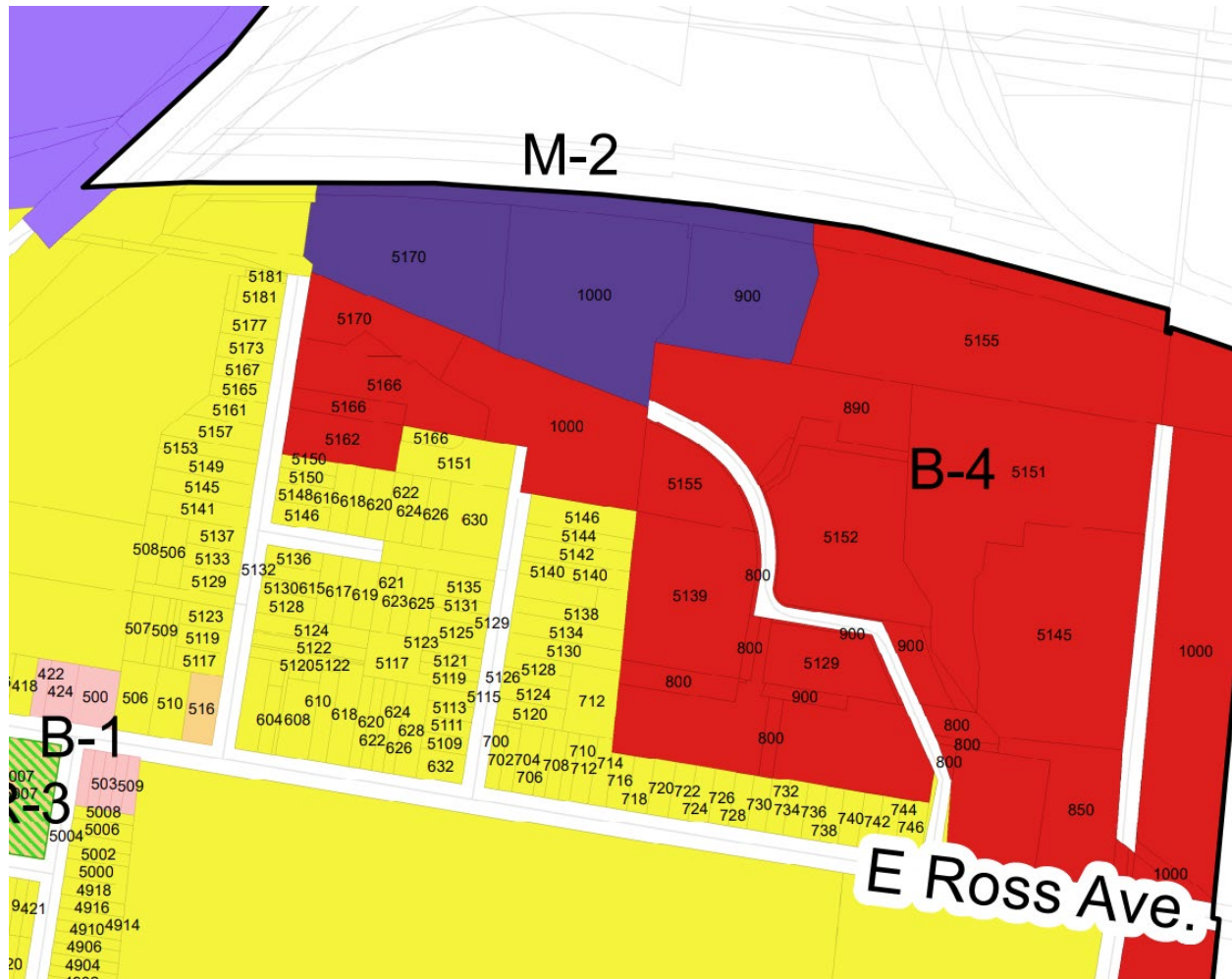


Figure 1: The subject property is shown in both purple representing the M-2 Manufacturing and in red representing the B-4 Business Districts. The surrounding properties are M-2(purple), B-4 (red), and R-2 Single- and Two-Family Residence (yellow).



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St. Bernard Zoning Ordinance:

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

Section 1163.05 (Chart Lot Area)

Lot Area	Lot Frontage	Front Yard Depth	Side Yard Width	Rear Yard Depth
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 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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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

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.



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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

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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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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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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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.

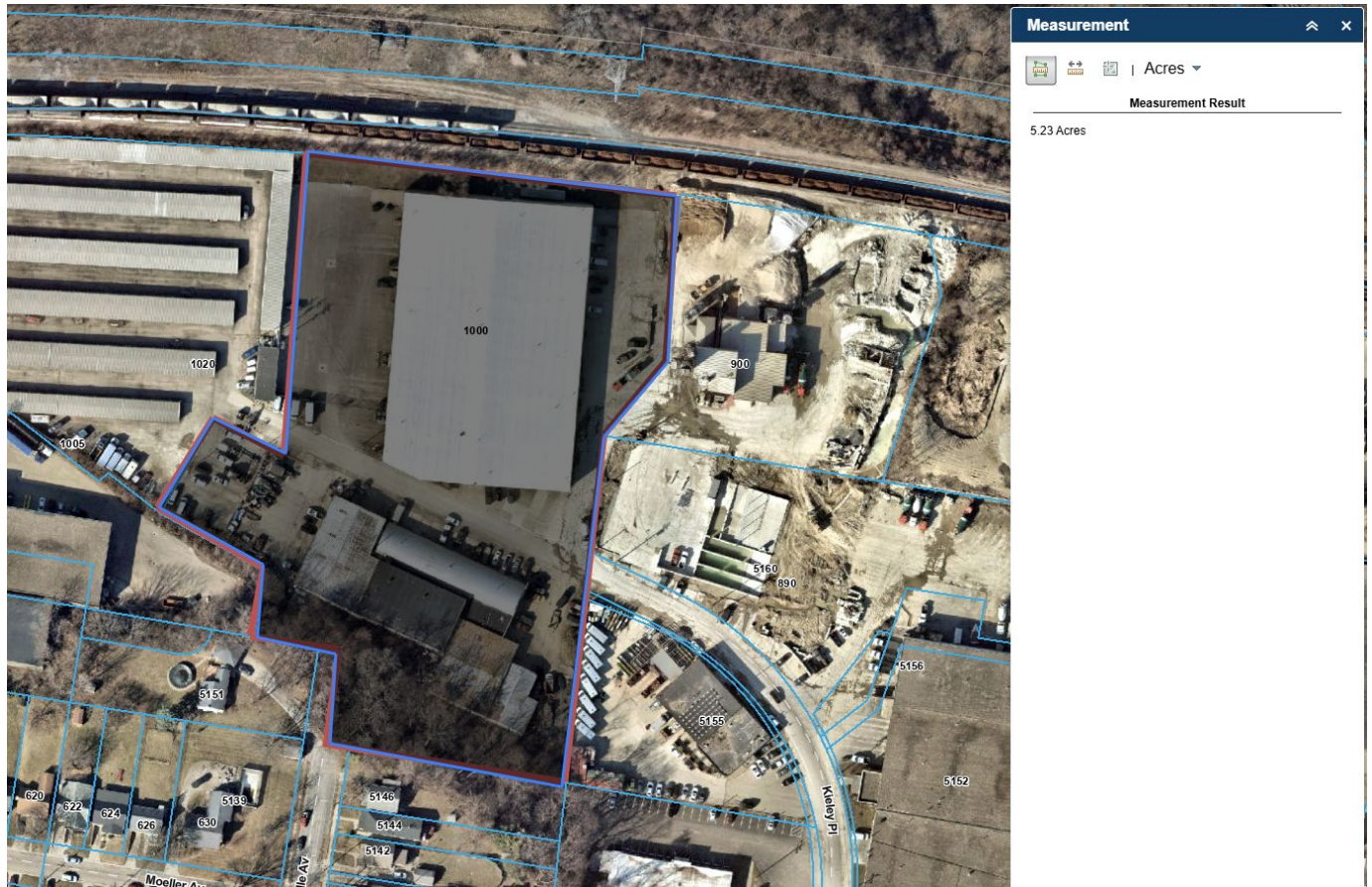


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Using CAGIS Hamilton County the property is approximately 5.23 acres. Hamilton County Auditor lists it as 5.213 acres.



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

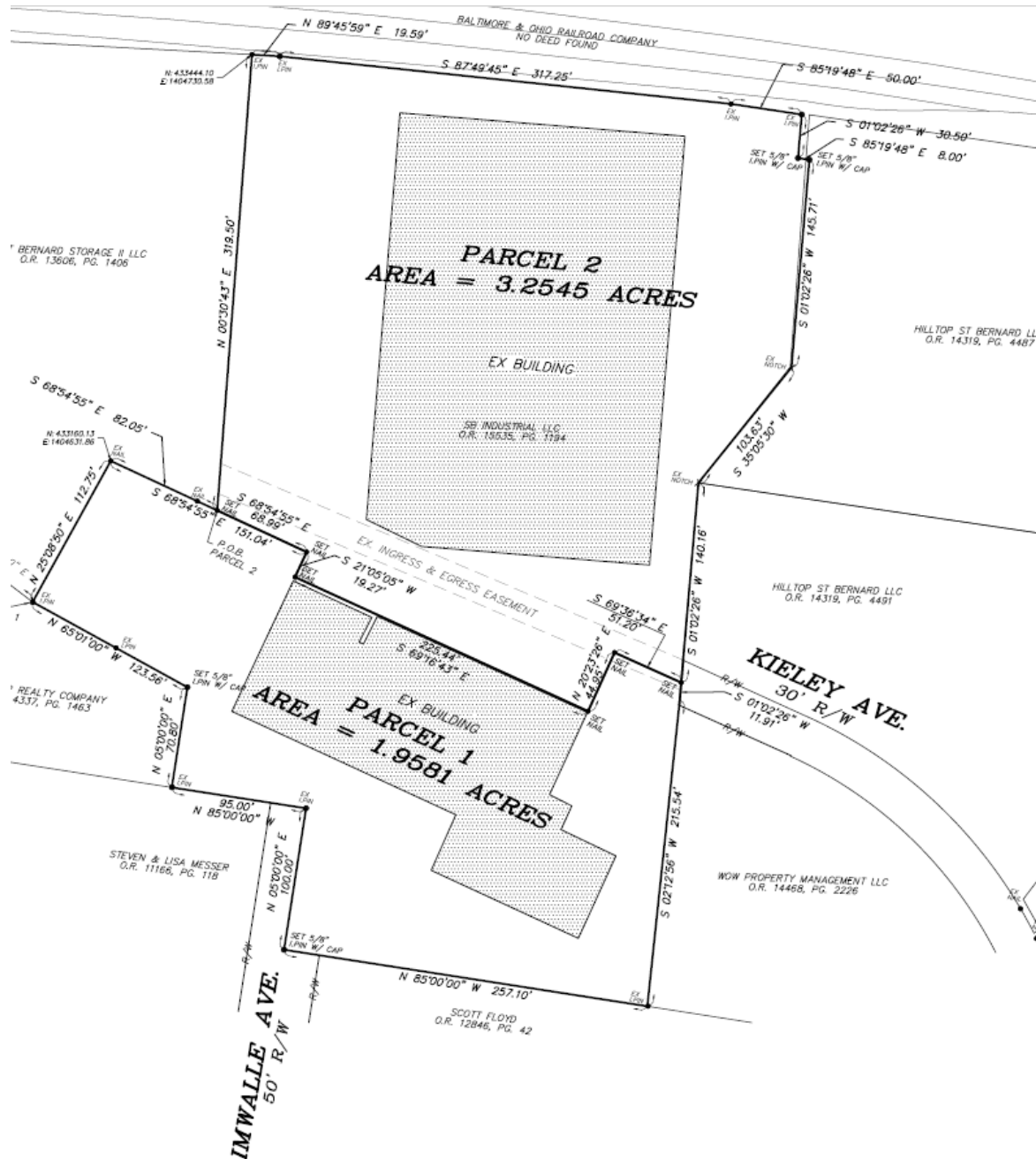


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This is the proposed lot split which the board has no decision making responsibilities on.