

BOARD OF ZONING APPEALS MEETING
August 22, 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. Grubbs, Mr. Mattingly, Mr. Price, Mr. Reininger, Ms. Spencer. Mr. Roberto was absent.

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

Hearing of Appeals:

A. Case No.: BZA2012-10
Subject Property: 4565 Poole Rd., Cincinnati, Ohio
Applicant/Owner: Eddie Hayes
Application: Requesting a variance for 6 ft. privacy fence in side yard – Article/Section 12.8.1.

Staff: 6 ft. privacy fence is permitted in rear yard and in the side yard up to 25 percent of the length of the side wall of the house. Site plan and overview of area were provided. Zoning is R-4 Residential. The applicant was unaware that a zoning certificate was required and installed the fence without a permit. If approved, following conditions are suggested:

1. The fence shall be installed as shown on the submitted site plan;
2. The proposed work must comply in all other respects with all applicable codes and the Colerain Township Zoning Resolution;
3. All proposed work must be completed within 12 months after journalization of BZA approval;
4. 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: Eddie Hayes, 4565 Poole Rd. He is requesting to keep his fence. He didn't realize he had to get a permit. They had issues with garbage being thrown on their property where overgrown shrubbery was located next to his property line. His neighbor was unable to maintain the shrubbery, so to help him out, he cut down the shrubs which caused lights from passing cars to shine into their home. There is a similar fence down the street, so they thought it would be okay.

Michelle Hayes, 4565 Poole. They've had numerous problems with car accidents. Also, neighbors cannot see to get in and out of their driveways, so they removed a pine tree which allows everyone to see pulling out as well as the cars coming around the bend. Numerous cars have driven into their yard. Since they have removed the tree and shrubbery, everyone can see. Cited privacy fence at the house down the street, which made them think their fence was permitted.

Motion to Close
Public Input:

Motion by Mr. Mattingly, 2nd by Mr. Price. Motion carried.

Board Deliberation: Ms. Spencer had no questions. Mr. Price asked who installed the fence and Mr. Hayes said he did. Mr. Price asked the height. Mr. Hayes said the height is about 5' 10". He said it has improved the property and his neighbor loves it because now they can see to get in and out of their driveway. Mr. Mattingly said the Board is obligated to follow the Code and asked is there a hardship. Mr. Hayes said the lights shining into their bedroom. He said when he removed the pine tree and shrubbery that were hindering being able to get out of their driveway, the lights of every car that comes by shines into their home. He said that the shrubs that he removed had pulled phone and cable lines down. Mr. Hayes added that during the school year, they're lucky if they can get in and out of their driveway, but it's better now that the tree and shrubs have been removed. Mr. Grubbs and Mr. Reininger had no questions.

Board Action:

Motion by Mr. Mattingly to approve subject to staff conditions, 2nd by Mr. Price.

Roll call:

Mr. Grubbs – aye, Mr. Mattingly – aye, Mr. Price - aye, Mr. Reininger – aye, Ms. Spencer – aye.

Mr. Hayes thanked the Board for approving his appeal.

Resolutions for Adoption:

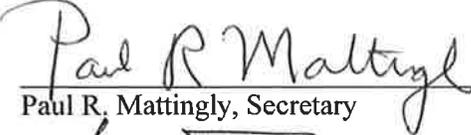
- A. Case No.: BZA2012-09
Subject Property: 2400 Adams Rd., Cincinnati, Ohio
Applicant: John R. Grier, Architect
Owner: Golden Leaf Baptist Church
Application: Requesting additional parking at a previously approved Conditional Use for an Active Recreational Facility – Article/Section 4.4.

Mr. Reininger announced that the case is being deferred to the September 26, 2012 meeting because there was an error in the notification posted on the property. Roll call: Mr. Grubbs – aye, Mr. Mattingly – aye, Mr. Price – aye, Mr. Reininger – aye, Ms. Spencer – aye.

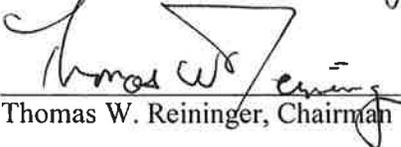
Unfinished Business: None.
Approval of Minutes: Motion by Ms. Spencer to approve minutes of July 25, 2012 meeting, 2nd by Mr. Price. Motion carried.
Administrative Matters: Mr. Birkenhauer introduced Larry Barbieri, the new Township Law Director.
Adjournment: Motion by Mr. Price, 2nd by Mr. Grubbs to adjourn at 7:20 PM. Motion carried.

Respectfully Submitted: 

Rebecca J. Reno, Zoning Recording Secretary

Secretary: 

Paul R. Mattingly, Secretary

Accepted by: 

Thomas W. Reininger, Chairman

