

APPLICATION FOR ZONING RELIEF

1. SUBJECT PROPERTY

ADDRESS 24 WEST LIBERTY, 1629 REPUBLIC ST.
AUDITOR'S PARCEL ID(S) 094-0008-0086-00, 094-0008-0366-00, 094-0008-0100-00
BASE ZONING CLASSIFICATION RM-12
ZONING OVERLAY (if applicable) OVER-THE-RHINE HISTORIC

2. APPLICANT

NAME FRANCISCAN FRIARS CONTACT PERSON (if legal entity) FR. FRANK JASPER
ADDRESS 1615 VINE ST. CINTI, OHIO 45202
EMAIL frank.jasper@franciscan.org
TELEPHONE 513-721-4700 RELATIONSHIP TO OWNER VICAR FRIAR

3. OWNER

NAME PROVINCE OF ST. JOHN THE BAPTIST CONTACT PERSON (if legal entity) FR. FRANK JASPER
ADDRESS 1615 VINE ST. CINTI, OHIO 45202
EMAIL frank.jasper@franciscan.org
TELEPHONE 513-721-4700

4. NATURE OF RELIEF REQUESTED (select all that apply)

- ☐ Variance ☒ Use Variance ☐ Special Exception ☐ Conditional Use ☐ Use Permit
☐ Expansion or Substitution of Nonconforming Use ☐ Hillside Overlay District Permission
☐ Urban Design Overlay District Permission ☐ DD District Phased Development Approval

5. BRIEF DESCRIPTION OF RELIEF REQUESTED (You may attach a statement to this application if the space provided is insufficient)

Proposed Special Med. Shelter

6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED. You must provide a written statement explaining how your project meets the standards for all relief requested. Separate instruction forms for preparing this statement are provided. If you fail to follow the instructions for requesting a variance, use variance, special exception, conditional use, use permit, certificate of appropriateness, expansion or substitution of nonconforming use, hillside overlay district permission, urban design overlay district permission, and/or DD district phased development approval, your application may be denied.

7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name _____ Signature _____ Date / /

8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS. Submit three copies of the following documentation. If you fail to complete the application and provide all information requested, your application may be denied.

<input checked="" type="checkbox"/>	The written statement required in Section 6 above. <i>Letter indicating what you are doing & why.</i>
<input checked="" type="checkbox"/>	Survey plats, <u>site plans</u> or other accurate drawings showing boundaries, dimensions, area, topography, and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must also be provided.
<input checked="" type="checkbox"/>	Plans <u>architectural drawings</u> , <u>photographs</u> , elevations, specifications, and other detailed information depicting fully the exterior appearance of the existing and proposed construction, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input checked="" type="checkbox"/>	All other documents or information you intend to introduce at the hearing on this application. <i>Supporting letters (neighbors or Comm. Council)</i>
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input checked="" type="checkbox"/>	A non-refundable application fee. The fee must be paid with a check made payable to <u>"City of Cincinnati."</u> Fees are as follows: <u>\$500-use variances</u> , \$300-all other relief.

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.

REMEMBER: YOU MUST PAY THE REQUIRED FEE AT THE TIME YOU SUBMIT YOUR APPLICATION. (\$500-USE VARIANCES; \$300-ALL OTHER RELIEF)

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 Zoning Hearing Examiner 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 Zoning Hearing Examiner 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.

X

**TO: CITY OF CINCINNATI- ZONING
APPLICATION FOR ZONING RELIEF**

**FROM: FRANCISCAN FRIARS
PROVINCE OF ST. JOHN THE BAPTIST**

SUBJECT: REQUEST FOR A USE VARIANCE

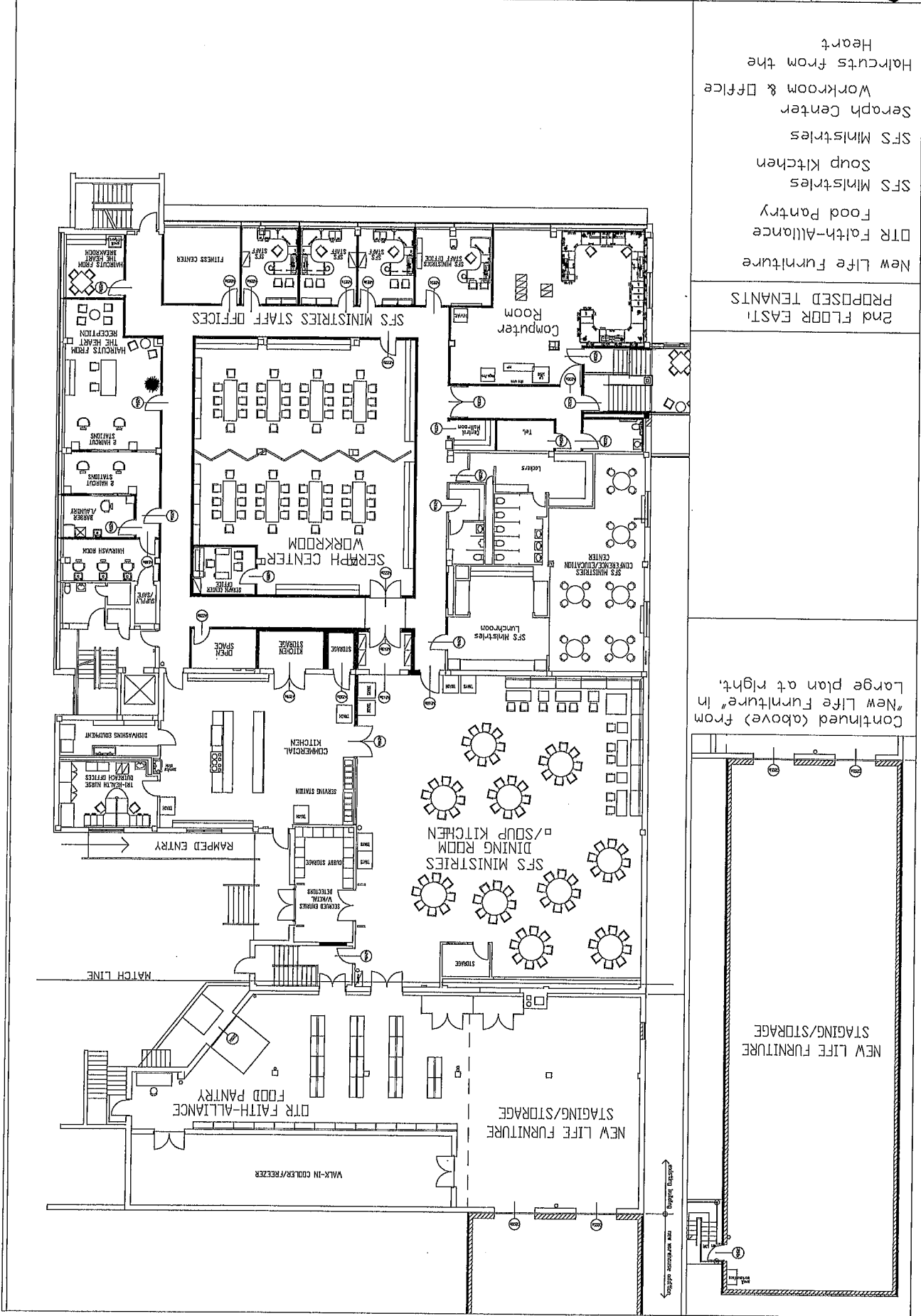
The Franciscan Friars own the Franciscan Media Center buildings located at 24 West Liberty Street and 1629 Republic Street in Over the Rhine. This property consists of two separate office buildings with the East Building being the St. Anthony Messenger building and the West Building being the Franciscan Media building and there are two attached warehouses behind the two office buildings. All of these buildings are zoned residential but they are used for office space and warehousing.

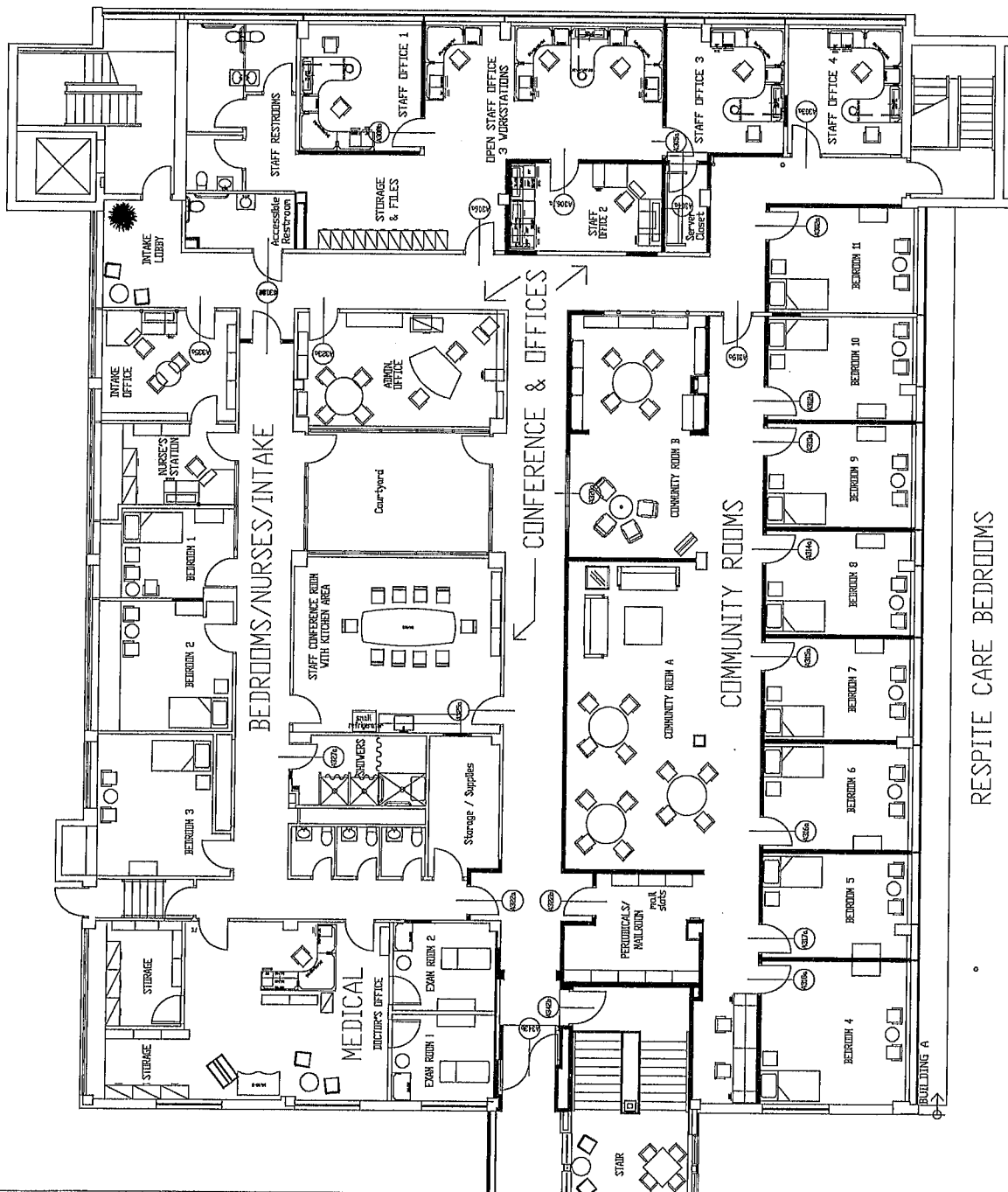
A recent downsizing at Franciscan Media has resulted in a consolidation of all of our necessary operations into the West Building only for office space leaving the East Building and the two warehouses empty. Since the Friars have a universal mission and long tradition in OTR of serving the poor it is our desire these empty buildings be used for services which help the poor.

It is our hope the St. Francis Seraph Ministries, a sponsored ministry of the Franciscan Friars can consolidate their current operations housed in three separate OTR buildings into the empty office and warehouse space in the East Building. Further it is our desire all of the other unoccupied office/warehouse space in the East Building which is not needed by St. Francis Seraph Ministries be made available for use by the following local non-profit organizations: Haircuts from the Heart, Center for Respite Care, New Life Furniture and OTR Faith Alliance Food Pantry.

The basic use of the East Building would remain the same functioning as both office space and warehouse space for these various non-profit organizations. However the purpose of the offices in the East Building and the two warehouses would be to provide community services which serve the poor.

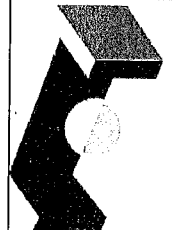
Included in this request for a Use Variance is a brief description for each non-profit organization explaining their mission, purpose and the services they provide to the indigent and poor within our community. Please note how each non-profit organization interested in this endeavor supports all of the other partner organizations who would share in occupying this unused space. Certainly, a Use Variance of this nature offers a positive alternative to an empty office building and warehouses which are in non-conformity to the current residential zoning for this block.





Center For Respite Care
Respite Care for the Homeless

RESPITE CARE BEDROOMS



EOE FURNITURE

EFFECTIVE OFFICE ENVIRONMENTS

3RD FLOOR EAST

SFS MINISTRIES

PAGE:

2/2

DATE:

10/12/15

SCALE:

1/8" = 1'0"

DRAWN BY:

GV

REVISIONS

Memorandum of Understanding

Between

Franciscan Media, LLC

And

St. Francis Seraph Ministries

And

Province of St. John the Baptist of the Order of Friars Minor

This Memorandum of Understanding (MOU) sets forth the terms and understanding between Franciscan Media, LLC (FM), St. Francis Seraph Ministries (SFSM), and Province of St. John the Baptist of the Order of Friars Minor (Province) regarding the use of building space in two buildings currently occupied by Franciscan Media and located at 28 W Liberty Street, Cincinnati (West Building), OH and 1615 Republic Street, Cincinnati, OH (East Building and collectively the Properties).

Background and Scope

FM currently occupies the Properties owned by the Province. FM's occupancy is under a Triple Net Lease with the Province. Under this lease FM has full use of the Properties, is required to pay \$1.00 annually to the Province and maintain the Properties, and pay all building related expenses including taxes, utilities, insurance, repairs and equipment. Under the terms of the current lease, FM is not allowed to lease or sublet, or make alterations to, all or any part of the Properties without the consent of the Province. The Properties include office space, warehousing space, three parking garages, outside parking lot, storage areas, and utility areas. Approximately 20 parking spaces in the East Building garage are occupied by friars and province personnel.

Because of FM's recent downsizing, space has become available which SFSM is interested in occupying. Additionally SFSM is interested in collaborating with other local non-profit ministries (Local Ministries) in the use of the Properties. SFSM and the other possible Local Ministries are interested in occupying the East Building, including 2nd and 3rd floor office space, the former printshop area, the former product picking areas and the warehouse areas.

FM is interested in continuing to occupy the West building, the bridge between the two buildings, as well the computer room in the East Building, the video equipment storage and records storage rooms in the East Building front garage, and shared space of the telephone closet in the 2nd floor East Building.

Conditions and Arrangements

FM, SFSM and any Local Ministries will occupy the Properties based on a cost sharing arrangement as described below. SFSM will seek reimbursement from any Local Ministries occupying the East Building based on arrangements SFSM makes independently with the Local Ministries. The Province is to approve any Local Ministries occupancy of the Properties.

Province will be responsible for all construction costs incurred to meet FM's office needs, the securing of the bridge area from the East Building, and a security door into the computer room (if necessary).

Approval by the Province is needed for all building renovations.

Visitors

FM will handle its visitors through the West Building main entrance. SFSM and Local Ministries will handle their visitors through the East Building entrances.

Furniture

SFSM is welcome to use, at no cost, FM's furniture that is not used or needed by FM. Assembly of any furniture will be the responsibility of SFSM. FM maintenance personnel may be able to assist with the any furniture assembly if they are available.

Security

FM and SFSM will collaborate on the best way to program and use security systems to meet each other needs. This will involve discussions with security system professionals as to the best overall strategy. If the strategy is to share one system, then the ongoing monitoring costs will be prorated as a non-building specific expenses (as discussed above). Any expense for security guards or other security needs will be the responsibility of the organization needed them. The City of Cincinnati has false security alarm fines. These fines increase with each incident within a twelve month period. These fines will be paid by the organization that caused the false alarm.

Major Mechanical and Building Repairs

The costs for major mechanical replacements or building repairs will be prorated as stated above. All such repairs will include the consultation and decision of the Province.

Building Maintenance

Overall building maintenance will be coordinated by FM. FM maintenance personnel or outside contractors will perform repairs and routine maintenance. Ongoing maintenance such as routine painting, minor damage repair, etc. will be performed by FM personnel.

Housekeeping

FM and SFSM will each be responsible for housekeeping and cleaning in their respective areas.

