



**BOARD OF ZONING APPEALS  
AGENDA**

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March 11, 2020  
6:30 pm

1. **Call to Order**
2. **Roll Call**
3. **Approval of Meeting Minutes Written Summary and Audio Recording**
  - a. February 12, 2020
4. **Old Business**
  - a. None
5. **New Business**
  - a. Variance of 2' to permit an 8' tall privacy fence on a single family residential property in the General Business (GB) Zoned District – 3520 Maple Avenue – Gregg Sutter - Sharonville Zoning Ordinance 1125.10.
6. **Discussion**
  - a. During the Planning Commission meeting, Compass Point Planning will request a Resolution of Support from to adopt the Sharonville 2030 Comprehensive Plan.
  - b. Moving forward, staff would like to only send a digital copy of the Staff Summary.
7. **Adjourn**



## STAFF SUMMARY

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### For the Board of Zoning Appeals Meeting of March 11, 2020

To: Board of Zoning Appeals  
From: Sarah Dircks, City Planner (sdircks@cityofsharonville.com)  
Subject: Variance to permit an 8' tall privacy fence on a single family property in the General Business (GB) Zoned District – 3520 Maple Avenue – Gregg Sutter - Sharonville Zoning Ordinance 1125.10.

Date: February 24, 2020

#### I. Applicant Request:

Gregg Sutter, owner of 3520 Maple Avenue, located in the GB zoned district is requesting a 2' variance to have an 8' privacy fence. The applicant owns a non-conforming single family residence in the GB zoned district, abutting various GI zoned properties.

#### II. Code Section and Case Summary

In 2019, the property owner came to the Department of Community Development office to make basic inquiries on fence requirements. Per Sharonville Code 1125.10 and 1159:

- a) Privacy Fences require Conditional Use permits in addition to a fence permit.
- b) Fences are limited to 6' in height.
- c) The finished side of a fence shall face abutting property owners.

#### 12/16/2019

- A "Work without Permit" code enforcement case was opened.
- Door hanger with "Courtesy Letter" left at property to cease work.

#### 12/27/2019

- Staff inspected property;
- Property owner also has a storage unit on site
- "Violation Letter" mailed to property owner.

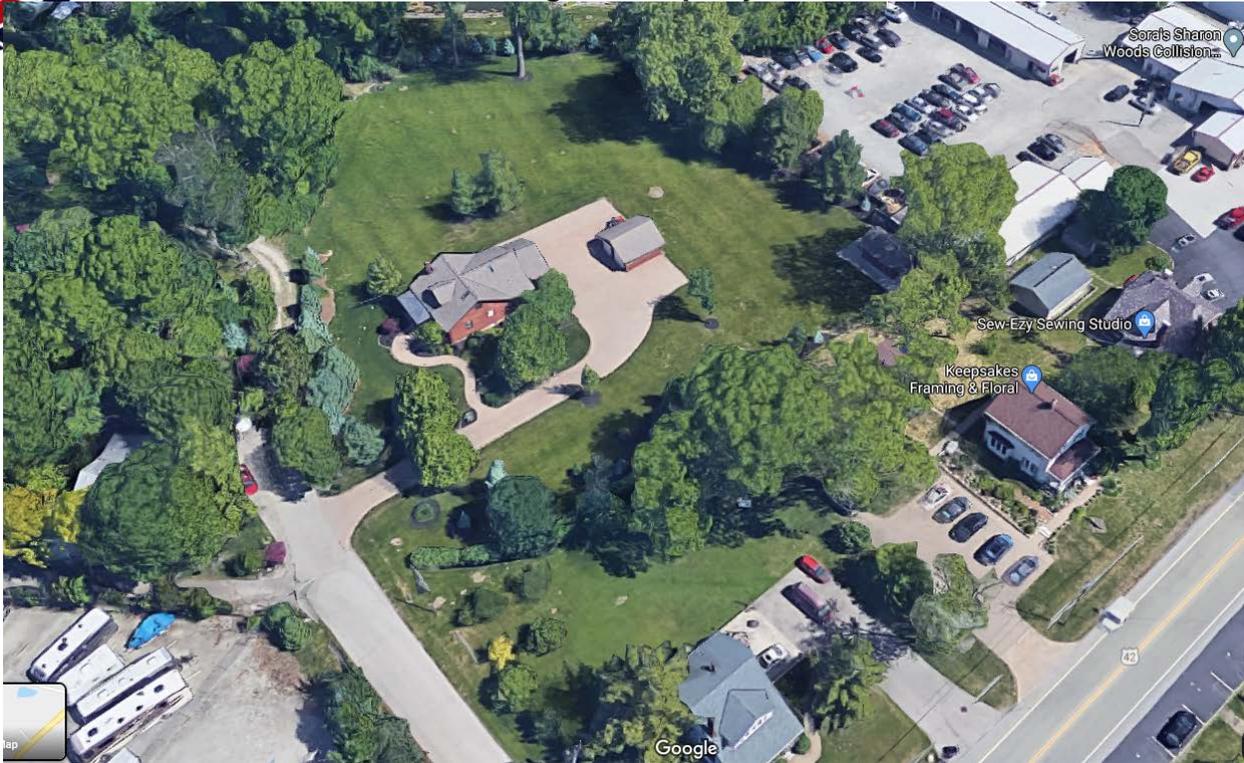
#### 1/28/2020

- Property owner continued to work on fence installing fence around the perimeter
- Property owner cited to Mayors Court.

#### 2/19/202

- Court Case was continued until 4/1/2020, to allow the property owner a chance to appear before the BZA and Planning Commission prior to issuing a verdict.

**Image of Property**



**No Site Plan Submitted with Application**

**Mayors Court images:** 12/27/19 when violation letter sent to cease work  
(No Privacy Fence Installed)



**Mayors Court images: 1/27/19**  
**(30 Days Later- Privacy Fence Installed)**

Sharonville Municipal Building  
10900 Reading Road  
Sharonville, Ohio 45241



**View of Fence from Abutting Property:**



**All neighbors within 100 feet of the property have been notified:**



### III. Staff Recommendation/ Considerations:

Upon review of the application due to the applicant's rationale for granting a variance, staff finds that granting a variance would:

- ✓ Relieve hardship and preserve the applicant's right to the reasonable and legitimate use of his property by shielding residence from abutting (permitted) GI properties.

Upon review of the application due to the applicant's rationale for granting a variance, staff recommends the Board review the application with scrutiny for the following:

- ✓ The applicant knowingly installed his fence contradictory to code without a permit.
- ✓ Nonconforming use of neighboring lands, structures or buildings in the area shall not be considered grounds for the issuance of a variance.
- ✓ The City received a neighbor complaint regarding the fence installation.

If the Board is considering approving the 2' variance request, the following conditions should be considered:

1. Planning Commission approval is required for solid privacy fence.
2. Building permit is required for 8' fence.