

BOARD OF ZONING APPEALS MEETING  
February 29, 2012 -7:00 p.m.  
Meeting Place: 4200 Springdale Rd., Cincinnati, OH 45251  
Minutes

Meeting called to order: 7:00 PM.

Pledge of Allegiance.

Explanation of procedures.

Roll Call: Present - Mr. MacKay, Mr. Mattingly, Mr. Grubbs. Also present: Mr. Reuter, legal counsel, Dr. Roschke and Mrs. Reno, staff, and court reporter.

Swearing in: appellants, attorneys and all speakers in the cases.

Hearing of Appeals:

A. Case No.: BZA2012-0002  
Subject Property: 9933 Pippin Rd., Cincinnati, Ohio  
Applicant/Owner: Nancy S. Colwell  
Application: Variance for manufactured home – Article/Section 7.4.9.

Staff: Dr. Roschke stated that manufactured homes may be permitted if permanently sited per Article/Section 7.4.9. The 16 x 80 home does not have conventional siding. Zoning is R-6 Residential. It is a 2 acre site. The house was demolished some time ago. Showed sketch provided by applicant. Floor plan of a similar unit was provided. Provided dimensions of houses in the neighborhood for reference. Showed an illustration of how 3 houses with different shapes and sizes would fit on the site. Showed picture of the type of unit proposed and site. Provided pictures up and down the street. If approved, staff recommends the following conditions:

1. The manufactured home must be permanently sited on an approved foundation as shown on the submitted site plan;
2. The manufactured home shall be sided with residential siding as required by code;
3. Actual floor plan and elevations must be submitted prior to approval of Zoning Certificate and submission to Building Department;
4. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
5. All proposed work must be completed within 12 months after journalization of BZA approval; and
6. The proposed work must be completed as approved with this appeal and no changes or modifications shall be made without consent of this Board.

Applicant: Nancy S. Colwell, 2530 Regina Pl., Hamilton, OH. Previously lived at 9951 Pippin for many years and that is how she acquired the property. Has been trying to sell it for 3 years and has lowered the price to \$55,000. The taxes on the property are over \$1400 per year and she can't get anyone interested in building a new home in that area. Her son and his girlfriend want to move on to the property. The unit will be put on a foundation and made to meet the Code. Parking will be to the rear of the home. They will pour a cement slab where they will enter the home from the rear and not have vehicles parked in front of the home. A porch will be put on the rear of home. Provided picture of a similar home. The home they have is wider. Provided picture of what home will look like upon completion for the record.

Public Input:

Fred Staverman, representing mother who owns property at 9928 Pippin Rd., directly across the street. Understand it's hard to sell property, there is another lot next to them for sale, but feels that it is a mobile home and it would open up the door for someone coming in and filing a variance for another mobile home. They don't want to live in the middle of a mobile home park.

Motion to Close  
Public Input:

Motion by Mr. MacKay, 2<sup>nd</sup> by Mr. Mattingly. Motion carried.

Board Deliberation: Mr. MacKay asked Mrs. Colwell does she have to move from where she has been living in Hamilton and she said yes, the property has been sold. Mr. MacKay asked was it a mobile home park and Mrs. Colwell said it was private property with about 4 homes. She said her son had been living in the home and now it is being stored. Mrs. Colwell said if permitted it would take care of both of her problems; her son would be able to take care of and protect her property and she'd be able to use her property that she's been paying taxes on. Mrs. Colwell said she doesn't think you'll be able to tell it's a mobile home and in comparison to properties on both sides of her, thinks it will be an asset to the neighborhood and community with its appearance. Mr. MacKay inquired about the fence issue mentioned in her application letter and said he saw fencing and an iron gate when he visited the site. Mrs. Colwell said on the left side of the property, Mr. Morgan took down the fence as soon as they started putting it up, arguing it wasn't their property and now the neighbor at 9951 is disputing the property line. Mrs. Colwell said between the weather and fighting with neighbors over the property lines, they haven't been able to complete it. Mr. MacKay asked is it only the left side that doesn't have a fence. Mrs. Colwell said it's been started on the left and the neighbor on the right has been using their property for access to his garage that's to the back of property. Mr. MacKay asked who put up the fence they are complaining about and she said her son. Mr. MacKay asked

