

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 2025

Call to Order, Pledge of Allegiance, & Roll Call:

The September 4th, 2025 meeting of the Union Township Board of Zoning Appeals was called to order, at 7:00 PM by Mr. McAdams with the invitation to join in the Pledge of Allegiance. Members Robert McAdams, Scott Cangro, Brian Ford, Ben Joehnk, and Randy Wulker were in attendance. Mark McCormack, Development Director, and Blake Woodruff, Township Planner, represented the Planning and Zoning Department.

New Business: Election of Officers

With regard to new business the Chairman, Mr. McAdams called for the first item on the agenda, the Election of Officers. Mr. Ford nominated Mr. Ben Joehnk to be Chairman of the Board. Mr. McAdams seconded the motion. The Board initiated roll call. The motion to appoint Mr. Joehnk as Chairman carried unanimously. Mr. Ford nominated Mr. Scott Cangro to be Vice-Chair, Mr. Wulker seconded the motion. The Board initiated roll call. The motion to appoint Mr. Cangro as Vice-Chairman carried unanimously. Mr. McAdams recognized Mr. Joehnk as Chairman.

Action on Minutes:

Chairman, Mr. Joehnk confirmed that the previous meeting minutes had been read and agreed upon. Mr. Wulker made a motion to approve the minutes as distributed from the October 3rd, 2024 meeting. Mr. McAdams seconded the motion. The Board initiated roll call. The motion carried unanimously.

Old Business:

The Board recognized no old business needed to be addressed.

New Business:

Case 1-25-A: Chairman, Mr. Joehnk recognized Mr. McCormack to introduce the staff report and presentation for Case # 1-25-A, filed by the Hindu Society of Greater Cincinnati for the property at 720 Barg Salt Run Road, Cincinnati, Ohio 45244.

Begin Staff Report

The Owner / Applicant is requesting the Board of Zoning Appeals to consider a variance request to exceed the maximum height requirement of twenty feet (20') to allow for a twenty-six, three inch (26'-3") tall storage structure / accessory building—per Article 7, Section 711.5 of the Union Township Zoning Resolution. The Applicant's statements, plans, and other application enclosures acknowledge that the proposed storage structure is designed for the purpose of storing a nineteen-foot, six-inch (19'-6") high chariot that is used for religious ceremonies.

The subject property, 720 Barg Salt Run Rd, is located approximately 4,500 feet northeast of the intersection at Barg Salt Run Road and Klatte Road, on Parcel # 41-31-11G-005—which is a ninety-five-acre (95) site.

The subject property is zoned Single-Family Detached Residential (R-1)—with the adjoining properties to the northwest, northeast, and southeast zoned Estate Residential (ER). Adjacent properties to the southwest are zoned Single Family Detached Residential (R-1).

The Applicant has submitted several applications to the Township Board of Zoning Appeals in the past. The principal structure / place of worship was built in 1992, as a part of a Conditional Use application (to establish a religious / institutional use). Other cases that have been subsequently reviewed by the Board of Zoning Appeals include:

- In 1999 additions to the principal structure were denied. The decisions related to this denial were ultimately appealed and authorized by court order in 2000.
- In 2009 an open-air pavilion structure (used in support of existing religious activities already occurring on the site) was approved with conditions.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 20 25

- In 2016 an addition to the principal structure was approved with conditions.
- In 2019 a gazebo structure was approved.
- In 2021 a two-story addition to the principal structure was approved with conditions.

The primary access to the property is from Barg Salt Run Road, as established nearly a decade ago. As indicated in the Board of Zoning Appeals' motion to approve Case # 8-16-A in October of 2016: "...(1) The primary and principal access point for the Hindu Temple shall be determined to be from Barg Salt Run Road, with the gate located along Klatte Road permanently closed, secured through electronic gate mechanisms/codes and Knox Box lock, to be utilized only by fire and police emergency responders and designated on the plans as "Emergency Access Only" ... (5) Modification number one as stated here in shall be done prior to the issuance of the zoning permit for the project..." With respect to items 1 and 5 of the motion from the October, 2016 BZA meeting—which was referenced again and memorialized in the minutes from the BZA meeting on August 5th, 2021 (as item 2 of the conditions of approval)—this condition of approval does not appear to be satisfied at the present time. Therefore, this is an item that, at minimum, needs to be addressed prior to any new Township permits or authorizations allowing other improvements, uses, etc. on the affected property.

