

BOARD OF ZONING APPEALS MEETING  
APRIL 17, 2018  
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Mr. Ramirez

II ROLL CALL

Members Present: Joe Ramirez, Dave Nienaber, Robert Weidlich, Carmen Daniels, Jeffrey Anderson, Carolyn Ghantous

Members Absent: Gregory Johnson

Staff Present: Randy Campion

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF MARCH 20, 2018

President Ramirez: Major subject here, have members read the minutes from the March 20<sup>th</sup> meeting of the Board of Zoning Appeals and I would entertain somebody to move to approve those minutes.

Mr. Nienaber: I move that we approve the minutes.

Mrs. Ghantous: I second.

President Ramirez: Moved and seconded. Minutes have been approved for the meeting of March 20<sup>th</sup>.

President Ramirez: Mr. Anderson.

Mr. Anderson: Thank you. I just wanted to make sure that the minutes were amended. The ones that were originally sent out did we have a chance to correct the front page before we approve them? My pack it still has the old version.

Ms. Morsch: The front page was the only thing that need to be changed so I reprinted it for you so that you would have a good copy.

Mr. Weidlich: That was my question as well.

Mr. Anderson: I don't know that I received it but that is fine as long as it is reflected.

Mr. Weidlich: This is the front page of the minutes.

Mr. Anderson: I see it now, thank you.

President Ramirez: Anybody else have a question on the revision? Okay. Minutes are approved.

Ladies and Gentlemen, this is a public hearing and all testimony given in cases before this board is to be made as part of the public record. All testimony and discussion relative to said variance is recorded and is from this recording that our minutes are taken. Citizens testifying before this board are directed to sign in on a clipboard in the rear of the room, take their place at the podium, state their names and addresses and the facts as they appear pertinent to the subject before the board. This is a public hearing being sworn in prior to giving testimony is required by law.

We do not have anybody to sign in so we are skipping a sign in process. Is be advised that anyone is not standing and sworn in cannot testify unless they request the chair be sworn in as they come to the podium.

V CORRESPONDENCE

None

VI REPORTS

A. Report on Council

Mrs. Ghantous: Thank you Mr. Chairman. City Council met on April 4<sup>th</sup>. The first item of business is that Chief Mathis gave a report on the Police Department's new body worn cameras and that was very interesting. It seems like that is a good thing. After that we had five ordinances and two resolutions. Ordinance No. 22-2018 was authorizing a cooperative agreement relative to the East Crescentville Road improvement project between the City of Springdale, Board of Butler County Commissioners and the City of Sharonville. That was passed with a 7-0 vote. Then we went on to Ordinance No. 23-2018 and that was amending the Codified Ordinances of the City of Springdale to amend section 153.461 of the Springdale Zoning Code related to temporary signs. There was no action taken on that item because it was a first reading. There will be a public hearing on the at tomorrow night's Council meeting and then we will vote at that time. The next Ordinance was 24-2018 and that was approving a Major Modification to the Planned Unit Development and Preliminary Development Plan to The Crossings at the Park and that was formerly know as G.E.E.A.A. the new name is Springdale Commerce Park. That was also a first reading so there was no action taken and there will be a public hearing n that tomorrow evening as well. Ordinance No. 26-2018 Authorizing the City Administrator to apply for a SAFER Grant. The purpose of the grant is to ensure adequate fire and emergency response. If obtained the funding will allow the hiring of three full-time firefighters and that passed with a 7-0 vote. Then we had Resolution No. R4-2018 declaring the necessity of improving drive aprons in the public right of way as a part of the Glensprings Drive rehabilitation project. That passed with a 7-0 vote. The last one was Resolution No. R5-2018 and that was authorizing the City Administration to file a funding application for Surface Transportation Program funding through OKI for the East Crescentville Road improvements and that passed with a 7-0 vote. Jeff did I forget anything?

Mr. Anderson: Nothing comes to mind.

Mrs. Ghantous: Okay any questions?

President Ramirez: Thank you for that report.

Mrs. Ghantous: That concludes my report.

