

# Board of Zoning Appeals

## October 1<sup>st</sup>, 2015

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

Members present:                Ted Schroeder  
   David Lipson  
   Harold Eberenz  
   Rhonda Southwick  
   Gary Leever

Mr. Leever explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing. Mr. Leever asked any persons wishing to offer testimony or speak during the hearing to stand and an oath was administered.

Mr. Leever asked Ms. Michelle Tegtmeier, Community Development Coordinator, if the notice had been published in the newspaper. Ms. Tegtmeier stated it was published in the newspaper the weeks of September 13<sup>th</sup>, and September 20<sup>th</sup>.

Mr. Eberenz read the legal ad stating this is a request from Mr. Kevin McKiernen, lot 166 Fosters Pointe Subdivision, Hamilton Township, Ohio 45309. The applicant has requested a variance from section 6.1.1.3.C.1 to reduce the minimum front yard setback from 50 feet to 40 feet for a new single family home.

Ms. Michelle Tegtmeier, Community Development Coordinator, noted that the terminology for the zoning code set back is setbacks refer to the unobstructed; unoccupied open area between the further most projection of a structure and the property line, of the lot which the structure is located. Ms. Tegtmeier began a PowerPoint presentation stating the Home Owners Association has a restriction of 2,200 square feet minimum for a home. If the cul-de-sac had been built a little further down then it would have gave the home owner a little more room to have a building pad. Had the setback been along one of the straight ways then the Staff would never have recommended approval. Nothing can be built or changed within the 30 feet setback. That is a permanent easement/berm. This is an easement that goes along with the deed or the title.

Mr. Kevin McKiernen, Applicant, stated he does not have much to add to what Ms. Tegtmeier stated. Mr. McKiernen noted his property is being built by Lucky Homes, which went out and did a site home assessment plan for the property. The 30 foot easement is where the tree line is currently and makes the distance of a 53 foot easement.

Mr. Geraci stated the berm would have to be moved around a little bit, but that it will not affect the trees that are already there. Mr. Geraci stated that there should not be a drainage issue for this property.

Ms. Christa Hall, HOA Board Member, stated her objection to the variance was the uniformity. She believes due to the house being set forward it will be noticeable when driving down the cul-de-sac.

Mr. Leever closed the floor to the public.

Mr. Eberenz made a motion and Mr. Leever seconded the motion to allow a reduction in the front yard setback from 50 feet to 40 feet.

Roll call as follows:

Harold Eberenz	No
Gary Leever	Yes
David Lipson	No
Ted Schroeder	No
Rhonda Southwick	Yes

Request Denied.

Mr. Leever stated there were three (3) No's and two (2) Yes. The motion is not carried, and the variance is not allowed.

At this time the meeting was adjourned.

\*\* Please note this session was not recorded due to recorder malfunction.