

BOARD OF ZONING APPEALS MEETING
NOVEMBER 18, 2014
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

II ROLL CALL

Members Present: Robert Weidlich, Carolyn Ghantous, Dave Nienaber,
Lawrence Hawkins III, Joe Ramirez, Ed Knox and Jane Huber

Others Present: Randy Champion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF OCTOBER 21, 2014

Chairman Weidlich: Board Members, we have our Minutes from the
October 21, 2014 meeting. Does anyone have any additions or corrections to those
Minutes?

Mr. Hawkins: I move to adopt.

(Mr. Nienaber seconded the motion and with a unanimous "aye" vote from the
Board of Zoning Appeals Members, the Minutes of the October 21, 2014 meeting
were approved.)

V CORRESPONDENCE

Chairman Weidlich: We have no correspondence.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a report of the November 5th, 2014 City of Springdale Council
Meeting.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the November 11, 2014 Planning
Commission Meeting.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

IX OLD BUSINESS

(No Old Business was presented at this meeting.)

X NEW BUSINESS

Chairman Weidlich: The only item for New Business is the owner of
11840 Ramsdale Court is requesting a variance to allow a recreational vehicle
to be stored on the side property closer than 5' to the nearest property line. Said
variance is from Section 153.480(D)(1) "One recreational vehicle...may be stored
in an unenclosed area in the side or rear yard of the property, but no closer than 5'
from the nearest lot line".

Ms. Janice Southerland: I have a motor home that has been sitting on the pad on
the side of my house for thirteen years and it has been brought to our attention that
it is just inches from being 5' away. It is just more convenient for me to have it
like that. If you all say that I can't, then what I will have to do is cut down a tree

behind it and park it farther back but it won't be on the concrete pad. I think it is to the benefit of my neighborhood to have it there because being in the cul-de-sac people don't even hardly know it is there. It has been like that for thirteen years and there hasn't been any issues but I know there has been some changes. I do request that it would be revised that I would be able to continue to do this without having to do that extra work.

(At this time Mr. Campion read the Staff comments.)

Chairman Weidlich: Would anyone from the audience like to speak on behalf of this application?

Ms. Kathie Plapp: I live at 11840 Mangrove Lane; right behind her house. The Southerland's have been great neighbors all the time they have lived there. I have never been a proponent of having a R.V. or boat parked on the side, in the front or in the back. To me, if you own a R.V. or a boat, if you can afford the boat then you can afford to have it stored. I know with Springdale, that is not the variance that they have. If it came to push or shove, I would rather the motor home be where it is at now than in the backyard because their backyard comes up to my backyard. As it is now, I look out my dinette everyday when I eat breakfast or dinner and I am looking at an R.V. When we bought the property fifty years ago, one of the reasons we bought it, was because it had the wooded area behind it. I know those houses are still there but it was just an open area. I would not like it. If it was one or the other, then leave it where it is at, rather than in the backyard. I would have a real problem with the motor home being in the backyard.

Mr. Kenneth Miller: I live at 11838 Mangrove Lane. It is my personal opinion, the same as the Plapp's, that anybody that can afford a boat or a R.V.; we have one on Lawnview Avenue that sticks way out and I didn't even know this one was there. We are in our fifty-first year of living there and I thought I was going to live in a residential area. If I wanted to live in a trailer park then I would have bought a trailer. I think they take away from the property values. If I was looking for a house around here and saw these things parked then I wouldn't buy here. I can't afford to move because I can't get what I want for my house. We have other laws, Springdale can tell me what to do with my house and we even got a letter about a month ago that they were checking driveways and I don't know why they can't change the law on that. My one son, his father-in-law lives in Colerain Township and they used to be able to park theirs and then they changed the law. If you are going camping then you can have it in your driveway for three days, then you go on your camping trip and when you come back then you can have it for three days to unload it and clean it but then you have to park it somewhere else and rent a place. That is the way I feel about it.

Chairman Weidlich: O.K. Thank you for your comments. Is there anyone else that would like to speak on behalf of this application?

(No one came forward from the audience and the public portion of the hearing was closed at this time.)

Board Members, does anyone have questions for the applicant?

Mr. Hawkins: Ms. Southerland, I want to make sure that I understand, there seems to be a little discrepancy between what your measurements came out to be and what the Building Department's were. You indicated that you were only a few inches away from the 5' setback?

Ms. Janice Southerland: The motor home; not the concrete pad. I don't know why it is as it is. It was done with my husband, before he passed away. With our neighbors that live there, their driveway skirting is over on our land and they asked if they could and we stated that was fine. The concrete pad, it is like the little corner that is on the neighbor's property. I could cut that corner off and then we would not be on any of that property. It is not the motor home that is on their property, it is that pad. I had several neighbors that said they would be glad to come and say there is no problem but I wasn't going to ask anybody to come out in this weather.

Mr. Hawkins: So to be clear, the inches the way you are talking, is the R.V. from the property line?

