

May 21, 2012

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

Item 1. – Meeting called to Order

Co-Chairman Leugers called the meeting of the Board of Zoning Appeals to order at 7:00 PM on Monday, May 21, 2012.

Item 2. – Roll Call of the Board

Mrs. McDaniel called the roll.

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

Also Present: Greg Bickford, Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Leugers led the Pledge of Allegiance.

Item 4. – Swearing In

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

Item 5. – Approval of Minutes

Mr. Leugers stated the next order of business was to approve the April 16, 2012 meeting minutes.

Mr. Leugers asked for any corrections to the April 16, 2012 meeting minutes.

Mr. Leugers entertained a motion to approve the April 16, 2012 meeting minutes.

Mr. Scheve moved to approve the April 16, 2012 meeting minutes.

Mrs. McDaniel seconded.

All voted – yes.

Item 6. – Old Business

B2012-04V
John Ross
8901 Plainfield Road
Cincinnati, OH 45236

Mr. Holbert presented the resolution approving with conditions the variance request for case# B2012-04V.

Mr. Leugers asked for any comments.

Mrs. McDaniel called roll.

Mr. Scheve – AYE
Mr. Heidel – AYE
Mr. Leugers – AYE
Mrs. McDaniel – AYE
Mr. LaBarbara – AYE

B2012-05V
John Ross
8905 Plainfield Road
Cincinnati, OH 45236

Mr. Holbert presented the resolution approving with conditions the variance request for case# B2012-05V.

Mr. Leugers asked for any comments.

Mrs. McDaniel called roll.

Mr. Scheve – AYE
Mr. Heidel – AYE
Mr. Leugers – AYE
Mrs. McDaniel – AYE
Mr. LaBarbara – AYE

B2012-06V
Laura Stankorb
8869 Roundhill Road
Cincinnati, OH 45236

Mr. Holbert presented the resolution approving the variance request for case# B2012-06V.

Mr. Leugers asked for any comments.

Mrs. McDaniel called roll.

Mr. Scheve – AYE
Mr. Heidel – AYE
Mr. Leugers – AYE
Mrs. McDaniel – AYE
Mr. LaBarbara – AYE

Item 6. – New Business

B2012-07V

Kimberly Siefert

4562 Matson Avenue

Cincinnati, OH 45236

Mr. Holbert presented the case and case history for case# B2012-07V. Mr. Holbert stated that the fence was installed without a permit in the defined front yard of a corner lot and is also located in the right of way. The fence is five feet from Queens Avenue and therefore is at least ten feet into the right of way.

Mr. Leugers asked if the applicant was present and wished to address the board.

Kimberly Siefert of 4562 Matson Avenue, Cincinnati, OH 45236, addressed the board. Mrs. Siefert explained that she needs the fence for safety reasons to protect her child and dogs from traffic at the corner of Matson and Queens. She stated that the fence is made of quality material and is similar to other fences in the area. She stated two large trees in the rear would make it difficult to move the fence. Mrs. Siefert submitted to the board photos of fences on neighboring properties and a letter signed by several neighbors stating they approved of her variance request. Mrs. Siefert also mentioned that because of the sloping grade of the yard, the fence appears only three feet tall from the road.

Mr. Scheve asked if the owners installed the fence themselves or if a contractor installed it.

Mrs. Siefert said they installed the fence themselves. She said they looked at drawings of the lot at Hamilton County offices that did not show a right of way. She thought it had to be five feet from the road. The fence has been up for a year.

Mr. Leugers asked if anyone from the public was present who wished to comment on the case.

Mary Goldwire of 4569 Matson, Cincinnati, OH 45236, addressed the board. Ms. Goldwire said the fence has enhanced her neighbor's property and that the applicant is correct about the cars going fast at the intersection.

Ms. Sally Pisa (attendee did not sign in, unsure of spelling) of 4542 Matson Avenue, Cincinnati, OH 45236, addressed the board. She stated that her daughter plays with the applicant's son and she agrees the fence is necessary for their safety. She said the fence adds curb appeal to the house. She agreed that cars approaching that corner at a high rate of speed is a problem.

Jared Seifert of 4562 Matson Avenue, Cincinnati, OH 45236, addressed the board. Mr. Seifert said another reason they installed the fence was that in the past they had arrived home to find people playing on their play set without their permission.

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

Mr. Scheve asked if the board could approve the variance request considering the fence is in the right of way.

Mr. Bickford explained that the board could grant the variance for the fence on the real property. He stated that as the fence is constructed, it could be torn down in the right of way and it would be the applicant's responsibility to replace.

Mrs. McDaniel asked if the board could require the fence to be moved out of the right of way but grant the variance for it to remain in the defined front yard.

Mr. Bickford stated that the lot in question was platted before current zoning and would not be a buildable lot by today's standards.

Mr. Scheve asked about the possibility of the applicant moving the fence back in line with the corner of the house.

Mr. Bickford stated this would still require a variance because the fence would be within the 30 foot required front yard setback.

Mr. Scheve asked how far into the setback it would be to move the fence to the back corner of the house.

Mr. Holbert answered approximately eight or nine feet.

Mr. LaBarbara asked for clarification on the location of the right of way.

Mr. Scheve asked to see photos of the mature trees on the lot.

The board discussed the issues brought before them.

Mr. Leugers entertained a motion.

Mr. Heidel moved to approve case# B2012-07V with the condition that the fence be moved back to be in line with the back corner of the house on the Queens Avenue side.

Mrs. McDaniel seconded.

Mrs. McDaniel called roll.

Mr. Scheve – AYE

Mr. Heidel – AYE

Mr. Leugers – AYE

Mr. McDaniel – AYE

Mr. LaBarbara – AYE

Mr. Bickford stated that a resolution would be prepared for the June 18, 2012 meeting. Mr. Bickford informed the applicant she could appeal to the Hamilton County Court of Common Pleas within thirty days after the resolution is signed.

Item 7. – Date of Next Meeting

Mr. Leugers noted the date of the next meeting – Monday, June 18, 2012.

Item 8. – Adjournment

Mrs. McDaniel motioned to adjourn.

Mr. Scheve seconded.

Mr. Leugers adjourned the meeting at 7:41 PM.

Minutes Recorded by: Beth Gunderson
 Planning & Zoning Assistant