Internet and Telephone

FM and SFSM will each be responsible for their own computer networking, internet and telephone systems including initial wiring, hardware, software and ongoing service. However, FM may be able to

Signature _____
Franciscan Media, LLC

Date: _____

Signature _____
St. Francis Seraph Ministries

Date: _____

Signature _____
Province of St. John the Baptist of the
Order of Order of Friars Minor

Date: _____



513-549-0542 • 1615 vine street, Cincinnati, OH 45202 • www.sfsministries.org • team@sfsministries.org

ST. FRANCIS SERAPH MINISTRIES
USE OF MEDIA CENTER BUILDING
October 2015

St. Francis Seraph Ministries located at Liberty and Vine in OTR needs additional space in order to better serve our clients who are the urban poor. Currently the Ministries operates our programs from three separate OTR locations and each location limits our ability to provide effective operations and expand any of our services.

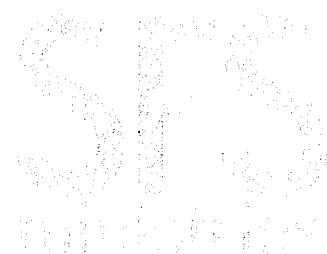
Since St. Francis Seraph Ministries and Franciscan Media are both sponsored by the Franciscan Friars of the St. John the Baptist Province which owns the Media Center buildings the Friars offered the Ministries use of the empty St. Anthony Messenger building as a new location for our operations.

When it became apparent the St. Anthony Messenger Building and Warehouses is more space than the Ministries needs it was suggested to seek other non-profit organizations to share this space. It is the strong desire of the Franciscan Friars that all of their properties in OTR and elsewhere be used to help serve the poor.

Consequently the Ministries have found other non-profit organizations all of whom need a different facility and would like to partner is using space in the St. Anthony Messenger Building. These organizations include; Center for Respite Care, Haircuts from the Heart and New Life Furniture.

St. Francis Seraph Ministries operates four annual programs to serve our clients who are urban poor. These programs include the Soup Kitchen which serves dinner 3 nights per week and hosts approximately 1,800 guests each month. The Bag Lunch Program which includes the assembly and distribution of 600-800 bag lunches each week to 12-16 locations throughout the city for day laborers and transitional housing clients. The Sarah Center teaches life skills which include sewing, quilting and jewelry making to approximately 40 clients each year to enhance personal job skills and self-esteem. The Cooking for the Family Program teaches planning, shopping and cooking skills to families so they can better utilize their limited resources for feeding their household affordable, nutritious meals.

Also Tri-Health Nurse Outreach operates out of the St. Francis Seraph Ministries office with two health care professionals who serve the elderly and pregnant clients in OTR. Tri-Health has indicated they wish to continue the Nurse Outreach Program within the Ministries new office location.



**Statement Describing the Zoning Relief Requested and
the Reasons Why this Relief Should be Granted**

The subject real property is located at the northwest quadrant of W. Liberty Street and Republic Street in Over-the-Rhine. The building fronting on W. Liberty Street has an address of 24 W. Liberty Street, and the building fronting on Republic Street has an address of 1629 Republic Street. The subject property has been known as the Franciscan Media Center buildings.

The underlying zoning is RM-1.2, and the zoning overlay is the OTR Historic District.

The owner of the subject property is The Province of St. John, also known as The Province of St. John the Baptist Friars. Their affiliated entity is St. Francis Seraph Ministries. The parish office and ministries office are located at 1615 Vine Street, which is on the west side of Vine Street, immediately north of St. Francis Seraph Church, which is on the north side of W. Liberty Street, west of Vine Street, and east of Republic Street.

The Franciscan Media Center had been located on the subject property. The media center was essentially on the north side of W. Liberty Street, both east and west of Goose Alley, which is parallel to and west of Republic Street. The property between Goose Alley and Republic Street has been known as the St. Anthony Messenger building, which is now vacant. St. Francis Seraph Ministries and Franciscan Media are both sponsored by the Franciscan Friars of the St. John the Baptist Province which owns all of this property.

The recent downsizing of Franciscan Media has resulted in the consolidation of these operations in the building on the west side of Goose Alley. It is the East Building (east of Goose Alley and west of Republic Street) that is subject to this application.

The Franciscan Friars have had a universal mission and long tradition in Over-the-Rhine of serving the poor, and therefore desire to use the presently vacant property at 24 W. Liberty Street and 1629 Republic Street for services which benefit the poor of this community.

With respect to the front building at 24 W. Liberty Street, the first floor has been used for parking and will continue to be so used. The second floor will house the offices and operations of St. Francis Seraph Ministries and other local non-profit organizations that serve the poor in Over-the-Rhine. The third floor will be occupied by the Center for Respite Care which provides respite care for the homeless.

