

October 21, 2013

Mr. Jim Eichmann – Chairman  
Mr. Ted Leugers – Vice-Chairman  
Mr. Tom Scheve – Member  
Mr. Jim LaBarbara – Secretary  
Mr. Jeff Heidel – Member

**Item 1. – Meeting called to Order**

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Monday, October 21, 2013.

**Item 2. – Opening Ceremony**

Mr. Eichmann led the Pledge of Allegiance.

**Item 3. – Roll Call of the Board**

Mr. LaBarbara called the roll.

Members Present: Mr. Eichmann, Mr. Leugers, Mr. Scheve, Mr. LaBarbara and Mr. Heidel

Also Present: Harry Holbert and Beth Gunderson

**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 September 16, 2013 meeting minutes.

Mr. Eichmann asked for any corrections to the September 16, 2013 meeting minutes. No response.

Mr. Scheve moved to approve the September 16, 2013 minutes as written.

Mr. Eichmann seconded.

Mr. LaBarbara called roll.

All voted yes to approve the minutes.

**Item 6. – New Business**

Mr. Eichmann reviewed the process by which a variance is reviewed and a decision made by the Board of Zoning Appeals.

B2013-14V  
Nathaniel Bush  
12103 2<sup>nd</sup> Avenue  
Variance

Mr. Holbert presented the case and case history in a power point presentation.

The board asked questions of Mr. Holbert.

Mr. Eichmann asked for clarification on the location of the fence in the driveway.

Mr. LaBarbara asked what kind of fence is permitted as of right in a defined side yard and how far the fence in the defined front yard would need to be moved back to be in compliance.

Mr. Holbert explained fences in the side yard must be a maximum of four feet in height and 75% open. He pointed out the location of the rear yard where the fence would be compliant.

Mr. Heidel asked if there was a complaint in regards to the fence.

Mr. Holbert answered yes.

Mr. Eichmann asked if the applicant was present and wished to speak.

The applicant, Nathaniel Bush, of 12103 2<sup>nd</sup> Avenue, Cincinnati, OH, 45249, addressed the board. Mr. Bush stated there was a chain link fence closer to the road that was in disrepair. They decided to install a new fence and chose a privacy fence because of concerns about crime in the area and the safety of their two children. Mr. Bush explained the reasoning behind the location of the fence and noted that the layout of the lot is unique because of the location of the house and the large side yard. Mr. Bush said the house was built in 1948 and since then a large portion of the yard had been lost to the right of way.

The board asked questions of the applicant.

Mr. Eichmann asked if anyone from the public would like to comment on the case.

Mr. Bob Mary, of 12113 2<sup>nd</sup> Avenue, Cincinnati, OH, 45249, spoke in favor of the variance request and noted the applicant takes great care of his home and yard.

Ms. Bev Warner, of 12000 2<sup>nd</sup> Avenue, Cincinnati, OH, 45249, spoke in favor of the variance request and echoed the applicant's concerns about crime and the safety of the children.

Mr. Brandon Crow, of 12116 2<sup>nd</sup> Avenue, Cincinnati, OH 45249, spoke in favor of the variance request.

Mrs. Amy Bush, wife of the applicant, of 12103 2<sup>nd</sup> Avenue, Cincinnati, OH 45249, said there is a registered sex offender close to them and that the fence gives her peace of mind.

Mr. Eichmann closed the floor to comments from the public and the board discussed the issues brought before them.

Mr. Leugers and Mr. LaBarbara agreed that the applicant had proven a hardship and Mr. Leugers suggested approving the request with the addition of a landscaping requirement to hide the fence from view.

Mr. Scheve and Mr. Eichmann both expressed concerns about the applicant installing the fence without a permit and setting a precedent by granting the variance request.

Mr. Leugers motioned to approve case B2013-14V with the condition that the applicant submits a landscape plan for the area in front of the fence in the defined front yard, to be approved by staff.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – NEA

Mr. Eichmann - NEA

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Mr. Holbert stated a resolution approving the variance with the condition would be presented at the November meeting.

B2013-15V

Sherry Lusby

4209 Kugler Mill Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert pointed out section 3-5.12 of the Zoning Resolutions which offers some leeway for setback requirements based on the average setbacks of neighboring properties. Mr. Holbert showed photos of surrounding properties and noted that the homes themselves do not meet current front yard setback requirements and many had a front porch similar to the applicant's.

The board asked questions of Mr. Holbert.

There was some discussion about moving the stairs to the side of the porch.

Mr. Eichmann asked if the applicant was present and wished to speak.

The applicant, Sherry Lusby, of 4209 Kugler Mill Road, Cincinnati, OH, 45236, addressed the board. Ms. Lusby stated that all she wanted to do was replace her crumbling front porch. She said the roof is still there and that if the porch were smaller she may not be able to keep the existing roof.

Mr. Eichmann asked if anyone from the public would like to comment on the case.

Chris and Christy Mobley, of 4210 Kugler Mill Road, Cincinnati, OH 45236 each addressed the Board in support of the variance request.

Mr. Eichmann closed the floor to comments from the public and the board discussed the issues brought before them.

Mr. Leugers motioned to approve case B2013-15V as submitted.

Mr. Scheve seconded.

Mr. Holbert stated a resolution had been prepared approving the variance in the event the Board chooses to approve the request.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann - AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Resolution No. B2013-15V was approved and signed by the Chairman and Secretary.

**Item 8. – Date of Next Meeting**

Mr. Eichmann noted the date of the next meeting – Monday, November 18, 2013.

**Item 9. – Adjournment**

Mr. Scheve motioned to adjourn the meeting.

Mr. Leugers seconded.

The meeting adjourned the meeting at 8:09 P.M.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant