

July 15, 2013

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Co-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
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 15, 2013.

Item 2. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 3. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Mr. Leugers had an excused absence.

Also Present: Greg Bickford, Harry Holbert and Beth Gunderson

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 19, 2013 meeting minutes.

Mr. Eichmann asked for any corrections to the June 19, 2013 meeting minutes. No response.

Mr. LaBarbara moved to approve the June 19, 2013 minutes as written.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. LaBarbara, Mr. Heidel and Mr. Eichmann voted yes to approve the minutes. Mr. Scheve abstained.

Item 6. – New Business

Mr. Eichmann stated the first case on the agenda was a Conditional Use request.

B2013-08C
All Saints Church
8939 Montgomery Road
Conditional Use

Harry Holbert presented the case and case history in a power point presentation. All Saints Church proposes the construction of a 1500 square foot shelter for institutional use in a residential district.

Mr. Eichmann asked if the applicant was present to speak.

Mr. Jim Donnelly, of 9029 Paw Paw Lane, Cincinnati, OH 45236, member of the All Saints Church Building and Grounds Committee, addressed the Board. Mr. Donnelly stated the shelter proposed would be similar to those in Bechtold Park and would most likely be a pre-fabricated shelter.

Mr. Scheve asked how the shelter would be used, if the grass would be replaced by concrete and what would be housed under the shelter.

Mr. Donnelly explained the shelter would be used for a variety of school and church activities. He stated the floor would be concrete and the shelter would house picnic tables.

Mr. Eichmann inquired about electric and if the shelter would ever be enclosed.

Mr. Donnelly answered they would have lighting in the shelter which would be screened from residences and that the church had no plans to enclose it.

Mr. Eichmann asked about the possibility of cooking or grilling taking place in the shelter.

Mr. Bickford noted it would be a picnic shelter and, if approved, reasonable activities associated with that use would be permitted.

Mr. Scheve asked for clarification on the height of the proposed shelter.

Mr. Donnelly answered it would be less than 20 feet in height.

Mr. Scheve asked why there was a need for a shelter.

Mr. Steve Sonnevile, of 5570 Samstone Court, Blue Ash, OH, addressed the board. Mr. Sonnevile stated he is Chairman of the Building and Grounds Committee. He said there were a variety of church and school groups interested in a shelter for protection from the elements when planning outdoor activities.

Mr. Scheve inquired about the timeline for construction if approved.

Mr. Sonnevile said their goal would be to have it completed by the end of the year.

Mr. Eichmann asked if there was anyone present from the public who wished to comment on the case. No response.

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

Mr. Eichmann entertained a motion.

Mr. LaBarbara moved to approve the Conditional Use request for Case# B2013-08C.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann– AYE

Mr. LaBarbara – AYE

Mr. Bickford stated a resolution would be prepared for the next meeting.

Mr. Eichmann reviewed the process by which the Board of Zoning Appeals makes its decisions and the standards that are used to justify approval or denial for variance requests.

B2013-09V

Earnest Stewart

4452 Sycamore Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. He stated the property is unique in that it is not on the corner but has two front yards. The owners installed a fence in one of the defined front yards without a permit and were requesting a variance so that it can remain.

Mr. Eichmann asked for clarification on the property lines and fence locations.

Mr. Scheve asked about ownership of the adjacent property and the location of the fence in relation to that property. He also asked Mr. Holbert about fence regulations and, if the variance was granted, if the applicants would be required to obtain a permit.

Mr. Holbert explained the property lines, fence regulations and said that the applicant would have to obtain a permit if the variance were to be granted.

Mr. LaBarbara commented that it appears the fence screens the neighbor's view of the trucks.

Mr. Eichmann asked if the trucks were allowed to park there.

Mr. Holbert said they are permitted if parked on a paved surface.

Mr. Scheve asked how the Township found out the fence was in violation.

Mr. Holbert answered a complaint from a resident was received.

Mr. Eichmann asked if the applicant was present to speak.

Mr. Earnest Stewart, of 1157 Teakwood, Milford, OH, addressed the board. Mr. Stewart said he misunderstood and believed that since they were replacing an existing grandfathered fence it was permitted. He stated the old fence was in disrepair and needed to be replaced.