A Zoning Permit for a storage structure was applied for on August 22nd, 2024 and was subsequently reviewed and approved (Zoning Permit # 13991). The Zoning Permit was later amended and approved—to acknowledge a new location for the proposed storage structure—on April 23rd, 2025. On July 21st, 2025, the Township Planning & Zoning Department staff members were made aware of a potential non-compliance issue on the property, with respect to the new storage structure and its size. The Zoning Inspector subsequently inspected the property and observed that the new storage structure was non-compliant. On July 25th, 2025, the Zoning Inspector notified the appropriate party via a Fifteen (15) Day Warning letter (see enclosures). On July 28th, 2025, the Applicant met with and discussed the issue with Township staff, ultimately opting to apply for a Variance request with the Board of Zoning Appeals in an attempt to bring the structure into compliance.

After reviewing the proposed application in totality, please note:

- 1) As noted earlier in this report, the Applicant received approval to amend the Zoning Permit for the proposed storage building in April of this year.
 - a. The setbacks to all property lines, which were changed in April of this year to place the building in a different portion of the affected property, well exceed the required distances, measuring: Front—145'; Left—825'; Right—1,160'; Rear—1,375'.
 - b. On both the original and updated application form(s), the proposed overall height of the structure was indicated to be 22 feet. *This is an item that should have been red-flagged and addressed prior to the zoning permit approval, as the overall height for an accessory (storage) structure is limited by code to be 20 feet. As mentioned earlier in this report, the building height was subsequently found to be 26 feet, 3 inches—thus requiring a 6'-3" Variance for an overall height (of 26'-3") vs. a 2'-0" Variance for an overall height (of 22'-0"). In either case, a Variance for the height would be required.
 - c. Aside from the height, all other applicable dimensions and the use of the storage structure appears to be in conformance with the Residential (R-1) zoning district standards, as set forth in the Union Township Zoning Resolution.
- 2) Article 7, Section 711.5 of the Union Township Zoning Resolution states that "...Accessory structures shall not exceed twenty feet (20') in height, as measured from finished grade to the peak of the structure, in residential zones."
 - a. As referenced earlier in this report, the Applicant has indicated that the chariot has specific dimensions which are the result of construction specifications, in accordance with religious scriptures. As such, the Applicant indicates that the building design is influenced by the chariot's dimensions.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 1014B

Held Thursday

September 4th 2025

b. The Applicant has indicated that the requested additional height is necessary due to multiple building factors such as, but not limited to: the allowance of safe passage for the chariot to enter/exit the structure; the allowance for adequate roof trusses; and the allowance for a building (garage) door to operate.

c. The Applicant is seeking to keep the chariot in good condition, and out of inclement weather.

3) In accordance with Section 431, Item 5, the Board would also need to find affirmatively on:

- a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
- b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
- c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
- d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
- e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

In accordance with Article 4, Sections 430-431 of the Zoning Resolution, the Board of Zoning Appeals is to enter a motion to approve, approve with modification(s), or deny the Applicant's proposed Variance Request to allow for a six-foot, three-inch (6'-3") Variance to allow the overall height of the proposed storage structure to be twenty-six, three-inches (26'-3").

**Please note that these decisions must be based on the evidence, testimony, and Findings of Fact related to the request.

Regardless of the outcome of this Variance request, staff finds that the items below must be adequately addressed prior to final Township action:

- 1) The gate located along Klatte Road must be permanently locked and closed, secured through electronic gate mechanisms/codes and a Knox Box lock, to be utilized only by fire and police emergency responders and be designated as such on the plans and in this access area as "Emergency Access Only." Regardless of the outcome of this case and the Variance request, this must be fully accomplished prior to the issuance of the zoning permit for the project. This is an item that could be addressed administratively by staff.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 20 25

2) The walls next to the entrance gate area on Klatte also need to be repaired, as far as the missing, loose, or dilapidated materials / sections, with vegetation removed and pruned to be considered in good condition and appearance.

End Staff Report

Mr. McCormack noted the need for the Applicant to completely address regulatory items required in previous cases brought to the Board by the Applicant with regard to the fenced access-gate along Klatte Road. Mr. McCormack concluded the report. Mr. McCormack indicated that one public comment (letter) had been received prior to the meeting. Mr. McCormack presented the letter from Randy and Elaine Morris to the Board. The letter read against the Applicant's proposed request.

The Board, having no questions for Mr. McCormack and at the direction of Chairman, Mr. Joehnk opened up the case for public comments, inviting any parties speaking in favor of the case to approach the Board to be sworn in and testify.

Mr. Rajkumar, on behalf of the Applicant, was sworn in to testify. Mr. Rajkumar, after introducing himself, delivered a presentation to the Board. The presentation detailed information regarding the storage structure, the chariot (for which the structure is proposed) miscommunication in the zoning permit application process. The Applicant ultimately reiterated the need for the requested Variance. Mr. Rajkumar indicated that they had tried to play by the rules in the process of applying for a zoning permit. Mr. Rajkumar concluded his presentation by opening up questions to the Board.

Mr. Ford indicated that no member of the Board could presume that any deception was intended by the Applicant.

Mr. McAdams questioned whether the Applicant had any intentions to construct any ventilation or heating systems with regard to the proposed structure. Mr. Rajkumar indicated that they may have intentions to connect to electric, if an electric-powered garage door would be necessary. Mr. McAdams indicated that an electric generator would potentially generate loud noise. Mr. Rajkumar indicated that they would not operate the door more than two to three times per year. Mr. McAdams questioned whether the roof of the chariot could be modified. Mr. Rajkumar indicated that the design specifications could not change. Mr. Ford further asked if the pole could be detached. Mr. Rajkumar indicated that the pole could not be removed and that trying to do so would not be safe.

Mr. Cangro and Mr. Rajkumar discussed the need for the additional height due to the type of garage door that needed to be installed.

The Chairman, Mr. Joehnk, invited any parties speaking against the case to approach the Board to be sworn in and testify.

Mr. Cody Moore was sworn in to testify. Mr. Moore, a long-time resident along Klatte Road, presented a timeline of previous requests by the Applicant to the Board and highlighted the inaction of the Applicant to resolve the limited emergency access restrictions placed on the access gate to the property located off of Klatte Road. Mr. Moore resolved his comments by requested the Board to table the Applicant's request until previous matters had been resolved.

Mr. Timothy Campbell was sworn in to testify. Mr. Campbell, a long-time resident along Klatte Road indicated that a lock-box had not been installed at the aforementioned access gate. Mr. Campbell indicted that the Applicant has a repeated history of not implementing the conditions on which previous Board of Zoning Appeals case were approved, therefore, making the request presented impossible to approve. Mr. Chairman Joehnk questioned if the generator noise would be an issue. Mr. Campbell indicated that it would not be an issue, clarifying that his main issue is the need for the access gate to be closed.

Mr. Jerry Honerlaw was sworn in to testify. Mr. Honerlaw indicated that the previous issues brought on by the Applicant need to be addressed before additional approval is given.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 1014B

Held Thursday

September 4th 2025

Mr. Clark Moore was sworn in to testify. Mr. Moore indicated that the applicant had recently opened the gate to allow excess traffic to exit from the property using Klatte Road during a recent event.

Having no further questions, Chairman Joehnk closed the case for public comments and opened the discussion to the Board.

The Board discussed and questioned the issues surrounding the access gate located along Klatte Road and that issues effect on the Board's ability to approved, table, or deny the request. The Board invited Mr. Rajkumar to answer the Board's questions. Mr. Cangro questioned the need for a license-plate reader on an access that that is supposed to remain permanently closed. Mr. Campbell approached the Board once again to reiterate the inconsistency of installing additional security equipment at the access gate. Mr. Cody Moore approached the Board once again to indicate that the gate is easily accessible at any time and the gate is not properly secured.

Mr. Cangro moved to make a motion to Case # 1-25-A in accordance with Article 4, Sections 430-31. The Board of Zoning Appeals is to enter a motion to table until such time as the applicant comes into compliance with the conditions of Case 8-16-A and fulfills all requirements of the Township. Mr. McAdams seconded the motion.

Roll Call: Mr. Joehnk, Aye; Mr. Ford, Aye; Mr. Cangro, Aye; Mr. Beckman, Aye; Mr. McAdams, Aye.

The motion to table the request for Case #1-25-A carried.

The Board took a short recess.

Case 2-25-A: Chairman, Mr. Joehnk recognized Mr. Woodruff to introduce the staff report and presentation for Case # 2-25-A, filed by Ben Aicholtz of Aicholtz Investments, LLC, 5079 Eagles View, Cincinnati, Ohio 45244 for the property at 831 Massachusetts Drive.

Begin Staff Report

The Owner / Applicant is requesting the Board of Zoning Appeals to consider a Conditional Use request to allow for a Bed / Breakfast Home in a Residential (R-1) District—per Article 6, Section 612.5 of the Union Township Zoning Resolution. The proposed home is a two-story (2), two thousand one hundred (2,100) square-foot structure—the entirety of which would be dedicated to a Bed / Breakfast Use. The property includes a pool enclosed by a fence. *Please refer to the Applicant's statements, plans, and other application enclosures.