Ms. Janice Southerland: Itself, yes.

Mr. Hawkins: Not the setback?

Ms. Janice Southerland: Not the pad.

Mr. Hawkins: When you were saying you were inches away, I thought that you were implying that you were inches away from being in compliance with the setback for 5'.

Ms. Janice Southerland: Yes.

Mr. Hawkins: So you are saying you are only inches away from being 5' from the property line with the R.V. parked there?

Ms. Janice Southerland: Yes, yes. Like I said, not the pad. I am not sure why the pad was made like that; you know. There is a tree behind the motor home, I could cut that tree down and I feel like I can back it up and be within. The way it is right now, people don't even see it hardly. There is a white privacy fence in my backyard. Like I said, it has been there a long time.

Mr. Hawkins: The R.V. takes up the whole pad when it is parked on it?

Ms. Janice Southerland: No. There is probably a foot all around; maybe even a foot and a half.

Mr. Hawkins: O.K. But there wouldn't be, at the point of the R.V. parked on the pad that is closest to the property line, there is not close to 5'? I know as the property sort of goes back in that diagonal, there is going to be more space the further you go back.

Ms. Janice Southerland: Right.

Mr. Hawkins: But toward the front of the R.V. toward the front of the house, that is going to be very close to the property line.

Ms. Janice Southerland: Well, after I got this letter then I did move it over as far as I could and still be on the concrete pad and what I measured was just a few inches. It is not like it is sitting on their property, like this makes it sound. I don't understand it all, why it is a problem but I do want to address it though.

Mr. Hawkins: Sure. From my standpoint, I want you to understand the ordinance with regard to R.V.s was changed fairly recently and went through a whole lot of discussion and evaluation in that process which actually started here with the Board of Zoning Appeals because there were two residents that came in with the similar issue with regard to where they can park their R.V.s, and they were denied a variance. It was suggested to them that they should go back and talk with Council if they think there is some issue where they think the ordinance is out of date, and so they did. And Council mobilized a committee of residents, some that had R.V.s and some that didn't have R.V.s. I think the entire process probably took around a year or so but a lot of thought and time went into it. The ordinance with regard to R.V.s, as was best stated by someone on Council who actually has a R.V., is not for the people that have R.V.s, it is for the residents who don't have R.V.s.

Ms. Janice Southerland: I understand.

Mr. Hawkins: While everybody wants to make sure that you and everybody else has enjoyment of their property living in Springdale, it is important for you to keep in mind those ordinances are to protect the rest of our neighbors that don't have R.V.s that may not want to live next to or look out of a window and see a R.V. right next to them. For me, with regard to all of the discussion that has taken place previously, and I will tell you right now that I didn't vote for that ordinance because I would be more along the lines of Kathie and Ken in terms of not having a R.V. outside of my home, in the back or in the side or in the front. But be that as it may, I understand folks do have them and folks are going to put them places. That ordinance did pass with a six to one vote but the point being that Council went through, looked at it and tried to find a compromise that they thought was

suitable and that is where it is. I agree with you that when you go down your street, you can't see the R.V. until you get to the end of the cul-de-sac. The problem is, it is right there if not on the property line it is very close to the property line of the neighbor. That neighbor may be fine with it but these variances or going to run with the land forever. They are going to run with the land long after you and I and your neighbor are gone and whoever buys that property or buys the property next to your property, they are going to have to live with that. It is good that your neighbor is o.k. with that and you guys have worked out whatever you have worked out in terms of the pad being on their land and the other driveway being on there but you have to understand that this is beyond even what you guys are doing because this is going to go on forever. I have an issue with the way you have a pad that is on the other neighbors land. You are very, very close in terms of where the R.V. is parked with regard to your neighbor's property if not on the property and based on the discussions that Council has already gone through to get to this point, I have concerns in granting you a variance. But I want you to understand my opinion, these six other people may have a different one; that is where I am coming from on it.

Ms. Janice Southerland: So, if I had that corner cut off that is on the other property and I don't understand why that was even made like that. I don't like the sound of it saying that I have it parked on somebody else's property; that is not right. So, if I had that corner cut off and then we do have a fence back there, back it up to the fence then I do think it would be 5' away.

Mr. Hawkins: Well, if you are in compliance then you are in compliance, you don't have to come to us for a variance if you are in compliance. The other part of it is, the way you would access that, then I am not sure how you would drive it to the side of the property much less the rear without going onto the neighbor's property.

Ms. Janice Southerland: We can just back it up.

Mr. Hawkins: It appears to me that you probably have to go onto the neighbor's property to get it to the side. You probably go over that property line. Which again, they may say that they don't care.

Ms. Janice Southerland: If it has to be a technicality and I can't, then there is room to do it otherwise.

Mr. Hawkins: My concern is, what is the infringement on the neighbors?

Ms. Janice Southerland: Yes; it is not problem.

Mr. Hawkins: Your neighbor right now may say, "Hey, it is fine. Drive on there whenever you want." But, the next person that is going to live in that house next to you or the next person that buys your house, they may have an issue with that. It is one of those things, you have to look at everything and look at it forever because that is what the variance is going to be good for. Those are my concerns. The circumstances being as they are, it appears it really infringes or has the potential to infringe on the adjacent property. I think everything from accessing that, that parking space to actually being parked there, is way too close for me. Thank you Mr. Chairman.

Mr. Knox: The last point that Mr. Hawkins was making is what really concerns me. No matter where you park that vehicle you are going to be driving on your neighbor's property. To allow you to be back there like that, won't change that fact; it is inherent that you must drive through someone else's property.

Ms. Janice Southerland: I wouldn't have to; no. I can back up from the street right beside their driveway, which is my property and back it right back.

Mr. Knox: That is going backward, I am talking about when you take it out to the street to use it.

Ms. Janice Southerland: That is the same thing. I can take it right along their driveway, which is my property. I can be on my property.

Mr. Knox: Not according to the diagram that we were given.

Ms. Janice Southerland: I don't know. It is not something that I created, it is something that has been like that for thirteen years.

Mr. Knox: My point is that I cannot in good conscience vote in favor of your application as long as it is probable that you will be driving on someone else's property. We cannot do that to your neighbor. We could give you a variance but then the next person that buys the property next to you would come in and start complaining about it. We can't be in that position. That is my reasoning on this. Thank you.

Chairman Weidlich: I have to agree with everything that Mr. Hawkins said and Mr. Knox, that according to the drawings that we have, you would be on your neighbor's property to put your motor home on the pad and take it off. I just cannot go along with that taking place in the residential neighborhood either. At this point I will not be supporting your application.

Mr. Ramirez: As I see it, it looks like that pad is over in the neighbor's yard just a little bit.

Ms. Janice Southerland: Yes, I agree.

Mr. Ramirez: But the code requires that to be 5' away.

Ms. Janice Southerland: Now I was told, not the pad.

Mr. Campion: Where you park it.

Mr. Ramirez: Since the vehicle is right on the edge of the pad that would be closer.

Ms. Janice Southerland: The far side of the pad. Like I said, I can move it over further, I can move it further back.

Mr. Ramirez: I also have concern, like the others have said that it looks like you would have to use your neighbor's property or drive in their grass to even get to that pad.

Ms. Janice Southerland: I would have to show you. I can see where you say that it is very close.

Chairman Weidlich: Are you looking at that red line that is on the drawing?

Ms. Janice Southerland: Yes.

Chairman Weidlich: That is the property line between you and your neighbor; that is what that represents. Does anyone else have any comments or questions.
(A member of the audience requested to address the Board.)

Chairman Weidlich: Does anyone have any problem with this gentleman speaking again?
(No Members indicated any objection and Mr. Kenneth Miller came forward.)

Mr. Kenneth Miller: I forgot to mention that I would be able to see it too. When I am in my backyard then I would be able to see it.

Chairman Weidlich: Does anyone else have any questions or comments for the applicant? (No further discussion was offered at this time.)
Is there any deliberation of the evidence?

Mr. Hawkins: I find that the information provided by Staff and the applicant would indicate that if a variance would be granted, it would be a substantial variance based on the close proximity to the adjacent property. I would also note that it would appear that the adjacent property is likely to be infringed upon in ingress and egress of the vehicle going to that parking place, as well.

Chairman Weidlich: If no one else has any further deliberation, can we have a motion please?

Mrs. Huber: I move to grant a variance to Section 153.480(D)(1), so as to allow a recreational vehicle to be parked in the side yard closer than allowable, 5' to the nearest property line; the property is located at 11840 Ramsdale Court.
(Mr. Nienaber seconded the motion and with a unanimous "no" vote from the Board of Zoning Appeals Members, the request for variance was denied.

Chairman Weidlich: You should get with the Building Department and discuss with them what your options are.

Mr. Champion: I think the ordinance allows you to park it in the side or the backyard; it just has to be 5' off the property line.

Chairman Weidlich: Mr. Champion, wouldn't that just be between this lady and her neighbor?

Mr. Champion: We don't have an ordinance that says you can or can't drive your vehicle on somebody else's property. We have an ordinance as to where you can park it.

Chairman Weidlich: She would want the neighbor's permission to cross their property.

Mr. Champion: Yes. The other question I have is, if you cut the tree down in the back, will you have room to move it back up against the fence and still be within 5' of the property line?

Ms. Janice Southerland: I will make sure.

Mr. Champion: You could have the property line surveyed.

XI DISCUSSION

(No Discussion presented at this meeting.)

XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Nienaber seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:31 p.m.

Respectfully submitted,

_____, 2014 _____
Chairman Robert Weidlich

_____, 2014 _____
Secretary Jane Huber