

BOARD OF ZONING APPEALS MEETING
JUNE 20, 2017
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, Meghan Sullivan-Wisecup, Holly Emerson, Carolyn Ghantous,

Members Absent: Michael Wilson & Carmen Daniels

Staff Present: Randy Champion

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF APRIL 18, 2017

Mr. Ramirez: 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 set variances are recorded and it is from this recording that our minutes are taken. Citizens testifying before this board are directed to sign in the clipboard in the rear of the room, take their place at the podium, state their name addresses and the facts, as they are pertinent to the subject before the board. As this is a public hearing being sworn in prior to giving testimony as required by law. Have you signed in? At this time, would you please stand up raise your right hand and repeat after me. (all persons in the audience wishing to speak were sworn in at the same time)

Mr. Ramirez: Please be seated.

Next before us we have the summary of the minutes of our last meeting which was April 18, 2017. Have members reviewed and could we have a motion to approve or discuss.

Mr. Champion: I had one correction to the minutes. The copy that you guys have been given doesn't have me down as being at that meeting, I was there, but the official copy has it.

Mrs. Sullivan-Wisecup: My corrections are on page 6 has me OFF-MIC saying I've been turning people away. It should be they've been turning people away. I don't think it really matters but that's what people know. I wasn't turning but the way they've been turning people away. Page 6.

Mrs. Ghantous: Also on the first page, it should say pavement restoration project. (not audible). The date on the minutes is correct but the date on the Agenda should be June 20th not April.

Mr. Ramirez: Any other corrections?

Mrs. Sullivan-Wisecup: I had a question.

Mr. Ramirez: Sure

Mrs. Sullivan-Wisecup: After adjournment it says that you say no we just global. What is that supposed to be? I'm pretty sure you didn't and I'm sure Mr. Mayor did not say no we just global, it should be now we can go.

Ms. Morsch: I you don't know it's very difficult because when they have discussion afterwards half of the mics are not on and I can't always understand and everyone's talking over everyone else.

Mrs. Sullivan-Wisecup: I know. We know.

Mrs. Sullivan-Wisecup: I just noticed it.

Mr. Ramirez: I could have definitely said that but don't know. Are we okay with the corrections Liz?

Ms. Morsch: I have them yes.

Mr. Nienaber: I move to accept them as amended.

Mrs. Sullivan-Wisecup: I second.

Mr. Ramirez: Moved and seconded.

V CORRESPONDENCE

None

VI REPORTS

A. Report on Council

Mrs. Ghantous: Thank you Mr. President. I'm going to report on two council meetings. The first one was on May the 17th. The first item was the introduction of two new firefighters. That was Austin Robinette and Joseph Hansen. We also got to meet the new custodian for the Municipal Building. Bob Ellerman and that position became available after the retirement of the longtime custodian Landon Smith. The mayor made a proclamation recognizing the Springdale Public Works department for their excellent and ongoing contribution to the city. That was presented to the public works director Jeff Agricola. Mr. Parham reported that the city received a municipal road funds from Hamilton County in the amount of \$63,300 (sixty three thousand three hundred dollars) for the West Kemper portion of 2017 street improvement program. That evening there were no ordinances or resolutions. That was a quick meeting.

The most recent meeting was held on June the 7th. We had three ordinances for that meeting ordinance number 22-2017. That was consenting and authorizing an Enterprise Zone Tax Abatement Agreement between the Hamilton County Board of Commissioners and Pretzel Barren LLC. Pretzel Barren is located at 311 Northland Boulevard. They are planning to put \$17 million worth of improvements in the property in creating up to 100 jobs over the next several years. That was passed with a 7-0 vote. The next ordinance was number 23-2017. That was acceptance of the dedication of certain lots as public right away as part of the Northwest business center subdivision up at Pictoria. That passed with a 7-0 vote. The last one was ordinance number 24-2017 and that was amending Chapter 123 which is the rental permit ordinance of the Springdale codified ordinances and that passed with a 7-0 vote. That was just changing some of the language to be more specific. Does anybody have any questions? That concludes my report.

President Ramirez: Thank you.

B. Report on Planning Commission

President Ramirez: Planning Commission met June 13th. We have two subjects before us. First one being 11350 Tri-County Parkway. Looking to install an auto parts aftermarket installation center where the former Deals was. This was called Four Wheels. After a few discussions on what they were really going to do on the property no real repairs just aftermarket devices put on four wheelers such as Jeeps so people would come in and purchase their products and they would also install them on the premises. It's a nationwide chain of 80 plus stores. It looks like it'll be a good fit for that location. The name of the company is Four Wheel Parts with 80 locations. Everything else look good on there. The signage was approved, and the company's looking to move in to that location at the former Deals and the thing about the modifications were approved as well with minor modifications. The other subject matter was the Higher Ground Ministries House of Favor Church of God and Christ. They are looking to add a daycare to the church. I remember it as the old Vineyard church and they want to add day care, so they came before us with the concept to see if it was a doable thing and what they may need to do. We made a few recommendations. Some of those being the parking lot and taking a better look at the playground area where the children are outside. They were willing to work with us. And of course they need to work with the state on requirements for a day care. That was approved as well.