The subject property, 831 Massachusetts Drive, is located on the southwest corner of the intersection at Red Coat Drive and Massachusetts Drive, on Parcel # 41-53-11B-024—which is a half-acre (0.5) site.

The subject property and all adjacent properties are zoned Single-Family Detached Residential (R-1).

The subject property was acquired by the Applicant in October, 2024 and appears to have been zoned Residential (R-1) from the inception of Zoning in the Township in 1959. There are no electronic records of any permits on file with the Township, however, the accessory structures—swimming pool and shed—on the property are on record with the County Auditor (1987). These items appear to be in alignment with Township regulations.

This case originated as the result of a non-compliance issue which was initially brought to Planning and Zoning Department staff's awareness as the result of a neighbor complaint. Once the Township staff notified the Owner/Applicant of the non-compliance issue, the issue in question was immediately addressed and the Owner/Applicant has cooperated in making his property fully compliant with the Union Township Zoning Resolution culminating in this Case/Request to the Board of Zoning Appeals.

After reviewing the proposed application in totality, please note:

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 20 25

- 1) As noted earlier in this report, this case originated as an enforcement action.
- 2) Bed / Breakfast Home uses are subject to the following conditions—per Article 6, Section 612.5—for which the Applicant would need to comply—referenced below.

“5. Bed / Breakfast Home subject to the following conditions:

- a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one (1) room.
- b. Fire exit instructions shall be posted in each sleeping room.
- c. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
- d. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week.
- e. The facility shall not contain more than four (4) sleeping rooms for guests.”

- 3) In accordance with Section 442, 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 Resolution for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

“442. General Standards for All Conditional Uses.

1. 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 Resolution for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Is in fact a conditional use as established under the provisions of this Resolution and appears on the Schedule of District Regulations adopted for the Zoning District involved;
- b. Will be in accordance with the general objectives, or with any specific objective, of the Township’s Comprehensive Plan and/or the Zoning Resolution;
- c. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- d. Will not be hazardous or disturbing to existing or future neighboring uses;
- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 2025

establishment of the proposed use shall be able to provide adequately any such services;

- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- h. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- i. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.”

4) According to the Applicant's statements, plans, and other application enclosures, the Applicant is providing guests with a set of rules and curfew / quiet hours in order to help maintain the quality of the neighborhood (see enclosed items).

- a. The Applicant has indicated that there are four (4) bedrooms and a maximum occupancy of nine (9) persons total for this house / structure.
- b. The Applicant has acknowledged that guests are screened and are instructed to respect the rules on the property and the neighborhood / community.
- c. All guest outdoor activity is monitored by security camera(s).
- d. The Applicant has noted that the home is professionally-maintained.
- e. The character and design of the principal structure and accessory structures appear to reflect and compliment adjacent residential uses in the area.
- f. No industrial or commercial equipment, materials, or operations will occur on the site. Quiet hours are posted and in effect after 10:00pm.

In accordance with Article 4, Sections 441-445 of the Zoning Resolution, the Board of Zoning Appeals' role in the Conditional Use process is to either enter a motion to approve, modify, or deny the Applicant's request for a Conditional Use, to allow for a Bed / Breakfast Home in a Residential (R-1) District— per Article 6, Section 612.5. **Please note that these decisions must be based on the evidence, testimony, and Findings of Fact related to the request.

Should the Board of Zoning Appeals grant favorable consideration to the Applicant's request for Conditional Use approval, the following additional conditions are recommended for incorporation into any such approval by the Board:

1) To remain compliant with Article 6, Section 612.5 of the Township Zoning Resolution, the Applicant should acknowledge a restriction on how long guests can reside on the property, for it to remain a Bed / Breakfast Home. This Section of code currently limits guests to 1 week but this is an item that could be reviewed and agreed upon by the Board.

End Staff Report

Mr. Woodruff concluded the staff report and invited Mr. McCormack add any additional commentary. Mr. McCormack discussed the current limitations of the Union Township Zoning Resolution to address this particular request—to obtain a conditional use approval for a bed/breakfast use as an Airbnb. Mr. McCormack did note that the Board has approved similar cases in the past, relating to a bed/breakfast use to approve an Airbnb / Short-Term Rentals (STR), indicating a precedent for the ability to approve this current and following two cases. Mr. McCormack did indicate that the Planning and Zoning Department were drafting a text amendment to the Zoning Resolution for short-term rentals at the time of this meeting.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 20 25

Mr. McAdams indicated that the current situation was not ideal for the Board. Mr. McAdams did not favor using the previous case as a guide when new conditions and regulations would be available in the near future to approve cases such as this one.