did she have the property surveyed and she said no and added that it's over 2 acres of land. Mrs. Colwell cited the Township maps and said she was told if the neighbors didn't agree with the Township's drawings, they should hire the surveyor. Mr. MacKay said it is insulting that she thinks Mr. Quinn would have influence over how he votes on this matter. He said Mr. Quinn is not on Board. Mrs. Colwell said that she's dealt with Mr. Quinn in the past regarding weeds on the property, which were true, and she thought he would be on the Board. Mr. MacKay said that in her letter dated February 29, 2012 to Dr. Roschke, it seems all she is doing is complaining about her neighbors. Mr. MacKay asked has she identified the people who are dumping on her property and she said yes. Mr. MacKay advised her that she would have to go to the police and she said she had done that and they told her she would have to take them to court. She said she will do that, but she tries hard not to have trouble with neighbors. Mr. Mattingly stated that she has shown pictures of samples, but she has not shown the home she is actually talking about. Mr. Mattingly asked is it the 1995 Fleetwood Reflections and she said yes, but she's not sure when it was manufactured. Mr. Mattingly said there are no manufactured homes in that area and the Code is very specific about what is required in the context of allowing a manufactured home and the one she has is 6 feet short. Mr. Mattingly said from his perspective, she has a right to use her property with a manufactured home if the conditions were met, but they are not. Mr. Mattingly said he has concerns as this would be the first manufactured home in that neighborhood and asked is there a way to get a 22 ft. home unit there. Mr. Mattingly said he doesn't see the circumstances that would allow the manufactured home she is talking about to be put there. Mrs. Colwell said this home is a very nice home and is only 6 ft. short. She said the only reason she brought up her issues with her neighbors is because Mr. Morgan got a permit for his garage after it was built and it doesn't meet the Code. She said she knows her home doesn't come up to Code, but that is why she is asking for a variance. She said she could sell the home she has and purchase another used home, but thinks this one will look nice when put on a foundation, siding is put on it and promises she will do everything to bring it up to Code. Mr. Mattingly said it does not meet the Code, and if granted, they will be setting a precedence created that they would have to deal with. Mrs. Colwell said there is a manufactured home 3 or 4 houses down on the right set back from the road. Mrs. Colwell cited the different types and shapes of homes and uses in the area and said she doesn't think this would hurt the community considering what it looks like now. Mr. Grubbs had no questions.

Board Action: Motion to deny by Mr. MacKay as there is no undue hardship, 2<sup>nd</sup> by Mr. Mattingly.

Roll call: Mr. MacKay – aye, Mr. Mattingly – aye, Mr. Grubbs – aye.

Resolutions for Adoption:

A. Case No.: BZA2011-0021  
Subject Property: 6473 Gaines Rd., Cincinnati, Ohio  
Applicant/Owner: James and Tanya Wilmes  
Application: Side yard setback variance for addition – Article/Section 7.3.1, Table 7-2.

Roll Call: Mr. Grubbs – aye, Mr. MacKay – aye, Mr. Mattingly – aye.

B. Case No.: BZA2012-0001  
Subject Property: Taco Bell, 9449 Colerain Ave., Cincinnati, Ohio  
Applicant: RGT Management, Inc.  
Owner: Beatrice Dworkin TR  
Application: Variances for front yard building setback - Article 8.3.1, Table 8-2 and right of way buffer - Article 13.4.1.

Roll Call: Mr. Grubbs – aye, Mr. MacKay – aye, Mr. Mattingly – aye.

Unfinished Business: None

Approval of Minutes: Motion by Mr. Mattingly, 2<sup>nd</sup> by Mr. MacKay to approve minutes of January 25, 2012 meeting. Motion carried.

Administrative Matters: Dr. Roschke advised the Board that due to budget cuts, the Trustees have adjusted the stipend from \$50 per meeting to \$100 annually. Dr. Roschke also said that the Trustees will make a decision at their March 13, 2012 meeting on appointments, so this is Mr. MacKay's last meeting. Dr. Roschke presented a certificate to Mr. MacKay for his service. Mr. Mattingly stated that his service has been much appreciated.

Adjournment: Motion to adjourn by MacKay at 7:30 PM, 2<sup>nd</sup> by Mr. Mattingly. Motion carried.

Respectfully Submitted:   
Rebecca J. Reno, Zoning Recording Secretary

Secretary:   
Paul R. Mattingly, Secretary

Accepted by:   
Kyle R. Grubbs, Chairman