B. Report on Planning Commission

President Ramirez: I'm going to read from a note from Mr. Vanover. I was not at this planning commission meeting, but the subject matter was the recommendation and approval of a request of modification to the PUD and Preliminary development plan for the Tri-County Mall, 11700 Princeton Pike, by a vote of 6 to 0 in favor. The proposal is to permit the storage of up to 800 new unlicensed automobiles in operable condition within the lower two floors of the existing parking structure east of the former Dillard's. No alterations are proposed in conjunction with this request. This

is considered a major modification to the preliminary development plan since Automotive Storage lot as defined in section 153.600 of the zoning code was not a use permitted in the current PUD. Any questions on that? That was the only subject matter before the Planning Commission. That concludes the report on Planning Commission.

VII OLD BUSINESS

None

VIII NEW BUSINESS

None

IX DISCUSSION

President Ramirez: would numbers like to discuss any subject matters at this time? Nothing? Mr. Weidlich.

Mr. Weidlich: I would just like to clarify something. The last meeting with the lady about the garage conversion. When I was asking if a car would fit in that space, a couple of members said that it didn't exist and that my questions were basically not valid. Well when you go to the staff comments from that evening it basically says that it was converted, they were told to not use it anymore and I spoke with Brian Ward the building inspector, and he said in his opinion you couldn't even get a Smart car in there. So that was converted when they viewed it. So, I just wanted to bring that up.

President Ramirez: Okay.

Mrs. Ghantous: Did you say it was converted when they moved in?

Mr. Weidlich: No. I did not.

Mrs. Ghantous: So, we believe that it was converted after she bought it.

Mr. Weidlich: I guess whenever Brian was in there it was already converted from what I was told.

President Ramirez: Do we have any update on that Mr. Campion?

Mr. Campion: There is a difference of opinion in our office whether it was converted or not. Brian thinks it was converted, I don't think it was converted. But we have told the lady that she can't use the room that they built until she gets a permit for it. So, she hasn't applied for a permit yet, she is not using the room to the best of our knowledge. Gregg wrote her a letter telling her she had to come in and apply and if she doesn't we will write her order to remove what they did. Okay, so, I think once they apply they are going to give us drawings and we are going to look at that and make the determination.

Mrs. Ghantous: You're speaking of the room that they showed us that was built in the living room.

Mr. Campion: Yes.

Mr. Weidlich: What about that, why did Brian say that the Garage had a partial room

conversion already?

Mr. Champion: Brian said that he saw it in the past and there was nothing there. From the picture it appears to me like that room was built into the living room, Brian thinks it was built in the garage. They told us it was built into the living room. They have a ceiling fan that can't move because it hits the wall that they built, so, we need more information. The bottom line is they are not using the room and they are going to apply for a permit to use it. If they don't apply, we will write them order to remove what they did.

Mr. Weidlich: I got the impression that it was two separate things, like the one in the living room and the partial garage.

Mr. Champion: No, I think the garage is full of storage and stuff and that is why they can't park a car in it. But, I don't know.

Mr. Nienaber: I thought I asked her.

President Ramirez: Excuse me, if we are going to record this please state your name and/or let me address you so we know who is speaking. Mr. Nienaber.

Mr. Nienaber: Thank you. I was thinking I had asked her, was that part of the living room converted as opposed to the garage and we were told it was part of the living room.

Mr. Champion: Yes.

Mrs. Ghantous: Then they showed us

President Ramirez: Mr. Champion.

Mr. Champion: I'm sorry. I'm drawing all of my conclusions on what I observed in the meeting. Okay, I've not been to the house. Brian went to the house and he has a different opinion. I just think we need more information.

President Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you.

Mr. Champion: But, I also want to point out that you guys denied the variance, okay, so, they can't use the garage as livable space and we will just determine what they are using it for.

President Ramirez: Any movement on that block construction behind the house?

Mr. Champion: She has not, when I talked to her the evening she was here, she said she was going to come in and apply to make that an addition. She has not come forward and done anything yet.

President Ramirez: Okay, Thank you. Anybody else? Comments? Discussion? Yes, Mr. Nienaber.

Mr. Nienaber: Thank you. After the meeting, we had the training session several weeks ago. It leaves me wondering, do we ever discuss any of this stuff except here at the table? In that, for instance, one that might come to mind would be like the one we are talking about now, that if we drive by it and we see that the garage is open if we happen to driving by and see that the garage is open, I might run into one of you all and say hey you know that house and what I am understanding from the training session is that we aren't to discuss that stuff at all.

President Ramirez: My interpretation of that is she came before us with an appeal and it was denied. As far as our responsibility with that case so far that is over with.

Mr. Nienaber: Okay. Thank you Joe.

