

RECORD OF PROCEEDINGS
UNION TOWNSHIP BOARD OF ZONING APPEALS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

October 4, 2018

Held _____

The October 4, 2018 meeting of the Union Township Board of Zoning Appeals was called to order at 7:00 PM with an invitation to join in the Pledge of Allegiance by Chairman Brian Ford. Vice Chairman Randy Wulker, and members Tom Hanrahan, and Ben Joehnk were also in attendance. Alternate Fred Czinege sat in for member Rick DePuccio. Cory Wm. Wright, Assistant Township Administrator and Planning and Zoning Director, along with Craig Flaute, Planner, represented the department. The minutes from the June 7, 2018 meeting were unanimously approved. Case #5-18-A was heard. All those giving testimony were duly sworn.

Mr. Flaute introduced the application in Case #5-18-A, submitted by Jessica Mofford and John Malicoat for property at 4214 Zagar Drive, seeking variances for an accessory to increase in area to 1200 sq. ft. and height in excess of 14 ft. net height in the R-2 District. Two lots were recently consolidated to total 1.25 acres in excess of the 10,000 sq. ft. minimum lot area. A swimming pool was also removed to accommodate the desired location of the proposed structure and asphalt driveway. The applicants wish to store items presently outdoors. Setbacks exceed the requirements and show 80 ft. to the rear lot line. A specific width of the proposed drive and specific height of the structure should be established.

John Malicoat spoke on behalf of the application. Discussion regarding the roof height followed, with the determination that a net height of 15.5 ft. would be required.

William and Sharon Waldmann, 4219 Silver Streak Drive, Cincinnati, Ohio 45245, spoke in opposition to the variances. Mrs. Waldmann was concerned for the value of her home and the view from her morning room if a large pole barn was to be constructed, and thought it more commercial in nature. Mr. Waldmann suggested moving and reducing the size of the structure. The Waldmanns complained about multiple vehicles being parked in the rear yard, coming and going. Mr. Wulker asked about the height of the privacy fence on the applicant's property.

Mr. Joehnk asked Mr. Malicoat about moving the structure. Mr. Malicoat replied that it could add the cost of an entire new driveway, in addition to having already installed the fence to screen his lot. Mr. Joehnk asked about evergreens and Mr. Wulker asked about mounding. Mr. Ford explained that this was a function of the Board to seek means of mitigating conditions in reviewing variance requests. Discussion of alternatives followed, including examination of topography. Mr. Wright explained that there was a limited margin for relocation without impacting the swale and storm water features, pointing out the concomitant risks. Mr. Malicoat explained that it would not be prudent to site any building over the former swimming pool location. Mr. Malicoat stated that he had no problem moving it over. Mr. Wright estimated the viable width. Mr. Waldmann was concerned with the loss of vegetation.

Discussion of the Board followed regarding mitigation. Several scenarios were discussed at length. Mr. Wulker moved that the Board approve the applicants' request for variances in Case #5-18-A, requesting relief to Section 711.2 & 711.5 of the *Union Township Zoning Resolution* as to allow for the construction of a 30 by 40 ft. accessory structure, totaling 1,200 sq. ft., with an asphalt driveway and these additional stipulations: the maximum height of the building cannot exceed 15.5 ft, in net height; the left side yard setback shall not be less than 65 feet; incorporate a landscaping mound behind the building from the left property line to extend approximately 85 ft. to the existing brush with a minimum height of the mound at 4 ft. with a minimum height of evergreen trees to be no less than 10 ft. to provide adequate screening to the properties behind, as submitted, based on the evidence, testimony and findings of fact. Mr. Joehnk seconded the motion. Mr. Wright asked for clarification regarding the installation requirements for the trees, as a tree of that size would require a larger mound. It was confirmed as overall

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height of 14 ft. of mound and tree, with a staggered planting 10 ft. on center. Mr. Hanrahan asked that a reminder be added that no commercial activity is permitted in the R-2 District. Mr. Wulker accepted the amendments, as did Mr. Joehnk

ROLL CALL: Mr. Wulker, aye; Mr. Joehnk, aye; Mr. Czinege, aye; Mr. Ford, aye; Mr. Hanrahan, abstain. The motion carried, 4-0-1.
modified to reflect a NO vote

With no further business to come before the Board, the meeting was unanimously adjourned at 7:53 PM.

APPROVED BY:



Brian Ford, Chairman