

BOARD OF ZONING APPEALS MEETING  
JUNE 19, 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, Jeffrey Anderson, Carmen Daniels, Robert Weidlich, Carolyn Ghantous, Gregory Johnson

Staff Present: Randy Campion

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF MAY 15, 2018

President Ramirez: Members, have you read the minutes from the May 15, 2018 meeting and if so do I have a motion to adopt those minutes?

Mrs. Ghantous: I move to adopt.

Mr. Anderson: Second.

President Ramirez: We have a move and adoption. At this time all in favor of approving the minutes by voice vote?

(Minutes were adopted with a voice vote of 7 Aye and 0 opposed and 0 abstained)

V CORRESPONDENCE

President Ramirez: We do have something today for correspondence. This is a letter from Ron Ebelhar and he is at 395 Vista Glen, Springdale, Ohio. It's dated June 10, 2018 to the Springdale Board of Zoning Appeals regarding the property address 406 Cameron Road, Zoning Variance application. To Whom It May Concern: I am a resident of Springdale who is concerned about the application. Unfortunately, I am not able to review the application and corresponding documents during normal business hours, as I work near Lunken Airport. It would be helpful for the BZA would consider posting such applications online so that those of us who are unable to come to the Building Department during our working hours could have a chance to see such information. I am writing to request the board consider any request for variance relative to all applicable sections of the code in addition to the code section listed in the requested variance. This is a corner lot whose side yards abut Sharon Road. Southbound vehicles on Cameron Road turning left or east onto Sharon already have a restricted view of the eastbound and westbound traffic. As vehicles on Sharon Road are often traveling more than 35 miles an hour, this is often insufficient site distance to make a safe turn at the intersection. If the proposed location of the fence reduces that site distance I strongly urge that the variance be denied or require the applicant to be revised to follow significant site distance. If the proposed fence location does not impact the site distance I have no objections and no further comments on this matter. Thank you for your consideration.

VI REPORTS

A. Report on Council

President Ramirez: Mrs. Ghanous.

Mrs. Ghanous: Thank you Mr. Chairman. City Council met on June 6, and we had two ordinances and two resolutions. Ordinance 33-2018 was amending the map to provide for the rezoning of the property located at 11100 Springfield Pike which is Maple Knoll from single household low-density to the low density public facilities. They are going to build another building. I guess it is going to go on what is now a parking lot. That was just the first reading, we did not take any action on that but that will be voted on tomorrow evening. The next Ordinance 34-2018 and that was approving a major modification to the planned unit development and the preliminary development plan to the Princeton Plaza Planned Unit Development that was formerly the Princeton Bowl. It is now called Springdale Business Center and they are planning on making kind of a multi-use storage/office place. For instance, a lawn care company could have a desk and computer and whatever but then they might also have room to store some equipment. It seems to me that it is a pretty good use for the property. I understand that is a new thing that is kind of been developed lately so they brought that to Planning Commission. We had the first reading and then tomorrow evening we will be voting on that. Resolution R7-2018 was appointing members of the Assessment Equalization Board for the Beacon Hills Kenn Road rehabilitation project. Excuse me I have a tickle in my throat. The three nominees were Rodney Swope, James Dunigan and Tom Hall. By a vote of 6 to 0 all three of those folks were appointed to that board. Then the last one was Resolution R8-2018 and that was opposing the passage of house bill 175 by the Ohio General Assembly which proposes to preempt municipal ordinances to Urban Farming. We did vote on that and it did pass with a 5 to 1 vote. That will conclude my report unless there are any questions or unless Mr. Anderson would like to add something.

Mr. Anderson: No, only that there was some spirited discussion on the house bill one related to farm animals and people's opinions on chickens and goats, which if you are interested in that it is in the City minutes. The only reason I mentioned that to is the Board of Zoning Appeals was actually called out as part of that ordinance as one of the relief capabilities that local cities have which is why I think it is worth mentioning here. Especially on that one, that that ordinance at the state level would preempt a group like ours from being able to respond to local citizen's demands.

Mrs. Ghanous: So, currently you cannot have chickens or goats or alligators. Actually, that is actually in the code. There are many animals that you are not allowed to have in Springdale. If this bill would pass we would not be able to enforce that anymore so, people could have small farm animals but one of the items that came up for discussion like Mr. Anderson said, was that residents could come to Board of Zoning Appeals and ask for a variance on that just like somebody would be asking for a variance for a garage conversion or so on and so forth. That would be an item that a resident could come before us and ask for a variance on. So, that is what that was all about.

President Ramirez: Thank you for that comment and thank you for that report.

Mrs. Ghanous: Thanks very much.

B. Report on Planning Commission

President Ramirez: It was a light night on the Planning Commission. Planning Commission met on June 12, 2018. Under new business we had the Tri-County Mall LLC, 11700 Princeton Pike, Springdale, Ohio, this was a final development plan.

Application 33794. In essence we spoke about this subject before but it is Jake Sweeney, looking to use Tri-County Mall to park 400 new vehicles and in their plans, they do have outlined where those vehicles will be parked. After some discussion whether or not they should be parked on a ramp, it was agreed upon that we would accept, as submitted for Tri-County Mall. You say there's 800 vehicles, 400 per floor, yes. Thank you. So, that's going forward and that was approved with a 7 to 0 vote. Mr. Hawkins, anything, Mr. Hawkins a member of Planning Commission, anything to add on that since we are using you tonight.

Mr. Hawkins: No sir Mr. Chairman you got it!

President Ramirez: Thank you very much. So, the correction on that there are 400 spaces per floor so 800 total, between two floors.

At this time if you have a cell phone please turn it to off or to vibrate or to the silent mode.

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

At this time please stand up, raise your right hand, repeat after me for the people that may want to speak.

(Members of the audience wishing to speak were sworn in at this time.)

VII OLD BUSINESS

None

VIII NEW BUSINESS

- A. Matthew Mudry, 406 Cameron Road, Springdale, Ohio, Application for a Zoning Variance from section 153.252(F)(2)(a)(i) of the zoning code which prohibits a fence from projecting past the front building line. (Application 33664)

President Ramirez: If members recall we have switched the order in which we address the applicant and first off, we have a staff report from Mr. Campion.

Mr. Campion: Request to construct the privacy fence in the front yard of the residence at 406 Cameron Road. The subject property is zoned residential single household Low-Density. The applicant wishes to construct the privacy fence as shown on the plans accompanying the application. The front set back in RSH-L district is 35', table 252-2 is attached. Section 153.252(F)(2)(a)(i) states the following: no fence or wall other than a retaining wall shall project past the front building line of any principally permitted or conditional permitted structure. Section 153.252(F)(2)(a)(iii) states the following: fences on corner lots shall not be located in the required setback from the building from the side street line. Since the property is addressed on Cameron Road; Cameron Road is the front and Sharon Road is the side street. The proposed fence extends 8 feet in front of the building on the Cameron side but is 50 feet from the right of way line exceeding the required minimum by 15 feet. The fence on the Sharon Road side is 17 feet from the right of way line which

encroaches on the required set back by 18 feet. The applicant is seeking a variance from these two provisions of the code. Copies of section 153.252(F)(2) and table 252.2 are attached for reference. A statement of conditions and findings list the factors for the consideration of the granting of a variance is included. Each of the factors should be considered by the board as stated in 153.206(B)(4)(j), no single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own factors. Gregg H. Taylor, Building Official.

President Ramirez: Thank you for that report. At this time would the applicant please come up to the podium, state your name and address.

Mr. Mudry: My name is Matt Mudry, 406 Cameron Road, this is Jessica Norman, she lives at the address as well.

President Ramirez: Please state, in your own words, state what you're trying to accomplish and why do you think that we should approve a variance for the property.

Mr. Mudry: What we would like to do is have a fenced in yard obviously and we feel that putting it in the approved area, it encompasses less than 10% of the yard but the bigger thing is the only feasible way to do that would be to knock a hole through the window, move the HVAC and all that stuff that is all do able but at the same time it would cost us our dining room.

Ms. Norman: Yes, and the back yard is actually very small because our driveway goes behind our house and then our garage goes into the basement. So, we have a very tiny back yard plus we would have no way to get there like he said without not having a dining room anymore which would lower the value of the home.

Mr. Mudry: We don't feel it's fair to have to choose between the dining room or a fenced in back yard. We could either have a big foyer or a small dining room.

President Ramirez: Okay.

Mr. Mudry: We do feel there is ways to accommodate while working outside the code to still make it useable. The letter stated that no issues with it so long as the road is still safe to be traveled and we feel that you can still see down the road with the 17'. Even if it was moved back to 20' we'd be fine with that. The bigger issue is fencing that part of the yard as opposed to having to go into the back.

Ms. Norman: We have dogs, we just moved here from Indiana for our work and we bought solely for our pets and we, I guess didn't realize until after we were in our contract that we were not allowed to do the fence there.

Mr. Mudry: Our bid was accepted Friday, I was in this building Wednesday applying for the fence.

Ms. Norman: I actually bought the house over face time, it was pretty terrifying.

President Ramirez: Now is there anything else, we will come back to you and you can have further comments if you would like.

Mr. Mudry: Okay.

President Ramirez: I would just, before I turn it over to the committee, how would you address the letter that was given to us stating the site lines and the traffic issue?

Mr. Mudry: Like I mentioned, I feel that the fence could be built at a distance from the road to where the site lines aren't affected. The gentleman that wrote the letter is in attendance today, so he will get his chance to speak. We did get a chance to speak

briefly even prior to this meeting but I wrote the plan at 17 foot, I wasn't even aware of the 18 foot section part when I wrote that, I was building in eight foot increments because that is how you can easily buy pieces of fencing. To chop and down 3 feet to create more site for people attempting to turn onto Sharon Road, that is not a problem. So, as far as addressing that, if the board did feel that we were affecting the site lines of the road we would be okay bringing it in a few more the to protect the safety of travelers, pedestrians and everyone else involved.

President Ramirez: Okay, thank you. At this time, we are going to have comments and questions from the committee. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. Just a couple questions if I could. So, I noticed that, and you mentioned in your letter that the house is set back quite far on the property line. I think that is a legacy in that area which I think it makes it difficult, and I am on a corner lot to and it makes it difficult to have a side yard when it is set that far back. My question is around the placement. I was looking at the drawings that you sent out and it's got the measurements. I'm familiar with the corner, I know that there is a set of shrubs, like a row of shrubs in front there.

Ms. Norman: Those little ones.

Mr. Anderson: Yeah, is that, and I know this isn't to help a lot of people, I'm just trying to picture it, how far out did you envision the fence going? The site lines are already a problem.

Ms. Norman: The shrubs would be in front of the fence, they will not be in the fence.

Mr. Anderson: So the fence is behind that?

Ms. Norman: Yes.

Mr. Mudry: Are you speaking about the small ones?

Mr. Anderson: Yes, the fence would be within those. Those will still be visible when you travel down the road.

Ms. Norman: Yes.

Mr. Anderson: How tall is this fence, there's already a lot of landscape in that area that makes it hard to see regardless of a fence.

Mr. Mudry: I believe that what you are referring to is at the top of our to do list.

Mr. Anderson: Honeysuckle?

Mr. Mudry: Cutting down the shrubs that are at the end of the driveway.

Ms. Norman: There is a lot of weird shrubs in our yard. That we don't know why they are there.

Mr. Anderson: So, how far out are you asking to go, because you are actually passing two different areas of the code right, so one is having it extend toward the front of the house and then it is also coming into the easement that is required for a corner for site lines and it is doing it by, I think the city said what 15 feet?

Mr. Mudry: I think it was saying by one foot, I think he was saying you have to be 35' off of the right of way side of the front yard which is Cameron so I have 15 feet of clearance because my sketch is 50 feet from there. It is on the south side of the property where I am encroached by one foot. That was just because I drew the

planned eight-foot sections. I believe that west half of the fence is 56 foot and I can chop that down to be within the 18 foot or outside the 18 foot requirement.

Mr. Anderson: So, can I ask what is the, how far into the site line are we encroaching with what was proposed? I understand that we can make adjustments but based on what was proposed, how much would they have to adjust to conform with that part of the code?

Mr. Champion: It say that the proposed fence exceeds eight feet in the front on the Cameron side but is 15 feet from the right of way and it exceeds the required 15 feet on the Sharon Road side because it is 17 feet out so it would be two feet on the Sharon Road side, is that right?

Mr. Mudry: Two feet.

Mr. Anderson: So, this is exceeding the required minimum by 15 feet? Does that mean that they have to come back 15 feet?

Mr. Mudry: No, exceeding the minimum means we are doing more than, it should mean that we have 15 feet even more that we could go theatrically.

Mr. Anderson: So, it is just the one foot on the side is all that they would be?

Mr. Mudry: It is just the Sharon Road side that is currently.

Mr. Champion: I thought that it required two variances? Let me see.

Mr. Mudry: It did, one variance is 18 feet from

Mr. Anderson: Right

Mr. Champion: Okay.

Mr. Anderson: So how far would they have to pull back in order to have it be just the one variance for the side?

Mr. Champion: It would be two feet, is that correct?

Mr. Anderson: On the Cameron Road side?

Mr. Champion: On the Sharon Road side.

Mr. Anderson: So, two feet from the shrub side?

Mr. Mudry: Yes.

Mr. Anderson: Closer to the house?

Mr. Mudry: Yes, to create better site line for people turning east or west onto Sharon Road.

Mr. Anderson: Do you have any concern making that adjustment?

Ms. Norman: No. We can do more.

Mr. Mudry: We are willing to even give a little bit more if that makes the neighbors and the zoning committee, if that's better.

Mr. Champion: But it also exceeds eight feet on the Cameron side, is that correct?  
Based on what he said

Mr. Mudry: Do you mean it extends eight feet?

Mr. Champion: Well yes because you are not allowed to extend past the front of the house.

Mr. Mudry: Oh, yes, correct.

Mr. Champion: So, it is eight feet into the front yard. It is the eight feet that requires the variance on the Cameron Road side.

Mr. Anderson: There's two variances right? There is the one for eight feet towards the front of the house which does not encroach the site lines, it is just the side of the house which is their front and then the other variance was around the side, being too close to Sharon Road and we are talking about pulling that back. If that was pulled back, a variance is no longer required?

