

**Minutes of BZA Case #297
Allen J. Aerni
5206 Crystal View Ct.
Loveland, OH 45140**

June 1, 2009

6:30 P.M.

Present Members: Mary Donna Elam, Ed Seigla, Shirley Bixler, Jessie Shaw,
Wanda Downey

In Attendance John Downey, John McClain, Bob Seyfried

Meeting opened at 6:30 P. M.

The Pledge of Allegiance was recited

Those present in audience were sworn in

Request: 2.7 ft variance leaving a 7.3 ft set back from property to the right of Mr. Aerni's property.....Mr. Aerni wishes to add an additional garage to his present home.

John McClain, Mr. Aerni's neighbor to his right said he did not have any objections to the variance being granted. He further stated he was sure the Home Owners Association would be happy to see the many items in Mr. Aerni's yard stored in a garage.

Documents from the Timber Ridge Home Owners Association approving the request was introduced and a letter from Nancy M. Hicks was presented stating her concerns about unfinished projects. The letter was not notarized.

Finding of Facts for Variances were completed as follows:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance. YES
2. Whether the variance is substantial. YES
3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment". NO
4. Whether the variance would adversely affect the delivery of governmental services. NO
5. Whether the property owner purchased the property with the knowledge of the zoning restriction. NO
6. Whether the problem can be solved by some manner other than the granting of a variance. NO
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance. YES

Finding of facts for variances resulted in a positive view point for the variance.

Having so found Wanda Downey made the motion to approve the requested variance because of the shape of Mr. Aerni's property and the finding of facts results. With the stipulation that the construction and clean up must be completed by December 1, 2009. Motion was seconded by Jessie Shaw.

Ed Seigla YES, Jessie Shaw YES, Wanda Downey YES, Shirley Bixler YES, Mary Donna Elam YES

The request for a 2.7ft variance was approved for Allen Aerni at 5206 Crystal View Ct. Loveland OH 45140.