

**BOARD OF ZONING APPEALS
MINUTES FOR THE
OCTOBER 5, 2015 MEETING**

Pursuant to written notice, the meeting of the Board of Zoning Appeals (the "BZA") was called to order by Chairman Al Schutte at 7:30 PM on Monday, October 5, 2015, in the Council Chambers of the Village of Evendale Municipal Building. Attending in person were Chairman Al Schutte, members Lynn McCarthy, Mike Reed, and Ken Valentine. Supporting the BZA was Pam Morin (staff). Also present were Charles Roberts.

After all those present who planned on giving testimony were duly sworn in by Chairman Schutte, the following appeal was heard:

Charles Roberts

10190 Giverny Boulevard

Applicant has submitted an application for a variance from the 35 foot minimum rear yard setback in the Residential District as set forth in Schedule 1246.07 of Village of Evendale Zoning Code.

File #V-15-06

Mr. Roberts explained that when they moved into their house, they had water problems due to the construction of a pergola and pavers by the previous owners. To correct the drainage problems, he removed the pergola and pavers and replaced it with a concrete patio covered by a hip type roof. With this new addition he eliminated the water problem and reduced the rear yard setback encroachment by three feet; the pergola was located 20 from the property line, while his new patio is 23 feet from the rear lot line. There is some landscaping along his rear lot line.

Mr. Schutte read into the record the justifications provided by Mr. Roberts and the four letters the BZA received from the neighboring property owners and the Park Hills Home Owners Association.

Finding of Facts:

After hearing Mr. Roberts's testimony and reviewing the documents filed and exhibits presented, the BZA makes the following Findings of Fact:

1. Mr. Roberts failed to apply for a building permit prior to the construction of covered patio on his property;
2. The owner was notified of (i) the need for a building permit and (ii) that the improvements encroached on the set back in violation of the Evendale Zoning Code by the Building Commissioner on August 25, 2015;
3. The owner appealed to the BZA on September 3, 2015;
4. A hearing was held in a timely manner;
5. All required notices of the appeal and this hearing were given to the neighboring properties and the applicable public;
6. Applicant is seeking a variance to replace existing encroaching patio with a new one plus a roof;
7. The required set back is 35 feet;

8. The applicant is seeking to reduce the set back to 23 feet, or a reduction of twelve feet.
9. The rear door neighbor, Joyce Ricking has consented to the encroachment;
10. The essential character of the neighborhood will not be altered. as evidence by approval letters of neighbors;

Mr. Reed made the following Motion:

1. Whereas, the applicant submitted an application for a building permit which was denied by the Village of Evendale Building Commissioner;
2. Whereas, an appeal from the decision of the Village of Evendale Building Commissioner was made in a timely manner;
3. Whereas, the BZA's review of Section 1284.05(b) finds the requested variance does meet the standards set forth in this section.
4. Whereas the applicant has shown compliance with the standards for variances as set forth in Section 1284.05(c) of the Village of Evendale Zoning Code;
5. The Applicant's appeal is hereby granted.

Now, therefore, upon motion made by Mr. Reed and seconded by Mrs. McCarthy, the Motion passed by a vote of 4 -0 with the contingent that Mr. Roberts install landscaping along the west side of the patio on the Giverny Boulevard side. Mr. Roberts was given one year to have the landscaping in place.

A motion to approve the minutes of the September 9, 2015, meeting was made by Mr. Valentine and seconded by Mr. Schutte. There was no discussion. The motion passed with a 4 – 0 vote.

Mr. Schutte took a moment to thank Mrs. McCarthy for her years of service on the Board of Zoning Appeals, in that she will be resigning her seat at the end of the year.

The meeting was adjourned at 7:45 PM.

Attest:

Al Schutte, Chairman
Board of Zoning Appeals