

BOARD OF ZONING APPEALS MEETING
OCTOBER 16, 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, Robert Weidlich, Carolyn Ghantous, Gregory Johnson, Carmen Daniels

Staff Present: Gregg Taylor

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF SEPTEMBER 18, 2018

President Ramirez: At this time the chair would accept a motion to accept the minutes from the September 18th meet.

Mr. Nienaber: I move that we approve the minutes from the last meeting.

Mr. Anderson: Second.

President Ramirez: We have a motion and a second. At this time by a voice vote.

(Minutes were adopted with a voice vote of 6 Aye and 0 opposed and 1 member abstained)

President Ramirez read the Chairman's Statement

Ladies and Gentlemen, this is a Public Hearing, and all testimony given in cases pending before this Board is to be made a part of the 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 this Board are directed to sign in on the clipboard in the rear of the room, take their place at the podium, state their names and addresses and the facts as they are pertinent to the subject before this 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 and repeat after me:

(All members of the audience that stood were sworn in at this time)

President Ramirez: Please be seated. Be advised that anyone who was not standing and sworn in cannot testify unless they request the Chair to be sworn in as they come to the podium. This can be done at any time. If someone else would like to testify later on you are still welcome to. At this time if you have a cell phone on would you please turn your cell phone off or put it in the mute mode. Thank you very much.

V CORRESPONDENCE

President Ramirez: Mr. Taylor.

Mr. Taylor: Yes, thank you Mr. Chairman. I am going to pass one of these out so everybody has one. This is concerning, I think item E on our Agenda for 533 Dimmick Avenue. I am just going to read this into the record. This is a letter addressed to the Springdale Board of Zoning Appeals from Bill and Sharon Cassedy, 507 Dimmick Avenue, Springdale, Ohio 45246 regarding the variance request at 533 Dimmick Avenue.

“My wife and I will not be able to attend the Springdale Board of Zoning Appeals scheduled for October 18, 2018 addressing the variance request at 533 Dimmick Avenue, Springdale, however; we do wish to submit our views on the variance request. My wife and I have no issue with the variance request and would like to see it approved by the BZA. We feel the intended addition will be an attractive addition to the property and are in favor of the variance request approval.”

This was signed and notarized by Mr. and Mrs. Cassedy.

President Ramirez: Thank you.

VI REPORTS

A. Report on Council

President Ramirez: Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. City Council met on October 3, 2018. We only had one Resolution R16-2018 that was accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county. That was approved with a 7 to 0 vote. Believe it or not that was pretty much our whole meeting. It was like record setting time. Anything else Jeff?

Mr. Anderson: Only that it was great that we had a Boy Scout troop there to attend for their Citizenship badge.

Mrs. Ghantous: Yes, that was very cool.

Mr. Anderson: They got to hear us talk a little bit about taxation and the county which I'm sure was fascinating.

Mrs. Ghantous: It is a shame that they couldn't have come on a different evening when the discussion was a little more interesting. Thank you.

B. Report on Planning Commission

President Ramirez: Planning Commission met on October 9, 2018, all members were present. We had one subject that was old business that was the Thorntons gas station. It was previously tabled and came back before us again and honestly after a lot of discussion there was not much change in the planning and the members felt that the truck bay and the three lines of trucks going through that location would cause issues with traffic in that neighborhood. So that was disapproved with a vote of 0 to 7. Under new business we had Golden Signs and Lighting which are the people that are taking care of the Kerry Ford signage. Kerry Ford is doing a renovation and before us was the issue of having a box sign and a channel cut sign and, in the end, we

approved it with a 7 to 0 vote and one of the determining factors was because Ford has a known sign and it is an oval sign and it is a box sign so to stay standard with the Ford logo that was approved with a 7 to 0 vote. Klusty Signs, 1190 East Kemper Road came before us on behalf of Take 5 Oil Change and it was new signage to be put up. Again, they wanted something similar, cut sign and box sign at the same time. Members thought that because of the banner on the top of the building which was bright red in color and it kind of clashed with the signage that it was not going to look favorable so, the applicant asked to have it tabled with a continuance on it and that was approved with a 7 to 0 vote to continue that signage and they are going to come back before us with a toned down version of that sign. Finally, we had Treeridge Capital, 230 Pictoria Drive, Springdale, it was a Concept Plan only. It was all favorable. Let me see what they were after. What was that Mr. Taylor that they were proposing to us?

Mr. Taylor: The proposal was to construct a four-story office building and serve that with surface parking. The PUD that was actually approved some time ago intended a second Pictoria Tower to be built and it was going to be eight stories high and a six-story parking deck. The issue is that it is just not economically feasible at this point in time. As Mr. Ramirez mentioned, they did a pretty admirable job of, I would say, complimenting the architecture of the existing tower and it was a very nice presentation. I think everybody was favorable.

President Ramirez: I have additional information with design plans if, after the meeting anybody would like to look at that. As Mr. Taylor said it would be a great improvement and a nice addition to the current building that is currently there. That is all that we had for the Planning Commission unless members have questions.

VII OLD BUSINESS

None

VIII NEW BUSINESS

- A. Corey Shreffler, 96 Silverwood Circle, Springdale, Ohio, has submitted an application for a Zoning Variance from section 153.252(F)(14)(v) of the zoning code that states a detached storage structure or accessory building, other than garages, shall not exceed two percent of the lot area, or 12 percent of the area of the dwelling unit, whichever is less. The applicant wishes to construct a 200 sq. ft. accessory structure/shed in the rear yard. (Application 34198)

President Ramirez: At this time Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. As you indicated, this is the property in question, it is 96 Silverwood Circle. A similar application was before you all in August, they were requesting an additional shed in addition to the one that they have. You denied that request so they are back and basically the request is to remove the existing shed and construct a new shed of 200 square feet as you mentioned. According to the auditor's office they would be permitted to have a shed of 151 square feet so the variance request before you is to allow the construction of a shed which is basically 49 square feet larger than they would otherwise be permitted. This is a picture of the approximate location at the rear of the property near this fence. That tree that is in between those two stakes would be removed as would be the existing shed. This is kind of a rendering if you will of the appearance of the shed. That is all that I have. Thank you.

President Ramirez: Thank you. At this time if the applicant would please come forward, state your name and address.

Mrs. Shreffler: Good evening, my name is Marilyn Shreffler, 96 Silverwood Circle, Springdale, Ohio.

President Ramirez: Please give us the reason why you think we should approve a variance for the property.

Mrs. Shreffler: What I have mentioned last time when I was here, I have so many stuffs and some of my stuffs are already in the front room and so I requested to build a new shed, however; coding in Springdale says that we are only allowed one shed and that old shed that we have, it's already full as it is and some of my stuffs also are in the garage so that is why I am requesting since I am not allowed to build another shed so I am requesting whichever is the maximum allowance of the biggest shed that I can build at the back. So, our front room will be a little bit less cluttered.

President Ramirez: So, as Mr. Taylor had stated, I believe it was 151 square foot is currently allowed so if that is the case if you wanted to build a new shed, remove the old shed and keep it within the 151 square feet then you would not even need a variance from us.

Mrs. Shreffler: Actually, I have discussed it last time when I was here if it is only 151 it is not enough space and Mr. Taylor mentioned last time that I could be allowed to build up to 200 or less like up to 199 something because if I will build 151 square foot of shed, number one there is nothing left actually to transfer if I would transfer some of the stuff from the old shed to the new one plus the stuff in the garage not to mention the front room. So, it would be a waste of money to build a new one and it is thousands when I need more space.

President Ramirez: Okay, thank you. At this time before we hit the members with questions for you please remain there. I would like to go over some of the criteria for granting variances which we have not stated this in a while and I think, keep these in mind when you are asking questions and see how they may fit in with the applicant. Whether the property will yield a reasonable return without the variance or whether there can be a beneficial use of the property. Whether the variance is substantial. At this time it is 50 square feet, I don't think that is substantial. The members have to decide on that. Whether the character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance. Whether the variance would adversely affect the delivery of governmental services. Whether the property owner knew when they purchased the property with knowledge of the resolution ordinance regulations, measures, and orders. Whether the property owner's predicament feasibly can be obviated through some other method other than a variance and whether the spirit and intent behind the resolution, ordinance, regulations, measures and orders would be preserved and substantial justice would be done by granting the variance. After that, I am going to take questions. Mr. Taylor was up first.

Mr. Taylor: Thank you Mr. Chairman. I just wanted to clarify, regarding the square footage. At the last meeting there was a lot of discussion about potentially allowing or encouraging the possibility of a variance. The reason that the 200 square feet was mentioned, if you exceed 200 square feet then there are, in addition to the zoning issues, which you all are looking at there is a number of building code requirements. A structure that is under 200 square feet doesn't specifically have to comply with all of the provision of the Residential Code of Ohio. If it is over 200 square feet it does which means there is substantial foundation expense and anchorage and a bunch of other things like that. So, just to clarify there's really nothing magical about 200 square feet it is just to avoid additional expense by having to comply with different aspects of the building code.

President Ramirez: Thank you for clarifying that. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I just wanted to go over a couple of comments that I think we had last time when we talked about it for the record. Again for this now that we have a new variance in front of us. I do note that the house placement for this lot is, it is a little bit older when Springdale was built so the house is a little bit smaller than you would see typically on this lot if they would build the house today which affects the square footage that would be available for the applicant and that the house placement does appear to be towards the front which leaves a much larger back yard than may be typical. With the highway sound barrier directly behind the house the lot placement, the way it angles and the large back yard, at least from what I see would, at least feels like it is in the spirit of the zoning code in terms of square footage. It's not so big that it dwarfs and overwhelms the yard and I think that's what we had talked about last time is, do I remember that right?

