DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held JANUARY 4 20 07

The January 4, 2007 meeting of the Union Township Board of Zoning Appeals was called to order at 7:00 PM by Chairman Ben Joehnk with an invitation to join in the Pledge of Allegiance. Vice Chairman Mark D. Walker and members Thomas Hanrahan, Brian K. Ford and Carl Wright were in attendance. Cory Wm Wright ("CWW"), Planning Director and Assistant Zoning Administrator, represented the department. The minutes from the December 7, 2006 hearing were approved as distributed.

The Selection of Officers for 2007was held. Carl Wright nominated Ben Joehnk for Chairman. Mark D. Walker seconded. There were no other nominations. The nominations were closed for the Chairman position. All were in favor of closing the nominations for the Chairman position. All were in favor of Ben Joehnk continuing in the Chairman position. Mr. Walker nominated Carl Wright for Vice Chairman, Mark D. Walker seconded. Carl Wright respectfully declined the nomination. Carl Wright nominated Mark D. Walker for Vice Chairman. Thomas Hanrahan seconded the nomination. The Board moved to close nominations for Vice Chairman. All were in favor of the nominations.

Case #16-06-A was heard. All those giving testimony were duly sworn.
CWW introduced the application submitted by Stuart Kennedy of 600 Kennedy Trails, Cincinnati, Ohio 45255. The request is a request for variance to allow for the placement of a fence within the designated front yard specifically, granting variance to Article 7 section 712. The specific nature of the variance is as follows: To install approximately 200 feet of split-rail fence within the designated front yard of a residential property along the southern side of the applicant's 20 foot wide access drive to Brigadoon Court, with the proposed fence terminating at a point even with the front corner of the residential structure immediately to the south in order to clearly articulate the property line and mirror the existing fencing installed along the northern side of the drive to the 25 acre parcel. The applicant originally applied in 2004 to receive approval to establish a home occupation on this property, since that time they have operated a successful business. However , the applicant claims in his application he has experienced recurrent problems with children utilizing the access drive for access into the rear yard of the adjoining parcel. During the course of this unauthorized access, bicycles and other transportation implements frequently block the utilization of the drive for access. The applicant contends that the fence is necessary for safety and for clarification of property boundaries.

More recently, a fence was installed by the adjoining property owner to the north in an effort to clearly define the drive area. The applicant has requested permission to do this along the other side of the drive-in an effect to mirror what is on the north side of the drive. Basically, the goal is to articulate the property line and establish appropriate use of his private access drive. The action required by the Board of Zoning Appeals this evening is to approve my reply or deny the applicants request for variance in Case # 16-06-A requesting relief from the provisions of Article 7 Section 712 as to authorize the portion of approximately 200 feet of split rail fencing with wire mesh insert within the designated front yard, along the southern side of the panhandle and the access drive for the subject property extending to a point even with the front corner of the adjacent residential structure to the south, thereby clearly defining and preserving the functionality of the existing private driveway as submitted herein, based on the evidence, testimony, and findings of fact.

Stuart Kennedy, spoke on behalf of his application, and indicated that one of the concerns at that time with many of the neighbors, is that there would be a safety hazard to the children in the neighborhood being we get the occasional Fed Ex and UPS truck. Three years later, those same parents allow their children to play frequently on our driveway, parking there bikes on it. So, it is a safety hazard to the children and an inconvenience to my wife and myself that ten percent of the time we are stopping on our driveway

sometimes multiple times to move bicycles. I believe that putting this fence along this line will help reduce the amount of traffic and activity on our driveway. The neighbors to the south have four children who have a lot of friends. They have a trampoline and skateboard half pike in the backyard so it is a great draw for the kids in the neighborhood. There is a lot of activity that is not the neighbors coming through there so with a fence the kids would be forced to actually go through the neighbors yard and park there bikes on the sidewalk, front yard someplace other than on our the driveway. This would eliminate our inconvenience and any potential hazard of when we are leaving or a truck is coming. The location of the fence would not require a zoning variance if it were my neighbor putting it in. I believe that is an important thing to point out, that the location is approved or allowed by the zoning resolution if that neighbor were the one to erect the fence. Being that it is officially in front of my house is the reason that I am here today, hopefully you gentlemen will take that into consideration when you make your decision that the fence would be permitted if the neighbor were the one paying for it. When we originally moved in, the neighbor and I had discussed at that time splitting the cost of the fence. I have not since furthered that discussion, just because I thought it would be easier, simpler if one person owed it, maintained it versus a joint ownership, joint project type of activity. If you are interested, in the back of the application that I turned in there is an aerial view as well showing the neighbors to the left hand side of our driveways existing fence and then a dashed line showing the proposed location of ours.

Questions from the Board – The Board inquired as to the type of fence. Mr. Kennedy indicated that it will be an exact match or duplicate to the one on the other side to make it a matched set. It will have three horizontal split rail with a mesh liner, the only difference is they stained theirs we may let ours weather gray. It will be the same type of materials, same type of structure.

Julie Kennedy, Stuart Kennedy's wife spoke on behalf of the application. It has been stated but I just want to reinstate that it is a terrible inconvenience, that many, many times especially in the summer coming home from my kids there have been many times I have to stop at least three times. Stop, move a bike, pull forward, stop, move a scooter, move forward, just tired of it. That keeps happening and then there is always, you have to drive so slow because the kids are just playing all over our hill, they love playing on our driveway. We have asked the kids many, many times to please stop but they don't. I just wanted to say it again.

With no further testimony, Mr. Walker moved that the Board approve the applicants request for variance in Case 16-06-A requesting relief from the provisions of Article 7 Section 712 so as to authorize placement of approximately 200 feet of split rail fencing with wire mesh inserts similar to what is on the other side of the driveway in the designated front yard along the southern side of the panhandle and access drive for the subject property extending to a point even with the front corner of the adjacent residential structure to the south. Mr. Wright seconded the motion.

ROLL CALL: Mr. Walker, aye; Mr. Wright, aye; Mr. Ford, aye; Mr. Hanrahan, aye; Mr. Joehnk, aye.

With no further business to come before the Board, the hearing was adjourned by acclamation at 7:20 PM.
Accepted by:

Ben Joehnk, Chairman
(as corrected by motion 5/03/07)

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held JUNE 7 20 07

The June 7, 2007 meeting of the Union Township Board of Zoning Appeals was called to order at 7:00 PM by Chairman Ben Joehnk with an invitation to join in the Pledge of Allegiance. Vice Chairman Mark Walker and members Thomas Hanrahan, Brian K. Ford and Carl Wright were in attendance. Cory Wm. Wright ("CWW"), Planning Director and Assistant Zoning Administrator, represented the department. The minutes from the May 3, 2007 hearing were approved. Cases #2-07-A and #3-07-A were heard. All those giving testimony were duly sworn.

CWW introduced the application in Case #2-07-A, filed by Kenneth and Avonella Grizzell seeking to construct a front porch addition to their home at 4656 Galaxy Lane. This project would require a reduction in the front yard setback from 30 feet to approximately 22 feet. The proposed porch would be covered, but not enclosed. Submitted site plans and elevations detail the proposal, which would meet all other zoning requirements.

Kenneth Grizzell spoke on behalf of the application. Referring to the staff photographs, Mr. Grizzell described the location, style and limits of his request. Mr. Grizzell stated that this project has been on their wish list for some time.

Mr. Joehnk asked if the project would affect the tree in the front yard and Mr. Grizzell said the porch was about two feet from the tree and further demonstrated with the staff photos.

Avonella Grizzell stated that the porch would help shelter the bay window on the front. Mrs. Grizzell stated that they take care in the upkeep of their property and believes this would be a welcomed addition to the neighborhood.

With no further testimony, Mr. Hanrahan moved that the Board approve the applicant's request for variance in Case #2-07-A from the minimum front yard setback requirements imposed by Article 6, Section 602 of the Zoning Resolution for the tract located at 4656 Galaxy Lane, thereby allowing for reduction of the front yard setback in the R-2 District from 30 feet to 22 feet to permit the addition of a covered open front porch. The motion received a second from Mr. Walker.

ROLL CALL: Mr. Hanrahan, aye; Mr. Walker, aye; Mr. Ford, aye; Mr. Wright, aye; Mr. Joehnk, aye.

CWW described the request in Case #3-07-A, submitted by Jeffrey and Tonya Leytze for their property located at 4775 Shephard Road, seeking a variance from Section 514 that requires street side setbacks from a public right-of-way for a corner lot. Specifically, this would be a reduction from the R-1 minimum of 40 feet to 27 feet to allow for the construction of a single family residence on the property. Very near the terminus of Shephard Road where it abuts the Cincinnati Nature Center, the lot lies at an "invisible" intersection of a paper street known as Brumley Road that was part of the Brumley Acres Subdivision platted in 1957 and was never improved. Pre-dating the zoning code, this project cannot meet side setback required today for corner lots. The owners have attempted to vacate the unimproved right-of-way. However, that is the only legal frontage for adjoining properties and officials did not wish to land lock those parcels. No other variances are requested for the proposed structure.

Tim Caudill spoke on behalf of the application and pointed out the boundaries and the wooded "street" in the staff photos. The subject lot was purchased by Mr. Caudill's daughter and son-in-law, with the lots from the far side of the paper street to the terminus of Shephard Road belonging to Mr. Caudill. Mr. Caudill explained that they wish to construct a three bedroom ranch, 58 feet in width; but because the lot is only 100 feet wide they cannot meet the dual frontage requirements. Mr. Caudill stated they intend to

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continue seeking the vacation of the paper street, but because it is a very time consuming process, they decided to go ahead and ask for a variance so the home can get underway.

Jeff Leytze, the applicant, stated that they shifted the location of the structure as far away from the boundary as they could and still maintain the required setbacks to the left lot line. Mr. Leytze stated that this was their dream house and their intention was to stay there indefinitely.

With no further testimony, Mr. Wright moved that the Board approve the applicant's request for variance in Case #3-07-A, requesting relief from the minimum side yard setback requirements for corner lots imposed by Article 5, Section 514 of the Zoning Resolution, thereby permitting a reduction in the minimum side yard setback from an unimproved right-of-way from 40 feet to 27 feet in order to accommodate a new single family residential dwelling to be constructed on the subject property based on the evidence, testimony and finding of fact. Mr. Hanrahan seconded the motion. Mr. Joehnk asked for a clarification regarding the frontages.

ROLL CALL: Mr. Wright, aye; Mr. Hanrahan, aye; Mr. Ford, aye; Mr. Walker, aye; Mr. Joehnk.

With no further business before the Board, the meeting was adjourned by acclamation.

Approved by:

~~Ben Joehnk, Chairman~~
Mark Walker, Vice Chairman

RECORD OF PROCEEDINGS

Minutes of UNION TOWNSHIP BOARD OF ZONING APPEALS Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held JULY 5 20 07

The July 5, 2007 meeting of the Union Township Board of Zoning Appeals was called to order at 7:00 PM by Vice Chairman Mark Walker with an invitation to join in the Pledge of Allegiance. Members Thomas Hanrahan, Brian K. Ford and Carl Wright were in attendance. Alternate Calvin Aicholtz sat in for Ben Joehnk, who was unable to attend. Victoria Hensley, Assistant to the Zoning Director, represented the department. The minutes from the June 7, 2007 hearing were approved. Case #4-07-A was heard.

Ms. Hensley summarized the application in Case #4-07-A, submitted by Jean Gauthier for her property at 1289 Old State Route 74. The subject property measures 2.67 acres and currently contains the applicant's home, a smokehouse (reported to be slated for demolition), a swimming pool and a 300 square foot cabana. It is one of several adjacent parcels owned by the applicant. Desiring to add a three car garage to the parcel and still maintain her pool shelter, the application seeks variance from Section 623.1, which allows only one accessory building with area in excess of 120 square feet in the R-1 District. As no elevations were submitted for the 962 square foot proposal, staff expressed the assumption that height and setback requirements would be met. The existing paved driveway will serve as access to the proposed structure.

Jean Gauthier spoke on behalf of her application and was duly sworn. Ms. Gauthier explained that, although she has occupied the home for a long time; last winter convinced her that she needed a garage, relating an instance where her vehicle was frozen in and immovable. Ms. Gauthier stated her need for a single bay and a double bay. Ms. Hensley asked for clarification that the three bays would be contained in one structure and it was confirmed.

Mr. Aicholtz asked if the applicant would be responsible for meeting the other zoning requirements if the variance were granted. Ms. Hensley recapped the regulations. A discussion of net height calculation under the code and the mandate to stay five feet off any lot line, even if both lots were in common ownership, followed. Ms. Gauthier stated she would like to have some kind of storage loft and confirmed that there would be eight-foot walls. Ms. Hensley stated that under our method of calculation starting with an eight-foot wall, some storage can typically be accomplished, dependant upon the style of the roof and its construction. Ms. Gauthier confirmed the garage would not be for any commercial use.

Mr. Aicholtz stated that he found the request to be reasonable. Mr. Ford moved to approve the applicant's request for a variance in Case #4-07-A, requesting relief from Section 623.1 of the Zoning Resolution, thereby allowing the construction of a second accessory structure in excess of the 120 square foot minimum floor area requirements within the R-1 Residential District as submitted, based on the evidence, testimony and findings of fact. Mr. Aicholtz seconded the motion.

ROLL CALL: Mr. Ford, aye; Mr. Aicholtz, aye; Mr. Wright, aye; Mr. Hanrahan, aye; Mr. Walker, aye.

With no further business to come before the Board, the meeting was adjourned at 7:07 PM.

Approved by:

Mark D. Walker, Vice Chairman