It is respectfully submitted that the uses on the second floor qualify as "Community Service Facility" uses which are allowed as a conditional use. It is further respectfully submitted that the use of the third floor space qualifies as a permitted use.

The Center for Respite Care use on the third floor is a form of "Assisted Living" which is a permitted use. It should also be noted that a nursing home is a permitted use in this zoning district. As explained in more detail in the accompanying materials, the Center for Respite Care is "licensed as an Assisted Living/Residential Care by the State of Ohio". As defined in the Cincinnati Zoning Code, "Assisted Living" means "an institution, residence or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment, but that is not licensed to provide skilled nursing care." Hence, the Center for Respite Care is permitted as of right in this zoning district. (A "nursing home" is defined in the Zoning Code as "an institution, residence or facility licensed by the State of Ohio that provides accommodation, personal assistance and skilled nursing care to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment.")

The "Community Service Facility" uses on the second floor include the following: the Seraph Center, which provides skills and empowerment for the poor women of the community; the Soup Kitchen and the Bag Lunch program, both of which provide food for the poor; the Tri-Health Outreach nurse program which deals with the needs of the poor; and Franciscan Haircuts from the Heart which care for these needs of the poor in OTR. To the rear and occupying the vacant St. Anthony Messenger warehouse building are the community services known as "New Life Furniture" and the OTR-Faith Alliance Food Pantry. The former acts as a furniture bank to provide furniture for the homes of poor families in need. The latter tends to the nutritional and nourishment needs of the community.

Since the "Community Service Facility" uses on the second floor are conditional uses, the requirements of Cincinnati Zoning Code for conditional use approval must be met. It is respectfully submitted that the overriding issue for approval of a conditional use is that the proposed use be "in the public interest". It is inconceivable that any uses could be more in the public interest for the Over-the-Rhine community than these uses.

Moreover, there is virtually no potential adverse impact from these uses on the immediate neighborhood. All of the uses are within existing buildings and no exterior construction is involved. Further, the support from multiple sectors of the Over-the-Rhine community has been documented. The letters of support are included. (Initially, it was believed that the proposed uses should be treated as a "use variance" before it was realized that they may be allowed as conditional uses. Hence, the letters of support reference a use variance.)

The relevant language in the Cincinnati Zoning Code defining a "Community Service Facility" references "a non-commercial facility established primarily for the benefit and service of the population of the communities in which they are located." These non-profit organizations are acting solely for the benefit and service of the needy population of Over-the-Rhine. They are also all "non-profit civic, religious, welfare or philanthropic organizations," as set forth in Section 1401-01-C14 of the Cincinnati Zoning Code defining "Community Service Facility".

More significantly, all of the standards set forth in Cincinnati Zoning Code Section 1445-13, entitled "General Standards; Public Interest", are met. These standards are entitled "Zoning, Guidelines, Plans, Traffic, Buffering, Landscaping, Hours of Operation, Neighborhood Compatibility, Proposed Zoning Amendments, Adverse Effects, Blight, Economic Benefits, Job Creation, Tax Valuation, Private Benefits, and Public Benefits" and are explained below.

Under the topic Zoning, the underlying RM-1.2 zoning allows these uses as conditional uses, and this zoning district is recognized as an intense urban district. Under Guidelines, there is no conflict with the OTR Historic District guidelines, as no exterior or physical changes to the buildings are involved. With respect to Plans, the City of Cincinnati has recognized the importance of addressing and caring for the needs of the poor in OTR. With respect to Traffic, vehicular traffic will be minimal, and most of the persons going to and from the facility will be pedestrians.

With respect to Buffering, all of the operations are contained wholly within the existing buildings with no changes to the exterior. With respect to Landscaping, the same would apply, as no new construction is involved. With respect to Hours of Operation, the operating hours are compatible with adjacent land uses, especially since a number of existing operations and programs for the poor are being consolidated in a single complex. Concerning Neighborhood Compatibility, the letters of support indicate overwhelming compatibility and approval.

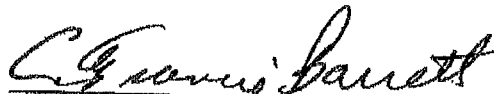
With respect to proposed Zoning Amendments, there are no known zoning amendments under consideration by the City Planning Commission or the City Council which would be contrary to this request. With respect to Adverse Effects, just the opposite should occur, as many positive effects will result. With respect to Blight, these uses will be consolidated in an existing vacant building complex and in a positive manner.