Mr. Champion: That is correct.

Mr. Anderson: So it is just the one variance that would remain?

Mr. Champion: Yes.

President Ramirez: Does the applicant agree with moving the fence back? You're okay, you have 50 feet one direction and only, well you need two more feet, is that what we are speaking of to avoid two variances and just, now speak of the eight feet that extend out to the front of the house? I will for the record comment that this is an unusual lot shape and because it is on a corner lot we normally take that under consideration.

Mr. Mudry: Thank you.

President Ramirez: So, any other comments from members? Mr. Weidlich.

Mr. Weidlich: Thank you Mr. Chairman. What material would you be using for the fence?

Ms. Norman: We sent an e-mail.

Mr. Mudry: It had a picture. I don't know if that got included, it was after the application date. We would like to do wood.

Mr. Weidlich: This picket fence that was here?

Mr. Mudry: Some type of,

Mr. Weidlich: That one?

Mr. Mudry: No that is the neighbor's yard. I was trying to demonstrate that neighbors were able to have a fenced in yard.

Ms. Norman: I'm like, no I don't want that.

Mr. Mudry: Because that was one of the criteria when I was reading the application was ways the neighbors can use their property that you are unable to. No, we would like to do a six-foot privacy fence.

Mr. Weidlich: In vinyl, wood or what?

Mr. Mudry: Wood.

Mr. Weidlich: Okay. You just answered my other on with the height of it. The window that the staff commented on here that could be turned into a door, is that the second one on the right corner here?

Ms. Norman: No, that, yes, the second one, the first one is our kitchen, but there is a huge, now that is a really small room, that is our dining room and there's like two vents there actually for our a/c and heater.

Mr. Mudry: It is also directly above the retaining wall.

Mr. Weidlich: Right.

Mr. Mudry: That is part of the reason that I included the picture because if we were to drill into the retaining wall it would crack. If we put it into the driveway for support coming out that door it would potentially block the garage. I'm not a structural engineer so I don't know if it is even feasible.

Mr. Weidlich: Being an older home, is your garage useable today for a vehicle? Some of them aren't.

Ms. Norman: It's pretty small, we just use it for storage. I would actually be terrified to try to pull in there.

Mr. Mudry: With the truck, no.

Mr. Weidlich: I guess that is it, I'm just wrestling with it because we have had a few front yard fence issues here and it is a tough one to deal with. Thank you.

Mr. Mudry: Thank you.

Ms. Normal: Thank you.

President Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you. I have a couple of questions that are as much for us as for you all. The way I see this we are going to have to do this in several motions. One, to address the variance to the Cameron Road side and a second one to address the variance to the Sharon Road.

President Ramirez: He's agreed to comply with the setback.

Mr. Nienaber: So, are we to not address the Cameron Road side at all then?

President Ramirez: No, we will address that but we will modify to where he will meet the zoning code and we do need to address the eight-foot section that is in the front, that extends into the front yard.

Mr. Nienaber: If I may address you all. When you say it is a privacy fence, how high is it going to be because I immediately think of a, nothing but negative connotations when I hear that as opposed to a fence that is slatted or anything of that sort, how tall is it going to be and is it going to be a solid wall?

Ms. Norman: Just like your regular privacy fence. I mean just your six-foot privacy fence. Wood. You will be able to see through it if you look through it I guess.

Mr. Mudry: It will be by and large solid. Yes.

Mr. Nienaber: Thank you.

President Ramirez: Do we have a way to get in the front yard on this fence?

Mr. Mudry: Yes, there would be two gates.

President Ramirez: Two gates?

Mr. Mudry: Yeah.

Ms. Norman: The reason why it is going out eight feet toward Cameron is because, I don't know if you know our sidewalk, there is our mailbox, our sidewalk and then there is like another sidewalk. I was hoping to put like a door there and then also a door kind of down by the driveway so we could get in two different ways.

Mr. Mudry: The other reason for the eight feet and that might end up being more like four or five feet, like I mentioned earlier, I just wrote it in eight-foot sections for the sake of ease. There are steps come down the patio, or off the deck that direction so if I built it directly off of the house, I would be literally cutting off the bottom of the steps, like you would walk into a fence as you came down the steps. So, the little five feet or so that I would need there is a clearing for you to be able to go down the steps and into the yard.

President Ramirez: Okay. Any other questions, comments? Mr. Nienaber.

Mr. Nienaber: This question is directed to Mr. Champion. Is there a whole other variance required to put it into what is the side yard on a corner lot? Even to fence in an area on a corner lot that is out, it is the nearest part of the property to the streets?

Mr. Champion: Well, essentially he has two front yards, we are calling one the front yard and one the side yard. The first variance is because his fence, his proposed fence extends past the front of the house and that would be the eight-foot encroachment, if I've got that right on the Cameron side, is that correct?

Mr. Mudry: I'm sorry, will you repeat that

Mr. Champion: You were saying where you come down your deck and you needed room.

Mr. Mudry: Yeah that extra eight-foot towards Cameron, yes.

Mr. Champion: That is considered the front yard and you are not allowed a fence that extends past your house, so it has to be even with the plain of your house.

Mr. Mudry: Yes, but doing so

Ms. Norman: We have our deck there so

Mr. Champion: Your deck is there?

Ms. Norman: Yeah.

Mr. Mudry: You would walk down the stairs and hit the fence if you did that.

Ms. Norman: The steps.

Mr. Mudry: Yeah, the steps would go, yeah.

Mr. Champion: Okay so I am losing my train of thought here.

Ms. Norman: I'm sorry.

Mr. Nienaber: Where I am going with the question is,

Mr. Champion: Okay.

Mr. Nienaber: Is putting a fence that is a side yard that becomes the nearest part to the street, any violation of the code?

Mr. Champion: Yes, if you are referring to the fence that is proposed on the Sharon Road side because that proposal says you have to be 15 feet minimum back from the right of way and he is 18 feet or he is three feet into it.

Mr. Nienaber: I'm sorry I was reading that it is required to have an 18 foot setback and his fence design currently only allows for a 17 foot setback so it needs to come in one foot.

Mr. Champion: Yes, come in two feet, yes.

Ms. Norman: Which we will do.

Mr. Mudry: Which we agree to do.

Mr. Nienaber: Okay. Thank you.

Ms. Norman: We are willing to do that, absolutely.

Mr. Champion: If you look at the site plan that's got the line drawn on it, the one plain would be the plain of the house which represents eight feet and the other one would be the Sharon Road side which would be two feet into that are if you drew a dotted line across that. That's probably.

President Ramirez: Understood. Are we okay with that? The applicant, so far what we have discovered is that you are willing to move that so we have our 15 feet.

Ms. Norman: We are willing to do whatever you want.

President Ramirez: To the Sharon Road and on the Cameron, the subject is whether or not we are going to approve the eight feet that goes into the Cameron Road, the front of the house side and taking into consideration that it is a corner lot and there isn't much of a back yard to put a fence and there is not a back yard at all to put a fence that size. Any other questions, if not would somebody like to make a motion?

Mr. Champion: Could I ask a question?

President Ramirez: Oh, Mr. Champion, I'm sorry.

Mr. Champion: Okay. Is there any way to modify the deck so that you could cut off part of the deck to get the steps in so that you can get down to the fence?

Ms. Norman: Financially, that would be probably very expensive.

Mr. Champion: Okay.

Ms. Norman: I mean we literally just bought the house.

Mr. Mudry: What would the goal of doing that be to help me understand the question?

Mr. Champion: Well, because if you had enough walk way to get to the fence, like right now you are saying that your deck comes right down to where the imaginary line is could you cut the deck back and get your steps in so you don't need a variance on the front.

Mr. Mudry: Oh, I see what you are saying.

Ms. Norman: I think it would be really difficult.

Mr. Mudry: It is tough for me to say, not being an engineer of any sort, how to take, because it is all built as one piece, it is all roofed together, you know what I mean.

Ms. Norman: It's attached.

Mr. Champion: Okay.

Mr. Mudry: I don't know how it would affect the structure or the integrity of the structure, that type of thing.

Mr. Champion: Okay, that's all I had.

Ms. Norman: We just had it roofed to.

Mr. Champion: I don't think we have a picture of that.

President Ramirez: Mr. Johnson.

Mr. Johnson: Thank you Mr. Chairman. I would, before we vote on this, I would like to hear from the neighbor and what his thoughts are based on the conversation that you've heard to night if you could just let us know what your thoughts are based on them moving it back what your thoughts are on the clearance and being able to see.

Mr. Ebelhar: Sure, Hi, I'm Ron Ebelhar. Could you bring up the sketch?

Mr. Champion: That's the one I don't have the picture of.

Mr. Ebelhar: No there's a sketch you showed earlier.

Mr. Champion: Let me see, let me go to the top.

Mr. Ebelhar: Scroll down #6 maybe.

Mr. Champion: Okay, Oh, yeah there is.

Mr. Ebelhar: Yeah, so I think the, as I spoke to the applicants and told them, I'm primarily just concerned about the safety and making sure and certainly appreciate they've got animals and they'd like to have a fence and have a safe place and comfortable place to keep them. The only thing I am concerned about is being able to see to make that turn safely going either direction because cars move pretty quickly through there. So, if they meet the setback requirements I'm find with that. I just wanted to make sure that they did. I will point out though that I think the right of way line along Sharon Road is slightly on a skew rather than what you see here and so I would hope that we might be able to have that setback make sure that it is at the closes point from where Sharon Road is to your house. So that we meet the minimum requirements there because again I have turned that, made that turn nearly daily and

it can be very unsafe. I'm surprised that there hasn't been more accidents there, but I completely understand why they would like to have this fence and I certainly appreciate it particularly with how far the house is set back from both lot lines. I completely understand why they are asking to do this. I have no objections to that as long as we meet the safety requirements.

President Ramirez: Thank you for those comments. Mr. Weidlich.

Mr. Weidlich: Thank you Mr. Chairman. This is relative to Mr. Champion's comment. He was talking about cutting your deck back, what about just moving the steps around 90 degrees to the Sharon Road side of your deck? Just moving the railing that's there to fill in where the steps currently are and that would eliminate having to walk into a fence as soon as you go down your steps.

Ms. Norman: We could do that.

Mr. Mudry: It would be possible but there is stone paved through there to the steps so that would be a stone walkway that goes nowhere, which is fine. We would have to buy all new steps also due to the grade of the land.

Ms. Norman: I also, I wouldn't want a fence up against that, I don't think it would look very nice to the eye but I guess we could put the fence there. We would have to think about how to do that I guess because I wouldn't want a fence up against that. I think that would look kind of not very pretty.

Mr. Mudry: It would obstruct the flower beds that we currently have in the front as well.

Mr. Weidlich: So, you're not in agreement to moving that eight feet back to be in line with the front of the house.

Ms. Norman: I'm not saying, I'm just trying to figure in my mind how we would do it. I guess just hook the fence to the deck then and not to the house, do you know what I'm saying.

Mr. Weidlich: Right.

Ms. Norman: So, it is not in front of the deck.

Mr. Weidlich: That is what I was thinking. I agree with you that it may not be the best situation.

Ms. Norman: I though you meant like in front of it, I'm like I don't know if I'd like that. Okay, I see what you are saying.

Mr. Weidlich: My concern is that eight-foot there where you, if you take that and cut that you have

Ms. Norman: I thing that would really be a bummer though is our mail box, it would just, I don't know, I mean yeah I totally would do it but it would be nice to have like a gate there just on our sidewalk.

Mr. Mudry: For what it is worth, I don't know if it's the eight foot that you see is the issue or the variance as a whole but that eight foot can easily be four foot.

Ms. Norman: I honestly didn't know it was eight feet. I don't like that it is eight feet.

Mr. Mudry: Okay, so I just brought it up that way because the fence but

Ms. Norman: I'd rather that it just be like kind of a gate.

Mr. Mudry: It could be four or it could be just enough to get down there and turn or just enough to create the gate to keep the gate in line with, because my other thinking with putting it there was that it would be nice to have the gate over top of the stone walkway that connects the front of the house to the side of the house.

Mr. Weidlich: I understand.

Mr. Mudry: So that was the other reason that it was drawn that way. If the BZA wanted us to do it that way to meet us in the middle, it might be possible. I'm sure it is but it would not be our preference and I would have to figure out how to do that.

Mr. Weidlich: Okay, thank you.

President Ramirez: Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. Did you all think about using, like invisible fence?

Ms. Norman: Yeah, that will not work with our one dog.

Mr. Mudry: Yeah, there will be an accident and dead dog on Sharon.

Ms. Norman: She is very trying. She is a rescue and believe me she is trying.

Mrs. Ghantous: I'm sadly going to tell you that I am not going to be voting in favor of your fence there, particularly a privacy type fence that is going to block the site line and the history of the Board of Zoning Appeals, it's been maybe since before I was on here and that's been quite a while since we have made any kind of approval for a fence in a side yard on a corner lot. So, for those reasons I am not going to be voting in favor of your fence. Sorry.

President Ramirez: Thank you. Any other comments? No other comments, do we have a motion? Keep in mind we don't have to address the Sharon Road setback. Mr. Anderson.

Mr. Anderson: Thank you and I hope I get this right so if not, I will take another shot at it. I would like to make a motion to approve the variance for a four-foot encroachment on to the side lot to allow for a privacy fence at 406 Cameron Road.

President Ramirez: Alright and that is for application 33664. We also need to address the area in front on Cameron Road.

Mr. Anderson: I assume that we'd do that as a separate if we needed to treat the application as a whole, the way I understood it is we could do separate motions for each variance and we could move to approve each of them and then vote the one that we have agreed that they are not going to need we can vote and presumably decline. If you'd like me to make it one motion, I think that would be tricky to do votes.

President Ramirez: Okay. So, the motion consists of allowing for the extended, or the encroachment on the setback on the side yard which the applicant has already stated that he is willing to make that change and not go out to the Sharon Road in the encroachment area. Do we have a second for that motion?

Mr. Nienaber: Second.

President Ramirez: We have a second Mr. Nienaber. Secretary would you please pole the members.

(Secretary Daniels poled the members and the motion was approved with a vote of 4 in favor and 3 opposed. Mr. Nienaber, Mrs. Ghantous & Mr. Weidlich)

President Ramirez: So this section that we just voted on is for the side, Sharon Road setback side so the motion you presented was to approve that which intent a yes vote is to approve it when we know we don't need a yes vote so.

Mr. Anderson: Sorry, this was for the other, this was for the part that they were requesting that we, the Cameron Road side, the encroachment onto the front yard which was the part of the variance that they still require.

President Ramirez: Was it that eight feet not four feet?

Mr. Anderson: The original request was eight and in the discussions I moved it to four feet to reduce the variance and that was after the discussion we had.

President Ramirez: Okay.

Mr. Anderson: If we are not comfortable or I did that wrong we can.

President Ramirez: No, you're find.

Mr. Anderson: That's what I believe we were voting on.

Mr. Johnson: That's what I thought we were voting on, that was my understanding.

President Ramirez: We still have to address the other one.

Mr. Anderson: Yes, did we get the results of that announced?

President Ramirez: Yes, we did.

Mrs. Daniels: 4 to 3.

Mr. Anderson: Four in favor.

President Ramirez: It was a four to three vote. And now the second part.

Mr. Anderson: I'd like to make a motion to approve the second part of the variance in the application related to, what's the right way to describe the setback on Cameron Road, the encroachment into, I'm sorry the Sharon Road encroachment of the right of way. That's the part that we have not voted on correct?

Mr. Johnson: Correct, the two feet.

Mr. Anderson: The two feet.

President Ramirez: Do we have a second?

Mr. Nienaber: Second.

President Ramirez: So, to be straight forward with this, the applicant has basically said that he would comply so we are voting whether or not we want to approve that which it sounds like we do not need to approve it so secretary would you pole the members please.

(Secretary Daniels poled the members and it was voted against with all members voting no.)

President Ramirez: Mr. Champion.

Mr. Champion: I think we need to make a point that the applicant changed his application and pulled that line back or if you want to make that a part of the record. Does that make sense?

President Ramirez: So, as we stand, as we discussed it was approved as we discussed if you move the set back on the Sharon Road side and the extension beyond the front of the house to four feet that is your variance.

Mr. Mudry: Thank you.

Ms. Norman: Thank you.

Mr. Mudry: Thank you very much for hearing us.

President Ramirez: Thanks for coming in. Welcome to Springdale.

Mr. Mudry: Thank you.

Ms. Norman: Thanks.

(talking off mic.)

Mr. Anderson: Thanks for joining us, Springdale is nice.

Ms. Norman: Yeah.

Mr. Anderson: It is a lovely neighborhood. I hope you enjoy it there.

Ms. Norman: We love our house.

Mr. Mudry: We do. We do love it so far.

Ms. Norman: Thanks.

Mr. Mudry: Thank you.

B. Gregory French, 255 Harter Avenue, Springdale, Ohio, Application for a Zoning Variance from section 153.252(G)(1) of the zoning code requiring a 35' minimum rear yard setback. (Application 33702)

President Ramirez: Next up we have Mr. Gregory French, 255 Harter Avenue.

Mr. French: Good evening, my name is Gregory French, I reside at 255 Harter Avenue, it is just two houses down from the recreation center and I'm here to ask for a variance, a setback variance of five foot to build a.

President Ramirez: We are going to have staff comments.

Mr. French: Oh, okay.

President Ramirez: We changed how we, the sequence in which we are doing it so you can hear the staff comments in case you want to add something to that. Mr. Champion.

Mr. Campion: Okay. Request to construct a 480 square foot addition to the rear of the residence at 255 Harter Avenue. The subject property is zoned residential single household high density. The applicant wishes to construct a 16' x 30', three or four-season room to the residence. Currently an aging 10' x 21' attached awning lies within the footprint of the proposed addition. The applicant is in for a variance for the 35-foot required rear setback. The applicant indicated that the proposed rear yard setback is 30 feet, a copy of table 252.2 is attached. A statement of conditions and findings listing the factors for the consideration of the granting of a variance is included. Each of the factors should be considered by the board as stated in 153.206(B)(4)(j); no single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own facts. Gregg H. Taylor, Building Official.

President Ramirez: Thank you. At this time, Mr. French please state your reason for the request.

Mr. French: Okay. At present we have a dilapidated awning, aluminum awning that was probably installed back in the sixties. It leaks and it is unsightly and my wife and I are interested in putting in the four seasons room so we can use our backyard more efficiently and use it to half the year not just during warm weather. So, in order to do that we wanted to come out 6 feet farther from where the concrete pad is and build the four seasons room. When I made this application the width was supposed to be 30 feet. We have knocked that down to 16 so it is mostly going to be 16 by 16 feet so we are still within the same request for the 30 foot setback.

President Ramirez: Okay. Will that concrete slab stay?

Mr. French: They are going to replace it. They are going to leave part of it and where is at and they're going to cut up where they're putting the four seasons room they are going to take that and cut it out and put the new slab in.

President Ramirez: Questions from the committee? Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. If I remember right to the opposite side of this fence where you're encroaching on the setback, the neighbors, we don't see in the picture where their house is. In last application we saw the houses were placed very close together. Is this, if you look from your backyard, is this one of those houses where it is like that giant Kemper yards in the back yard until you get to the neighbor's house?

Mr. French: Our backyard abuts the Kemper Roads, so there is a long, maybe 300 feet from our backyard line to the house is on Kemper Road. Is that what you are referring to?

Mr. Anderson: It is.

Mr. French: Yes.

Mr. Anderson: Have you had any conversations or discussions with that neighbor about the change in your backyard?

Mr. French: The one directly behind us?

Mr. Anderson: Yes.

Mr. French: I have talked to her in the past about other matters and she told me I could do whatever wanted to do with my house.

Mr. Anderson: Thank you.

Mr. French: If I might add, the house that is just to the west of us, has also been granted a variance and they have a setback of about the same size that we do so it would not be doing anything unusual in that area.

Mr. Anderson: Thank you for that.

President Ramirez: Mr. Weidlich.

Mr. Weidlich: Thank you. I did what you just said, went up to the REC Center on the walking path and looked down past the Harlow's house to yours and it looks like their extensions probably about the same as what you are asking for.

Mr. French: Yes.

Mr. Weidlich: And the fact that you are a good 250 to 300 feet from the adjoining house, I personally do not see a problem with your request.

Mr. French: Thank you.

President Ramirez: Any other comments? Questions? Now for the record as Mr. Weidlich just stated, there's a fairly large area beyond the applicant's fence, you won't be encroaching on the neighbors in the back. Previously, I know he had an application to add an additional shed and withdrew that and I think this is a favorable move and I think it will look much nicer than the current awning, I think it will improve the property.

Mr. French: Thank you.

President Ramirez: If there are no other questions or comments do we have a motion? Who was the first? Mr. Nienaber.

Mr. Nienaber: I move to allow a variance to the owner to 55 Harter avenue to code section 153.206(B)(4)(j) to allow a variance to the setback of only 30 feet as opposed to 35 feet for the backyard setback.

President Ramirez: Thank you. I will note that that is application 33702. And the comments before we get a second?

Mr. Anderson: Second.

President Ramirez: We have a second. Secretary would you please pole?

(Secretary Daniels polled the board and the motion was pass with a vote of 7-0.)

President Ramirez: Thank you with a vote of 7 to 0 we if pasted your variance.

Mr. French: Thank you.

President Ramirez: Thanks for coming in.

Mr. French: Thanks for your time.

## IX DISCUSSION

President Ramirez: Discussion on any subject? Mr. Nienaber.

Mr. Nienaber: Thank you. First item would be in response to the mail we received.

Is there any thought by the City to put this on the web site so that people can look at it? If not let's ask Mr. Campion to carry that forward.

Mr. Campion: I can relay that comment on to the powers that be.

Mr. Nienaber: Second thought, is the format the way the city is presenting this to us now changed in the last month or two because it seemed to be, I felt like it seemed to have way more detail in the past than this week's, then this month's did?

Mr. Campion: You mean staff comments?

Mr. Nienaber: Yes. I know it is still attached with that chart, I can't tell what's different it just feels different. I just wanted to ask.

Mr. Campion: Don't know.

Mr. Nienaber: Okay, thank you. That is the end of my comments.

President Ramirez: Mrs. Daniels.

Mrs. Daniels: I just wanted to thank Mr. Taylor, I really like having the addition, the PowerPoint being able to see. I even pulled it up on my phone so it does help visualize it when you are going through the slides. So, thanks for that unless just missed it before.

Mr. Campion: I'm surprised it worked.

Mrs. Daniels: I like that, thank you. Thanks again.

President Ramirez: Mr. Johnson.

Mr. Johnson: Mr. Chair, I do have a question about your report. I'm trying to get around my head, you said two floors of cars?

President Ramirez: It's Tri-County Mall parking lot. The parking in the back of the mall.

Mr. Campion: The parking garage.

President Ramirez: Inside.

Mr. Johnson: Oooohhhh. The parking garage. Okay, alright, now I'm with you.

President Ramirez: Sorry about that. Any others?

X ADJOURNMENT

President Ramirez: Finally.

Mr. Nienaber: I move that we adjourn.

Mr. Anderson: Second.

President Ramirez: Moved and seconded.

(Voice vote taken approved with a vote of 7 – 0)

President Ramirez: So adjourned.

Respectfully submitted,

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

\_\_\_\_\_  
Chairman, Joseph Ramirez

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

\_\_\_\_\_  
Secretary, Carmen Daniels