

February 19, 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 Tuesday, February 19, 2013.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Also Present: Greg Bickford, 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 January 22, 2013 meeting minutes.

Mr. Eichmann asked for any corrections to the January 22, 2013 meeting minutes. No response.

Mr. Leugers moved to approve the January 22, 2013 minutes as written.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

All voted yes to approve the minutes.

Item 6. – Old Business

B2012-20V
Marino Custom Homes
7904 Kugler Mill Road
Variance

Mr. Bickford presented the resolution denying the variance request for case# B2012-20V.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

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

B2012-21V
Bonny B. Dyer
6272 Euclid Road
Variance

Mr. Bickford presented the resolution denying the variance request for case# B2012-21V.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

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

B2012-22V
Everest Real Estate
7402 Kenwood Road
Variance

Mr. Bickford presented the resolution approving with conditions the variance request for case# B2012-22V. Mr. Bickford read the conditions in their entirety.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

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

B2013-01V
Barney McCart
8301 St Clair Avenue
Variance

Mr. Bickford presented the resolution approving with conditions the variance request for case# B2013-01V. Mr. Bickford noted the condition that Mr. McCart obtain a survey showing the fence on his property had been fulfilled.

Mr. Eichmann asked for any comments.

Mr. LaBarbara called roll.

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

Item 7. – New Business

Mr. Eichmann asked the one member of the public present if he needed a review of the process by which the Board of Zoning Appeals makes its decisions and the standards that are used to justify approval or denial or if he had read about it online. The member of the public said he had read it online.

B2013-02V
Josh Pocock
12109 Seventh Ave.
Variance

Harry Holbert presented the case and case history in a power point presentation. Mr. Holbert noted that the deck was very close to the right of way and reminded the Board that they do not have the right to approve a structure located in the right of way. Therefore, if the Board should choose to grant the variance request, Mr. Holbert suggested requiring a survey showing the deck is not in the right of way as a condition of the approval.

The board asked questions of Mr. Holbert.

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

Mr. Josh Pocock, the applicant, of 12109 Seventh Avenue, Cincinnati, OH 45249, addressed the board. Mr. Pocock said the deck that was existing when he purchased the house was in disrepair. He said he did not know he needed a permit to replace it. He did know he needed a permit to enlarge it, however, when faced with safety concerns for his young children because of animals entering the crawl space; he did not want to wait to obtain a permit for the extension. Mr. Pocock detailed the safety concerns he had and why he built the deck the way it is. Mr. Pocock said as soon as he was issued a stop work order, he stopped construction.

Mr. Eichmann asked the applicant if he was still having trouble with raccoons.

Mr. Pocock answered there had not been trouble in six weeks since the extension of the deck.

Mr. Eichmann asked if the deck was the same distance from the house as the previous deck.

Mr. Pocock answered yes, ten (10) feet from house and 15 feet from roadway. He noted that he did not have a survey.

Mr. LaBarbara asked if the applicant intends to finish the deck if approved.

Mr. Pocock answered yes.

Mr. Eichmann asked about moving the deck to the rear if the applicant was willing to do so.

Mr. Pocock said he could but would still have to put a concrete porch in front and make repairs to keep the raccoons out.

Mr. Eichmann thanked the applicant and closed the floor to comments from the public as there was no one else present to speak.

The board discussed the issues brought before them.

Mr. Eichmann entertained a motion.

Mr. Leugers moved to approve Case# B2013-02V on the condition that the applicant obtains a survey showing the deck is out of the right of way and completely on his property.

Mr. Eichmann seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann– AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, March 18, 2013.

Item 9. – Adjournment

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

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant