

Board of Zoning Appeals

July 28, 2011 “Draft”

Mr. Furterer called the meeting to order and announced the matters before the Board at 7:00 p.m.

Members present: Linda Scott
 Don Furterer
 David Lipson
 Harold Eberenz

Mr. Lipson read into record the legal notice for Mr. Rodney Sabo, Sabo Design Associates, on behalf of Mike Brown Construction at 904 Grand Oaks Drive, Hamilton Township, Ohio 45152, which was advertised in the Western Star Newspaper and sent to the adjoining property owners.

Mr. Furterer explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing.

Ms. Scott asked any persons wishing to offer testimony or speak during the hearing to stand and an oath was administered.

Ms. Michelle Tegtmeier, Zoning Inspector, stated the legal notice was posted July 14, 2011 and July 21, 2011 and the neighbors were notified by certified mail. Ms. Tegtmeier presented a Power Point presentation detailing the site location, analysis and recommendation of the Staff Report. Ms. Tegtmeier stated there was an error in the paper work as Mr. Sabo actually represents Capital Custom Homes and Mike Brown Construction is the actual property owner at this time.

Mr. Furterer verified that there was green space to the side and rear of the property. Ms. Tegtmeier stated that was correct.

Mr. Lipson asked if the property sloped down as it appears to in the topography photo and asked about the patio and deck being on the first floor. Mr. Sabo stated it has a walkout basement.

Ms. Scott asked the setback of the variance request and Ms. Tegtmeier stated from the back of the deck to the rear property line would be 13 feet.

Mr. Sabo gave a verbal presentation regarding the lot and the details of the variance being requested.

Mr. Josh Asher, a neighbor to the property in question, stated he was in favor of the deck as it was not encroaching on anyone else's property.

Mr. Furterer closed the floor to the public and there was Board discussion regarding the vote.

Mr. Furterer asked if there was anyway to amend the plan to 15 feet instead of 17.8 in the rear yard setback. It was stated that it could be done.

Mr. Lipson made a motion and Mr. Eberenz seconded the motion to approve the variance request with an amendment to have the screened in porch encroach only 15 feet instead of 17.8 feet.

Roll call as follows:	Don Furterer	Yes
	Linda Scott	No
	David Lipson	Yes
	Harold Eberenz	Yes

Motion Carried.

Mr. Lipson read into record the legal notice for Mr. Frank Schroeder, DBA Kensington Homes, on behalf of Mr. & Mrs. Robert Ziemba, 1288 Shawnee Run Drive, Hamilton Township, Ohio 45039, which was advertised in the Western Star Newspaper and sent to the adjoining property owners.

Mr. Furterer explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing.

Ms. Scott asked any persons wishing to offer testimony or speak during the hearing to stand and an oath was administered.

Ms. Michelle Tegtmeier, Zoning Inspector, stated the legal notice was posted July 14, 2011 and July 21, 2011 and the neighbors were notified by certified mail. Ms. Tegtmeier presented a Power Point presentation detailing the site location, analysis and recommendation of the Staff Report.

Mr. Frank Schroeder gave a verbal presentation and details of the house and rear yard.

The property owners on both sides stated they are fine with the deck, but would love to see landscaping for privacy.

Mr. Eberenz made a motion and Ms. Scott seconded the motion to approve the variance as requested.

Roll call as follows:	All	Yes
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Motion Carried.

Mr. Lipson read into record the legal notice for Richard and Joanne Dwyer, 6147 Avebury Court, Hamilton Township, Ohio 45152, which was advertised in the Western Star Newspaper and sent to the adjoining property owners.

Mr. Furterer explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing.

Ms. Scott asked any persons wishing to offer testimony or speak during the hearing to stand and an oath was administered.

Ms. Michelle Tegtmeier, Zoning Inspector, stated the legal notice was posted July 14, 2011 and July 21, 2011 and the neighbors were notified by certified mail. Ms. Tegtmeier presented a Power Point presentation detailing the site location, analysis and recommendation of the Staff Report.

Mr. Furterer confirmed it was a screened in porch and a deck, not just a deck alone.

Mr. Dwyer stated why he wanted the screened in porch and why he believes it would not cause any issues to have it.

Ms. Scott asked Mr. Dwyer for more clarification of what he was wanting as far as decking and concrete pad. Mr. Dwyer stated on the corner of the house would be the screened in porch on a deck. On the other side of the deck would be a small area for the grill on a wood deck. There was much discussion regarding the set up of the plans.

Mr. Lipson made a motion and Mr. Eberenz seconded the motion to approve the variance as requested.

Roll call as follows:	Don Furterer	Yes
	Linda Scott	No
	David Lipson	Yes
	Harold Eberenz	Yes

Motion Carried.

The Board discussed having their next meeting August 25, 2011 as there is one (1) case to be heard.

Mr. Furterer made a motion and Ms. Scott seconded the motion to approve the previous minutes from March 31, 2011 as written.

Roll call as follows:	All	Yes
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Motion Carried.

Mr. Furterer made a motion and Mr. Leever seconded the motion to close the meeting with all members in agreement the meeting was adjourned at 8:40 p.m.

Roll call as follows: All Yes

Motion carried.