**VILLAGE OF EVENDALE**

**BOARD OF ZONING APPEALS**

Minutes from the April 15, 2021 Regular 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 Chairman David Harwood at 6:00 pm on Thursday, April 15, 2021 in Council Chambers. In attendance were BZA Members Thomas Shanks, David Bostrum, and Kevin Gorsuch. Supporting the BZA were Timothy Burke (Village Solicitor) and Andrew E. Rodney, AICP (Building, Planning, & Zoning Manager). Member Doug Lohmeier was absent.

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

Mr. Harwood read the Opening Statement.

Mr. Harwood administered the Oath to those intending to appear before the Board.

**OLD BUSINESS:**

There were no items of Old Business to discuss.

**NEW BUSINESS:**

1. PUBLIC HEARING. Case EDB21-1, Krista Boggs of Tepe Landscape & Design (Applicant), requests two (2) Variances to permit construction of an open-sided patio pavilion at 3247 Brinton Trail (Parcel #611-0020-0378) in an R, Residential zoning district. The requested Variances are as follows:

Variance #1 – To construct a 400 square foot detached accessory structure in the rear yard. Per Schedule 1266.04(A), the maximum area of a detached accessory structure in the rear yard is 250 square feet.

Variance #2 – To construct a 12’ 4.5” detached accessory structure in the rear yard. Per Schedule 1266.04(A), the maximum height of a detached accessory structure in the rear yard is 12 feet.

 Mr. Harwood read the case into the record.

Tim Nyberg and Krista Boggs of Tepe Landscape & Design appeared before the Board.

Mr. Nyberg described the proposed project in the rear yard of the subject home. He stated the plan was to construct an outdoor pavilion and associated deck to replace an existing paver patio and deck. Mr. Nyberg stated the original plan was to connect the pavilion to the home, but this was not possible due to the architecture of the rear wall. He stated the design was then altered to create a detached structure. Mr. Nyberg noted being informed that such a structure was too large under the zoning code and a variance would be required.

Ms. Boggs stated the owners were looking to improve their outdoor living space. She noted the proposed structure was designed similarly to other projects they have worked on in the past. Ms. Boggs referenced the photos provided in the Board packet.

Mr. Gorsuch referenced the example project from Kenwood, noting the proposed pavilion would better match the scale of the home.

Mr. Nyberg noted the subject home was substantially larger than the home in Kenwood.

Mr. Shanks asked if the property backed up to Gorman Heritage Farm.

Mr. Nyberg responded in the affirmative.

Mr. Shanks asked if there were representatives from the neighboring properties in attendance.

Mr. Nyberg responded in the affirmative.

Mr. Shanks asked the neighbors if they were satisfied with the proposal.

The neighbors responded in the affirmative.

Mr. Gorsuch asked if the proposed structure height was driven by the height of the roof or height of the structure interior.

Ms. Boggs responded the height is the result of matching the roof pitch of the home.

Mr. Gorsuch asked about the proposed interior height.

Mr. Nyberg responded the perimeter of the structure is to have a clear height of eight (8) feet, which would increase to 9.5 feet once inside.

Mr. Shanks asked Mr. Rodney if any public comments had been received.

Mr. Rodney responded in the negative.

Jeff Albrinck of 3243 Brinton Trail approached the Board.

Mr. Albrinck stated the concept of outdoor living has evolved. He noted the property owners shared their plans with him prior to the meeting. Mr. Albrinck believed the project would enhance the neighborhood and he endorsed the proposal.

Dennis McGrath of 10067 Carpenters View Drive approached the Board.

Mr. McGrath stated he spoke with the property owner about the project as well. He noted the proposed pavilion will be farther from the property line than the existing patio. He stated no objections to the variance request.

Motion by Mr. Shanks was seconded by Mr. Gorsuch to grant the requested variances with the following conditions as enumerated in the Staff Report:

Condition #1: The architectural design and materials submitted for building permits shall be substantially consistent with those presented for the Variance application.

Condition #2: The pavilion shall be setback a minimum of 20 feet from the east property line.

 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 January 21, 2021.

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

**Communications:**

There were no communications shared with the Board.

Motion by Mr. Bostrum 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 6:20pm.

Attest:

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David Harwood, Chairman

Board of Zoning Appeals

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