**VILLAGE OF EVENDALE**

**BOARD OF ZONING APPEALS**

Minutes from the January 7, 2021 Special 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, January 7, 2021 in Council Chambers. In attendance were BZA Members Thomas Shanks, Doug Lohmeier, and Kevin Gorsuch. Supporting the BZA were Timothy Burke (Village Solicitor) and Andrew E. Rodney, AICP (Building, Planning, & Zoning Manager). Member David Bostrum 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. Harwood 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 – Case EDB20-22, Ben Hill, John Hill Construction.

Applicant requests one (1) Variance to permit construction of a single-family home at 3112 Cooper Road (Parcel #611-0080-0387) in an R, Residential zoning district. The requested Variance is as follows:

Variance #1 – To reduce the required front yard setback along the west property line to 35 feet. Per Schedule 1246.07, the required front yard setback is 50 feet.

 Mr. Harwood read the case information into the record.

Ms. Rodney summarized the case and Staff Report, noting the proposed house is to be built within the footprint of the existing house. He stated the requested variance is intended to eliminate the need to grade the hillside in the rear yard to both save costs for the owner and to maintain the heavily wooded hillside intact.

Mr. Harwood stated he was contacted by Tom Kuechly of 3114 Cooper Road. He reported that due to COVID-19 protocols, Mr. Kuechly was not able to attend the meeting in person. Mr. Harwood relayed that Mr. Keuchly had no objections to the variance request.

Ben Hill of John Hill Construction appeared before the Board.

Mr. B. Hill stated that he met with the owners approximately four months ago to begin planning for construction of a new home. He stated remodeling the existing home would not be a cost-effective investment, thus it was to be demolished and replaced with a new home. Mr. B. Hill reported the owner’s desire to stay on the property and construct a new home in the footprint of the existing home. He noted the steepness of the slope in the rear yard limited the potential placement of a home. Mr. B. Hill stated that adjusting the topography of the lot to accommodate the required 50-foot setback would be difficult and expensive.

Mr. Shanks asked if the existing foundation and basement would be retained.

Mr. B. Hill responded in the negative, stating the entire house and foundation would be demolished.

Mr. Shanks asked if Mr. B. Hill knew of the costs associated with adhering to the setback requirement.

Mr. B. Hill responded in the negative.

Mr. Shanks asked what would be necessary to accommodate the required setback.

Mr. B. Hill responded it would require cutting into the hillside and adding a retaining wall.

Mr. Shanks asked Mr. Rodney about setbacks of adjacent properties.

Mr. Rodney responded the home to the north has a setback of approximately 45 feet.

Mr. Shanks requested additional clarification regarding the costs associated with accommodating the required 50-foot setback.

John Hill of John Hill Construction appeared before the Board.

Mr. J. Hill thanked the Board for meeting in special session. He stated the cost to accommodate the required 50-foot setback would be at least $50,000, and possibly up to $100,000. Mr. J. Hill noted such an investment would not appreciably add value to the home.

Mr. Shanks asked if a geotechnical analysis had been conducted.

Mr. J. Hill responded in the negative, noting experience with working with the area soil conditions as part of constructing the Kuechly home at 3114 Cooper Road.

Mr. Lohmeier asked Mr. Burke if the Village would incur any liability by granting a variance to construct a home on a private lane absent documentation of a recorded or prescriptive easement allowing access to the private lane.

Mr. Burke replied that no such liability would be incurred.

Mr. Harwood stated that a title search was likely done as part of the loan process and such a search likely would have uncovered at minimum a prescriptive easement allowing the owner access to the private lane.

Mark Trammel of 3110 Cooper Road approached the Board.

Mr. Trammel stated that a contract was written amongst past members of the family who once owned property along the lane to share costs for future maintenance of the roadway.

Mr. Lohmeier asked if he was aware of any easement agreements for the lane.

Mr. Trammel responded in the negative.

Warren Turner of 3112 Cooper Road approached the Board.

Mr. Turner stated the cost to add a retaining wall to the project were not included in the financing package for construction. He continued by reporting the presence of two large oak trees approximately 50 feet behind the existing home. Mr. Turner expressed concern that cutting into the hillside would require the removal of these trees, along with many other trees on the wooded hillside. He expressed a desire to maintain the hillside as it currently exists.

Mr. Shanks asked Mr. Trammel if he were supportive of the variance request.

Mr. Trammel responded in the affirmative.

Mr. Shanks asked Mr. Rodney if any comments in opposition were received.

Mr. Rodney responded in the negative.

Mr. Harwood closed the public hearing and requested comments from the Board.

No further comments were made.

Motion by Mr. Lohmeier was seconded by Mr. Shanks to grant the variance request without conditions. There was no further discussion. The motion passed by a 5-0 voice vote.

**INternal Business:**

1. Approval of the minutes from the Regular Meeting of November 19, 2020.

Motion by Mr. Shanks was seconded by Mr. Lohmeier to approve the meeting minutes as submitted. There was no discussion. The motion passed by a 5-0 voice vote.

**Communications:**

Mr. Lohmeier expressed a desire to keep to the published schedule of dates for future meetings of the Board.

Mr. Harwood expressed sympathy for the property owners in this instance, which was the reason the Special Meeting was called.

Mr. Shanks expressed agreement with Mr. Harwood that a Special Meeting was warranted, but noted agreement with Mr. Lohmeier that Special Meetings should generally be avoided.

Motion by Mr. Gorsuch was seconded by Mr. Shanks to adjourn the meeting. There was no discussion. The motion passed by a 5-0 voice vote.

The meeting adjourned at 6:27pm.

Attest:

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David Harwood, Chairman

Board of Zoning Appeals

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