

September 19, 2011

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Co-Chairman
Mrs. Marlene McDaniel – Secretary
Mr. Jim Donnelly – Member
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Alternate

Item 1. – Meeting called to Order

Chairman Eichmann called the regular meeting of the Board of Zoning Appeals to order at 7:00 PM on Monday, September 19, 2011.

Item 2. – Roll Call of the Board

Mrs. McDaniel called the roll.

Members Present: Mr. Donnelly, Mr. Scheve, Mr. Eichmann, Mr. Leugers, Mrs. McDaniel and Mr. LaBarbara

Also Present: Greg Bickford, Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance

Item 4. – Swearing In

Mr. Eichmann swore in those providing testimony before the board.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the August 15, 2011 meeting minutes.

Mr. Eichmann asked for any corrections to the August 15, 2011 meeting minutes.

Mr. Eichmann entertained a motion to approve the August 15, 2011 meeting minutes.

Mrs. McDaniel moved to approve the August 15, 2011 meeting minutes.

Mr. Donnelly seconded.

All voted – yes.

Mr. Eichmann stated there were also August 16, 2011 special meeting minutes to approve. The August 16, 2011 special meeting was attended by Mr. Donnelly, Mr. Leugers and Mr. LaBarbara.

Mr. Eichmann asked for any corrections to the August 16, 2011 meeting minutes.

Mr. Eichmann entertained a motion to approve the August 16, 2011 meeting minutes.

Mr. Leugers moved to approve the August 16, 2011 meeting minutes.

Mr. Donnelly seconded.

Mrs. McDaniel called roll.

Mr. Donnelly – AYE
Mr. Leugers – AYE
Mr. LaBarbara – AYE

Item 6. – Old Business

B2011-09V
James W. Voegelé
11486 Kemperknoll Lane
Variance

Mr. Bickford presented the resolution approving a variance request for the property located at 11486 Kemperknoll Lane.

Mr. Eichmann asked for any comments.

Mrs. McDaniel called the roll.

Mr. Donnelly – AYE
Mr. Scheve – NEA
Mr. Eichmann – NEA
Mr. Leugers – AYE
Mrs. McDaniel – AYE

Item 7. – New Business

B2011-11V
Andrew De Villiers
12142 3rd Avenue
Cincinnati, OH 45249

Mr. Holbert presented the case history in a power point presentation. Mr. Holbert noted that should the applicant change the proposed wooden deck to a concrete patio, it would not be considered part of the primary structure, and therefore would change the requested setback from 7.33 feet to 15.67 feet.

Mr. Eichmann asked the board members if they had any questions of Mr. Holbert.

The board members asked questions of Mr. Holbert.

Mr. Eichmann asked if the applicant was present to comment.

Speaking on behalf of the applicant, Mr. Michael D. Condiff, the contractor, of 3974 Ebenezer Road, Cincinnati, OH 45248 Rd., addressed the Board. Mr. Condiff said their intent was to avoid crowding the house directly adjacent to their lot on the Third Avenue side. He stated that many surrounding properties also do not meet the setback requirements. Mr. Condiff assured the Board the applicant would be agreeable to installing a concrete patio as part of the project in place of the proposed deck.

The Board asked questions of Mr. Condiff. Mr. Scheve asked the applicant if he was aware that Sycamore Township had declared this property a nuisance for tall grass and weeds. Mr. Andrew De Villiers, the applicant, of 6908 Driftwood Lane, Cincinnati, OH 45241, addressed the Board. Mr. De Villiers explained that he had a crew over to mow

and was asked by the neighbor to return when his children weren't napping. He stated the grass on the property has now been cut and that would not be an issue in the future.

Mr. Eichmann opened the floor for comments from the public.

Mrs. Tanya Edwards of 12152 Third Avenue, Cincinnati, OH 45249, addressed the Board. Mrs. Edwards noted that the proposed house and attached deck would be very close to her property and the northern (rear) side of the house would be right next to her children's windows. She said if the variance is approved, she would request that a fence be put up between the properties.

Ms. Sandra Patten of 12139 Evans St., Cincinnati, OH 45249, addressed the board. Ms. Patten said she is concerned about more congestion in the neighborhood and asked where the proposed driveway would be.

Mr. Condiff noted the location of the existing driveway is off Evans St. and the applicant would like to keep that location.

Ms. Edwards asked about her mailbox which is now located on the applicant's property. Mr. Bickford referred her to the Post Office.

Mr. Eichmann noted the Board had also received several phone calls from neighbors against the variance.

Mr. Eichmann closed the floor to comments and questions from the public.

The board discussed the issues brought before them.

Mr. Eichmann entertained a motion.

Mr. Donnelly moved to approve Case# B2011-11V with the following conditions:

1. The house would be moved five (5) feet forward so that the front yard setback is 25 feet off Evans St.
2. The elevated deck would be eliminated from the proposal (opt for concrete patio on grade approved).
3. The applicant must provide an adequate landscape buffer on the north (rear of the building) property line to be approved by staff.

Mr. Scheve seconded.

Mrs. McDaniel called the roll.

Mr. Donnelly – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mrs. McDaniel – AYE

Mr. Bickford stated that a resolution would be prepared to include the three conditions for a vote at the October meeting.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, October 17, 2011.