Mrs. Shreffler: Yes.

Mr. Anderson: We talked about the spirit of the zoning code and the fact that the lot was irregular.

Mrs. Shreffler: Yes sir.

Mr. Anderson: Okay. So, I think that is still true for me with the applicant. So, I just wanted to make sure that it was on the record for this application as well. Thank you.

President Ramirez: Anyone else? You know we always try to come up with solutions where we don't have to provide a variance. I was thinking, I have a shed in my own back yard and to circumvent that I just built a loft so that I can store more things in it because the restriction is if you can go up higher just not a bigger foot print so your 10 x 20 shed so just not a bigger footprint but you could build shelving or a loft and build to allow more storage in your shed that way. Another solution might be, and I think we discussed this last time is adding on to the back end of your house which would be something you would not need a variance for. So, just those couple.

Mrs. Shreffler: Yes.

President Ramirez: Anyone else have any comments, suggestions? Mr. Weidlich.

Mr. Weidlich: Thank you. Ma'am, how high, how tall is the shed that you want to build?

Mrs. Shreffler: Probably like 8 to 10 feet, I am not sure.

Mr. Weidlich: Okay.

Mrs. Shreffler: I made a mistake, the 200, we don't like to reach the 200 square feet you know because it might require us doing foundation and other stuff so if I can change that to 199 or do I have to come again for another hearing for that?

President Ramirez: No, just keep in mind that 189 square foot shed is going to be an odd, not a standard size. I don't know if somebody is building it or

Mrs. Shreffler: Yes, we can have it custom made.

President Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you. My understanding from the meeting two months ago was that this 200 square foot got zeroed in on as the absolute maximum without running into the building codes. I think that was gravitated to. I don't think she needs to worry in terms of changing it from 200 to 199 at all. On that note, if everybody else is ready I am prepared to make a motion.

President Ramirez: We have one more. Mr. Weidlich.

Mr. Weidlich: Thank you. I have one more question ma'am.

Mrs. Shreffler: Sure.

Mr. Weidlich: You mentioned that you have stuff stored in your garage. I don't recall this, did you have a one car or two car garage there?

Mrs. Shreffler: I have one car garage sir.

Mr. Weidlich: I take it that you are not able to put a vehicle in that garage for your stuff?

Mrs. Shreffler: No.

Mr. Weidlich: Okay. Well like Mr. Ramirez said, have you considered, I think isn't it Mr. Taylor they can get up to a 16 foot shed height wise?

Mr. Taylor: 16 feet is the maximum yes.

Mr. Weidlich: Like Mr. Ramirez was saying, if you got a taller shed and you had it at 150 square feet and built a loft there, that would almost double what your footprint is.

Mrs. Shreffler: Yeah, actually the 199 or 200 square foot of shed, we want to have a loft in that to so that I can maximize whatever available space that I need because looking at, let me just mention again, I have this hobby of reupholstering and doing some crafts that I'm thinking of selling to help my household income. So I pickup furniture on the streets and reupholster them so I would need storage for that and for my other crafts. Again, I would like to use whatever is allowed, the maximum space allowed and there was a suggestion last time that we can do additional space in an addition to the house and again I stipulated that it would be very expensive for our resources right now because it would take additional flooring and electrical wiring and whatever goes with it, windows and doors. So, I think the shed is the best solution for my husband and I but I would need the maximum amount of space that I need or I cannot, or I will just not, I cannot let go of the other shed.

Mr. Weidlich: I'm just struggling with a 33% increase in the size of the shed verses what the code allows. Thank you.

President Ramirez: Also, I might note that the shed is 200 square feet but it is also as close to the property line that is allowed. So, you have it six feet from the property line?

Mrs. Shreffler: I'm sorry.

President Ramirez: The existing shed, it is not going in the current location where the existing shed is right?

Mrs. Shreffler: No, it is not. If I may, we have a decent amount of back yard, it's really big. We are blessed with that and I believe that if we would build, even the 200 square foot of shed in the middle of the yard it cannot even be seen on the road. In fact, from the property line, the one that is allowed I think is four or five from the property line, meters and in my proposal, I placed there ten meters from the property line. That is how big our, it is not really really huge but we have enough space for that shed.

President Ramirez: Any other comments? The chair will accept a motion. Mr. Nienaber.

Mr. Nienaber: I move to grant a variance to the owners of 96 Silverwood Circle to section 153.252(F)(14)(a) to allow a 200 square foot storage shed on the property with the understanding that the existing shed will be demolished upon completion of the new one.

President Ramirez: Do we have a second?

Mr. Anderson: Second, but one note, I believe it is section v, subsection v not a is what I show.

Mr. Nienaber: Okay, sorry.

President Ramirez: Section v?

Mr. Anderson: I know on the front of the Springdale sheet it say a, I think in the code it is v, so as long as we are okay with that. I understand that.

Mr. Nienaber: Alright.

President Ramirez: Thanks for noting that. And we have a second on that?

Mr. Anderson: Yes with that correction a second.

President Ramirez: Secretary please pole the members.

(Secretary poled the members and the motion was approved with a vote of 5 to 2 with Mr. Ramirez and Mr. Weidlich voting against the motion.)

President Ramirez: Five is the necessary vote so you have been approved. Thank you for coming out.

Mrs. Shreffler: So, I got approved? Thank you so much ladies and gentleman, I really appreciate it.

President Ramirez: Make sure you check in with the Building Department, you will need a permit.

Mrs. Shreffler: Okay, alright sir. Thank you so much. Have a blessed night.

- B. LSREF2 Oreo Direct LLC, c/o CBRE, 111 Merchant Street, Springdale, Ohio, has submitted an application for a variance from Section 153.302(B) of the zoning code stating that parking space width is to be 9 feet and the length 18 feet. The applicant would like to reduce the width of the parking spaces to 8 feet to increase the quantity of parking spaces. (Application 34233)

President Ramirez: At this time, we have been notified that they would like a continuance on this. So as part of the public hearing we will close the public hearing on this subject matter and continue at a later time is that correct?

Mr. Taylor: Yes, sir you need to continue it and instead of close it that way we don't have to re-advertise.

President Ramirez: And do we need a vote on the continuance?

Mr. Taylor: Yes sir.

President Ramirez: Okay at this time Secretary please pole the members.

(Secretary poled the members and the request for continuance was approved with a vote of 7 to 0.)

President Ramirez: That will be continued and open.

- C. LSREF2 Oreo Direct LLC, c/o CBRE, 55 Merchant Street, Springdale, Ohio, has submitted an application for a variance from Section 153.302(B) of the zoning code stating that parking space width is to be 9 feet and the length 18 feet. The applicant would like to reduce the width of the parking spaces to 8 feet to increase the quantity of parking spaces. (Application 34234)

President Ramirez: This applicant has also asked for this to be continued and we would like to vote on this and continue this and close the public hearing on this. Continue, yes, continue. Secretary please pole the members.

(Secretary poled the members and the request for continuance was approved with a vote of 7 to 0.)

President Ramirez: Thank you, the public hearing on that subject has been continued.

- D. Carlos & Jessica Vega, 11843 Neuss Avenue, Springdale, Ohio, has submitted an application for a variance from Section 153.252(F)(14)(a) of the zoning code stating there may be one detached storage structure or accessory building and one detached garage on the same zoning lot with a main building. The applicant wishes to construct a pergola in the rear of the property in addition to the existing shed. (Application 34235)

President Ramirez: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. This is from CAGIS, this is aerial of the property. You can see the shed that currently exists on the property. This is the site plan that the applicant provided. Basically on the right hand side is the shed, on the left hand side is the proposed pergola. What is behind the pergola is just a slab at grade which is permitted and then the swimming pool is also a permitted use. So, there is really three variances that need to be granted as part of this request. First is that they can have a second accessory structure which is the pergola. The second is that in the application in your packet it indicates that the pergola is three feet from the property line, the minimum distance is five feet so you would need a grant a variance from that as well. Finally, the total maximum size of all accessory structures has been exceeded as well. I think, as is indicated in the staff report, these two structures total 257 square feet. They would be entitled to, can't remember where I wrote it down here, but if memory serves me correctly it is somewhere in the realm of 206 square feet. So, basically, they need 51 additional square feet. So, those are the three variances before you. There is a lot of information in your packet. This is all that I included in the presentation. That is all that I have. Thank you.

President Ramirez: Thank you. Would the applicant please step forward, state your name and address.

Mrs. Vega: Jessica Vega, 11843 Neuss Avenue, Cincinnati, Ohio 45246.

President Ramirez: Thank you. Please give us a reason you think that we should approve the variance, actually three different variances.

Mrs. Vega: Well the reason why we want to build the pergola is that we have been in our house for a year now, we have small children so when we are grilling out we are on the side of our property and our kids are in the back yard and we can't really see them. On the side of our yard there is a gate so we have had incidents where our kids are out of our yard. So, we want to build the pergola, that way we can be in the back yard with our kids and we can see them play and know that they are safe. And they are not going to walk out on us like they usually do.

President Ramirez: Okay, anything else?

Mrs. Vega: No.

President Ramirez: Members do you have questions? I think we need to address, should we address them one by one and approve or disapprove one by one? Okay. First off the second structure. I'm sorry, Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. So, it is hard for me to see but is there a patio in the back? In the back of your house do you have a concrete patio?

