

July 16, 2012

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Co-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Member
Mr. Jeff Heidel – Member

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 PM on Monday, July 16, 2012.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

Members Present: Mr. Eichmann, Mr. LaBarbara, Mr. Scheve and Mr. Heidel

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 June 18, 2012 meeting minutes.

Mr. Eichmann asked for any corrections to the June 18, 2012 meeting minutes.

Mr. Eichmann entertained a motion to approve the June 18, 2012 meeting minutes.

Mr. Scheve moved to approve the June 18, 2012 meeting minutes.

Mr. Heidel seconded.

All voted – yes.

Item 6. – Old Business

B2012-08V
Mary C. Taylor
8367 Beech Avenue
Cincinnati, OH 45236

Mr. Holbert presented the resolution approving as submitted the variance request for case# B2012-08V.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

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

B2012-10V
David Damaska
7616 Montgomery Road
Cincinnati, OH 45236

Mr. Holbert presented the resolution denying the variance request for case# B2012-10V.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

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

Item 7. – New Business

B2012-11V
Raymond Mobley
4451 Emerald Avenue
Cincinnati, OH 45236

Mr. Holbert presented the case and case history for case# B2012-11V. Mr. Holbert stated that the fence was installed without a permit in the front yard.

The board asked questions of Mr. Holbert.

Mr. LaBarbara asked if the previous chain link fence was compliant with the zoning resolution.

Mr. Holbert said the chain link fence was a legal non-conforming fence because it was erected prior to current zoning regulations on fencing in front yards.

Mr. Holbert noted part of the existing fence is in the right of way and would have to be removed regardless of the board's decision.

Mr. Eichmann asked if this property had come before the Board of Zoning Appeals previously.

Mr. Holbert said the applicant had two previous cases before the board.

Mr. Eichmann asked if the applicant was present and would like to speak.

Mr. Eichmann swore in the applicant's daughter.

Brandy Mobley, daughter of the applicant and resident of 4451 Emerald Avenue, Cincinnati, OH 45242 addressed the board. Ms. Mobley stated the old chain link fence was unstable and an eye sore. She replaced it with new fencing using existing post holes and did not think it would be a big deal. She did not know anything about the fence being in the right of way.

Mr. Eichmann asked if anyone was present from the public who wished to speak.

J. Janus Jr. of 4462 Daffodil Avenue, Cincinnati, OH 45236 addressed the board. Mr. Janus asked when the current zoning regulations for fencing in front yards were adopted. Mr. Janus commented on the notice he received in regards to this variance request and the documents provided by the applicant. He stated that he thought the fence enhanced the property.

Mr. Holbert addressed some of Mr. Janus' comments.

Mr. Eichmann closed the floor to comments and questions from the public and the board discussed the issues brought before them.

Mr. Eichmann stated that to him it was clear that allowing this fence would be an advantage for the property owners no one else has. He stated that since the applicant had been before the board twice before they should know the proper procedures.

Mr. LaBarbara said the new fence was an improvement over the old one.

Mr. Eichmann said the zoning resolution is specific that any new construction must meet current zoning regulations.

Mr. Eichmann made a motion to deny Case# 2012-11V.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann– AYE

Mr. LaBarbara – AYE

Mr. Holbert stated the applicant would have thirty days from the signing of the resolution at the next meeting to appeal to Hamilton County.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, August 20, 2012.

Item 9. – Adjournment

Mr. Scheve motioned to adjourn the meeting.

Mr. Heidel seconded.

Mr. Eichmann adjourned the meeting at 7:35 PM.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant