

Board of Zoning Appeals

March 10, 2022

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

Members present: Michael Blomer
 Ryan Ziemba
 Brandon Roark
 Adam Paul

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

Zoning Administrator, Ms. Lindsey Gehring, presented the staff report for the first variance request this evening. The Variance review criteria was reviewed for our Board members. Legal notice was published in *The Pulse Journal* on Sunday, February 27, 2022, as well as being sent out to all neighboring property owners within 200 feet. The subject property is located at 9406 State Route 48, Loveland, OH 45140. The property owner and applicant is Mr. Raymond Gibson. Mr. Gibson is requesting a variance to allow for a detached accessory structure to be built into a portion of the front yard. Per the Hamilton Township Zoning Code, this property is defined as a corner lot being that it has road frontage on two public streets. The surrounding properties are zoned R-1 single family residence zone, with the exception of one rental property that is zoned B-1, neighborhood business.

HTZC Section 4.9 Table 4-5 states that a detached accessory building is permitted in the R-1 zoning district and does require a placement in the rear or side yard. Corner lots are considered to have two front yards and two side yards therefore the proposed placement is within the front yard. The applicant states that he will remove and replace an existing garage with a 20' x 32' Amish loft barn.

Mr. Ziemba asked about the dimensions of the existing structure.

Ms. Gehring was unsure of that information but did include that the current structure/location does have its own separately metered electric and water. There is also an existing culvert and driveway to access this location.

Mr. Blomer invited the applicant to speak.

Mr. Raymond Gibson stated that the existing garage used to belong to a home that was right next to it. The previous owners built the new home off to the side and then tore down the old home on the corner. The garage is old and falling apart. He came across the new structure when land was being cleared down in Loveland as it sat on a hillside. It was disassembled and then moved to Mr. Gibson's property. Through the permitting process, he learned the placement would be in

a front yard. He mentioned that the new structure is slightly larger than the existing, but he plans to build a block foundation.

Mr. Blomer asked when the property was purchased and if the parcels were already combined?

Mr. Gibson stated that he bought the property about a year and a half ago. The previous owners did have the parcels combined to make one large plot of property.

Mr. Ziembra questioned the intended use.

Mr. Gibson stated that it will be his workshop. He owns the neighboring two properties on the same corner and his son moved into his other home that had the workshop space.

Mr. Blomer made a motion with a second from Mr. Ziembra to close the public comment portion of the meeting for deliberations.

All in favor. Aye.

The board did not have major concerns and expressed that the hardship would be the financial burden to move the water and electric to another location on the property.

Mr. Ziembra made a motion with a second from Mr. Blomer to approve the request for 9406 State Route 48, Loveland, Ohio 45140, for a variance from Zoning Code section 4.9.3 to allow for a detached accessory structure to be built into a portion of the front yard.

Roll call as follows:	Ryan Ziembra	Yes
	Michael Blomer	Yes
	Brandon Roark	Yes
	Adam Paul	Yes

Motion carries.

Next, Ms. Gehring gave the staff report for a variance request for Mr. and Mrs. Lucas and Stacy Kleinhenz for property located at 260 South Wind Court, Maineville, Ohio 45039. The legal ad was published in the Sunday, February 27, 2022, edition of *The Pulse Journal*. The subject property is zoned R-4 Urban Residence Zone. The surrounding properties consist of R-4, M-1 Light Industry, and B-1 Neighborhood business as their neighborhood is adjacent to the Kroger complex. The request tonight is for a variance to Hamilton Township Zoning Code section 4.9.5.M. to construct a covered porch approximately 10 feet into the rear yard setback of 30 feet. The applicant states that their property is a pie-shaped lot that sits at the end of a cul-de-sac. The covered porch will be attached to the rear of the home. One post will sit 25 feet from the rear property line and the other post will sit 20 feet from the rear property line.

Mr. Blomer invited the applicant to speak.

Mr. Luke Kleinhenz explained that due to the cul-de-sac, they have a shallow back yard so this

puts the posts into the rear yard setback.

Mr. Blomer asked if the applicant had spoken to the Homeowners Association.

Mr. Kleinhenz stated that they have approved everything, now they are just waiting for the proper permits. The yard does slope to the south as there is a pond that takes up the southern corner of their lot. This will be a 22 ft. by 25 ft. structure.

Mr. Blomer asked what the hardship is as the applicant could make the area smaller and it would comply with the zoning code.

Mr. Kleinhenz stated that this size is proposed because they are installing an outdoor fireplace and they wanted it moved a little further away from the home. The aesthetics will match the design of the home.

Mr. Ziembra asked if there is a required distance for the fireplace in comparison to the home.

Mr. Kleinhenz stated that the design in question was put together by the company doing the fireplace.

Mrs. Stacy Kleinhenz added that the existing patio has a dryer vent that lets out onto it. Given the slope of the yard and the venting, part of the patio space is not usable so that was considered when designing this covered porch area.

Mr. Blomer made a motion with a second from Mr. Ziembra to close the public comment portion of this hearing.

All in favor. Aye.

The Board mentioned that the footprint could be made to fit the code, however they understand the size increase for safety from the fireplace.

Mr. Ziembra made a motion with a second from Mr. Blomer to approve the requested variance for 260 South Wind Ct., Maineville, OH 45039 from section 4.9.5.M. in order to construct a covered porch approximately 10 feet into the rear yard setback requirement of 30 feet.

Roll call as follows:	Adam Paul	Yes
	Brandon Roark	Yes
	Ryan Ziembra	Yes
	Michael Blomer	Yes

Motion carries.

Next, Ms. Gehring gave the staff report for a variance request for Mr. and Mrs. Lucas and Stacy Kleinhenz for property located at 260 South Wind Court, Maineville, Ohio 45039. The legal ad was published in the Sunday, February 27, 2022, edition of *The Pulse Journal*. The subject

property is zoned R-4 Urban Residence Zone. The surrounding properties consist of R-4, M-1 Light Industry, and B-1 Neighborhood business as their neighborhood is adjacent to the Kroger complex. The request tonight is for a variance to construct a 16' x 42' inground pool 5 feet into the rear and 5 feet into the side setback lines. Hamilton Township Zoning Code section 4.9.5.N. states that a swimming pool shall be set back a minimum of 20 feet from any property line. This setback shall be measured from the edge of the pool water. The applicant states that their property is a pie-shaped lot that sits at the end of a cul-de-sac and they would like to move the pool farther away from the home therefor putting it only 15 feet from the rear and side property lines. There is an existing fence for the property.

Mr. Blomer invited the applicant to speak.

Mr. Luke Kleinhenz stated that again due to the slope of the yard, they would like to move it to this particular location so that it is also farther from the home. The HOA will not allow the fence to be moved to another location.

Mr. Paul asked if there is a way to make the pool fit?

Mr. Kleinhenz stated that they already have a deposit down and this is for a fiberglass pool. If they made it fit 20 feet from property lines, it would only be 10 feet from the home.

Conversations were had about the concrete decking for the pool as well as landscaping. Concrete can be placed right up to the property line. There is a sewer easement that they are waiting on clarification for building purposes. They do plan to install landscaping to screen the pool from their neighbors.

The board suggested to get clarification on setbacks for that sewer easement in question before any construction occurs.

Mr. Blomer made a motion with a second from Mr. Ziembra to close the public comment portion of the hearing.

All in favor. Aye.

Discussion about the easement took place as well as consideration of the shape of the lot and existing fencing.

Mr. Ziembra made a motion with a second from Mr. Blomer to approve the request for 260 South Wind Ct, Maineville, OH 45039 for a variance to construct a 16' x 42'; inground pool five feet into the rear and side yard setback requirements of 20 feet.

Roll call as follows:	Brandon Roark	Yes
	Adam Paul	Yes
	Michael Blomer	Yes
	Ryan Ziemba	Yes

Motion carries.

Mr. Blomer made a motion to approve the meeting minutes from March 10, 2022, as written. There was a second from Mr. Ziemba.

All in favor. Aye.

With no further business to discuss, Mr. Paul made a motion to adjourn with a second from Mr. Ziemba.

All in favor. Aye.