President Ramirez: You are welcome. Anybody agree or disagree with that or have an opinion on that? Mr. Anderson.

Mr. Anderson: Thank you. I do agree with that, I believe that once the action is closed, from my understanding, if you were to drive by you are just as any other resident, you have the option to raise a concern with the city if there is something there that you don't like. You are encouraged to do that especially if there is a safety issue that might affect the neighbors. I don't believe that there is any recourse in terms of reopening the case or evaluating the case, that's incumbent upon the applicant and their only recourse after our decision would be to go downtown and raise a legal action based upon our Charter and rules. In terms of talking with other people, I am not aware of any restrictions, but I am not an attorney. If you have questions about that I would encourage you to write them down and send them to the Administration and we can have the city attorney take a look at it. When in doubt you should not have ex parte communications with anyone on the board when there is action that is pending. If we were to have a spontaneous discussion about something not before us we are allowed to have communications just not about things that are before the board. That is my understanding, I don't know if anyone else has anything to add to that but that is what I got out of that training. Then also questions that I had back to Jeff Forbes outside of the meeting as well.

President Ramirez: Thank you. I understand that the same way.

Mrs. Ghantous: I agree.

President Ramirez: Mr. Weidlich.

Mr. Weidlich: I was going to basically say the same thing that, I think that ruling is that we are not supposed stand out in the lobby and talk about a case before we come in here and hear the applicants wishes let's say.

President Ramirez: Basically, we don't want that discussion to influence our decision before the applicant has a chance to address before us.

Mr. Weidlich: Right.

President Ramirez: Mr. Anderson.

Mr. Anderson: Thank you. I'd also encourage you to, if we have questions about the finding, especially as it relates to like the case we are talking about, follow up action from the city. I don't believe those are part of the Board of Zoning Appeals after the conclusion of the meeting. So, even I think the follow up comment might be confusing after the fact to residents, if we are then reviewing our decisions from a prior meeting to get follow up facts. I think that is something that should be done directly with the Building Department or the city administration and not part of these meetings. But again, that is something that we can follow up with. I know it is always interesting to find out what happened next, we are naturally curious especially in that case where there seemed to be a lot of confusion and I think we all had questions. I think if we had questions we need to follow up in the meeting but once the action is closed I think from this board's side it should be closed and not something that we revisit and rehash. It make me a little uncomfortable when we do that.

President Ramirez: Mrs. Daniels.

Mrs. Daniels: I thought I had asked if it was permissible to get the results from the one gentleman. He said that he would forward it. We will be finding out information on a case that we have reviewed before. So, why wouldn't it be acceptable?

President Ramirez: Mr. Anderson.

Mr. Anderson: Thank you. I think in that case, where you asked about a case outside of it, I don't necessarily part of the Board of Zoning Appeals unless it is a training issue, are you asking what happened and everyone should get those same results at the same time. There is no one here to testify to those results and there is no document that we can look at, so until we have those documents is I guess, what I am getting at. Those things that you requested in the training are public record and those could be requested by anybody, it's not specific to an action that we are doing. That action was closed as of the vote in that meeting. I just did not want, my concern is if we do that frequently it might cause confusion to the residents that we might be still considering the issue and I don't want to give the wrong impression because I don't believe that we are. So questions that we have, I think it is good to get the information but I think that same information is available to anyone in the community. Again, that is Jeff Anderson's view; if you have questions about that we can certainly follow up. I would encourage you to write a note to administration and have a follow up with Jeff Forbes. I'm not trying to shut down the discussion that is just what I understand it to be.

President Ramirez: Before we move to the final adjournment stage, I just realized that we approved the minutes and we had a second of those minutes but we did not have a vote on those minutes so at this time we are going to by voice vote approval of those minutes. (6 Aye and 0 Opposed). Thank you. The minutes have been approved and please not also that Mr. Greg Johnson was not part of that Aye vote.

X ADJOURNMENT

President Ramirez: Finally, the Chair accepts the motion to adjourn.

Mr. Anderson: I move that we adjourn.

President Ramirez: Mr. Anderson has moved that we adjourn do we have a second.

Mr. Weidlich: Second.

President Ramirez: Second by Mr. Weidlich and this meeting is now adjourned.

Respectfully submitted,

\_\_\_\_\_, 2018

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Chairman, Joseph Ramirez

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Secretary, Carmen Daniels