

BOARD OF ZONING APPEALS & PLANNING COMMISSION

MINUTES OF MEETINGS

June 14, 2017

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

Vice Chairperson Dan Ison 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: Dan Ison, Matt Eggenberger, Madeleine Dressing, and Councilman Mike Wilson.

Absent with Notice: Paul Culter, Tom Pernik, Wendell Herrin

Absent without Notice: Andy Sasser

3. BZA Approval of Minutes

The minutes of the last meeting were approved as written by Matt Eggenberger and seconded by Madeleine Dressing.

Mr. Ison gave a description of the variance process. He explained that a hardship was needed, and that financial hardship is not a valid reason. Each case is heard on its own merit. A simple majority of the voting members is needed for the granting of a variance. He then introduced the Board.

4. BZA Old Business:

None

5. BZA New Business:

a. **Variance for Front Yard Fence – 5490 E. Kemper Road – Kenneth Roberts – Sharonville Zoning Code Section 1125.10(a)**

Bud Noe introduced the first item on the agenda for new business, a variance to install a split rail fence in a portion of his front yard for the safety of his grandchildren. The request is in violation of 1125.10(a) of the Sharonville Zoning Code, which states in part that fences shall not be permitted along a side or front lot line in the front yard. Therefore a variance is required for front yard fence. This property is located in the R1-A zoning district. Mr. Noe explained the contents of the Board's information packet. There were no questions for Mr. Noe from the Board.

Ken Roberts introduced himself, and explained that the fence is to keep his grandchildren from running into the road. He wants it to keep it setback 15 or 20 feet from the edge of the road, at least wide enough for a fire truck if needed. It will be just along the front and part way beside the driveway, about 15 feet from the edge of the driveway, a physical barrier, but also aesthetically pleasing. In response to the question of why the fence is needed, he states that Kemper Road is a busy road, and grandchildren can get out of sight quickly. The backyard slopes down and is not as useful as the front yard. A garden will be inside that fenced area, and the cars whizzing by make him nervous. There is a vegetation line to the west, so that's a fence already. He would like to put a woven wire fence inside at some point, but for now just a split rail fence to slow things down, and he will be doing the work himself.

Dan Ison: I certainly understand having a feeling that your grandkids' safety may be in jeopardy. I would be in support of putting your fence, as long as it's a split-rail and done tastefully as you've presented, I would have no problems with that.

A motion was made to vote on the item as presented by Madeleine Dressing and seconded by Matt Eggenberger.

Dan Ison: And for those reasons, I would vote yes.

Matt Eggenberger: I would say I've had a few bad experiences with neighbors with split-rail fences. They don't tend to last very long. The rails start to rot out and fall down. This being right on the front of Kemper Road, I don't see it being much of a barrier for the children. So in that regards, I'm going to say no.

Madeleine Dressing: The split-rail does bother me. I'm on Cornell Road, and I know how busy ours is, and I know how busy Kemper. And that is such a concern for me to see that fence there on the front, so I have to vote no also.

Matt Eggenberger stated that he would reconsider if another type of fence.

Mr. Creech called for an official vote.

Roll Call / Vote

Dan Ison: I vote yes.

Matt Eggenberger: I vote no for the reasons mentioned earlier. I would however a different style fence might reconsider at a future time.

Mr. Roberts: Such as?

Matt Eggenberger: As some of the vinyl rail fences that don't tend to rot out like split-rails do.

Madeleine Dressing: I vote no.

The variance was denied.

b. Variances for Front Yard Fence and Garage Conversion – 6441 Amelia Drive – Ashley Fazenbaker – Sharonville Zoning Code Sections 1125.10, 1125.07 & 1125.19

Bud Noe introduced the next case. Ashley Fazenbaker is requesting two variances for a residence she has under contract to purchase. The first variance request is to install a fence projecting into the required setback along Breezy Lane. The proposed fence will be 12.5 feet setback from the right of way. Section 1125.10(b) and 1125.07 permit a fence to be setback 20 feet behind the right of way. So the variance required would be 7.5 feet. Her second variance request is to convert her required garage space into a habitable living space. Section 1125.19 of the Sharonville Zoning Code states in part that no existing garage or carport area in or on any residential property shall be eliminated unless replaced with a garage or carport located on the same property. Therefore, a variance of "residence without a garage" is required. This property is located in the R1-A district. Mr. Noe explained the contents of the Board's information packet.

Pam Fazenbaker introduced herself as Ashley's mom. She described the reasons for the request, and answered questions from the Board. It will be a four foot chain link fence for the dog.

Mr. Ison recommended separating the request into two motions.

Dave Murray introduced himself, and stated that they are the residents to the rear of Ashley Fazenbaker's property. He welcomed her to the neighborhood, and welcomes the improvements to the neighborhood. He stated that they have absolutely no objections to the variance for the fencing.

A motion to approve the request as presented was made by Madeleine Dressing and seconded by Matt Eggenberger.

Roll Call / Vote - Fence

All members voted yes. The variance was approved.

Pam Fazenbaker described the reasons for the garage conversion variance request, and responded to questions about the details of the conversion from the Board. It will be converted to a master bedroom and bathroom. A carport could be added in the future.

In response to Mr. Wilson's questions, Ashley Fazenbaker explained that there are currently two bedrooms and one bath, and that the conversion will bring it to three bedrooms and two baths. As far as the number of occupants, she is getting married in August, and they plan to have kids.

Mr. Noe indicated that the home has an extra deep setback from the street, and they have enough room to add a carport in the future on the front of the house without a variance.

A motion for the variance as applied was made by Matt Eggenberger and seconded by Madeleine Dressing.

Roll Call / Vote – Garage Conversion

All members voted yes. The variance was approved.

6. Planning Commission (PC) Call to Order

Kevin Hardman called to order the regular meeting of the Sharonville Planning Commission.

7. PC Roll Call

Present: Kevin Hardman, Jim Lukas, Sam Schutte, Bill Knight, and Councilman Mike Wilson

Absent with Notice: Bill Martin

8. PC Approval of Minutes

Minutes of the May 10, 2017 meeting were approved as written and distributed.

9. BZA New Business (continued)

c. Variance for Fence Setback – 11166 Reading Road – Linda Patterson – Sharonville Zoning Code 1125.10(a)

John Creech introduced the item. Ms. Linda Patterson is requesting a variance to erect a fence in the front yard, and needs a variance from section 1125.10(a). The property is zoned Central Business District. There's a minimum setback in that zoning district of 14 feet. The proposed fence will be setback 12 feet behind the front property line, so she's requesting a two (2') foot zoning variance. Mr. Creech referred to photographs on the PowerPoint presentation. The existing building is sitting pretty close to the sidewalk; it's non-conforming. The proposed fence will extend away from the building 32 feet, go 32 feet to the rear, and then go back and enclose that area there. The site plan indicates parking as well.

Linda Patterson introduced herself, and explained that they are looking to open up a preschool, and that building is actually perfect size, perfect area. They've been looking for over a year for something in Sharonville. For licensing reasons for a preschool, there has to be a fence. She answered questions regarding the type of fence and aesthetic improvements, number of children in the preschool, entrances into the building, reasons for the location of the fence, and plans for the asphalt/ground cover on the property

Councilman Rob Tankersley spoke on behalf of Ms. Patterson, and indicated support for her request.

Ms. Patterson discussed the preschool itself, and responded to questions about ownership of the property, her experience with regards to running a preschool and possible signage on the fence. She clarified her intentions for the parking lot area. There will some type of landscaping.

Mr. Schutte inquired about the size/setback of the planters, and Mr. Knight strongly recommended an additional planter on the south side of the same width to act as an impact barrier for the safety of the children.

There was additional discussion with Planning Commission. Ms. Patterson indicated that the initial lease would be for three years, and that the intent has never been to put a daycare there. It has always been the plan to have a preschool with a morning and afternoon class.

Mr. Ison summarized the request. A motion was made by Matt Eggenberger with the condition of no more than a three (3') foot planter on the west side, and a strong recommendation for a planter on the south side. The motion was seconded by Madeleine Dressing.

Roll Call / Vote - BZA

All members voted yes. The variance was approved.

10. PC New Business

a. Conditional Use Permit Review – 11166 Reading Road – Linda Patterson – Sharonville Zoning Code Chapters 1159.04 (p)

Mr. Knight made a motion to approve the conditional use of a six foot solid privacy fence at the front yard of the property with the conditions that (1) the planters be both necessary as well as not extend beyond three feet from the face of the west side of the fence, and (2) the fence is to be removed upon closure of the preschool. Mr. Hardman seconded the motion.

Roll Call / Vote

All members voted yes. The conditional use was approved.

11. BZA New Business (continued)

d. Variance for Building Setback – 2319 E. Sharon Road – Jim Sheanshang of JLS Architecture on behalf of Tri State Food LLC – Sharonville Zoning Code 1135.04(c)

John Creech introduced the next case. He reviewed the staff summary, and then went over the PowerPoint presentation on this case.

Mr. Sheanshang spoke on behalf of Tri State Food group, pointing out the expanded right-of-way making the site undevelopable without a variance. The proposed owner also owns the Red Roof, and the plan is to tie the two lots together to make the best use of them both. They are looking at getting a Checkers restaurant, and the other half could either be another Subway or a retail store.

Planning Commission requested to vote on the Conditional Use Permit first.

12. PC New Business (continued)

b. Conditional Use Permit Review & Preliminary Site Plan Review – 2319 E. Sharon Road – Jim Sheanshang of JLS Architecture on behalf of Tri State Food LLC – Sharonville Zoning Code 1135.03(c) (2) and 1157.03

Mr. Lukas asked about the building elevation, particularly on the Sharon Road side. Mr. Sheanshang stated that this has not been done yet, but that it would be a very neutral looking building, a typical retail center look to it with a Checkers sign on it. There was then discussion about curb cuts, outdoor seating, and the exit onto Sharon Road potentially being a right turn only exit.

The owner, Jagpal Crewal discussed the property and his concern regarding entrances. Mr. Creech indicated that the plans have been sent to the City Engineer, CT Consultants. They are reviewing the traffic/access, and will hear back before the final plan. There was additional discussion about the entry/exits as well as the plan to merge the lots.

A motion to approve the conditional use was made by Sam Schutte and seconded by Jim Lukas.

Roll Call / Vote – Conditional Use

All members voted yes. The conditional use was approved.

A motion was made by Mr. Hardman to approve the preliminary site plan, taking into consideration the discussion with regard to entrances and exit onto Sharon Road. It was seconded by Mr. Knight.

Roll Call / Vote – Preliminary Site Plan

All members voted yes. The preliminary site plan was approved with the above consideration.

13. BZA New Business (continued)

- d. *(continued)* **Variance for Building Setback – 2319 E. Sharon Road – Jim Sheanshang of JLS Architecture on behalf of Tri State Food LLC – Sharonville Zoning Code 1135.04(c)**

There was discussion regarding sight line of Jim Dandy’s and other businesses on Sharon Road. Mr. Sheanshang indicated that it won’t stick out any further than Jim Dandy’s.

A motion was made by Matt Eggenberger to reduce the minimum setback from 50 feet to 23.5 feet along the East Sharon Road frontage of the property. It was seconded by Madeleine Dressing.

Roll Call / Vote

All members voted yes. The variance was approved.

14. BZA Discussion

None

15. BZA Adjourn

A motion to adjourn was so moved by Madeleine Dressing and seconded by Matt Eggenberger.

The meeting was adjourned.

16. PC New Business (continued)

- c. **Conditional Use Permit Review – 34 Triangle Park Drive –Victoria Washington of Little Tykes Learning Retreat – Sharonville Zoning Code 1135.03(2)**

Mr. Creech introduced the case. It’s to establish a Day Care Center at 34 Triangle Park Drive, which is zoned OB (Office Building) district. Mr. Creech stated that there was a conditional use permit issued for a daycare back in 2010, and the existing fence on that property is still there.

Ms. Washington provided handouts to the Planning Commission to give a visual of the concept of what the daycare can do for the City of Sharonville and surrounding neighborhoods, and explained the basics of the center.

There was discussion about the previous use(s) of the building, and the fact that it is currently vacant.

Mr. Hardman made a motion to approve a conditional use for a daycare as submitted. Sam Schutte seconded that motion. There was no further discussion.

Roll Call / Vote

All members voted yes. The conditional use permit was approved.

17. PC Discussion

a. Northern Lights Overlay District Signage – See attached

Mr. Creech summarized the recent actions regarding the Northern Lights Overlay District Signage. Courtesy letters were sent out to property owners letting them know about the requirement that signs be removed. A follow-up letter was sent inviting everyone to a meeting to talk about the history of the overlay zone and revisiting some of those regulations. Points that were discussed at that meeting included proposed modifications/changes, the idea of Sign Improvement Plans that would be submitted to the Planning Commission taking into account all the unique businesses/signs in that corridor, and encouraging business owners to consider ideas from a list provided by the Community Development Department.

There was discussion about a clause for an entirely new business type coming into a property, how that affects requirements to comply with signage regulations, and Sharonville's regulations on non-conforming.

Virgil Lovitt, the owner of State Farm at 11413 Chester Road, spoke as a Chester Road business owner. He expressed appreciation of the open mindedness of the meeting at Convention Center. A lot of businesses contacted him very concerned because signs are very expensive and important on the health of their business. He talked about his sign experience with the Northern Lights guidelines.

With the Planning Commission in support of the changes, Mr. Hardman directed Mr. Creech to move forward with this.

b. Neighbor Complaint Regarding Review of Conditional Use Permit for Home Occupation – 1527 Continental Drive

Kevin Hardman explained that this was an add-on item, a follow-up to a previous conditional use issue that came before Planning Commission several months ago.

John Creech summarized the case, indicating that a Conditional Use for Home Occupation was granted in November 2016 and extended for one year in May of 2017. One of the conditions of that approval was that only one car could be worked on at a time, and it had to be worked on inside the garage. In June 2017, the neighbor across the street indicated to the Department of Community Development that the applicant was violating the conditions of approval. She shared video from cameras on her property, and asked that it be shared with the Planning Commission. Mr. Creech then played video from 1:56 am on June 4, 2017.

There was discussion indicating that there has been nothing showing a violation on the part Mr. Smith. Mr. Hardman indicated that Community Development has reviewed and would continue to review anything that is thought to be violating the conditions.

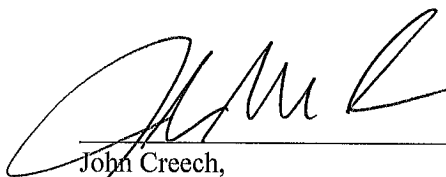
Correen Ferrell of 1508 Continental spoke regarding her concerns. There was discussion about what the conditions of the approval were, and what is or is not permitted. It was recommended that a call to the police be made at the time that the noises or concerns are occurring.

Mya Smith of 1527 Continental introduced herself as Delton Smith's wife, and provided the Commission with a document signed by neighbors stating that they don't hear any noises coming from the house. She stated that cars parked on the side of the house are not theirs, that no tow trucks come to the house, and that Delton is not out until 5:00 in the morning.

18. PC Adjourn

A motion to adjourn was so moved by Bill Knight and seconded Sam Schutte.

The meeting was adjourned.



John Creech,
Secretary

Dan Ison,
BZA Vice Chairperson

Kevin Hardman,
Planning Commission Chairperson

