

March 19, 2012

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Co-Chairman
Mrs. Marlene McDaniel – Secretary
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Member
Mr. Jeff Heidel – Alternate

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 PM on Tuesday, March 19, 2012.

Item 2. – Roll Call of the Board

Mrs. McDaniel called the roll.

Members Present: Mr. LaBarbara, Mr. Scheve, Mr. Eichmann, Mr. Leugers,
Mr. Heidel and Mrs. McDaniel

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing In

Mr. Eichmann swore in those providing testimony before the board.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the February 21, 2012 meeting minutes.

Mr. Eichmann asked for any corrections to the February 21, 2012 meeting minutes.

Mr. Eichmann entertained a motion to approve the February 21, 2012 meeting minutes.

Mr. Scheve moved to approve the February 21, 2012 meeting minutes.

Mr. Leugers seconded.

All voted – yes.

Item 6. – Old Business

B2012-01V
Dan Campbell
8661 Lancaster Ave.
Cincinnati, OH 45242

Mr. Holbert presented the resolution approving with conditions case# B2012-01V.

Mr. Eichmann asked for any comments.

Mrs. McDaniel called roll.

Mr. LaBarbara – NEA
Mr. Scheve – AYE
Mr. Eichmann – AYE
Mr. Leugers – AYE
Mr. Heidel – AYE

B2012-02V
Nicole Schlaack
6565 Michael Dr.
Cincinnati, OH 45243

Mr. Holbert presented the resolution approving case# B2012-02V.

Mr. Eichmann asked for any comments.

Mrs. McDaniel called roll.

Mr. LaBarbara – AYE
Mr. Scheve – AYE
Mr. Eichmann – AYE
Mr. Leugers – AYE
Mr. Heidel – AYE

Item 6. – New Business

B2012-03V
Allison Neel Craft
6560 Michael Dr.
Cincinnati, OH 45243

Mr. Holbert presented the case and case history for case# B2012-03V.

Mr. Eichmann asked if the Board had any questions for Mr. Holbert.

The board asked questions of Mr. Holbert.

Mr. Eichmann swore in the applicant so that she could address the board.

Allison Neel Craft, the applicant, of 6560 Michael Dr., Cincinnati, OH 45236, addressed the board. Mrs. Craft explained that there was a shed and fence in that location previously that they had to have removed in order for a Bobcat to access their rear yard for needed reparations to their pool. Mrs. Craft stated other neighbors on their street have similar sheds and fence configurations so she was not aware she could not have a shed or privacy fence in the side yard.

Mr. Eichmann swore in the applicant's husband so that he could address the board.

Mr. Chris Craft, of 6560 Michael Dr., Cincinnati, OH 45236, stated that there must have been a breakdown in communication as he thought the inspector had said it was

permissible to replace what was there as long as they had a permit. Mr. Craft explained that the shed that was in their yard previously was damaged in a storm. Mr. Eichmann asked for clarification on the location of the previous shed.

Mr. Craft stated that at one point the old shed was in the same location as the new shed, but that it had been moved further back into the rear yard before it was replaced.

Mr. Eichmann asked if there was anyone present from the public who wished to comment on the case.

Mr. Rich Schlaack, of 6565 Michael Dr., Cincinnati, OH 45236, addressed the Board. Mr. Schlaack said he wanted to be clear that the original complaint he made about the work being done at the Crafts' home had nothing to do with the shed and the privacy fence in the side yard. He was upset about their contractor blocking his driveway. Mr. Schlaack noted that he thought the shed and fence look fine and the fence blends well with the neighbor's fence next door to the Crafts.

A member of the public who had arrived late was sworn in by Mr. Eichmann.

Ben Kennedy, of 6655 Michael Dr., Cincinnati, OH 45236, addressed the board. Mr. Kennedy stated that he had no problem with the location of the fence and thought the shed looks fine.

Mrs. McDaniel asked Mr. Holbert if the office of Planning and Zoning had received a complaint about the shed and fence.

Mr. Holbert said there was no complaint; he discovered the fence and shed had been installed in that location without a permit when he went to 6560 Michael Drive to perform a final inspection for a retaining wall in the rear yard.

Mr. Schlaack again raised concerns about trucks parked behind his driveway. Discussion ensued about parking of vehicles making it difficult to exit a driveway.

Mr. Eichmann closed the floor to comments and questions from the public.

The board discussed the issues brought before them.

Mr. Eichmann moved to approve case # B2012-03V with the condition that the applicant move the fence and shed into compliance.

Mr. Scheve seconded.

Mr. LaBarbara – AYE
Mr. Scheve – AYE
Mr. Eichmann – AYE
Mr. Leugers – AYE
Mr. McDaniel – NEA

The board agreed that approving with that condition was the same as denial because if the shed and fence were brought into compliance, no variance would be necessary.

Mr. Scheve moved to rescind the previous motion.

Mr. Leugers seconded.

All voted Aye to rescind the previous motion.

Mr. Scheve moved to deny the variance request.

Mr. Leugers seconded

Mr. LaBarbara – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. McDaniel – NEA

Mr. Craft expressed his dissatisfaction with the board's decision.

Mr. Eichmann informed the applicant they have the right to appeal to Hamilton County if they are unhappy with the board's decision.

Mr. and Mrs. Craft continued to plead their case and stated in their opinion moving the shed and fence into compliance would make their yard look worse.

Mr. Eichmann said he empathized with the applicants but the decision had been made.

Item 7. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, April 16, 2012.

Item 8. – Adjournment

Mr. Leugers motioned to adjourn the meeting.

Mrs. McDaniel seconded.

Mr. Eichmann adjourned the meeting at 8:18 PM.

Minutes Recorded by: Beth Gunderson
 Planning & Zoning Assistant