Mrs. Vega: It is just a slab of concrete on the side of our yard.

Mrs. Ghantous: So in the back, I mean my eyes are not very good at this distance so, forgive me. It appears that there is concrete in the back.

Mrs. Vega: Yes.

(Someone talking off mic. not audible.)

Mrs. Vega: Correct.

Mrs. Ghantous: I understand. Thank you.

Mrs. Vega: Thank you.

President Ramirez: I also notice that you also have a fire pit with a grill. I don't believe that we call the fire pit a structure. You are also looking at adding a pool there as well?

Mrs. Vega: Yes we would only have it up during the summertime for the kids.

President Ramirez: Okay. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. So, if I understand right the challenge, the pergola counts as accessory structure and that is the challenge because you already have a shed.

Mrs. Vega: Yes.

Mr. Anderson: and we have long standing rules about secondary structures. You just heard us talking in the prior application about that. One of the challenges that we have been, I believe it has been intended to avoid is the idea that the back yards turn into lots and lots of little things. The zoning code addresses that. I guess my question is why a pergola which then puts you in a situation where you need a variance as opposed to just extending a patio that you could grill on. I don't believe a patio extending, that concrete is the same challenge. You can do that without a variance right now. You can extend your patio, you can add the fire pit, you can add a grill station. Those options are available to you now. I guess my question is, what makes your property unique where you need a pergola in order to achieve your goals? I think the challenge is going to be, do you want the pergola more or do you want a shed because two structures is something that is a challenge. So, can you give us some information, like why a pergola? I mean I think they are great but in this case why?

Mrs. Vega: I would just so like on summer nights when we are out we can, I have seen where a lot of people that hang like lights up and you know we are still outside enjoying company with our family.

Mr. Anderson: So an umbrella or an awning are available in that case as well. I'm just trying give you some ideas. I think a pergola is tough to approve in this case, especially one that is going to be right on your neighbor's property line. I'd like for you to be able to enjoy your back yard. We did patio work on our house for that reason. I think it is great to be outside. I guess I need a little bit more on why a pergola because that is against the code. So, help me understand why other than what the Chairman had mentioned before, the reason for variance. There has to be something that we can hang our hats on for why your property is different or why it is in the spirit of the zoning code to allow it and I am just trying to understand what that is in your case. If there is something else to consider tell me, I'm listening.

Mrs. Vega: I just, I don't know. From when I saw it I was like I want this. You know how a woman wants a diamond ring, I was like I want this pergola. You know and my idea was, I never thought, you mean I thought you know it is my house I can do what I want, but obviously I was wrong and I was like okay, when I got the letter in the mail, I was like I guess I can't do that or that. I mean it was a wakeup call to me.

Mr. Anderson: I've seen people with those hanging awnings where you attach it to the house and you get kind of that coverage to. I think you should look into those if you don't get your diamond ring that you are looking for tonight. I think there are other options that you can explore. I do think it looks pretty though, I agree but it will be tough.

Mrs. Vega: Yes.

President Ramirez: Mrs. Daniels.

Mrs. Daniels: Good evening and thanks for coming out. How much have you already built because I read that you have already started building it, what percentage?

Mrs. Vega: It's already up. The Pergola is up already.

Mrs. Daniels: Mr. Taylor, have you all been out to see it to see what it looks like?

Mr. Taylor: Well that is really how we got here. I think Gordon noticed that it was constructed without a permit and so he told them, that in order to get a permit they needed to get a variance first because we can't give them a building permit without a zoning permit. Just as a question, how attached to your shed are you?

Mrs. Vega: Not that attached. I mean right now we have stuff in it because we have been parking our car in our garage because before that was where we kept our stuff but back in May we had an incident where someone came into our yard, slashed our pool and slashed our tires to our car. So, that is why we moved everything that was in our garage into the shed now for safety reasons and when we called the cops and we asked them, you know what can we do about the situation we were not compensated for anything. We had to repair our tires and we just patched up the pool because the kids want to swim and he said they are just teenagers and there is nothing that we can do about it.

President Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you. I guess what I want to say is, while we can empathize with your wanting the use of your yard, for us to approve a variance there has to be some extenuating circumstance as to why it is creating a major difficulty to not get your request granted. I'm not seeing anything other than, like your remark you want the diamond ring and I'm sorry about that but, is the shed brand new or was it already existing.

Mrs. Vega: It was already existing when we bought the property.

Mr. Nienaber: Okay, so at least that is not a sunken investment for you.

Mrs. Vega: No.

Mr. Nienaber: Okay. How tied are you to staying within three, well I guess it if isn't it, the pergola is?

Mrs. Vega: Yes.

Mr. Nienaber: I don't have any further questions. Thank you.

President Ramirez: Mr. Weidlich.

Mr. Weidlich: Thank you. Back to something that Mr. Anderson said. Do you currently have a patio on the back of your house?

Mrs. Vega: No.

Mr. Weidlich: A concrete slab as you walk out of your back door?

Mrs. Vega: We just have the concrete slab that we walk on the side door.

Mr. Weidlich: Okay just kind of a step, you don't have an 8x10 piece of concrete or something attached to your house there.

Mrs. Vega: It is what is on the side. So, like if we walk into our house, here is the kitchen and then there's the door and there is like a little slab there.

Mr. Weidlich: Okay.

Mrs. Vega: Which that is what we use now to grill out and stuff. That is why we want to do the slab in the back so that we can see the kids.

Mr. Weidlich: Alright, thank you.

President Ramirez: Well as the members have stated, we have multiple variances that we'd have to get by and the code was rewritten not long ago and as Mr. Anderson stated we're standing by the pretty strict line of multiple units in a yard. For that reason, I would not be giving a positive vote on this but I am only one person that votes. Mrs. Daniels.

Mrs. Daniels: Can I ask you what was the cost for you to build this? Total cost?

Mrs. Vega: We spent about, I would say about \$1,000 to \$1,500.

Mrs. Daniels: Thank you.

President Ramirez: Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. Just, I just want to at least take a minute just to understand the implications for the resident as we go through the three variances. Just to make sure we understand, so I understand what would be voted on. So, help me with that. So the first one that we would go through with this being proposed is the structure or not and if that one is denied then the resident has the option to tear down one or both of the structures just to continue the process. Right, so if the first variance for a second structure is denied it means that you have to pick one of the two things that you have in the back yard. The pool and the pit are not part of it just the shed and the pergola. Is that right? That would be the first one that we will talk about. The second one is the size, the overall size of accessory structures that would become a non-issue in the event that one of the two is torn down. The pergola does not exceed on its own.

Mr. Taylor: No, sir.

Mr. Anderson: Okay. So, if you are in a situation where you have to pick the second does not matter but if the first one gets through then we need to talk about that. Then the third one the three feet from the property line. If that is denied that means that the resident would be required to move, it would have to at least take that part of the slab out and move it at least two feet further away?

Mr. Taylor: Not the slab per say just the structure that is above.

Mr. Anderson: So the two posts, the key post is what it is measured off not the overhang?

Mr. Taylor: Correct, right.

Mr. Anderson: So those two posts that are nearest the property line would have to be pushed in two feet.

Mr. Taylor: That is correct.

Mr. Anderson: Okay. Who put in the pergola was that done by

Mrs. Vega: My husband.

Mr. Anderson: Your husband.

Mrs. Vega: He is sitting over there.

Mr. Anderson: I seem him sweating when we say reset two of the footers. Just so you understand as we go through that, I mean do you understand what it means if we go through then because I think pretty soon here we are going to take votes on each of those, I just want to make sure that you understand what that means to you.

Mrs. Vega: Yes.

Mr. Anderson: As we go through them.

Mrs. Vega: Okay.

Mr. Anderson: Thank you for indulging me I wanted to make sure I had that right before we went through those motions.

President Ramirez: At this time if there are no other questions for the applicant the chair will accept a motion for one of the three variances. We will approach the variance 153.252 which is more than one accessory first. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I would like to make a motion to approve a variance for application 34235 a variance for section 153.252(F)(14)(a) to allow one additional accessory structure so a total of two not more than one being a garage.

President Ramirez: Do we have a second?

Mrs. Ghantous: Second.

President Ramirez: We have a motion and a second, Secretary please pole the members.

(Secretary poled the members and the motion was disallowed with a vote of 1 to 6 with Mr. Ramirez, Mr. Nienaber, Mr. Weidlich, Mr. Anderson, Mrs. Ghantous and Mr. Johnson.)

President Ramirez: That one has failed with one positive and six negatives. Issue number two a variance of 153.252(F)(14)(a)(v) to allow a total approximate 257 square foot of accessory structure. Do we have a motion for that one? Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I'd like to make a motion to approve a variance for application 34235 for 11843 Neuss Avenue to section 153.252(F)(14)(a)(v) to allow a total approximate space not to exceed 257 square feet of accessory structure.

President Ramirez: Do we have a second?

Mrs. Ghantous: Second.

President Ramirez: We have a motion and a second. Secretary please pole the members.

(Secretary poled the members and the motion was disallowed with a vote of 0 to 7.)

President Ramirez: Finally, item number three, variance to table 252-2 to allow accessory structure to be located three feet from the property line. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I'd like to make a motion to approve a variance for 11843 Neuss Avenue, Springdale, Ohio for application 34235 to Table 252-2 allowing an accessory structure to be located three feet from the property line.

President Ramirez: Second?

Mr. Nienaber: Second.

President Ramirez: Secretary would you please pole the members.

(Secretary poled the members and the motion was disallowed with a vote of 0 to 7.)

President Ramirez: Sorry ma'am. The three variances have all been disapproved/declined. You can get with the Building Department if you would on the plans for removing the shed. That would be have to moved either way. You could take that down and you could put up the pergola or you could take down the pergola down and move the shed either way.

Mr. Anderson: The shed is okay where it is, the shed is not the issue.

President Ramirez: Three feet.

Mr. Anderson: Sorry, the shed where it is, I believe is fine if I am not mistaken it is preexisting. The pergola is what is encroaching.

President Ramirez: The pergola was encroaching?

Mr. Anderson: I believe the pergola is the only thing that is encroaching the neighbor's yard.

Mr. Taylor: That is correct.

Mr. Anderson: If you choose to keep the shed you don't have to do anything to it.

President Ramirez: That's right the shed was six feet I believe.

Mr. Anderson: Yes. Sorry.

President Ramirez: Thank you.

Mr. Anderson: If she chooses to take the shed out the pergola, at least those two footers have to move off the property line by at least the five feet that is required. That is to make sure that your neighbor's space has that buffer.

President Ramirez: You know the reasoning for that is that encroaching upon that setback if we give a variance that stays with the property for ever it's just not for that structure today, whomever else would come in for that property would still be allowed to put a structure that close to the neighbor's property. Thank you for coming out. Sorry it did not work out.

Mrs. Vega: You're fine. So, do I need a permit to take down the shed if that is what we decide to do or?

Mr. Taylor: You're fine, what I would like for you to do is to stop by the office and tell us what it is that you want to do in order to get into compliance. If you are going to alter the pergola and take down the shed you would just put that on some sort of an application. Okay.

Mrs. Vega: Okay.

Mr. Taylor: There is no charge for any of that.

Mrs. Vega: Thank you.

- E. Charles Brown on behalf of Lisa Padgett (owner), 533 Dimmick Avenue, Springdale, Ohio, has submitted an application for a variance from Section 153.252(G)(1) to construct a front porch within the required setback at the property.

President Ramirez: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. As you can see in your packet there is a number of dimensions shown on the plan that the applicant provided. Unfortunately, those dimensions go to the edge of the roadway curb and the problem here is that, and I wanted you to see this because it illustrates what is going on. The right of way line is substantially farther away from the curb and the issue here is that they don't have, the requirement in this district, RSH-L, is for 35' setback. The house, as it sits, does not have a 35' setback and the reason that I chose this larger view to show y'all, this part of the city "Old Springdale" predates any sort of zoning code. So, many many many properties in this district are currently non-conforming as is this particular one and again the reason for this slide is you can see along Dimmick Avenue here the houses are setback all manner of dimensions. Some comply, some don't. It is somewhat all over the place. So, this is a rather unique situation in terms of our zoning code. But, I just want you to understand the difference between the curb and the right of way line. The right of way line is the actually the property line. This is kind of an idea of, and I know that this is in your packet, basically the intention here is to construct a front porch across the front of the house that would extend, the applicant say eight to ten feet, I think that's a matter of deciding what they want to do. This is kind of an ideal of how it would look. I know that dimension is extremely hard to read but it is about 15 ½ feet, assuming that the porch extends about 10 feet in front of the house. So, the issue here is to alter the building setback line to somewhere, approximating about 15 feet on this lot. There's really no other way to bring it into compliance other than to grant a variance. So, I think the issue here is, do you, as a board, want to reduce the setback from the, it exists at about 25 feet down to about 15 feet. That's the end of my report.

President Ramirez: Thank you. Applicant would you please step forward, state your name and address.

Mr. Brown: Charles Brown, 552 Blackhawk Trail, Loveland, Ohio.

President Ramirez: Please state your case.

Mr. Brown: One thing I do have, if you guys want to see it, it kind of shows how big the setback is from the road. It kind of helps out a little bit.

President Ramirez: Sure.

Mr. Brown: So, when you include (walked away from the mic. not audible) So, my clients have been there 25 years. They recently moved her father in, he's walker bound. A lot of doctor's appointments and stuff in and out. There's nothing on the front of the house so for them to get up in there it is kind of difficult. There is no three foot landing or anything that you have more room to get around in so they want to build that and a covered area so that way, two things, one he can get out on there to sit, relax get out of the house sometimes and then also for weather purposes and all that have some place to go, get in if it is raining or anything.

President Ramirez: We will have a little discussion and if you would just hang on there, we might have questions for you.

Mr. Brown: Oh yeah, absolutely.

President Ramirez: Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. So, go ahead.

Mr. Brown: One other thing if you guys notice the current steps actually come out almost eight feet from the house so as far as encroaching even farther our plan is only really going to take 1.9 feet additional. So, the steps that come off the old porch, you can see them the end right behind a stake there, it is 1.9 feet. So, that kind of gives you a little bit more of what we are wanting to do is not really take a lot more distance it is just new structure.