The board asked questions of Mr. Stewart regarding his business, truck movement and deliveries.

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

J. Janus, Jr., of 4462 Daffodil Avenue, Cincinnati, OH, addressed the board. Mr. Janus said he thought the fence was an improvement to the Township and asked that the board approve the request.

Mr. Eichmann asked if there was anyone else who wished to comment. He then closed the floor to the public and the board discussed the issues brought before them.

Mr. Heidel motioned to approved case B2013-09V.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann– AYE

Mr. LaBarbara – AYE

Mr. Bickford said a resolution would be prepared for the next meeting.

B2013-10V
KCR Construction
7200 Quail Hollow Road
Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted that the existing house with rear screened porch does not meet the required rear yard setback.

Mr. LaBarbara asked how close the proposed addition would be to the neighbors' houses.

Mr. Scheve asked if the side setbacks were an issue.

Mr. Holbert said the variance request was for the rear setback only.

Mr. Heidel inquired about drainage problems.

Mr. Holbert said there had been drainage problems on the property that the owner has been working to remedy.

Mr. Eichmann asked if the variance were granted if the property owner could have a patio off the addition.

Mr. Holbert said patios are not regulated by zoning.

Mr. Eichmann asked if the applicant was present to speak.

Paul Berlage, the property owner, 7200 Quail Hollow Road, Cincinnati, OH, addressed the board. Mr. Berlage explained that the existing screened porch on the rear of the house was in disrepair and there were problems with carpenter ants. He detailed the reasons for the addition and noted he had made a lot of improvements to the home. He said the drainage work he had done was to eliminate a standing water problem.

Mr. Heidel asked if Mr. Berlage thought the addition would worsen the drainage issues.

Mr. Berlage said the proposed addition would not be on the side of the house where the drainage problems had occurred.

Mr. Eichmann asked if there was anyone present from the public who wished to speak. No response.

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

Mr. Eichmann entertained a motion.

Mr. Heidel moved to approve case B2013-10V.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann– AYE

Mr. LaBarbara – AYE

Mr. Bickford stated a resolution approving the variance would be presented at the next meeting.

B2013-11V

Andrea Otter and Martin Mishkin

8113 Deer Path Lane

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert stated the pergola that was constructed does not meet the setback requirements for an accessory structure. However, the six foot requirement is intended for closed structures to allow room for access for the fire department. The structure in question is open and easy to get around.

The board asked questions of Mr. Holbert.

Mr. Eichmann asked about the possibility of attaching the structure to the house.

Mr. Holbert said that was one of the options the applicant had considered.

Mr. Eichmann asked if the applicant was present to speak.

The designer, Mr. Brandon Druffel, of 2428 Boone St., Cincinnati, OH 45206 addressed the board. Mr. Druffel explained that the owner would prefer not to have to attach the pergola to the house because it would impact the view and hide some of the architectural features of the house.

Mr. Eichmann asked for clarification of the timeline of events, as a permit had been issued for the project with the applicant aware that the six foot setback was required.

Mr. Druffel said they had spoken with Mr. Holbert about their options and, once they were aware of the issue with the setback, the intent was to attach the pergola to the house. However, that option did not meet his client's needs.

Tim Cook, the contractor for the project, of 6810 Meadow Ridge Lane, Cincinnati, OH, addressed the board. Mr. Cook explained some of the confusion along the way and noted that the Department of Planning and Zoning was very clear throughout the whole process about the six foot setback requirement.

The property owner, Ms. Andrea Otter, of 8113 Deer Path Lane, Cincinnati, OH, addressed the board. Ms. Otter stated, on paper, attaching the structure to the house seemed like it would work. However, she did not realize it would block the view and be aesthetically undesirable. She said due to the fact that the reasoning behind the setback requirement in the case of this open structure serves no purpose, she decided to request the variance.

Mr. Eichmann asked if anyone from the public would like to comment on the case. No response.

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

Mr. Eichmann entertained a motion.

Mr. LaBarbara motioned to approve case B2013-11V.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann– AYE

Mr. LaBarbara – AYE

Mr. Bickford stated a resolution approving the variance would be presented at the August meeting.

Item 7. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, August 19, 2013.

Item 8. – Adjournment

Mr. Eichmann adjourned the meeting at 8:20 PM.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant