**VILLAGE OF EVENDALE**

**BOARD OF ZONING APPEALS**

Minutes from the November 19, 2020 Meeting

Municipal Building, 10500 Reading Road, Evendale, Ohio

Pursuant to written notice, the meeting of the Board of Zoning Appeals (BZA) was called to order by Member Doug Lohmeier at 6:00 pm on Thursday, November 19, 2020, in Council Chambers. In attendance were BZA members Rhett McGregor and Thomas Shanks. Supporting the BZA were Timothy Burke (Village Solicitor) and Andrew E. Rodney, AICP (Building, Planning, & Zoning Manager). Chairman David Harwood joined the meeting via teleconference due to COVID-19.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

Mr. Lohmeier read the Opening Statement.

Those present who intended on providing testimony were duly sworn in by Mr. Burke.

**OLD BUSINESS:**

There was no Old Business to discuss.

**NEW BUSINESS:**

1. PUBLIC HEARING – EDB20-16: Krista Ficke (Applicant), 3048 Stanwin Place.

Applicant proposes to construct a patio room and garage addition at 3048 Stanwin Place (Parcel #611-0080-0098) within a R, Residential zoning district. The Applicant is requesting the following Variances from Chapter 1246 of the Village Codified Ordinances:

Variance #1 – To reduce the rear yard setback along the north property line to 28 feet. Per Chapter 1246.07, the required rear yard setback is 35 feet.

Variance #2 – To reduce the front yard setback along Stanwin Place to 25 feet. Per Chapter 1246.07, the required front yard setback is 50 feet.

 Mr. Lohmeier read the case information into the record.

Ms. Ficke appeared before the Board.

Ms. Ficke summarized the proposed additions to her home, including a patio room on the north side of the home and a garage addition on the south. She stated the additions would allow for more living space in the home.

Mr. Lohmeier asked if any additional information is proposed for submission.

Ms. Ficke introduced her contractor, Daniel Messer.

Mr. Messer stated he had no further comments for the Board.

Donald Apking of 3053 Stanwin Place appeared before the Board.

Mr. Apking stated he lived on the opposite corner from Ms. Fincke. He stated no issue with the requested rear yard variance along the north property line. Mr. Apking stated his primary concern was with maintaining the required 50-foot front yard setback. He noted, if approved, other similar requests may follow. Mr. Apking agreed that a two-car garage would be a nice addition to the home, but believed it should be done within the required front yard setback.

Mr. Lohmeier asked for confirmation from Mr. Apking that his objection was to Variance #2.

Mr. Apking responded in the affirmative.

Mr. McGregor asked if public notices were sent to the neighbors.

Mr. Rodney responded in the affirmative.

Bill Dobberstein of 3030 Stanwin Place appeared before the Board.

Mr. Dobberstein stated his agreement with the concerns of Mr. Apking regarding the proposed front yard variance. He stated his belief the granting of such a variance would lead to future similar requests.

Mr. Shanks asked Mr. Dobberstein if he had any issues with the rear yard setback variance request.

Mr. Dobberstein responded in the negative, stating his concern was regarding the front yard setback variance request.

Mr. Shanks noted his appreciation for the desire to add a two-car garage, but expressed concern with approving a front yard setback variance.

Mr. Lohmeier suggested adding another single-car bay to the existing garage but was unsure if a variance would still be required.

Mr. Shanks responded such an addition would still require a front yard setback variance.

Mr. Lohmeier expressed support for adding a second single-car bay to the existing garage and approving a variance for such, but desired support from other Board members.

Mr. Messer approached the Board and distributed plans for an alternative design for consideration.

Mr. Messer provided a synopsis of the alternative design, which included adding 12 feet to the Stanwin side of the home for a two-car garage. He noted such a design would allow the interior layout of the home to remain intact.

Mr. Lohmeier asked why not extend the garage to the west.

Mr. Messer responded it would require substantial changes to the roofline.

Mr. Shanks asked what the dimension was from the existing garage to Stanwin Place.

Mr. Rodney responded the home is setback exactly 50 feet from Stanwin Place, noting the provided drawing shows the dimension to the curb not the right-of-way/property line.

Mr. McGregor requested comments from the audience on the new proposal.

Mr. Lohmeier asked Mr. Apking if he remained opposed to any reduction in the front yard setback.

Mr. Apking responded in the affirmative.

Mr. Dobberstein also expressed opposition to any reduction in the front yard setback.

Mr. Shanks noted the applicant did not want to place the garage on the west façade of the home due to the location of the master bedroom per the Staff Report. He asked if that were still true.

Ms. Ficke responded in the affirmative because such a placement would eliminate the master bedroom window.

Mr. McGregor asked if Ms. Ficke would like to delay ruling on the variances until the meeting in December.

Ms. Ficke stated she would prefer separate rulings on the variance to allow the patio room addition to move forward.

Motion by Mr. Shanks was seconded by Mr. McGregor to approve Variance #1 to reduce the required rear yard setback along the north property line to 28 feet. There was no further discussion. The motion passed by a 4-0 voice vote.

Motion by Mr. McGregor was seconded by Mr. Shanks to table discussion of Variance #2 until the next regularly scheduled meeting of the Board on Thursday, December 17, 2020. There was no further discussion. The motion passed by a 4-0 voice vote.

1. PUBLIC HEARING – EDB20-17: Dana Rudolph (Applicant), 9840 Winnebago Trail.

Applicant proposes to place a detached storage shed at the southern end of the driveway at 9840 Winnebago Trail (Parcel #611-0020-0314) within a R, Residential zoning district. The Applicant is requesting the following Variance from Chapter 1266 of the Village Codified Ordinances:

Variance #1 – To permit a detached storage shed in the front yard along Cooper Road. Per Schedule 1266.04(A), detached storage sheds are only permitted in the rear yard.

Mr. Lohmeier read the case details into the record.

Mr. Rudolph addressed the Board, stating his need for a variance results from his property being a through lot with two front yards.

Mr. McGregor asked if there was a homeowner’s association.

Mr. Rudolph responded in the negative.

Mr. Lohmeier requested additional questions from the Board. None were asked.

Motion by Mr. Shanks was seconded by Mr. Harwood to grant the variance as requested, with the following conditions as recommended in the Staff Report:

Condition #1: A detached storage shed shall be placed in the approximate location as submitted by the Owner, which is at the southern terminus of the driveway from Winnebago Trail. An alternate location shall be subject to review by the Board of Zoning Appeals.

Condition #2: A detached storage shed shall not exceed the maximum size as permitted by the zoning code at the time of application for building permits.

 The motion passed by a 4-0 voice vote.

1. PUBLIC HEARING – EDB20-20: Jessica Hagen (Applicant), 3225 Lamarc Trail.

Applicant proposes to construct a deck in the rear yard at 3225 Lamarc Trail (Parcel #611-0080-0272) within a R, Residential zoning district. The Applicant is requesting the following Variance from Chapter 1246 of the Village Codified Ordinances:

Variance #1 – To reduce the required rear yard setback along the west property line to 31.5 feet. Per Schedule 1246.07, the required rear yard setback is 35 feet.

 Mr. Lohmeier read the case information into the record.

Ms. Hagen of All Decked Out approached the Board. She summarized the project to install a deck and roof over the existing patio area to increase the outdoor living space. Ms. Hagen noted after designing the deck the need for a rear yard setback variance was discovered.

Mr. Shanks asked if the roof structure will exceed the area of the deck.

Ms. Hagen responded in the negative.

Mr. Shanks stated he appreciated the variance applied only to the corner of the deck, and not the entire deck structure.

Ms. Hagen concurred that only the northeast corner of the deck was in violation of the setback requirement.

Mr. Shanks requested clarification in the Staff Report of the six-foot elevation difference.

Mr. Rodney responded there was a six-foot elevation separation between the patio on the subject property and the pool deck of the adjacent property to the west.

Motion by Mr. Shanks was seconded by Mr. McGregor to grant the variance as requested. There was no further discussion. The motion passed by a 4-0 voice vote.

**INternal Business:**

1. Approval of the minutes from the regular meeting of September 17, 2020.

Motion by Mr. Shanks was seconded by Mr. McGregor to approve the meeting minutes as submitted. There was no discussion. The motion passed by a 4-0 voice vote.

**Communications:**

Mr. Rodney recognized and thanked Mr. McGregor for his four years of service to the Board of Zoning Appeals. The Board members also thanked Mr. McGregor for his service.

Mr. Rodney introduced Kevin Gorsuch and David Bostrom. Mr. Gorsuch and Mr. Bostrom are candidates to be appointed to the Board of Zoning Appeals effective January 1, 2021.

Motion by Mr. McGregor was seconded by Mr. Shanks to adjourn the meeting. There was no discussion. The motion passed by a 4-0 voice vote.

The meeting adjourned at 6:43pm.

Attest:

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David Harwood, Chairman

Board of Zoning Appeals

Meeting Minutes prepared by Andrew E. Rodney, AICP, Building, Planning, & Zoning Manager.