

**BOARD OF ZONING APPEALS  
MEETING MINUTES SUMMARY  
April 14, 2021**

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Paul Culter called the regular Sharonville Board of Zoning Appeals meeting of April 14, 2021 to order at 6:30 p.m.

Roll Call

- ◆ In attendance for roll call were Board of Zoning Appeals Members: Paul Culter, Dan Ison, Andrew Sasser, Matt Eggenberger, and Glen Lovitt. Tom Pernik was absent.
- ◆ President of Council, Vicki Hoppe, was also in attendance to provide insight on behalf of City Council where applicable.
- ◆ Also in attendance were Community Development staff: Mr. John Creech (Director of Community Development – Board Secretary), Mrs. Gina Good (Administrative Specialist – Recording Minutes), Ms. Jamie Kreindler (City Planner), and Mr. Arthur Schmid (Urban Planning Co-Op).

Approval of Meeting Minutes Written Summary and Audio Recording

- ◆ The written summary of minutes and audio recording from the regular Board of Zoning Appeals meeting of March 10, 2021 were approved as written and distributed.

Old Business

- ◆ None

New Business

- ◆ **Variance Application for Semi-Trailer on Property – 2000 East Kemper Road – Baldeep Singh on behalf of Travel Inn Motel – Sharonville Zoning Ordinance 1135.02(c)**
  - Baldeep Singh, co-owner of Travel Inn Motel located at 2000 East Kemper Road, is requesting a variance to keep an unhitched semi-trailer on the property. The Applicant indicated that the Travel Inn Motel’s storage room space is limited within the building, and the trailer is used to solve the storage capacity issues. It was indicated that the trailer is parked in the parking lot to store furniture and other items for the motel. The overnight parking and storage of semi-trailers and other trucks and freight vehicles are only allowed in ITC (Industrial Truck Center) zoned districts and are expressly prohibited in GB (General Business) districts, in which this property is zoned. Due to this reason, a Zoning Violation Enforcement Case (No. 2021081) was opened on March 1, 2021. The Applicant is requesting that they be allowed to keep the trailer to help with their storage needs with no indicated timeline of how long it would remain on the property.
  - According to the Applicant, the intent was to have the trailer on the property full-time. He was unaware that it was not allowed per the City code.

- The Board discussed allowing a temporary approval for the trailer due to COVID.
- The modified motion for passage by Mr. Eggenberger was seconded by Mr. Lovitt. Mr. Creech proceeded with a Roll Call Vote on passage.
- The modified motion was approved unanimously with the conditions below:
  1. A temporary variance is granted for no more than two (2) years from approval, or until such time as the trailer is no longer required, allowing the owners to find an alternative solution to their storage capacity issues that are within the allowed ordinances.
  2. The trailer shall be maintained in good repair for the duration of the temporary variance period, including painting as required.

◆ **Request for variance to install a new solid fence at 11121 Spinner Avenue back-to-back with an existing fence of a neighboring property – Glen Lovitt – Sharonville Zoning Ordinance 1159.04(p)(5)**

- The Applicant, Glen Lovitt, is requesting a variance to install a new solid fence back-to-back with an existing fence of a neighboring property. His property is located at 11121 Spinner Avenue in a R1-B (Residential One-Family) zone.
- As indicated in the Applicant's letter, the neighboring property has been vacant for nearly 7.5 years, and their chain-link fence has fallen into disrepair. As shown in the photos that the Applicant submitted, brush, trees, and debris are growing into the existing fence line. The Applicant indicated that there is poison ivy and oak as a result of the property and fence not being well-maintained, which has caused health and safety issues for his family.
- According to Sharonville Zoning Ordinance 1159.04(p)(5), back-to-back fences are not permitted, unless there is a separation of 2'-6" or greater. This is the reason that the Applicant is requesting a variance. The Applicant intends to install fencing with white vinyl low-maintenance privacy panels. The Applicant explained that the intention of the fencing project is to improve property values while protecting his family and neighbors.
- The motion for passage by Mr. Sasser was seconded by Mr. Eggenberger. Mr. Creech proceeded with a Roll Call Vote on passage. Mr. Lovitt recused himself from voting, since he was also the Applicant in this case.
- The motion was approved unanimously with the conditions below:
  1. The privacy fence shall be maintained in good condition and replaced as necessary to remain in compliance with the approved variance.
  2. As shown on the submitted site plan, the privacy fence will be installed only in the rear yard of the property and will not be higher than 6' in height.

3. The Applicant applies for a Conditional Use Permit from the City Planning Commission.

◆ **Request for three (3) variances to keep a six foot (6') privacy fence at 10511 Thornview Drive: 1) in the side yard, 2) with non-finished side facing abutting property, and 3) back-to-back with an existing fence of a neighboring property – Kyle Davis – Sharonville Zoning Ordinance 1159.04(p)(1)(4)(5)**

- The Applicant did not show up at the meeting, but the Board proceeded with hearing the request. The Applicant previously indicated via email that he had no intention to attend the meeting.
- The Applicant, Kyle Davis, is requesting three variances for his property at 10511 Thornview Drive, located in a R1-B (Residential One-Family) zone. Based on the City of Sharonville's Zoning Ordinance 1159.04(p)(1)(4)(5), the Applicant requires three variances as follows:
  - a. Variance to erect a six foot (6') privacy fence in the side yard – 1159.04(p)(1)
  - b. Variance to erect a six foot (6') privacy fence with non-finished side facing abutting property – 1159.04(p)(4)
  - c. Variance to erect a six foot (6') privacy fence back-to-back with an existing fence of a neighboring property – 1159.04(p)(5)
- According to the City's zoning code, privacy fences are only permitted in the rear yard of the property. In addition, the finished side of the fence must face abutting properties, and back-to-back fences are not permitted. Since the Applicant's fence does not comply with these zoning regulations, three variances are necessary for the fence to remain.
- When the Applicant constructed the fence, he indicated that he was not aware that a permit was needed. Consequently, this application is a retroactive request in order to comply with the City's existing fence regulations. As indicated in the Applicant's letter to the board, the new fence replaced an old, rusty fence, and a privacy fence was chosen for the purpose of entertaining guests. Moreover, the Applicant indicated that the reason the non-finished side of the fence is facing out is because it overlaps with the neighbor's chain-link fence.
- Staff added that there is an open court case about this property's fence. If the Board denies the requests, the Applicant will be required to go back to Mayor's Court.
- The motion for passage as written by Mr. Lovitt was seconded by Mr. Culter. Mr. Creech proceeded with a Roll Call Vote on passage.
- Motion was unanimously denied for the reason that a lack of knowledge of City codes is not an excuse for a variance.

Adjournment

- ◆ The motion by Mr. Culter to adjourn the meeting was seconded by Mr. Eggenberger. Chairperson Mr. Culter adjourned the meeting at 7:10 p.m.



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Paul Culter, Chairperson



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John Creech, Secretary