Mrs. Ghantous: What's the address of that church?

Mr. Ramirez: The church is 1391 East Crescentville Road. It is on the corner. There were a few residence that came forward, and they actually were looking forward to another daycare in that area.

Mrs. Ghantous: I'm sure they need it.

Mr. Ramirez: Yeah. Any questions on the Planning Commission? Thank you.

VII OLD BUSINESS

None

VIII NEW BUSINESS

- A. Mr. Daniel Shroyer, 276 West Kemper Road, Springdale, Ohio, Application for Variance from section 153.252 (F) (8) of the Zoning Code to allow for the parking for up to three trailers in an unclosed area of the property.

Mr. Ramirez: At this time Mr. Shroyer would you please come forward to the podium and state your name, address and your case.

Mr. Shroyer: I'm Dan Shroyer. I actually live at 249 Ruskin Drive. I own the property at 276 West Kemper. Obviously the reason that I am here is to request a variance from the requirement that only allows the parking of one trailer. That property, if you have been by it, is kind of unique in that those lots are 386 feet deep and 75 feet wide so there's really not a lot of sight line between the houses. There's nothing behind the house is other than the Rec Center's walking path and the Rec Center's property. We own a business that we service and repair fire hydrants so we have a number of small trailers. An enclosed trailer that we carry tools in, a car type trailer for obviously moving fire hydrants around and those things. Like I said a few variations of trailers. What we're doing with those now and I thought or the reason for the request is in my understanding of the zoning requirements is obviously that folks would prefer not to see trailers parked on residential lots. The unique situation here is that all of the trailers are in Springdale in order to comply with the current requirements. One of them is parked on my property, one of them is parked behind my mom's house where obviously her neighbors see it, one of them is parked on a property that my son where his neighbors

see it. This Kemper Road property is unique in that it has a fairly large two car garage detached garage that sits back from the house. We rent the house. We keep the garage for our use for storage of parts and whatever. The way its configured there's very little visibility behind the garage area and I think you've got some pictures that show different angles from the neighboring residences from behind the house. While it's three trailers, three trailers parked side by side behind the existing garage are virtually invisible to anybody other than somebody who may be walking the rec center path. They are well over 200 feet from the trailer so if they were in line with the back of the house on the way to rec center path looking straight towards Kemper Road they would see a portion of the trailer or some large pine trees that also screen that. So the basic request is we would like to consolidate the trailer behind the garage and the thought process is that these lots are unique and that they do lend themselves to that type of an issue without infringing on our neighbors and obviously instead of neighbors to three different properties seeing the trailers the trailers are virtually hidden behind the garage. So with the pictures and the application I think the issue the request is just kind of self-explanatory and again the idea is that the uniqueness of this property the availability to take care or take advantage of that large rear lot and yet really not infringe on neighbors or anybody else. I could answer any questions.

Mr. Ramirez: Thank you. Next we'll have comments from staff and then we'll have questions from the members.

Mr. Shroyer: Okay.

Mr. Campion: A request to park up to three trailers in an unenclosed area at 276 West Kemper Road. The property is on residential single household low density. The applicant wishes to park up to three trailers and unenclosed area behind an existing detached garage on the property. Section 153.252 (F) (8) of the zoning code permits the parking of one recreational vehicle one boat one trailer one personal watercraft or one trailer used for recreational purposes in an unenclosed area in the side or rear yard but no closer than five feet to the nearest property line. The copy of the entire section is attached. 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 should be determined on its own facts as indicated in the statement in conditions of finding there is nothing about the property that could be considered an unnecessary hardship for the owner to comply with the regulations of the zoning code, however; the depth of the lot along portions of West Kemper is unusually large compared to most of the other residential lots in the city. That concludes my report. And then, we received the letter from Jane Huber at 282 West Kemper. *To whom it may concern: I am opposed to the request for a variance allowing the outside storage of trailers. I do not like my street becoming more and more commercial. What are the trailers being used for? The owner of the property has a tenant. Find another storage space for these trailers. Would he like them in his backyard? I oppose to the request in absenteeism.* She was sick and could not be here tonight. I have one other thing I wanted to direct you to, the section 153.206, under variances under review factors section B item 4 says the Board of Zoning Appeals shall not grant variances as authorized in the zoning code unless it is determined that there is an unnecessary hardship for the owner to comply with the requirements of the zoning code. That concludes my report.

