

BOARD OF ZONING APPEALS
MINUTES OF MEETING
March 13, 2019

1. Board of Zoning Appeals (BZA) Call to Order

Chairperson Paul Culter called the regularly scheduled meeting of the Sharonville Board of Zoning Appeals to order. He reminded those planning to testify to sign in. All said the Pledge of Allegiance. Those planning to testify took the oath.

2. BZA Roll Call

Present: Paul Culter, Dan Ison, Mathew Eggenberger, Andrew Sasser, Madeleine Dressing, Tom Pernik, and Dustin Goldie.

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

A motion to approve the minutes of the last meeting was made by Dan Ison and seconded by Madeleine Dressing.

4. BZA Old Business:

None.

5. BZA New Business:

a. Variance request to reduce setback requirement – Richard Martin of Martin & Son Contractors, Inc. on behalf of Linda Hobbs – 1425 Garden Place – Sharonville Zoning Code 1139.04(d)(5)C.

Norma Martin from Martin & Son Contractors, Inc. on behalf of Linda Hobbs, property owner, requested to build a 20' x 12' three season room on the back of the house approximately 13' away of the rear yard perimeter line. The property is located at 1425 Garden Place in the R2-C (PUD) zoning district. The applicant appeared before the Board of Zoning Appeals to seek a 12' rear yard variance to reduce the minimum setback of 25' to 13'. The rear yard abuts a business parking lot (in City of Springboro), screened by a strip of trees and separated by a 10' greenbelt reserved by the planned unit development. As a condition for approval, the property owner requested to install a privacy fence on the property line to provide additional screening.

Sarah Dircks gave a brief description of the request and gave a brief history of the planned unit development. Mrs. Dircks explained that Planned Unit Developments (PUD) have flexibility in their zoning interpretation that is otherwise not available in traditional zoned properties. The PUD was built in 1995 with a perimeter setback of 25' around the entire PUD. In 1996 the Board of Zoning Appeals granted a variance to reduce the rear yard setback on the seven unsold units from 25' to 15' to allow decks and three season's room. The variance only applied to the unsold units and did

not apply to 1425 Garden Pl. The applicant is requesting to build a three season's room which will reduce the rear yard setback from 25' to 13'. After presenting the proposed variance request Mrs. Dircks then asked the property owner's representative to come to the podium to address the board.

Norma Martin, 12160 Conrey Road, Cincinnati, 45259 was in attendance on behalf of Linda Hobbs. She explained that her client, Ms. Hobbs has multiple sclerosis (MS) and will potentially become wheelchair bound in the near future. In an attempt to maintain her comfortability in a wheelchair, the applicant has proposed to build a three season room which goes a little further into the yard. Furthermore, she has been startled by activity around the dumpsters of the neighboring property and feels the proposed fence will not only shield from dumpster, but also provide more privacy.

Tom Pernik inquired about any limits on height of the fence from the association.

Ms. Martin said that she would confirm with the homeowners association. She noted a nearby neighbor has a fence, so she does not believe it will be a problem.

Rob Tankersley asked about the material the fence would be constructed of.

Ms. Martin stated that it would more than likely be plastic or vinyl due to the specific needs of the client and the desire for it to be maintenance free.

Dan Ison made a motion to approve the request as presented with a second by Andrew Sasser.

All members voted in favor and the request was granted.

b. Variance request for front yard parking – Dan Montgomery of MSA Designs on behalf of the City of Sharonville – 3639 East Kemper Road – Sharonville Zoning Code 1133.03(a)(3).

Dan Montgomery from MSA Designs, on behalf of the City of Sharonville, requested a front yard parking variance and a variance to reduce the minimum side yard setback for a driveway from 10' to 6' on the proposed construction of a new police station.

John Creech addressed the board and informed them that the spring Co-Op student, Gabriel Rhoads, would be presenting the variance request. Mr. Rhoads is a student at the University of Cincinnati in the Bachelors of Urban Planning Program who is working at the Community Development Department. Mr. Rhoads grew up in the area and is a graduate of Princeton High School.

Mr. Rhoads presented the case to the Board of Zoning Appeals. Mr. Rhoads explained the two zoning variance request and presented the submitted documents. The applicant is seeking to allow front yard parking and a variance from Sharonville Ordinance 1133.03(3) to reduce the minimum side yard setback from 10' to 6' to allow a driveway 6.34' away from the side yard line. After summarizing the case Mr. Rhoads invited the applicant to answer any remaining questions.

Dan Montgomery, of MSA Design located at 316 West Fourth Street, 45202, was present on behalf of the City of Sharonville. Mr. Montgomery explained that due to the size and shape of the site the variances are needed in order to get enough parking for visitors and employees at the front of the building. The rear is to be fenced for security which will mainly be for police vehicles. They are proposing a sidewalk connection from Kemper that snakes around, crosses driveway and leads up

to main entrance. The other variance is for side yard setback for the driveway and is necessary due to the nature of the topography.

Paul Culter asked the board if they would like to discuss the question posed in the staff summary as prepared by Mrs. Dircks. The staff summary explained that the Sharonville Codified Ordinance is written so that a Public Facility (PF) zoned property shall have a similar front yard setback requirement as the adjacent property. The property in question abuts both General Industrial (GI) zoned properties and a Commercial Service Office Planned Unit Development (CSO-PUD). In the GI zoned district, front yard parking is not a permitted use. In the CSO-PUD zoned district front yard parking is permitted provided there is a "separation or buffer of a type sufficient to insure the privacy of the adjacent property shall be provided".

Mr. Culter stated that it seems appropriate to consider the adjacent zoning district to be the CSO-PUD zoned parcel to the west due to similar frontage and that most of the parking will be situated on the side closest to the CSO-PUD property to the west. Comparatively, the GI zoned property is a small individual parcel that is covered with storage units. This interpretation, accepting CSO-PUD as the adjacent property, means that front yard parking is a permitted use on the Public Facility zoned property.

A motion to approve as presented was made by Matt Eggenberger. Andrew Sasser seconded the motion.

Mr. Culter states that due to the irregular shape of the parcel and the board's consideration that CSO-PUD is the adjacent zoned district he votes to approve the variance request.

The Board of Zoning Appeals voted unanimously to approve the request.

6. Discussion

None.

7. Adjourn

A motion to adjourn was made by Dustin Goldie, with a second by Tom Pernik.

John M. Creech, Secretary

Paul Culter, Chairperson