With respect to Economic Benefits, the generosity of these charities will definitely benefit OTR. With respect to Job Creation, there are a number of positions that will be occupied and/or filled to address the needs of the poor. With respect to Tax Valuation, this is not a relevant consideration. With respect to Private Benefits, other land owners in the area should benefit. With respect to Public Benefits, there should be the substantial advancement of the public peace health, safety, and general welfare, resulting from approval of this use.

Additionally, the Cincinnati Zoning Code allows for approval of any portion of these uses which may be deemed a non-conforming use under Section 1447-11 entitled "Substitution of a Non-Conforming Use". This section allows for the substitution of a non-conforming use for another non-conforming use, specifically referencing the location of the non-conforming use in the "RM-1.2" district". Hence, if the St. Anthony Messenger use or uses are deemed non-conforming uses, there is authorization for approval of the proposed uses as substitution for such existing uses if deemed non-conforming. (The applicant is not relying primarily on this section, but is referencing this section as a possible alternative section allowing relief.)

In summary, it is respectfully submitted the proposed request is consistent with the intent and purpose of the Cincinnati Zoning Code which is to promote the public health, safety, and welfare. It is further respectfully submitted that this request will allow for the reasonable and proper use of the subject property while also fulfilling the needs and goals of the OTR community. Finally, it is respectfully submitted that there is nothing more noble nor worthwhile than providing for the care and needs of the poor and homeless, and especially in such a responsible manner.

Respectfully submitted,

A handwritten signature in cursive script, reading "C. Francis Barrett". The signature is written in dark ink and is positioned above a horizontal line.

C. Francis Barrett

Attorney for The Province of St. John and
St. Francis Seraph Ministries

**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: DECEMBER 21, 2015**

APPLICANT: ST. FRANCIS SERAPH MINISTRIES

CASE TYPE: CONDITIONAL USE

PROPERTY: 24 WEST LIBERTY STREET AND 1629 REPUBLIC STREET

APPLICABLE GUIDELINES: OVER-THE-RHINE HISTORIC DISTRICT

SUMMARY OF REQUEST:

The applicant requests conditional use approval to introduce a Community Service Facility use into a Residential Multi-Family Zoning District in the Over-the-Rhine neighborhood.

SUMMARY OF DECISION:

The Conditional Use is **APPROVED**.

PUBLIC HEARING:

A hearing was held before the Historic Conservation Board ("Board") on December 21, 2015 at 3:00 p.m. Prior notice of the time and place of the hearing was mailed to the Applicant and all persons entitled to receive notice and published in *The City Bulletin*. A majority of the Board's members were present throughout the hearing, constituting a quorum pursuant to Section 5 of the Board's Rules of Procedure.

A recording of the hearing was made and is available for review and transcription from the Historic Conservation Office.

FINDINGS OF FACT:

Based on the report and recommendations of historic staff, the documents submitted by the Applicant and other concerned persons, and testimony presented at the hearing, the Board makes the following findings of fact and conclusions of law:

1. The matter concerns certain real property that is commonly identified as 24 West Liberty Street and 1629 Republic Street, and identified more particularly as Hamilton County Auditor parcel numbers 094-0008-0086-00, 094-0366-00, and 094-0008-0100-00 ("Property").
2. The Property is located in a Residential Multi-Family Zoning District ("RM 1.2") in the Over-the-Rhine Historic District ("District").

3. The Province of St. John is the owner of the Property ("Owner")
4. The Property comprises three interconnected structures into which the Owner proposes to relocate and expand its social service oriented mission.
5. The Owner proposes to use the Property as a Community Service Facility that will include a variety of services, including offices, vocational and trade training, personal services, medical services, information technology oriented services, a fourteen bed respite care facility, a commercial kitchen, warehouse distribution facilities, and parking facilities for employees and volunteers.
6. Cincinnati Zoning Code ("CZC") Section 1401-01-C15 defines a "Community Service Facility" as a noncommercial facility established primarily for the benefit and service of the populations of the communities in which they are located, such as YMCA or YWCA facilities, boys and girls clubs and offices of community councils, non-profit civic, religious, welfare or philanthropic organizations."
7. CZC Section 1405-05 prescribes the permitted uses in a RM 1.2 and provides that a Community Service Facility requires conditional use approval.
8. More than a dozen proponents attended the Hearing to support the application, and there were no parties who opposed the proposal.

