



CONDITIONAL USE APPLICATION

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

PROPERTY ADDRESS: 460 S 3rd Street

Property Owner: Sunny Ray LLC

Owner's Mailing Address: 1373 Covedale Ave. Cinti, OH 45238

Email Address: Sunnyrayproperties@gmail.com Phone Number: 513-470-9934
513-405-3563

Applicant's Name (If different from owner): _____

Applicant's Mailing Address: _____

Email Address: _____ Phone Number: _____

Architect / Engineer: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____

Previous Legal Use of Property: TN-4

Date Previous Use Discontinued: vacant for at least 10 years - hasn't been used as a storefront in (estimated) at least 40 years or more

Proposed New Use of Property: TN-1 - 2 single bedroom units

PLEASE NOTE:
Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

CERTIFICATION:
I certify that all of the information contained in this Application is complete, true, and accurate.

Applicant's Signature: Michael J Colligan Date: 3-10-2024

Property Owner's Signature: Michael J Colligan Date: 3-10-2024

For questions or more information, please contact Planning at 513 785-7350 | www.hamilton-oh.gov/planning

Conditional Use Application for 460 South Third Street

I. General Requirements

Pre Application Meeting was held on site (photos taken) on 3/3/2024

II. Project Overview

Description of Requests

Conditional Uses

460 S 3rd Street is currently zoned TN-3. We are seeking TN-1 zoning.

Variances

There are two variances. Variance 1 - 1502 - We are seeking to allow a 2 unit dwelling on a 3,049 square foot lot. Currently, there are many houses in the neighborhood with similar lot and building sizes used as multi family dwellings. This fits in the nature of the neighborhood in general. While the home was not originally constructed as a multi family dwelling, it was converted prior to our purchase of the home. It would require significant investment to convert back to a single family dwelling. Given that the neighboring houses are vacant and have become overtaken by animals and squatters, it is important to get the house rehabbed and inhabited to improve the safety and value of the neighborhood as a whole.

Variance 2 - 1560 - In the past, it appears, because of the larger sized windows in the front, that the first floor was once a store front. It has been many years since this has been used in this way (estimated at least 40 years). Any more recent use has been as a residential first floor unit. The house is on the historic registry and we have met with them and been approved for doors and windows to be replaced in the same sizes and locations.

Project Description

Introduction/ Background to the Proposal.

We recently purchased this unit in an as-is condition. It has been vacant for over 10 years with no water or electrical service to the building. It is in desperate need of re-hab from the floors, to drywall, doors, windows, etc.. to make it habitable. As it is currently set up, it has two one bedroom units. Each unit has one bedroom, one bathroom, one kitchen, and one living area. Each has its own furnace and electrical meter. Each has separate water heaters. Each unit has a separate and private entrance. We are seeking to use the building as it is currently structured, as two one bedroom units. We have no intention to move walls or anything like that, simply restore it to its former function. It is important to note that there are five vacant buildings

surrounding this property, full of animals and squatters. Rehabbing the property and getting suitable tenants adds to the safety and improvement of the neighborhood.

Scope of Business Operations

N/A

Description of How Project Addresses Review Criteria

Conditional Use Criteria

- (1) The proposed conditional use is to be located in a district wherein such use may be permitted subject to the requirements of this section and the zoning ordinance. - yes
- (2) The proposed conditional use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare. - The proposed use will not affect any neighboring properties, other than to inhabit a vacant building providing additional security to the neighborhood and hopefully discourage squatters, thereby lessen crime.
- (3) The proposed conditional use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. - Character will not change. Any exterior changes have been approved by the ADRB. The proposed changes apply only to the interior of the building.
- (4) The proposed conditional use shall be adequately served by essential public facilities and services, such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed conditional use. - yes
- (5) The proposed conditional use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding streets. - Proposed use will not affect traffic.
- (6) The proposed conditional use will comply with all applicable development standards, except as specifically altered in the approved conditional use. - Proposed use will comply with all applicable standards.
- (7) The proposed conditional use will not be hazardous to or have a negative impact on existing or future neighboring uses. - The proposed use will have a POSITIVE impact on the existing and future neighboring uses, as much of the property is vacant or in need of rehab.
- (8) The proposed conditional use will not involve uses, activity, processes, materials, equipment and conditions of operations, including, but not limited to, hours 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, odor, or other characteristic not comparable to the uses permitted in the base zoning district. - Proposed use will not be detrimental to any persons/property.

- (9) The proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. - Proposed use will not impede development or improvement of the surrounding neighborhood, In fact, it would serve as a catalyst for improvement, given the status of the vacant houses nearby.
- (10) State how the proposal relates to existing land use of the vicinity, or to the city of Hamilton comprehensive plan. If the proposed use is inconsistent with the land uses in the surrounding area, justify the proposed deviation. - The proposed use of this house as a duplex fits in well with the existing buildings in the neighborhood, as there is a mix of single family, home, two family dwellings, and larger multi family units.

Variance Review Criteria

i - Will the property yield a reasonable return or can there be a beneficial use of the property without the variance? - I purchased this house as a duplex. It already has two furnaces, and two separate one bedroom, kitchen units. It would require significant investment and reconfiguration of the house to convert it to a storefront. We feel it is most easily rehabbed, rented and inhabited by two residential tenants, rather than to use it as a residential unit and storefront.

ii. Is the variance substantial? This variance closely matches the existing uses of buildings in the neighborhood. This house as a duplex will serve the community well. It will serve as a model for improvements to other nearby houses, which are currently vacant and in need of rehab and rental income.

iii. Would the variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties? All exterior improvements have been approved by the ADRB. It would only improve the neighborhood, as the five buildings adjacent are currently vacant/abandoned, in disrepair.

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 ordinances?
- No

vi. Could the problem be solved in some other manner, other than the granting of the variance?
- No. Given the current condition of the house, configuration of the house, and the condition/uses of neighboring houses, this is necessary.

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

How does the project address the requirements specific to your proposed conditional use?

There are two variances. Variance 1 - 1502 - We are seeking to allow a 2 unit dwelling on a 3,049 square foot lot. Currently, there are many houses in the neighborhood with similar lot and building sizes used as multi family dwellings. This fits in the nature of the neighborhood in general. While the home was not originally constructed as a multi family dwelling, it was converted prior to our purchase of the home. It would require significant investment to convert back to a single family dwelling. Given that the neighboring houses are vacant and have become overtaken by animals and squatters, it is important to get the house rehabbed and inhabited to improve the safety and value of the neighborhood as a whole.

Variance 2 - 1560 - In the past, it appears, because of the larger sized windows in the front, that the first floor was once a store front. It has been many years since this has been used in this way (estimated at least 40 years). Any more recent use has been as a residential first floor unit. The house is on the historic registry and we have met with them and been approved for doors and windows to be replaced in the same sizes and locations.

III. Site Plans

Most of this section is not applicable. In terms of parking, there is ample on street parking. In addition, we own the private parking area next door, with 8 unused parking spaces. Tenants would have access to this lot.

IV. Building Plans

N/A

V. Landscaping Plan

N/A

VI. Lighting Plan

N/A

Search...

Inbox Service Request Inspections Permit Reports

- Summary
- Main
- Address
- People
- DataGroup**
- Rel Docs
- Flags
- Fees
- Payment
- Workflow
- Notes

Case Type: PL-CONDUSE Number: CU24-00181 Status: PL-FEESDUE

Data Group

Grand Sum: 0

PL-CUINSTR : Please review instructions and checklist **Group Sum** **Sum Flag**

<https://www.hamilton-oh.gov/s/2023-Conditional-Use-Application-Hamilton-OH-01012023.pdf> Y

PL-CU1 : **I. APPLICATION REQUIREMENTS:** **Group Sum** **Sum Flag**

General Requirements: N

Pre-Application Meeting (Required)Y

Date of Meeting 3/4/2024

Complete Conditional Use Application FormN

Required Application Fee- (\$200)Y

PL-CUACL : **Applicant: Description of Request(s)** **Group Sum** **Sum Flag**

Description of Conditional Uses

Comment: 460 s 3rd is currently zoned TN-3. We are seeking Tn-1 zoning.

Description of Variances (where applicable)

Comment: Section 1502 of HZO Section 1560 of HZO

Project Description:

Comment: Building has been vacant over 10 years. As it is currently set up, it has two one bedroom units. Rehabbing this property and getting suitable tenants will add to the safety and improvement of the neighborhood.

Description of Scope of Business Operation (Hours of Operation/Number of Employees/# of Deliveries (if applicable)/etc.)

Comment: N/A

Description of how project addresses Conditional Use review criteria (a) Conditional Use Criteria - Section 1300.4, Clause C (see page 9 of PDF) (b) Variances - Section 1300.4, Clause D(see page 10)

Comment:

PL-SITEPLA :	III. SITE PLANS Checklist	Group Sum	Sum Flag <input type="checkbox"/>
	Basic drawing and location information (North orientation arrow, Drawing scale information, Property lot lines, Street locations and names)		Y
	Proposed location, dimensions, height, areas, and setbacks to property lines (Buildings, Signage, Fencing, Parking, Dumpster enclosure, Accessory structures)		Y
	Access and circulation on the site (Vehicles, Pedestrians, Crosswalks, Sidewalks)		N
	Location of off-street parking (Off-street parking areas Driveways, Parking locations, Parking space dimensions, Surface materials)		
	Comment: We own the private parking area nextdoor, with 8 unused parking spaces, The tenants would have access to this lot.		
	Signage (If applicable) Location, Setbacks Area and Height		N
	Location of landscaping areas		Y
	Fencing height and materials (if applicable)		N

PL-BULDPLA :	IV. Building Plans	Group Sum	Sum Flag <input type="checkbox"/>
	Color exterior building elevation drawings		N
	Building elevations showing: Building heights, Building materials, Architectural details, Windows/Transparency, Features		N
	Interior floor plan showing: Room/area use, Interior room dimensions		N
	Location of areas/facilities relevant to the Conditional Use proposal		N


PL-LANDSC :	V. Landscaping Plan:	Group Sum	Sum Flag <input type="checkbox"/>
	Plans showing number, type, and location of: Trees, Shrubs, Perennials / Flowering Plants		N

PL-LIGHTIN :	VI. Lighting Plan (if applicable)	Group Sum	Sum Flag <input type="checkbox"/>
	Lighting plan? (Please upload in documents section if applicable.)		N

PL-CUA :	Conditional Use Application	Group Sum	Sum Flag <input type="checkbox"/>
	Proposed New Use of Property:		
	Comment: Two-family residential		
	Previous Legal Use of Property: (Put N/A if unknown)		
	Comment: Residential on second floor, commercial on first floor.		

Date Previous Use Discontinued:(Put N/A if unknown)

Comment: N/A

 PL- COUNCI :	Council Meeting Date:	Group Sum	Sum Flag <input type="checkbox"/>
	Meeting Date:		
	Meeting Type		
	Addresses:		
	Property Zoned		