



## BOARD OF ZONING APPEALS AGENDA

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February 10, 2021

6:30 pm

1. **Call to Order**

2. **Roll Call**

3. **Approval of Meeting Minutes Written Summary and Audio Recording**

January 13, 2021

4. **Old Business**

None

5. **Election of Officers – Postponed Until March 10, 2021**

1. Chairperson
2. Vice Chairperson

6. **New Business**

1. Variance Requests submitted by Jeff Dooley for the property located at 10601 Plainfield Road as follows:
  - a. Variance to reduce the minimum lot size requirement for keeping of chickens from 20,000 square feet to 7,200 square feet – Sharonville Zoning Ordinance Section 1131.02(a)(4).
  - b. Variance to reduce the minimum setback for the raising of chickens in a Residential Single Family (R1-B) zoning district from fifty (50) feet away from adjoining residential lots to zero (0') feet away from adjoining residential lots – Sharonville Zoning Ordinance Section 1131.02(a)(4).
2. Variance Request submitted by Debra and James Byrd for the property located at 10710 Plainfield Road to reduce the side yard setback from 15' to 8' for swimming pool installation – Sharonville Zoning Ordinance Section 1125.18.



513.563.0033

Sharonville Municipal Building  
10900 Reading Road  
Sharonville, Ohio 45241

3. Appeal of Zoning Violation Enforcement Notice – Case No. 2020041 – 10936 Reading Road – Mark Richter on behalf of Malsbary Land LLC Sharonville Zoning Ordinance Section 1153.
4. Appeal of Zoning Violation Enforcement Notice – Case No. 2020030 – 11580 Chester Road – Ty L. Foster, Esq. on behalf of Leon & Brothers, LLC – Sharonville Zoning Ordinance 1153.

7. **Discussion**

8. **Adjourn**



## STAFF SUMMARY

### For the Board of Zoning Appeals Meeting of February 10, 2021

**To: Board of Zoning Appeals**  
**From: John Creech**  
**Subject: Variance Requests submitted by Jeff Dooley for the property located at 10601 Plainfield Road – Sharonville Zoning Ordinance Section 1131.02(a)(4).**  
**Date: February 5, 2021**

Jeff Dooley, property owner of 10601 Plainfield Road, is requesting two variances in a Residential Single Family (R1-B) zoning district to keep chickens on the property. Based on Sharonville Zoning Ordinance Section 1131.02(a)(4), the Applicant requires two variances as follows:

- a) Variance to reduce the minimum lot size requirement for keeping of chickens from 20,000 square feet to 7,200 square feet.
- b) Variance to reduce the minimum setback for the raising of chickens in a Residential Single Family (R1-B) zoning district from fifty (50) feet away from adjoining residential lots to zero (0) feet away from adjoining residential lots.

The Applicant indicated that the purpose of raising chickens is to help his daughter who is in college studying to be a veterinarian and learning about different animals. In addition, Mr. Dooley indicated that it will allow the Applicant and his household to have fresh eggs; however, no eggs or chickens will be sold. The Applicant stated that the raising of chickens will not change the land use nor increase the land value. It appears that the fenced structure (chicken coop) abuts the north property line at a zero (0) feet setback.

If the BZA is considering granting the variances, it is recommended that the BZA consider the following condition(s) of approval:

- 1) The number of chickens on the property is not defined, so it is recommended that a limit be placed on the number of chickens.
- 2) The property be maintained in a sanitary condition and not produce noises or odors that cause a nuisance to neighbors.
- 3) The fenced structure (chicken coop) be placed in the rear yard equidistant from abutting property lines.

Applicant Variances Information is attached.



## STAFF SUMMARY

**For the Board of Zoning Appeals Meeting of February 10, 2021**

**To: Board of Zoning Appeals**

**From: John Creech**

**Subject: Variance Request submitted by Debra and James Byrd for the property located at 10710 Plainfield Road to reduce the side yard setback from 15' to 8' for swimming pool installation – Sharonville Zoning Ordinance Section 1125.18.**

**Date: February 5, 2021**

Debra and James Byrd, property owners of 10710 Plainfield Road, are requesting a variance to reduce the side yard setback from 15' to 8' for the installation of a swimming pool in the rear yard. The property is zoned Residential Single Family (R1-A), and the variance is required based on Sharonville Zoning Ordinance Section 1125.18.

The Applicants indicated that the proposed work involves clearing the land and installing an above ground pool 12' x 24' in size. The work would be completed by Watson's of Cincinnati. Furthermore, Mrs. Byrd included a doctor's note from UC Health stating that she has fibromyalgia. Her recommended treatment includes an aerobic exercise program which the pool would support.

If the BZA is considering granting the variance, it is recommended that the BZA consider the following condition(s) of approval:

- 1) Pool and all improvements shall be maintained in good repair and replaced as necessary to remain in compliance with the approved setback variance.
- 2) If proposed, now or in the future, any lighting fixtures associated with the pool shall not cast direct rays of excessive brightness upon adjoining residential lots.

Applicants Variance Information is attached.



## STAFF SUMMARY

**For the Board of Zoning Appeals Meeting of February 10, 2021**

**To: Board of Zoning Appeals**

**From: John Creech**

**Subject: Appeal of Zoning Violation Enforcement Notice - Case No. 2020041 – 10936 Reading Road – Mark Richter on behalf of Malsbary Land LLC - Sharonville Zoning Ordinance 1153.19-20**

**Date: February 5, 2021**

Mark Richter representing Malsbary Land LLC, owners of the former NAPA Auto Parts building located at 10936 Reading Road is Appealing a Zoning Violation Enforcement Notice (Case No. 2020041) issued on June 22, 2020 for an abandoned free-standing sign on the property.

The Applicant indicated that the sign was used until June 2019 when NAPA Auto Parts moved out of the building. The building has remained vacant since that time.

The Sharonville Zoning Ordinance (Section 1153.19) states that after a sign has been declared obsolete by the City and written notice served to the owner, the obsolete sign may continue for a period of 90 days. After that period, the Sharonville Zoning Ordinance (Section 1153.20) states that the sign is then declared abandoned and must be removed within 30 days thereafter. Section 1153.21 provides the process for appeals of these sections to the Sharonville BZA.

If the BZA is considering granting the Appeal Petition, it is recommended that the BZA Consider the following condition(s) of approval:

1. A temporary appeal is granted until 12/31/2021, or sooner if the owner enters into a contract for the sale of the property during the time period.
2. Prior to the transfer of property the owner is required to disclose to purchaser of any Board of Appeals requirements to modify or improve the signage.
3. A temporary appeal from sign removal does not grandfather the sign from having to comply with zoning regulations and design standards. When new use occupies the building a sign permit will be required to update the sign to current zoning code standards.
4. After 12/31/2021 removal of the sign shall be required unless it is utilized.

Applicant Appeal Information is attached.



## STAFF SUMMARY

**For the Board of Zoning Appeals Meeting of February 10, 2021**

**To: Board of Zoning Appeals**

**From: John Creech**

**Subject: Appeal of Zoning Violation Enforcement Notice – Case No. 2020030 – 11580  
Chester Road – Ty L. Foster on behalf of Leon & Brothers, LLC –  
Sharonville Zoning Ordinance 1153.19-20**

**Date: February 5, 2021**

Ty L. Foster representing Leon & Brothers, LLC, owner of the subject property located at 11580 Chester Road, is appealing a Zoning Violation Enforcement Notice (Case No. 2020030) issued on May 22, 2020 for an abandoned free-standing sign on the property.

This property is located in the Northern Lights Overlay Zoning District which encompasses all of the properties that abut Chester Road north of Baps Drive/Lippelman Road. A 2007 amendment to the Sharonville Zoning Ordinance required all free standing pole signs along Chester Road in the overlay zone to be removed by property owners by early 2018. Rather than require removal of the signs, the City amended the Zoning Ordinance in 2017 to require businesses to submit a "Sign Improvement Plan" allowing the existing signs to remain subject to certain improvements. Property owners were required to submit a "Sign Improvement Plan" to be reviewed and approved by the Planning Commission. The subject property submitted a "Sign Improvement Plan", and it was approved with conditions by the Planning Commission on June 13, 2019. One of the approval conditions was that the improvements had to be made to the sign within eight (8) months after approval. The approved "Sign Improvement Plan" was never implemented by the Applicant, the sign was deemed obsolete and a Zoning Violation Enforcement Notice was issued to the owner on May 22, 2020.

If the BZA is considering denying the Appeal Petition, it is recommended that the BZA Consider the following motion for denial:

- 1) Appeal is hereby denied because the Appeal of Zoning Violation Enforcement Notice No. 2020030 is a result of inaction of the Applicant who did not implement the "Sign Improvement Plan" approved by the Sharonville Planning Commission on June 13, 2019. This caused the City to issue a Zoning Violation Enforcement Notice.

Applicant Appeal Information is attached.