Mr. Ramirez: Thank you. Mrs. Emerson.

Mrs. Emerson: Thank you. Mr. Shroyer, I had just a couple of questions. You had said in here that you had an intent at some point to build an oversized garage. Why wouldn't you do that first before putting the trailers there?

Mr. Shroyer: Finances. There's actually, my wife and I actually have some longer term thought that we may build in addition to the back of the existing house and move in at that point also build in addition to the back of the garage to put the trailers inside. It's kind of a timing issue. We're not ready to build the addition to the house. At that point that we build the addition to the house would be if we were to build the garage addition now we would be here for a variance for the size of the garage instead of the trailer. If we build the addition then we're going to be very close to the formula to be able to build the addition to the garage that we would like to have without the need for a variance for the garage.

Mrs. Emerson: Okay. And then, just a couple of things. I hear the convenience for you but I'm not hearing a hardship.

Mr. Shroyer: Well obviously the hardship is to store them off site and then it's like shuffling and dominoes and I need this trailer. I need this trailer and bring it loaded take it where I need it to be. Go get another trailer. It's just a matter of

Mrs. Emerson: Convenience.

Mr. Shroyer: It's a hardship to have the trailers scattered all over the place and then have to go get them.

Mrs. Emerson: Okay, hypothetically let's say that you get this variance, what's going to keep you from parking the trailers in the other households where you've moved them from because every property can have one trailer so now I've got three trailers behind the property on Kemper got one at your mom's house one at your son's house and one at your house after you've moved those from the driveway. And another thing to remember variances stay with the property so if you sell off that property that variance is going to stay with that house.

Mr. Shroyer: Hypothetically, I guess there's nothing to say that I wouldn't know other than what I'm trying to stay within the requirements of the ordinances and at the same time effectively use my property. I mean there are hypothetically there's nothing to say that I don't leave one trailer attached to my extra pickup truck and leave it parked on the street in front of my house but I don't intend to do that either. The intent is to try to make use of the property, be able to use my trailers and at the same time impose as little as possible on other folks.

Mrs. Emerson: But with that variance let's say you sell the property then what if somebody wants to park a boat and RV and jet skis back there. See what I am saying, there's just no way to give you a blanket variance and there's no limit to it at that point.

Mr. Shroyer: True but I might also point out that previous boards have issued variances on a number of these same properties. In fact, the property on the other side of Mrs. Huber was issued a variance for an oversized garage.

Mrs. Emerson: That was before the codes changed.

Mr. Shroyer: No.

Mrs. Emerson: I have the dates. When this when this BZA board started again and with the codes were all changed, you have to prove a hardship. So those that were granted ahead of time are grandfathered in but anything further up from there it has to be a hardship unless I'm stating that wrong. Is that correct?

Mr. Ramirez: On another note, most people come here because their property is pie shaped and they have a hard time squeezing a structure, a shed, maybe a trailer onto that site because it's too small and because of the shape of it. You have an unusual circumstance where yours is unusually large and you want to take advantage of that

larger space. But the intent of the board to grant variances is the applicant has to show where they're harmed in some way or hindered in some way because of the property size and shape not so much that you know it's a large property and would like to park trailers on it, and you know another thing to think about is you know living here all these years we really listen to the residents and most of the time they don't come up here or send us any notice. But your neighbor, I believe that's probably the next door neighbor, 282, objects to it and she has been a long term resident as well. We certainly have to take that into consideration as well. The trailers that you're speaking of are these flatbed trailers or enclosed trailers?

Mr. Shroyer: There's a flatbed like a car type trailer. There's a 12 foot enclosed utility trailer. A dump trailer, which is basically the back end of a small dump truck.

Mr. Ramirez: Are any of them larger than 20 feet?

Mr. Shroyer: The car trailer maybe 20, 21 feet.

Mr. Ramirez: Because that would be another area that we'd have to address, because 20 feet is the maximum length allowed. Mr. Campion.

Mr. Campion: I just want to point out that the zoning code did change to allow the board more leeway in granting variances for storage buildings larger than what it allowed before if they were on a bigger lot, which he has. But he'd have to get a variance for that for that shed or barn or whatever you are going to build.

Mr. Ramirez: I certainly would agree at this point without coming before us with that the need for a larger garage because of the size of your yard. You know as your neighbors were approved I don't see why you wouldn't be approved as well, but we're looking at a different subject matter right here and as Mrs. Emerson said when once we approve then it doesn't matter who moves in that property afterwards or there may be multiple trailers on that lot. So we need to take that in consideration as well. Any other comments?

Mr. Shroyer: Actually the property adjacent to the other side of Mrs. Huber is a lawn care business that has a number of trailers that park outside the approved garage. Basically I guess to the issue from my standpoint is I'm asking for this board to provide me the same consideration and same use for my property the previous boards I have provided to others who owns similar properties in the same area.

Mr. Ramirez: Do you know if the you're talking of Springdale Lawn Care? Did they received a variance for the trailers or do they park them in a garage? Mr. Campion.

Mr. Campion: I don't know we'd have to look that up.

Mr. Ramirez: Mrs. Wisecup.

Mrs. Sullivan-Wisecup: I was going to talk on the thing where you had been in here saying that you put in your thing that the variances have previously been for 288 Kemper and 299 Kemper for construction of oversized garage detached structures. You wrote that down as your reason as why we should allow you to park, open, non-enclosed trailers. I know that these variances were granted. And I personally would probably be more likely to grant something that's like an enclosed thing just because the neighbors obviously don't want to not see it. If there's trailers out at Andy's, either he has a variance for that or somebody has talked to him. Your property is very large. I drove by and I've seen the trailer and it's actually been parked in front of the garage, but you're saying that on a normal basis it would not be parked where it was parked, it will be behind, am I correct in that.

Mr. Shroyer: With the variance it would be behind the garage. Without the variance it will be the one trailer that is permitted to be in the driveway.

Mrs. Sullivan-Wisecup: Okay, that's what I wanted to know. Thank you.

Mr. Ramirez: Another thing to consider although you do have plenty of space to park three trailer trailers, at what point do we say is 375 feet okay for three trailers but not 250. So you know we really, in this case, I would think need to stick with the current zoning code in my opinion. Anyone else? Mr. Nienaber.

Mr. Nienaber: While I really respect your property rights and you're wanting to do it, since we went through all the grief of getting the new zoning code set up. The decision was made, there has to be a serious hardship for us to go against it at this point. I can certainly understand it would be a great convenience for you but I don't see a hardship by not having it. So I know I'm going to be opposed to the variance. Thank you.

Mr. Ramirez: Any other comments? There's no other comments at this moment. Board members based on the facts presented and the rules of the Board of Zoning Appeals has all the test for the variance as required by law and considered in your deliberations and findings and if so would somebody care to file a motion? Mr. Nienaber.

Mr. Nienaber: I move to permit the owner of 276 West Kemper Road a variance to the city zoning code section 153.252 (F)(8) to allow up to three trailers to be parked on the property so long as they are kept behind the garage and out of sight from Kemper Road. I think that covers it.

Mr. Ramirez: Thank you Mr. Nienaber. At this time do we have a second for the motion?

Mrs. Ghantous: Second.

Mr. Ramirez: We have a second. Secretary would you please pole the Board?

Mrs. Ghantous: I've got a question.

Mr. Ramirez: Question yes.

Mrs. Ghantous: Is he saying he is for or against.

Mr. Ramirez: You always read for and then you can vote either way.

Mrs. Sullivan-Wisecup: (not audible off mic.)

Mr. Ramirez: He voted. Yes so if he.

Mr. Nienaber: You have to phrase it so that it is positive.

Mr. Ramirez: You have to phrase it as a positive but if you don't want to you would vote no. If you want to approve then you would say yes. Okay

(Ms. Morsch polled the Board and by a vote of 5-0 the request for variance was motion disallowed)

Mr. Ramirez: I'm sorry Mr. Shroyer but at this time if you care to revisit us with the garage I think that will be much more favorable site for us.

Mr. Shroyer: Thank you.

Mr. Ramirez: Thank you.

IX DISCUSSION

Mr. Ramirez: At this time, we'll open it up to general discussion or discussion on zoning. Any comments suggestions? Mr. Nienaber.

Mr. Nienaber: I just want to thank Mrs. Emerson, she covered all the points in the initial discovery and I know you did a good job there. Thank you.

Mr. Ramirez: It seems like we were on the same page there and I appreciate it. In the past we've had some reluctance on a motion. I appreciate Mr. Nienaber coming forward with the motion. Any other comments?

X ADJOURNMENT

President Ramirez: Final subject matter Number 10 for adjournment.

Mr. Nienaber: I motion to adjourn.

Mrs. Sullivan-Wisecup: Seconded

Mr. Ramirez: We do have a second Mrs. Wisecup.

The meeting adjourned at 7:35 pm.

Respectfully submitted,

_____, 2017

Chairman, Joseph Ramirez

_____, 2017

Secretary, Carmen Daniels