Mr. Anderson: Okay, I have a few questions if I can and the chair can cut me off any time he thinks I have taken too much time. So, the picture that you just provided, the second line of stakes is the property line?

Mr. Brown: Yes.

Mr. Anderson: The first line of stakes is the intended end of the porch?

Mr. Brown: Yes.

Mr. Anderson: Which is just past the steps. I do want to say for the record, I am sympathetic for this type of modification. I made the same change to my house in Springdale for the same reason. One of my sons is in a wheelchair. We had a drop porch just like this and it was just, the ramp situation isn't realistic or feasible and we were right on the edge of the property line to. Adding the front porch made a world of difference for his ability to use the property. So, I do note for the record my observation that it does not seem to impede the view from the road which the easement is intended to cover and that your house placement is very far forward verses what we would do today which was noted by Mr. Taylor which makes it difficult for you to comply with the current zoning law based on how your property was built in the past. So, I do note that. That's really all I had is that question and that comment. Thank you.

President Ramirez: I'd like to also note that with the setback, one of the major things that we look at is the site lines for driving around a corner and I believe that moving that out front would not impede vision at all. Mr. Anderson.

Mr. Anderson: Sorry, one more question. Thank you, Mr. Chairman. I noticed on the picture here, while we were looking at the plots, the lot next to this house is currently unbuilt, is that correct?

Mr. Brown: They own all three lots.

Mr. Anderson: The fact that they own it is interesting but they wouldn't necessarily always own it right? It is possible that that lot could be sold and a house built but in terms site line any new property or structure built there would have to be to the new zoning code, 35' back so it would not impede the site line.

Mr. Taylor: That's correct. I don't believe, as Mr. Ramirez said, if this protrudes another ten feet, I think you can visualize going around the corner there. I don't think it is going to be a site distance issue and you are correct, a new building would have to sit back substantially further anyhow. In a perfect world, you know all of these little bitty lots that are owned by numerous people, it would be great if they were all combined into their real lot but we don't live in the perfect world just yet.

President Ramirez: Thank you. Do the members have any more comments? Mr. Weidlich.

Mr. Weidlich: Thank you. This new porch addition, is it your father-in-law?

Mr. Brown: No.

Mr. Weidlich: No, I mean your father-in-law is the person in the wheelchair?

Mr. Brown: No, her father.

Mr. Weidlich: Oh, her father. Will this porch also have a ramp then to be able to get his chair down?

Mr. Brown: He is not in a wheel chair, he is in a walker right now.

Mr. Weidlich: Oh, I'm sorry.

Mr. Brown: He is in a walker right now but, like I said they moved him in, that is where he's going to stay so I am sure that is going to probably be a part that they are going to have to put on, if not right now, it would be soon.

Mr. Weidlich: Okay. Would that, I would guess that would, if you ever did that it would probably be on the driveway side?

Mr. Brown: Driveway side yes.

Mr. Weidlich: To get down to the vehicle. You also have a covered patio on the rear of the house?

Mr. Brown: Yes.

Mr. Weidlich: Is that accessible to him?

Mr. Brown: It is three steps down in a narrow hallway that goes down to like a basement and then there is a small landing and then that is the door that goes outside. So, it is really not feasible to get him in and out of there especially not by himself.

Mr. Weidlich: Got ya, alright. Thank you.

President Ramirez: Did you mention that there was going to be a cover on top of this patio?

Mr. Brown: Yes, and we do have a picture that was in the packet.

President Ramirez: I don't see any other lights. Any other questions from the members? If not, the chair will accept a nomination or motion. Mr. Anderson.

Mr. Anderson: I move to adopt application 34238 for 533 Dimmick Avenue, Springdale, Ohio and granting a variance from section 153.252(G)(1) to construct a front porch extending into the required setback by not to encroach 15 feet from the required setback. Does that get the distance?

Mr. Brown: I think it is 15.82.

Mr. Taylor: Does that extend 10, so it is 15.82 feet is what you would have.

Mr. Anderson: So, 15 feet would cover it with 8 inches to spare.

Mr. Taylor: Correct.

Mr. Johnson: Second.

President Ramirez: Do we have a second?

Mr. Johnson: Second.

President Ramirez: Secretary please pole the members.

(Secretary poled the members and the variance was approved with a vote of 7 to 0.)

President Ramirez: Thank you sir it has been approved.

Mr. Brown: Thank you.

IX DISCUSSION

None

X ADJOURNMENT

President Ramirez: Chair will accept the move to adjourn.

Mr. Nienaber: I move to adjourn

Mr. Anderson: Second

President Ramirez: Secretary please pole the members, no let's do an aye vote on this.

(Voice vote all were in favor to adjourn.)

Respectfully submitted,

_____, 2018

Chairman, Joseph Ramirez

_____, 2018

Secretary, Carmen Daniels