

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, June 27, 2018 – 6:30 p.m.

Meeting called to order: 6:30 p.m.

Pledge of Allegiance was led by Mr. Reininger.

The Explanation of Procedures were presented by Mr. Reininger.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Price – absent, Mr. Roberto – aye, Mr. Reininger – aye.

Alternate Mr. Hill was seated to fill in for Mr. Price.

Also present were staff members Jenna LeCount, Marty Kohler, and Jesse Urbancsik.

Swearing in: Mr. Reininger swore in the appellants, attorneys and all speakers in the cases.

Hearing of Appeals:

BZA2018-007 Request for a rear yard setback variance from Section 7.3.1 for proposed three season room.

Location: 11890 Kittrun Court

Applicant/Owner: Stephen Hudepohl

Mr. Kohler stated that the subject property is located on the north side of Kittrun Court just east of Wincanton Dr. in the Fox Run Subdivision. The Fox Run Subdivision is located south of West Kemper Road and west of Hamilton Avenue in the Pleasant Run neighborhood. The property is zoned R-6 Urban Residential District.

On April 28, 2018 the applicant applied for a Zoning Certificate to construct a rear room addition in order to add to the living space of the house along with an open deck. The Zoning Certificate was denied due to the addition being within the required minimum rear yard setback. The proposed enclosure would add about 240 square feet of living space to the house or about 20 percent increase in floor area. It should be noted that the plan indicates that the proposed

addition is a “covered deck”, however the addition is completely enclosed with solid walls and insulated windows and doors which is considered to be enclosed living space subject to building setback requirements.

Staff Findings:

1. The property in question would likely yield a reasonable return without the variance. The property can reasonably be used as a single family dwelling within the limits of the zoning regulations.
2. The setback variances requested are substantial since the proposed building extends into the minimum side yard setback by about 34 percent.
3. The granting of the variances would grant a consideration that is not available to other property owners in the neighborhood.
4. The granting of the variance would probably not have a negative impact on neighboring property but would create a precedent to allow for rear additions if requested by neighboring properties. The reduction of the rear yard setback restricts the amount of open space in the applicant’s rear yard and could be a visual obstruction for neighboring properties.
5. Approval of the setback variances would not affect the delivery of government services.
6. There are no topographic issues related to this property which would constrain the reasonable application of the setback regulations without additional expenses.
7. By taking into consideration the benefit to the applicant if the variance is granted, as weighed against the potential detriment to the health, safety and welfare of the neighborhood and broader community, staff finds that substantial justice would be done by not granting the variance for setback of the proposed room addition.

Staff Recommendation is for denial of the variance requests.

Mr. Bartolt asked if there is anything that says it is considered enclosed living space if it is not heated or air conditioned.

Mr. Kohler responded that it is the difference between being an open deck verses an enclosed building which would have four walls and a roof.

With no further questions for staff, Mr. Reininger opened the public hearing. Ted Klosterman, having been sworn, is the owner of the subject property. He pointed out that a neighboring property built an addition which he stated there had to be a variance requested for it. Mr. Klosterman stated that his addition will increase the property value. Mr. Kohler responded to Mr. Klosterman’s statement about the neighbor’s addition and said that a zoning permit was never issued for the addition and was done about ten years ago without a permit.

A Motion was made by Mr. Roberto and seconded by Mr. Bartolt to close the public hearing.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Hill – aye, Mr. Roberto – aye, Mr. Reininger – aye.

Mr. Roberto requested that the applicant explain his hardship and need for the variance. Mr. Klosterman responded that the neighbor's property has three dogs and that he cannot sit out in the backyard because their backyard smells. Mr. Roberto asked Mr. Kohler what size the room would need to be to be within the setback requirements. Mr. Kohler responded that any addition to the rear of the house would exceed the rear yard setback requirement.

A Motion to deny the variance request was made by Mr. Roberto and seconded by Ms. Wilson.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Hill – aye, Mr. Roberto – aye, Mr. Reininger – aye.

Unfinished Business: None.

Approval of the May 23, 2018 Meeting Minutes:


A Motion was made by Ms. Wilson and seconded by Mr. Roberto to approve the May 23, 2018 Meeting Minutes.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Hill – abstained, Mr. Roberto – aye, Mr. Reininger – aye.

Administrative Matters: None.


A Motion was made by Mr. Hill and seconded by Mr. Roberto to adjourn the meeting at 6:46 p.m. The meeting was adjourned.

Respectfully Submitted:



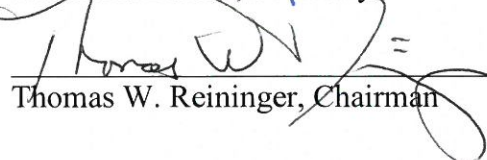
Jesse Urbancsik, Planner

Secretary:



Robert A. Bartolt, Secretary

Accepted by:



Thomas W. Reininger, Chairman

