

Board of Zoning Appeals

October 8, 2020

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

Members present: Mark Wernery
 Rhonda Southwick
 Harold Eberenz
 Michael Blomer
 Brandon Roark

Mr. Eberenz asked any persons wishing to offer testimony or speak during the hearing to raise their right hand; an oath was administered. Mr. Eberenz explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing.

Mr. Alex Kraemer, Economic Development and Zoning Director, presented the staff report. We are here for a variance request for two properties; 7831 Tabard Ct. and 7847 Tabard Ct. The property located at 7831 Tabard Court is technically the variance property. The owner is Mr. Richard Hoekstra, the applicant is Steven and Shannon Carrico of 7847 Tabard Court. The notice was posted in *The Pulse Journal* two weeks prior to this hearing and a notice was sent out to all neighboring property owners within 200 feet. The variance request is to shift the property line 10 feet, reducing the size of 7831 Tabard Court enough to be below the minimum requirement of half of an acre in the Canterbury subdivision. The resulting 7831 Tabard Ct. would be reduced to .46 acres by Mr. Kraemer's calculations. There is a new home being proposed on the site. Hamilton Township Zoning Code Table 6-1: Site Development Standards for Residential Zoning Districts states that the minimum lot size is to be 21, 780 sq. ft. which is equivalent to 0.5 acre(s).

The applicant provided a statement asking for a variance to the zoning code. They have four young children and would like to place a fence for a safe place to play. Their home sits on a corner lot and due to the position of their home, the backyard is very narrow. Mr. Hoekstra, the owner of the adjacent property is willing to sell the Carrico's 10 feet. However, that will cause his lot to fall just under 0.5 acre. They believe that moving the property line will be appealing to the neighborhood. The previous owner of their home also owned the adjacent lot and planted a row of trees parallel to the home. The current property lines run through those trees therefor if the property line was shifted, a fence could encompass all of those trees instead of splitting them up. Shown through photos presented to the Board, the property owner states that moving the property lines will allow them to look more natural and go with the flow of the homes.

Mr. Blomer asked if there is current construction on the site?

Mr. Kraemer responded that they are currently digging for the new home, yes.

Mr. Blomer asked if changing this lot will be compliant with the setbacks?

Mr. Kraemer stated that since these are half acre lots, there is more than enough room.

Board members questioned the half acre minimum and with the current zoning district.

Mr. Kraemer stated that this is our default minimum set in the Zoning Code for the R-1 Rural Residential Zoning District.

Mr. Eberenz invited the applicant to speak.

Mr. Richard Hoekstra is the owner of the property and his neighbors are the applicants. He understands the .5 acre minimum but this lot is 116 feet wide and it is much wider than needed. The Carrico's expressed wanting to put a fence up for the safety of their children due to traffic concerns. Neither party wanted to take down the trees so by giving them the extra 10 feet, they can fence in their yard and it will match up to the rear property perfectly.

Mr. Blomer asked if the current home being constructed is Mr. Hoekstra's?

Mr. Hoekstra stated that he works with Dallas Homes and it is a market home that they will sell in the spring.

Ms. Southwick questioned the fence line.

Mr. Hoekstra stated that the Carrico's fence would match up perfectly to the existing fence of their other neighbor perfectly. If the 10 feet is not granted, then it would be 10 feet in from where the current pole is set. He is happy to help his neighbors.

Mr. Wernery asked for the process to sell this 10 feet.

Mr. Hoekstra explained that they had an Engineer survey the property. That becomes a record plat and if the BZA approves this tonight, he then has to take it to Warren County and have it recorded up there. A deed is then made with a legal description through an Attorney and from there Mr. Hoekstra will deed the Carrico's the property.

Mr. Eberenz asked if this 10 feet is added to their existing parcel or if it will be its own parcel?

Mr. Hoekstra thinks that it may be a very small separate parcel but hopefully Warren County will incorporate this into their existing parcel.

Discussion took place about fencing. Hamilton Township does not require any permits for fencing.

Mr. Wernery asked if this will all be complete before the home on Mr. Hoekstra's lot will be finished and placed on the market?

Mr. Hoekstra responded that this would all be done before they pass title to any new owners.

Shannon Carrico spoke as the applicant and stated that the fence would come off the back of the house and be parallel to the street. No fence would be placed in the front yard.

Mr. Blomer asked if the trees would be left undisturbed. Ms. Carrico explained that they bought the lot for the trees.

Mr. Eberenz closed the public portion of the hearing to begin deliberations.

Mr. Blomer's concern was the fence on a corner lot but there are provisions laid out for those matters.

Mr. Blomer made a motion to approve the variance request for 7831 and 7847 Tabard Court, Maineville, Ohio 45039 for Mr. Richard Hoekstra. The request is for 7847 Tabard Ct. to expand their lot size by 10 feet in turn reducing the lot size of 7831 Tabard Ct. below the .5 acre minimum for the Canterbury subdivision. There was a second from Mr. Eberenz.

Roll call as follows:	Mark Wernery	Yes
	Rhonda Southwick	Yes
	Harold Eberenz	Yes
	Michael Blomer	Yes
	Brandon Roark	Yes

Motion carries.

Mr. Kraemer explained that there were no minutes to approve at tonight's meeting however the Board can expect meeting minutes for approval as well as the final By-Laws.

With no further business to discuss, Mr. Blomer made a motion with a second from Mr. Eberenz to adjourn the meeting.

All in favor. Adjourned.