

Hamilton Township Board of Zoning Appeals March 13, 2024

Mr. Blomer called the meeting to order and announce the matters before the Board at 6:01 p.m.

Members present:

Garrick Horton
Holly Roush
Michael Blomer
Adam Paul
Susan Erickson

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

Mr. Paul made a motion with a second from Ms. Erickson to approve the January 9, 2025, Board of Zoning Appeals meeting minutes.

All in favor. Aye

Mr. Horton made a motion with a second from Ms. Erickson to approve the February 13, 2025, Board of Zoning Appeals meeting minutes.

All in favor. Aye

Ms. Cathy Walton presented the staff report for a variance from Section 6.2, Table 6-1, to extend the existing deck into the rear yard setback at 5478 Grand Legacy Drive, Maineville Ohio, 45039. The residence zoned R-4 PUD, permitted in 2004, was approved with a 30.04' rear yard setback but appears to have been built with only a 20.5' setback instead of the required 30'. The proposed deck would further encroach by 6', reducing the setback to 18'.

A legal notice of the hearing was published in the *Journal-News* on February 28, 2025, and property owners within 200 feet were notified by mail.

Mr. Blomer opened the floor for public comments and invited the applicant to address the Board.

Ms. Walton stated that CMR Outdoor, the applicant, was informed that either they or the homeowner needed to attend tonight's hearing. The applicant had agreed to inform Cathy of who would be present but failed to do so. Neither the applicant nor the homeowner is present to represent their request for a variance.

Mr. Blomer opened the floor to those in favor of the variance request

Mr. Ray Warrick, the neighboring property owner, said based on the site plan presented he has no objections to the proposed variance.

Mr. Blomer opened the floor to those not in favor of the use, to which nobody came forward.

The floor to public comments was closed for deliberations by Ms. Erickson with a second from Mr. Paul.

Mr. Blomer expressed concern over the absence of a representative for the variance request, noting that this has happened before and questioning why the applicant chose not to attend for a project of this magnitude. He asked the Board whether they should proceed with a vote or table the case.

Mr. Horton inquired whether any project specifications had been provided. Ms. Cathy confirmed that only the application was submitted. Mr. Horton assumed that the Rivers Bend Subdivision has specific regulations that must be followed. Mr. Blomer noted that the HOA has an architectural review board and that, in previous cases, the BZA had approved projects that were later denied by the HOA.

Mr. Horton recommended tabling the case until more information could be obtained from the HOA board. However, Mr. Blomer clarified that the Board's decision is independent of HOA approval, as that matter is between the homeowner and the HOA.

Mr. Paul questioned whether the request met the criteria for a hardship. Ms. Erickson argued that the house's placement error itself constituted a hardship. The Board agreed that, given the lot's shape and the building error, they had sufficient information to proceed with a vote.

Mr. Blomer motioned to approve the variance request as submitted for the property at 5478 Grand Legacy Drive, Maineville, Ohio, 45039, with Ms. Erickson seconding the motion.

Ms. Erickson	Yes
Ms. Roush	Yes
Mr. Paul	Yes
Mr. Horton	Yes
Mr. Blomer	Yes

Mr. Warrick stated that the Board should not be paid for the meeting. Mr. Blomer thanked Mr. Warrick for attending and it was great seeing him.

Ms. Walton informed the Board that the Township expects an appeal regarding last month's BZA case for the cell phone tower on Ireland Road. Additionally, McDonald's sign variance request, originally scheduled for tonight's meeting, has been postponed to the April meeting.

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

All in favor. Aye.