



UNION TOWNSHIP

BOARD OF ZONING APPEALS | SEPTEMBER 4TH, 2025 MEETING

CONDITIONAL USE REQUEST

BZA CASE # 2-25-A

APPLICANT: Aicholtz Investments

LOCATION: 831 Massachusetts Drive



Department of Planning & Zoning | www.utclermont.gov | 513-753-2300 | 4350 Aicholtz Rd

STAFF REPORT: Case # 2-25-A

NATURE OF REQUEST

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.*

LOCATION

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.

ZONING

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

BACKGROUND

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.

STAFF REVIEW & ANALYSIS

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.

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 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.

ACTION REQUIRED

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.*

RECOMMENDED ADDITIONAL CONDITIONS

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.*

Conditional Use Application
 UNION TOWNSHIP
 BOARD OF ZONING APPEALS
 4312 Glen Este-Withamsville Road
 Cincinnati, OH 45245
 (513) 753-2300

Case#	2-25-A
Date	8/07/2025

PLEASE PROVIDE SIX COPIES OF THIS FORM AND ALL MATERIALS

Re: Property located at: 831 Massachusetts Dr
 Property Identification Number from Auditor's Tax Bill 415 - 311 - B - 024

I. APPLICANT INFORMATION

A. Name Ben Aicholtz / Aicholtz Investments
 Mailing Address 5079 Eagles View, Cincinnati OH 45244
 Phone 513-227-7483

B. Property Owner(s) _____
 Mailing Address _____
 Phone _____

C. Contact Person _____
 Mailing Address _____
 Phone _____

II. CONDITIONAL USE

A. Please identify the Section of the Union Township Zoning Resolution which authorizes the requested conditional use: Bed & Breakfast

B. Please state the zoning district(s) of the property: R1

C. Please describe the existing use of the property and the conditional use requested.

The existing use of the property is a single-family residential home. The conditional use requested is to operate the residence as a Bed and Breakfast Establishment, in accordance with Section 612, Item 5 of the Union Township Zoning Resolution. The home will provide temporary lodging accommodations to guests, with no more than four bedrooms used for guest occupancy. The property will comply with all applicable parking, signage, and operational requirements outlined in the zoning code. No structural changes are proposed, and the exterior appearance of the property will remain residential in character.

D. Please complete the attached form "Exhibit A," which is incorporated into this application.

E. Please provide six copies of the following, which are incorporated into this application:

1. List of adjacent property owners (see attached form "Exhibit B").
2. Tax map with subject property highlighted.
3. Legal description of the property.
4. Site plan showing the parcel and proposed conditional use, including the following: i) building locations; ii) parking and loading areas; iii) streets; iv) access points; v) open spaces; vi) refuse and service areas; vii) utilities; viii) signs; ix) yards; x) landscaping features.

F. Please enclose the application fee.

III. AFFIDAVIT

I hereby depose and affirm that I have familiarized myself with the rules and regulations of the Union Township Zoning Resolution in preparing this application. I certify that I have read the foregoing document and supplements attached thereto, and hereby attest to the truth and exactness of the information supplied herewith.

Ben Aicholtz

Applicant

STATE OF OHIO
COUNTY OF Clermont

Subscribed and sworn to before me this 7 day of August, 2025.

Tiffany Britnell

Notary Public

My commission expires August 22, 2029.



TIFFANY ROSE BRITNELL
Notary Public
State of Ohio
My Comm. Expires
August 22, 2029

EXHIBIT A

Please describe how the conditional use requested conforms to standards stated in Section 442.1-9 set forth below (a response to each of the subsections 442.1-9 must be provided, additional sheets may be used).

442.1. See Section II.A. (above).

442.2. (441.7). Please describe how the proposed conditional use is consistent with the general objectives, or with any specific objective, of the Township's land development plan and the Zoning Resolution.

Union Township has a growing demand for short-term rental homes that offer a place to work remotely, visit family, and enjoy local attractions. Certain neighborhoods are uniquely suited to provide these accommodations in a way that preserves community character.

Operating as a Bed and Breakfast allows guests to experience the comfort and privacy of a residential home, rather than a hotel setting.

This use supports the Township's goals by promoting tourism, supporting local businesses, and offering high-quality, flexible lodging options that enhance the overall value of the community.

442.3. Please describe how the proposed conditional use will be designed, constructed, operated, and maintained so 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.

All of our homes are professionally maintained and are designed to blend seamlessly with the character of the surrounding neighborhoods.

Features such as playsets, pools, and outdoor furniture reflect what is commonly found at traditional single-family residences.

Privacy and harmony are prioritized through the use of fencing, trees, and thoughtful landscaping, ensuring a peaceful experience for both guests and neighbors.

442.4 (441.7) Please discuss the compatibility of the proposed conditional use with the adjacent property uses and describe how the proposed conditional use will not be hazardous or disturbing to existing or future neighboring uses.

Fencing, trees, and landscaping are in place to provide visual and acoustic privacy for both guests and neighbors.

Guests are instructed not to park on the street or congregate in front yards, helping to maintain the residential character of the neighborhood.

Quiet hours are strictly enforced from 10:00 PM to 8:00 AM to prevent disturbances to adjacent properties.

(Ex. A, continued)

442.5. Please describe how the proposed conditional use 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.

Guests typically arrive by car and come and go during normal daytime hours, generating minimal traffic impact.

Trash service is provided by Rumpke and follows the regular neighborhood collection schedule.

Water, sewer, electric, and other utilities operate under standard residential usage, and all public services—including police, fire, and street access—are fully available and adequate to support the proposed use.

442.6. Please describe how the proposed conditional use will not create additional requirements at public cost for public facilities and services and how it will not be detrimental to the economic welfare of the community.

The proposed use will not require additional public infrastructure or services beyond those already provided to single-family residences.

All utility and service costs are privately covered by the property owner.

In fact, the short-term rental generates economic benefit by supporting local restaurants, shops, and service providers through increased visitor spending.

442.7 (441.7). Please describe how the proposed conditional use 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.

The proposed use will not produce any excessive traffic, noise, smoke, fumes, glare, or odors beyond what is typical of a normal single-family home.

Guests are screened and instructed to respect neighborhood rules and quiet hours.

No industrial or commercial equipment, materials, or operations will be used on-site.

(Ex. A, continued)

442.8. Please describe how the proposed conditional use will have vehicular approaches to the property which are designed so not to create an interference with traffic on surrounding public thoroughfares.

Guests arrive in standard personal vehicles and access the property using existing residential driveways.

Traffic patterns are consistent with typical residential use, with no commercial deliveries or high-volume traffic.

There is no interference with public roadways or surrounding traffic flow.

442.9. Please describe how the proposed conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic features of major importance.

The proposed use involves standard residential lodging within an existing home and does not impact any natural, scenic, or historic features.

Guests are limited to the use of the home and yard and are instructed to respect the surrounding environment.

No alterations or developments are planned that would affect any features of major importance

Conditional Use #5 Bed and Breakfast

All rules for the condition will be followed.

The homes have 4 bedrooms.

We do not list any couch as a place to sleep. Only regular beds.

Maximum occupants are 9 persons.

Guest outdoor activity is monitored via camera.

Several neighbors have been given my phone number in the event they are concerned.

Legal Description:

SITUATED IN CLERMONT COUNTY, UNION TOWNSHIP, STATE OF OHIO, AND IN MERRIWETHER MILITARY SURVEY NO. 1136 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING ALL OF LOT NUMBERED 24 OF LEXINGTON GREEN SUBDIVISION, BLOCK B AS RECORDED IN PLAT BOOK T, PAGES 19 AND 20 OF THE PLAT RECORDS OF CLERMONT COUNTY, OHIO RECORDERS OFFICE. 415311B024. F.,

HOUSE RULES

- ✓ Must be 25+ years old to rent, and the renter must be staying at the home
(Age 30 required to rent the Massachusetts property)
- ✓ Quiet hours are from 10:00 PM to 8:00 AM
- ✓ Park all vehicles in the driveway
- ✓ Guests may visit but are not permitted to stay overnight
- ✓ Up to 9 guests may stay overnight
- ✓ No smoking of any kind indoors
- ✓ No pets allowed on the property
- ✓ Keep all pool gates closed at all times
- ✓ Maximum pool heater temperature is 85°F
- ✓ No glass allowed outdoors
- ✓ Take garbage to the curb on Wednesday evening
- ✓ Keep all windows closed

CHECK-OUT TIME: 10:00 AM

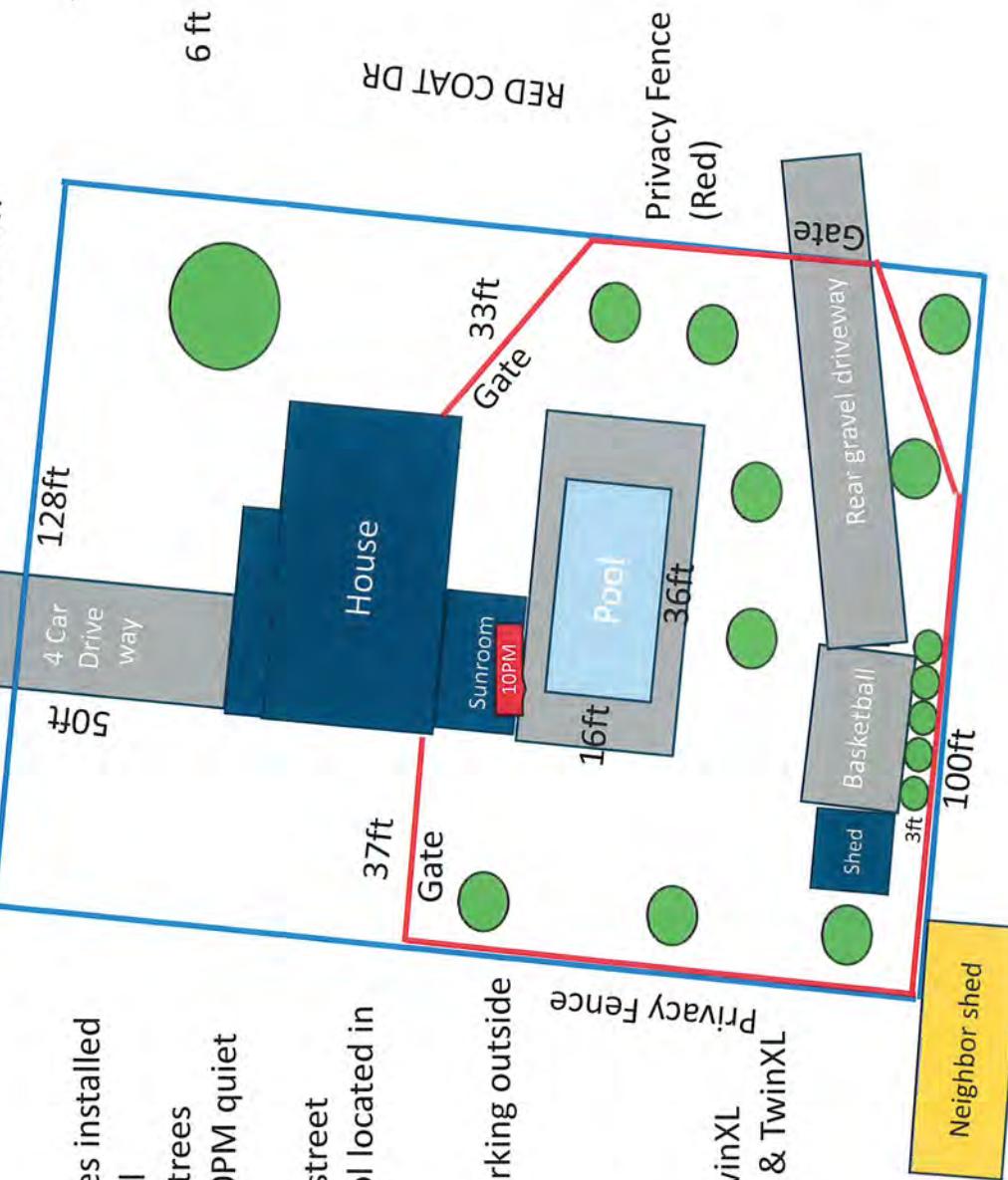
CHECK-IN TIME: 4:00 PM

Additional Information

- Our properties are regularly maintained by local landscaping, cleaning, pool service, and handyman crews.
- We are family-friendly and offer toys and amenities for children.
- We work closely with neighbors to ensure a respectful environment.
- Officer Heiss has been personally consulted to help create the quiet hours signage, which is posted at all back door exits.

831 Massachusetts Dr - Site Plan

MASSACHUSETTS DR

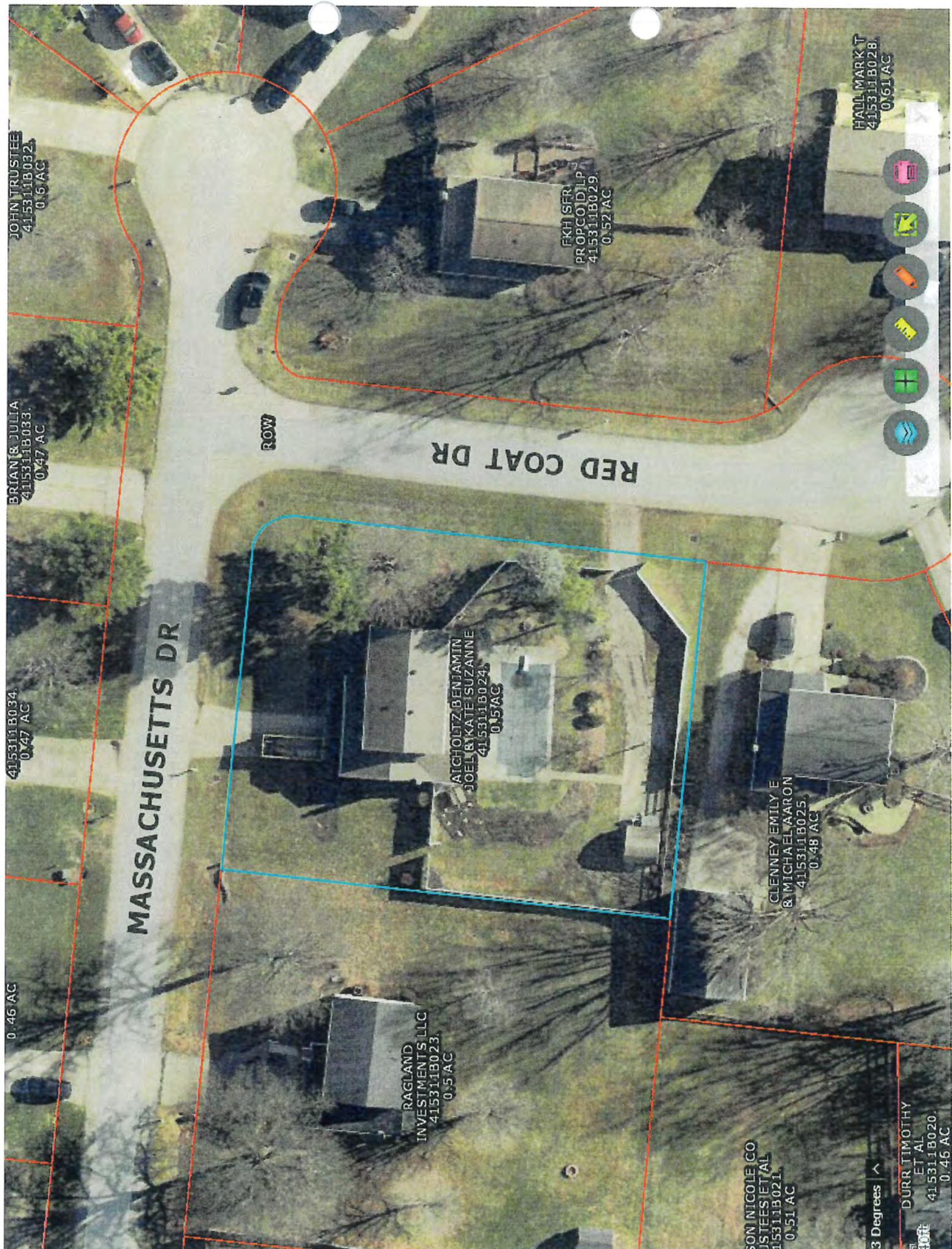


- 8+ new privacy trees installed roughly 5 to 8 ft tall
- 4+ Existing privacy trees
- Warning sign for 10PM quiet time
- Lots of parking off street
- Safety signs for pool located in sunroom
- 3 Gates (locked)
- 6 car "available" parking outside of right of way
- Bedroom 1: King
- Bedroom 2: King
- Bedroom 3: Two TwinXL
- Bedroom 4: Queen & TwinXL

Fence Style

Listing





Legal Description

TShp: UNION TWP

SDIV: LEXINGTON GREEN SUB | Lot 24 | Blk B | PIN: 41-53-11B-024. | Tsfr# 6262

631 Mass

SITUATED IN CLERMONT COUNTY, UNION TOWNSHIP, STATE OF OHIO, AND IN MERRIWETHER MILITARY SURVEY NO, 1136 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING ALL OF LOT NUMBERED 24 OF LEXINGTON GREEN SUBDIVISION, BLOCK B AS RECORDED IN PLAT BOOK T, PAGES 19 AND 20 OF THE PLAT RECORDS OF CLERMONT COUNTY, OHIO RECORDERS OFFICE. 415311B024. F ,



QUIET HOURS



IN EFFECT AFTER 10:00 PM

Per Union Township Resolution 00-03

- No loud music, parties, or amplified sound (including radios, speakers, or musical instruments) after 10:00 PM.
- Fireworks are strictly prohibited at all times
- Any noise that can be clearly heard 100 feet away or from inside another home may be considered a violation.
- Violators may be subject to minor misdemeanor charges under Township law.

Let's respect the peace and be good neighbors.

Thank you.