The Board, having no further questions for Mr. Woodruff or Mr. McCormack and at the direction of Chairman, Mr. Joehnk, opened up the case for public comments, inviting any parties speaking in favor of the case to approach the Board to be sworn in and testify.

Mr. Ben Aicholtz, the Applicant, was sworn in to testify. Mr. Aicholtz highlighted his experience in obtaining conditional use approval for Airbnb properties located with adjoining municipalities. Mr. Aicholtz indicated that he had discussed obtaining approval with the Township, indicating that he had understood that he would not need to obtain additional approval to operate the Airbnb/(STR)s. Mr. Aicholtz highlighted his positive experience with adjoining property owners / residents as a property-manager. Mr. Aicholtz concluded his comments by indicating the need to allow for such uses to exist in the Township and offered his services in helping in the creation of such guidelines.

Ms. Margaret Osinski was sworn in to testify. Ms. Osinski highlighted Mr. Aicholtz improvement to the property and home at 831 Massachusetts Ln, which was previously poorly maintained.

Mr. Bill Howard was sworn in to testify. Mr. Howard reiterated Ms. Osinski's comments. Additionally, adding that Mr. Aicholtz was very communicative as the property-owner.

The Chairman, Mr. Joehnk, invited any parties speaking against the case to approach the Board to be sworn in and testify.

Mr. Douglas J. Mancini was sworn in to testify. Mr. Mancini indicated that the applicant does not qualify for the requested conditional use, in addition, noting that the applicant does not reside on the property, a key component of running a bed and breakfast.

Ms. Emily Clenney was sworn in to testify. Ms. Clenney, lives directly behind the subject property. Ms. Clenney's main concern was the issue of safety of strangers and disruption to the neighborhood. Ms. Clenney noted that guests have no vested interests in the neighborhood and requested the Board to consider the short and long-term consequences of approving the applicants request. Additionally, Ms. Clenney noted that the applicant has created rules for guests to follow to prevent disturbances, however, no one is present to enforce these rules. Ms. Clenney additionally noted a lack of a safety screening or background check for guests.

Mr. William Flanigan was sworn in to testify. Mr. Flanigan indicated that residents were unaware that approval from the Board was needed. Mr. Flanigan contrasted the differences in the ability of staff to manage and operate an Airbnb versus a Hotel/Motel use, highlighting the lack of staffing to address potential issues. Mr. Flanigan questioned what regulations would prevent the Board from theoretically approving every home on a neighborhood street from becoming an Airbnb. Mr. Flanigan further discussed the need for additional regulations to balance requests and long-term statuses of any approval given for an Airbnb-type use. Mr. Flanigan, lastly stated that lodgings business should be contained to commercial districts.

Ms. Pam Boland was sworn in to testify. *Ms. Boland was referencing case 3-25-A, 4271 Larm Lane.* Ms. Boland reiterated issues of safety and disruption to the neighborhood.

Mr. Eric Smith was sworn in to testify. Mr. Smith indicated that his main concern was towards the limits of volume, or the number, of people residing at an Airbnb at any given time.

Ms. Aniko Smith was sworn in to testify. Ms. Smith was representing herself and her mother who both live in close proximity to the properties in question. Ms. Smith reiterated the need for fully integrated residents to reside in the properties.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 1014B

Held Thursday

September 4th 2025

Ms. Tammy Dawer was sworn in to testify. Ms. Dawer questioned whether Mr. Aicholtz was claiming occupancy credit on property taxes. Ms. Dawer reiterated concerns of safety and enforcement of his own rules for each Airbnb.

Ms. Denna Verissima was sworn in to testify. Ms. Verissima discussed the issues of the housing crisis and safety. Ms. Verissima recommended several regulations to be incorporated into future Short-Term Rental regulations.

Ms. Veronica Motz was sworn in to testify. Ms. Motz was concerned with the affect of such uses on property-values. The Board indicated that the County Auditor would oversee such issues.

The Applicant, Mr. Aicholtz approached the Board once more. Mr. Aicholtz indicated that issues brought up by the public, thus far, were hypothetical concerns and had not actually occurred. Mr. Aicholtz indicated that neighbors can know that his properties will be maintained properly.

Mr. Ford recognized that the public had now addressed all three of Mr. Aicholtz cases (*Cases 2-25-A, 3-25-A, and 4-25-A*). Mr. Ford questioned how far out in advance he currently has reservations. Mr. Aicholtz did not know the exact date, however, Mr. Aicholtz indicated that bookings could be made ninety days in advance.

Ms. Clenney approached the Board once more. Ms. Clenney indicated that these concerns were not hypothetical. Incidents have happened.

Chairman Joehnk, indicated that the Board was prepared to make a motion and opened the discussion to the Board.

Mr. Wulker acknowledged the properties were well-maintained. Mr. Wulker noted that the Township's decision to implement new Text Amendments into the Union Township Zoning Resolution, with regard toward Airbnb / Short-Term Rentals indicated that the Township acknowledged that the current regulations are not sufficient to approve the Applicant's request. The Board further discussed the issue the current Zoning Resolution's capability to properly address the Applicant's request.

Ms. Dawer approached the Board once more. Ms. Dawer questioned what would prevent any business from locating in a neighborhood. The Board indicated that approval from this Board or the Zoning Commission would be required in such case.

Mr. Ford moved to make a motion to Case 2-25-A pertaining to Article 6, Section 612.5 to deny the applicant's request for a conditional use in allowing for a Bed / Breakfast Home in a Residential R-1 District. This decision is based on testimony given, evidence, and finding-of-fact as follows: the request does not conform to the Zoning Resolution's definition of a Bed / Breakfast and the Zoning Resolution does not have any other recourse by which to define or manage this particular issue (request). Mr. McAdams seconded the motion.

Roll Call: Mr. Joehnk, Aye; Mr. Ford, Aye; Mr. Cangro, Aye; Mr. Beckman, Aye; Mr. McAdams, Aye.

The motion to deny the request for Case #2-25-A carried.

Mr. Ford reiterated that the Board could no adequality address this and similar cases until the Board would be provided the correct mechanisms to address such cases.

Case 3-25-A: Chairman, Mr. Joehnk recognized Mr. Woodruff to introduce the staff report and presentation for Case # 3-25-A, filed by Ben Aicholtz of Aicholtz Investments, LLC, 5079 Eagles View, Cincinnati, Ohio 45244 for the property at 4271 Larma Lane.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 20 25

Begin Staff Report

The Owner / Applicant is requesting the Board of Zoning Appeals to consider a Conditional Use request to allow for a Bed / Breakfast Home in a Residential (R-1) District—per Article 6, Section 612.5 of the Union Township Zoning Resolution. The proposed home is one-story (1), one thousand one hundred fifty-two (1,152) square-foot structure—the entirety of which would be dedicated to a Bed / Breakfast Use. The property includes a rear yard enclosed by a fence.

The subject property, 4271 Larma Lane, is located approximately six hundred (600) feet of the intersection at Clough Pike and Larma Lane, on Parcel # 41-41-24.-007—which is a half-acre (0.529) site.

The subject property and adjacent properties to the north, south, and east are zoned Single-Family Detached Residential (R-1). The Adjacent property to the west is zoned Planned Development (PD)—for a multi-family residential / use.

The subject property was acquired by the Applicant in July, 2024 and appears to have been zoned Residential (R-1) from the inception of Zoning in the Township in 1959. There are no electronic records of an accessory permit (fence) on file with the Township, however, this item appears to be in alignment with Township regulations.

After reviewing the proposed application in totality, please note:

- 1) As noted earlier in this report, this case originated as an enforcement action.
- 2) Bed / Breakfast Home uses are subject to the following conditions—per Article 6, Section 612.5—for which the Applicant would need to comply—referenced below.
 - “5. Bed / Breakfast Home subject to the following conditions:
 - a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one (1) room.
 - b. Fire exit instructions shall be posted in each sleeping room.
 - c. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - d. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week.
 - e. The facility shall not contain more than four (4) sleeping rooms for guests.”
 - 3) In accordance with Section 442, 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 Resolution for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

“442. General Standards for All Conditional Uses.

2. 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

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 1014B

Held Thursday

September 4th 20 25

expressly stipulated in this Resolution for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Is in fact a conditional use as established under the provisions of this Resolution and appears on the Schedule of District Regulations adopted for the Zoning District involved;
- b. Will be in accordance with the general objectives, or with any specific objective, of the Township's Comprehensive Plan and/or the Zoning Resolution;
- c. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- d. Will not be hazardous or disturbing to existing or future neighboring uses;
- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- h. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- i. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance."

4) According to the Applicant's statements, plans, and other application enclosures, the Applicant is providing guests with a set of rules and curfew / quiet hours in order to help maintain the quality of the neighborhood (see enclosed items).

- a. The Applicant has indicated that there are four (4) bedrooms and a maximum occupancy of nine (9) persons total for this house / structure.
- b. The Applicant has acknowledged that guests are screened and are instructed to respect the rules on the property and the neighborhood / community.
- c. All guest outdoor activity is monitored by security camera(s).
- d. The Applicant has noted that the home is professionally-maintained.
- e. The character and design of the principal structure and accessory structures appear to reflect and compliment adjacent residential uses in the area.
- f. No industrial or commercial equipment, materials, or operations will occur on the site. Quiet hours are posted and in effect after 10:00pm.

In accordance with Article 4, Sections 441-445 of the Zoning Resolution, the Board of Zoning Appeals' role in the Conditional Use process is to either enter a motion to approve, modify, or deny the Applicant's request for a Conditional Use, to allow for a Bed / Breakfast Home in a Residential

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 20 25

(R-1) District— per Article 6, Section 612.5. **Please note that these decisions must be based on the evidence, testimony, and Findings of Fact related to the request.

Should the Board of Zoning Appeals grant favorable consideration to the Applicant's request for Conditional Use approval, the following additional conditions are recommended for incorporation into any such approval by the Board:

- 1) To remain compliant with Article 6, Section 612.5 of the Township Zoning Resolution, the Applicant should acknowledge a restriction on how long guests can reside on the property, for it to remain a Bed / Breakfast Home. This Section of code currently limits guests to 1 week but this is an item that could be reviewed and agreed upon by the Board.

End Staff Report

The Board, having no questions for Mr. Woodruff and at the direction of Chairman, Mr. Joehnk, opened up the case for public comments, inviting any parties speaking in favor of the case to approach the Board to be sworn in and testify.

The Applicant, Mr. Ben Aicholtz, approached the Board once again. Mr. Aicholtz reiterated that there have been no major issues regarding guests at the home, with exception to the incident which involved Fireworks at night.

Mr. Ford indicated to Mr. Aicholtz, that the Board made the previous Case decision with regard to the lack of the ability or mechanisms by which to approve such a request.

The Chairman, Mr. Joehnk, invited any parties speaking against the case to approach the Board to be sworn in and testify. Hearing none, Chairman Joehnk closed the case for public comments and opened the discussion to the Board.

Mr. Ford moved to make a motion to Case 3-25-A pertaining to Article 6, Section 612.5 to deny the applicant's request for a conditional use in allowing for a Bed / Breakfast Home in a Residential R-1 District. This decision is based on testimony given, evidence, and finding-of-fact as follows: the request does not conform to the Zoning Resolution's definition of a Bed / Breakfast and the Zoning Resolution does not have any other recourse by which to define or manage this particular issue (request). Mr. McAdams seconded the motion.

Roll Call: Mr. Joehnk, Aye; Mr. Ford, Aye; Mr. Cangro, Aye; Mr. Beckman, Aye; Mr. McAdams, Aye.

The motion to deny the request for Case #3-25-A carried.

Case 4-25-A: Chairman, Mr. Joehnk recognized Mr. Woodruff to introduce the staff report and presentation for Case # 3-25-A, filed by Ben Aicholtz of Aicholtz Investments, LLC, 5079 Eagles View, Cincinnati, Ohio 45244 for the property at 4300 Lexington Green Drive.

Begin Staff Report

The Owner / Applicant is requesting the Board of Zoning Appeals to consider a Conditional Use request to allow for a Bed / Breakfast Home in a Residential (R-1) District—per Article 6, Section 612.5 of the Union Township Zoning Resolution. The proposed home is a two-story, one thousand eight hundred ninety-one (1,891) square-foot structure—the entirety of which would be dedicated to a Bed / Breakfast Use. The property includes a pool enclosed by a fence.

The subject property, 4300 Lexington Green Drive, is located on the northern corner of the intersection at Glen Este-Withamsville Road and Lexington Green Drive, on Parcel # 41-53-11-007—which is a half-acre (0.507) site.

The subject property and adjacent properties are zoned Single-Family Detached Residential (R-1).

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 2025

The subject property was acquired by the Applicant in March, 2023 and has been zoned Residential (R-1) from the inception of Zoning in the Township in 1959. There are no electronic records of accessory permits on file with the Township, however, the accessory structure (swimming pool) on the property is on record with the County Auditor (since before 2000). This item appears to be in alignment with Township regulations.

After reviewing the proposed application in totality, please note:

- 1) As noted earlier in this report, this case originated as an enforcement action.
- 2) Bed / Breakfast Home uses are subject to the following conditions—per Article 6, Section 612.5—for which the Applicant would need to comply—referenced below.

“5. Bed / Breakfast Home subject to the following conditions:

 - a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one (1) room.
 - b. Fire exit instructions shall be posted in each sleeping room.
 - c. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - d. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week.
 - e. The facility shall not contain more than four (4) sleeping rooms for guests.”
- 3) In accordance with Section 442, 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 Resolution for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

“442. General Standards for All Conditional Uses.

3. 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 Resolution for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Is in fact a conditional use as established under the provisions of this Resolution and appears on the Schedule of District Regulations adopted for the Zoning District involved;
- b. Will be in accordance with the general objectives, or with any specific objective, of the Township’s Comprehensive Plan and/or the Zoning Resolution;

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 20 25

- c. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- d. Will not be hazardous or disturbing to existing or future neighboring uses;
- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- h. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- i. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.”

4) According to the Applicant's statements, plans, and other application enclosures, the Applicant is providing guests with a set of rules and curfew / quiet hours in order to help maintain the quality of the neighborhood (see enclosed items).

- a. The Applicant has indicated that there are four (4) bedrooms and a maximum occupancy of nine (9) persons total for this house / structure.
- b. The Applicant has acknowledged that guests are screened and are instructed to respect the rules on the property and the neighborhood / community.
- c. All guest outdoor activity is monitored by security camera(s).
- d. The Applicant has noted that the home is professionally-maintained.
- e. The character and design of the principal structure and accessory structures appear to reflect and compliment adjacent residential uses in the area.
- f. No industrial or commercial equipment, materials, or operations will occur on the site. Quiet hours are posted and in effect after 10:00pm.

In accordance with Article 4, Sections 441-445 of the Zoning Resolution, the Board of Zoning Appeals' role in the Conditional Use process is to either enter a motion to approve, modify, or deny the Applicant's request for a Conditional Use, to allow for a Bed / Breakfast Home in a Residential (R-1) District— per Article 6, Section 612.5. **Please note that these decisions must be based on the evidence, testimony, and Findings of Fact related to the request.

Should the Board of Zoning Appeals grant favorable consideration to the Applicant's request for Conditional Use approval, the following additional conditions are recommended for incorporation into any such approval by the Board:

2) To remain compliant with Article 6, Section 612.5 of the Township Zoning Resolution, the Applicant should acknowledge a restriction on how long guests can reside on the property, for it to remain a Bed / Breakfast Home. This Section of code currently limits guests to 1 week but this is an item that could be reviewed and agreed upon by the Board.

RECORD OF PROCEEDINGS

Minutes of

Union Township Board of Zoning Appeals

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday

September 4th 2025

End Staff Report

The Board, having no questions for Mr. Woodruff and at the direction of Chairman, Mr. Joehnk, opened up the case for public comments, inviting any parties speaking in favor of the case to approach the Board to be sworn in and testify.

The Chairman, Mr. Joehnk, invited any parties speaking for the case to approach the Board to be sworn in and testify. Hearing none, the Chairman, Mr. Joehnk, invited any parties speaking against the case to approach the Board to be sworn in and testify.

Mr. Flanigan approached the Board once again. Mr. Flanigan reiterated that Mr. Aicholtz was a good property-manager and the exception to most. Mr. Flanigan indicated that overall concern of the neighborhoods represented regarding change and a lack of investment or community made by approving such a request.

Having no further questions, Chairman Joehnk closed the case for public comments and opened the discussion to the Board.

Mr. Ford moved to make a motion to Case 4-25-A pertaining to Article 6, Section 612.5 to deny the applicant's request for a conditional use in allowing for a Bed / Breakfast Home in a Residential R-1 District. This decision is based on testimony given, evidence, and finding-of-fact as follows: the request does not conform to the Zoning Resolution's definition of a Bed / Breakfast and the Zoning Resolution does not have any other recourse by which to define or manage this particular issue (request). Mr. McAdams seconded the motion.

Roll Call: Mr. Joehnk, Aye; Mr. Ford, Aye; Mr. Cangro, Aye; Mr. Beckman, Aye; Mr. McAdams, Aye.

The motion to deny the request for Case #4-25-A carried.

With no further business to address, Mr. Ford made a motion to adjourn the meeting. Mr. Cangro seconded the motion.

Roll Call: Mr. Joehnk, Aye; Mr. Ford, Aye; Mr. Cangro, Aye; Mr. Beckman, Aye; Mr. McAdams, Aye.

The motion to adjourn the September 4th, 2025 Board of Zoning Appeals meeting carried.

APPROVED BY:



Bob Joehnk, Chairman



RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ 20 _____