CONCLUSIONS OF LAW:

1. City Administrative Code Article XXX, Section 4 establishes the Historic Conservation Board and empowers the Board to evaluate certificates of appropriateness, as required by ordinance. Cincinnati Zoning Code ("CZC") Section 1435-09 sets forth the procedure under which the Board is to consider certificate of appropriateness applications.
2. CZC Section 1435-09-2 authorizes the Board to approve certificates of appropriateness upon a determination that an applicant has presented credible evidence that demonstrates substantial conformance with the applicable historic district guidelines.
3. CZC Section 1435-05-4 authorizes the Board to exercise the authority granted to the Zoning Hearing Examiner, as authorized by CZC Chapter 1445, to provide zoning relief associated with Historic Assets. The provisions of Chapter 1445 shall apply to variance, special exception, and conditional use requests, where Chapter 1445 is not inconsistent with Chapter 1435.
4. CZC Section 1445-05 establishes that a conditional use has potential adverse impacts on the immediate neighborhood, which may interfere with the use and enjoyment of adjacent property. Conditional uses require careful scrutiny as to location, design, configuration and impact to determine the desirability of permitting its establishment.

5. CZC Section 1445-19 authorizes the Board to approve a conditional use if the Owner demonstrates that:
 - a. The conditional use is specifically listed in the applicable zoning district use regulations;
 - b. the proposed use is appropriately located, designed, and configured; and,
 - c. any adverse impacts on the surround area have been minimized.
6. The Owner has demonstrated that its proposal is in the public interest, the location is appropriate, and adverse impacts will be minimal; accordingly, the Board approves the Conditional Use request.

The project is in the public interest because it allows the Owner to consolidate the location of its services, permits the productive reuse of an existing facility, and it is situated within a larger complex of social service oriented buildings with common ownership that implement a number of measures intended to monitor and control the environment and access to the facility.

The location is appropriate because the beneficiaries of the Owner's services are primarily without cars the location of the facility provides walkability and access to public transit.

Adverse impacts will be minimal because the facility provides parking facilities for its employees and volunteers, and the Owner actively manages the environment in and around the facility.

7. After considering the recommendation of the Urban Conservator's staff and the evidence and testimony provided in support by Applicant, upon motion duly made and seconded, a majority of the Board members present found that Applicant has presented sufficient evidence to meet its burden to demonstrate that the proposed use is appropriate for the particular location and the Conditional Use request is **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

- a. Proposed use of the third floor of 24 W. Liberty Street constitutes an Assisted Living or Nursing Home facility and does not constitute a Special Assistance Shelter, or Transitional Housing, Programs 1-6. The proposed Center for Respite Care shall be approved with a 20 bed maximum capacity.
- b. The change of use of the building shall require conformity to all Building Code requirements, including but not limited to life safety ADA Compliance.
- c. Fencing of the loading area shall be approved by the Urban Conservator and meet Historic District Guidelines.
- d. Future signage shall be approved by the Urban Conservator and meet Historic District Guidelines.

- e. The owner shall limit inappropriate parking and shall enhance landscaping and pedestrian areas adjacent to the southeast entry of 24 W. Liberty Street. Final design shall be approved by the Urban Conservator and completed prior to issuance of a Certificate of Occupancy.

8. The following is a record of the votes cast by members of the Board concerning the motion to approve the proposed use.

Affirmative:

Mr. Shree Kulkarni
Mr. Tim Voss
Mr. Thomas Sundermann
Mrs. Judith Spraul-Schmidt
Mr. Michael Burson

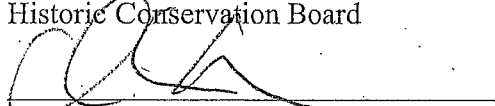
Absent:

Mr. Herbert Weiss

ORDERED the 21st day of December, 2015:



Michael Burson, Chair
Historic Conservation Board



Charles Martinez, Secretary
Historic Conservation Board

APPEALS:

This decision may be appealed to the Zoning Board of Appeals under Chapters 1435 and 1449 of the Zoning Code. Appeals must be filed within thirty days of the date of the mailing of this decision.

TRANSMITTED this 5th day of January 2016, by certified mail to:
St. Francis Seraph Ministries, Chris Schermann
1615 Vine St.
Cincinnati, Ohio 45202

TRANSMITTED this 5th day of January 2016 by interdepartmental mail to:

Rodney Ringer & Angie Strunc
Department of Buildings and Inspections
805 Central Avenue, 5th Floor

Cincinnati, Ohio 45202