

April 16, 2018

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jeff Heidel – Member
Mr. Steve Scholtz – Secretary
Ms. Julie Glassmeyer - Alternate

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 6:30 P.M. on Monday, April 16, 2018.

Item 2. – Roll Call of the Board

Mr. Scholtz called the roll.

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

Members Absent: Ms. Glassmeyer

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann explained that this is a public hearing in which testimony will be given by staff and members of the public. He then swore in all those providing testimony.

Mr. Eichmann explained to those in attendance what a variance is and the standards by which the Board makes decisions on such requests.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the March 19, 2018 meeting minutes.

Mr. Eichmann asked for any corrections to the March 19, 2018 meeting minutes. No response.

Mr. Scheve made a motion to approve the March 19, 2018 meeting minutes.

Mr. Heidel seconded.

Mr. Scholtz called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Leugers - AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. Scholtz - ABSTAIN

Item 6. – Resolution

Case: SYCB180008

Applicant: Meghan Donnellon Hyden

Location: 4125 Ester Marie Drive

Request: Variance

Mr. Holbert presented the Resolution approving with one condition the variance request for Case SYCB180008.

Mr. Scholtz called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Item 7. – Old Business

Case: SYCB170014

Applicant: Kathleen Ryan, Esq.

Location: 7292 Kenwood Road

Request: Appeal Notice of Zoning Violations

Mr. Holbert said this is in court in Hamilton County and the Township must file an answer by the 25th of April. He said it could go to trial or be settled.

Item 8. – New Business

Case: SYCB180010

Applicant: Ray Bauman

Location: 4371 Kalama Court

Request: Variance

Mr. Holbert presented the case and case history in a power point presentation. He noted the applicant had applied for a variance in 2016 and at first he thought this was just an expired variance with the same plans, however, there have been revisions to the plan.

Mr. Scholtz asked if the first variance request was denied.

Mr. Holbert said the first one was approved but this is a different plan than what was submitted in 2016.

Mr. Holbert noted the required setbacks for the property and said the request is for a 4.79 feet setback on one side of the property where a five feet setback is required. He pointed out the revisions saying the proposed exterior is now a brick wrap instead of siding and the proposed addition is four feet larger so there is a smaller setback in the rear. He said the proposed rear setback is still compliant with the Zoning Resolution.

The Board asked questions of Mr. Holbert.

Mr. Scheve asked what variance the applicant was granted in 2016.

Mr. Holbert answered the applicant was granted a variance to allow a 4.79 feet setback in the side yard.

Mr. Scheve commented we'd have to approve the same setback, the brick and the deeper setback in rear.

Mr. Eichmann said the rear yard setback is a compliant setback.

Mr. Holbert said that is correct, the variance request is for the side yard setback, but this particular plan has not been officially denied by staff.

Mr. Eichmann asked if it creates a problem that the applicant's applications are out of order.

Mr. Holbert said he could ask legal counsel.

Mr. Scheve said if it's an issue, the Board would be back here again in a month discussing the same thing.

There was discussion about whether or not the Board should hear the case since it had not yet been officially denied by staff.

Mr. Leugers said he thinks the Board should hear the case and rule on it because tonight's vote is a straw vote anyway. He stated the official vote will not be until the resolution is presented.

Mr. Scheve agreed, saying the role of government is not to make life difficult for people.

Mr. Leugers said the only thing that needs a variance is the side setback.

Mr. Holbert answered yes.

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

Mr. Ray Bauman, the applicant, of 4371 Kalama Court, Cincinnati, OH 45236, addressed the Board. Mr. Bauman said he is asking for a three and a half to four inch variance to the side yard setback.

Mr. Scheve asked why he allowed the last variance approval to expire.

Mr. Bauman said he didn't have time to do the work and didn't know it would expire.

Mr. Scheve asked how the Board is to know that he will not allow it to expire again.

Mr. Bauman said his wife won't let him and he is now prepared to go ahead with the project.

Mr. Eichmann asked if the plans submitted are the formal drawings and are not going to change.

Mr. Baumann answered the drawings are not going to change. He said he is having someone do the work for him, noting he will be the general contractor. He said he works for a developer.

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

Mr. Thomas Manggrum, of 4383 Kalama Court, Cincinnati, OH 45236, addressed the Board. He asked if the setback is going to be 4.8 feet all the way down.

Mr. Holbert answered the setback will actually increase.

Mr. Eichmann asked if Mr. Manggrum had any problem with the variance request.

Mr. Magnum answered no.

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. Leugers made a motion to approve the variance request as submitted for case SYCB180010.

Mr. Scholtz seconded.

Mr. Scheve said he thinks it is a good project and the only changes are a cosmetic change, which will look better, and the increase to the addition in the rear, which is minimal.

Mr. Eichmann asked if the motion must say that the approval is contingent upon legal counsel giving the OK that the Board has jurisdiction to rule.

Mr. Leugers said to add that to his motion.

Mr. Scholtz seconded again with the condition.

Mr. Scholtz called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Mr. Scholtz – AYE

Mr. Eichmann said a resolution would be prepared for the next meeting provided the Board gets word from legal counsel that their decision was not out of order.

Item 10. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, May 21, 2018 at 6:30 p.m.

Item 11. – Communications and Miscellaneous Business

Mr. Holbert said there is an appeal for next month in the 8044 Montgomery Road building in a suite in which the tenant is subletting the space to multiple tenants. There was discussion about whether a tenant has the right to appeal.

Mr. Scheve spoke about the draft of the updated Zoning Resolution. He noted he thought the side yard fence wording did not make sense. He also stated allowing fences in the front yard on corner lots may be ok, but he does not like the idea of allowing fences in all front yards.

Mr. Eichmann agreed.

Mr. Scheve asked if the Board of Trustees had received a lot of complaints about prohibiting fences in the front yard.

Mr. Holbert said staff has received a lot of complaints about that. He stated it gets tricky when you try to say fences are allowed in some, but not in all, front yards.

There was discussion about fences in front yards.

Mr. Scheve asked when the public hearings on the zoning resolution will be.

Mr. Holbert said he does not know yet.

There was more discussion about fences and what variances the Board of Zoning Appeals had granted for fences in the front yard and how the topic should be addressed in the new Zoning Resolution.

Mr. Eichmann said there should be a compromise between prohibiting fences in all front yards and allowing fences in all front yards.

The Board asked how their comments would be evaluated by staff and how the public hearings will work.

Item 12. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn, seconded by Mr. Heidel. Vote: All Aye.

The meeting adjourned at 7:11 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator