

Historic Conservation Board

Hearing Application



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559

Section 1. SUBJECT PROPERTY

ADDRESS _____ COMMUNITY _____
PARCEL ID(S) _____ HISTORIC DISTRICT _____
BASE ZONING CLASSIFICATION _____ HILLSIDE DISTRICT: Yes No
 Non-Residential Project Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 3. OWNER

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 4. NATURE OF CERTIFICATE OF APPROPRIATENESS REQUESTED

A certificate of appropriateness is NOT being requested. (Proceed to Section 5.)

A certificate of appropriateness is being requested for:

New Construction Alteration Demolition

BRIEF DESCRIPTION OF PROJECT (*Do not write "see attached" or leave blank.*)

Section 5. NATURE OF ZONING RELIEF REQUESTED

Zoning relief is NOT being requested, or select all that apply:
 Variance Special Exception Conditional Use Use Variance
 Expansion or Substitution of Non-Conforming Use Hillside Overlay District Permission
 Urban Design Overlay District Permission DD District Phased Development Approval

BRIEF DESCRIPTION OF ZONING RELIEF REQUESTED (*Do not write "see attached" or leave blank.*)

Section 6. SIGNATURE.

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Print Name _____ **Signature** _____ **Date** _____

Section 7. DOCUMENTATION SUBMISSION REQUIREMENTS.

Important Information: An application will not be deemed complete until all required documents listed below have been submitted and the application fee is paid in full. All transactions must be completed by 4:00pm. No exceptions. Applicants are strongly encouraged to submit as early as possible to allow time for review and revisions. Partial applications cannot be processed. Failure to submit a complete application prior to 4:00pm on a deadline date will result in delays to the assigned hearing date.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together of all the documents listed below, AND one (1) digital copy on a thumb/flash drive in PDF format of all documents listed below. <i>No emails.</i>
<input type="checkbox"/>	Historic Conservation Board hearing application; pages 1-2 only. The instruction pages should not be included in your submission.
<input type="checkbox"/>	Adjudication Letter AND worksheet issued by the Department of City Planning & Engagement – Urban Conservator’s Office. Provide all documents requested on the worksheet.
<input type="checkbox"/>	A written statement explaining how the proposed project meets the applicable Historic Conservation Guidelines and, if requested, Zoning relief. Separate instructions for preparing this statement are attached. <i>If you fail to follow the instructions for your type of request(s), your application may be denied.</i>
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15 . <i>Please ensure your application meets these requirements.</i>
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Font no smaller than size 11. Plans or drawings may be formatted to 11x17 or 12x18. <i>No larger sizes will be accepted.</i>
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) of existing and proposed project showing parcel lines, boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all primary and accessory structures from the nearest property lines. Provide all parcels and structures adjacent to the site. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as drawings, elevations with measurements, specifications) fully depicting the exterior and/or interior appearance of the existing and proposed project, including parking and access, exterior lighting, landscaping, signs, roof and floor plans involved in the application. Provide labeled photographs of existing conditions of all sides/directions of the structure/property.
<input type="checkbox"/>	The Hamilton County Auditor’s record showing ownership of the property. If the Hamilton County Auditor’s official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner’s legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses, expert witnesses, or legal counsel who you expect to testify at the hearing on this application. Please provide names and email addresses.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to “City of Cincinnati.”

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors’ concerns or objections and can facilitate the approval of your application.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A CERTIFICATE OF APPROPRIATENESS

Applicants requesting a Certificate of Appropriateness must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in **Cincinnati Municipal Code 1435-09-2 AND local Historic Conservation Guidelines.** Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by the application, applicants must provide a written statement explaining how their proposed project meets the applicable Historic Conservation Guidelines.

1435-09-2. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

(a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines;

Or

(b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

(i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;

(ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness;

and (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

(aa) A property's current level of economic return; (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents; (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return; (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Additionally, the City of Cincinnati Department of Planning and Engagement's website offers links to **local Historic Conservation Guidelines**. The website is <https://www.cincinnati-oh.gov/planning/historic-conservation/local-conservation-guidelines/>.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE, SPECIAL EXCEPTION OR CONDITIONAL USE (Part 1 of 2)

As required by the application, applicants must provide a written statement explaining how their proposed project meets the standards in 1435-05-4.

Whenever an application is made for a variance, special exception or conditional use relating to property wholly or partially located within a Historic District or involving a Historic Asset, the Historic Conservation Board exercises the authority granted to the Zoning Hearing Examiner in Chapter 1445 of the Cincinnati Zoning Code. In such cases, the provisions of Chapter 1445, where not inconsistent with the provisions of this chapter, apply to the exercise of the authority prescribed therein.

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

OR

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) .
 - (aa) A property's current level of economic return;
 - (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
 - (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
 - (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
 - (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
 - (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE (Part 2 of 2)

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 **AND** Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
 - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
 - b. how the project meets either of the following conditions:
 - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
 - ii. a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE VARIANCE

Applicants requesting a use variance must demonstrate through “CLEAR AND CONVINCING EVIDENCE” in the form of credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-16. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a use variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-16, an applicant must show that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required. An applicant can show this by providing clear and convincing evidence demonstrating all of the following criteria are met:
 - a. the property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
 - b. the variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - c. the hardship condition is not created by actions of the applicant;
 - d. the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. the granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - f. the variance will be consistent with the general spirit and intent of the zoning code; and
 - g. The variance sought is the minimum that will afford relief to the applicant.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A SPECIAL EXCEPTION (Part 2 of 2)

Applicants requesting a special exception must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati **Municipal Code 1445-13** **AND** **Cincinnati Municipal Code 1445-19**. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a special exception:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-19, an applicant must demonstrate **all** of the following:
 - a. the zoning code allows for a special exception in the district in which the property is located;
 - b. the proposed project meets any special standards for the specific special exception requested;
and
 - c. the proposed project will meet **all** of the following standards:
 - i. be consistent with the purposes of the zoning code and the district where the use is located.
 - ii. not substantially diminish or impair the value of property within the neighborhood in which it is located.
 - iii. not have an adverse effect on the character of the area or the public health, safety and general welfare, and be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations.
 - iv. comply with all other standards imposed on it by this zoning code.

INSTRUCTIONS FOR APPLICATIONS REQUESTING AN EXPANSION OR SUBSTITUTION OF A NONCONFORMING USE

Applicants requesting an expansion or substitution of a nonconforming use must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 **AND** Cincinnati Municipal Code 1447-17. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for an expansion or substitution of a nonconforming use:

1. To meet the standard outlined in Cincinnati Municipal Code 1447-17, an applicant must demonstrate how the proposed project relates to **one or more** of the following standards:
 - a. consistency with the general purposes and intent of the zoning code;
 - b. promotion of the safe and efficient use of land;
 - c. compatibility with other adjacent land uses and buildings existing in the surrounding area;
 - d. consistency with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property; or
 - e. location in a building that is specially equipped or structurally designed for that use.

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN A HILLSIDE OVERLAY DISTRICT

Applicants requesting development permission in a Hillside Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in **Cincinnati Municipal Code 1433-19** **AND** **Cincinnati Municipal Code 1433-23**. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in a Hillside Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1433-19, an applicant must demonstrate how the proposed project complies with all base development requirements for a Hillside Overlay District. The list of base development requirements is found in Cincinnati Municipal Code 1433-19.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1433-23, an applicant must demonstrate the proposed project is in harmony with adjacent buildings and the hillside environment. A list of standards considered by the Zoning Hearing Examiner to determine whether the proposed project the proposed project is in harmony with adjacent buildings and the hillside environment is found in Cincinnati Municipal Code 1433-23.

*****Please note that applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.**

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN AN URBAN DESIGN OVERLAY DISTRICT

Applicants requesting development permission in an Urban Design Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in **Cincinnati Municipal Code 1437-09**. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in an Urban Design Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1437-09, an applicant must demonstrate how the proposed project complies with the standards found in Cincinnati Municipal Code 1437-09 that apply to the particular district in which the proposed project will be located.

INSTRUCTIONS FOR APPLICATIONS REQUESTING APPROVAL FOR A DD DISTRICT PHASED DEVELOPMENT

Applicants requesting approval for a DD District Phased Development must provide all information required by Cincinnati Municipal Code 1411-45.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for approval of a DD District Phased Development:

1. For projects that intend to phase development by first erecting a building and then enlarging that building or erecting one or more additional buildings or both, the applicant must:
 - a. provide a site master plan to the Board. The site master plan must be a schematic of the intended development of the entire site showing the locations, uses, heights and gross floor areas of every building. The master plan must contain such other information as necessary to determine whether the intended development conforms to the requirements of this zoning code. The master plan may be amended from time to time, provided any amended master plan be filed with the Zoning Hearing Examiner; **and**
 - a. comply with all other applicable requirements set forth in Cincinnati Municipal Code 1411-45.

INSTRUCTIONS FOR APPLICATIONS REQUESTING CONDITIONAL USE APPROVAL (Part 2 of 2)

Applicants requesting approval a conditional use approval must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a conditional use approval:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the conditional use is specifically listed in the applicable zoning district use regulations;
 - b. the project meets any limitations specifically listed in the applicable zoning district use regulations;
and
 - c. the project’s location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE PERMIT

Applicants requesting approval Use Permit must demonstrate through credible testimony, documentary evidence, or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applicants that are not supported by testimony, documentary evidence, or written statements may be denied.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards a Use Permit:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the Use Permit is specifically listed in the applicable transect zone use table;
 - b. the project meets any limitations specifically listed in the applicable transect zone regulations; and
 - c. the project’s location, design, configuration, and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood