



Board of Zoning Appeals

March 24, 2022

7:00 PM

I. *Call to Order- Chair*

II. *Variance Request*

- To construct a deck approximately 5 feet into the rear yard setback of 30 feet
– 5279 Venetian Way, Morrow, OH 45152

III. *Meeting Minutes*

- March 10, 2022

IV. *Adjournment*

Application for an Appeal to the Board of Zoning Appeals

Hamilton Township Board of Zoning Appeals

Ronny and Paula Alldredge

7:00 PM, March 24, 2022

General Information

Applicant: Ronny and Paula Alldredge
5279 Venetian Way
Morrow, OH 45152

Property Location: Same

Existing Zoning: R-4

Existing Land Use: SFD

Parcel Information: Size .1791 acres
Land Use SFD



Area Land Use: North: R-4 Urban Residence Zone
East: R-4 Urban Residence Zone
South: R-4 Urban Residence Zone
West: R-4 Urban Residence Zone

Request: The applicant has requested a variance from Section 4.9.5.M. in order to construct a deck approximately 5 feet into the rear yard setback of 30 feet.

The applicant is proposing to build two decks. The upper deck, 28' x 12' is mesh with the rear of the home. The lower deck, 19' x 10' is the deck that will encroach into the setback.

Notice: A legal ad providing notice of the hearing on this case was published in *The Pulse* on March 13, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

Applicable Regulations: Section 4.9.5.M. of The Hamilton Township Zoning Code ("HTZC"), states,

M. Porch or Deck

- (1) Porches or decks that are enclosed (with screening or other materials), have a roof, or that are physically attached to the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district. See [Section 6.2 Site Development Standards](#).
- (2) Unenclosed porches and decks may encroach into required setbacks in accordance with [Section 6.2 Site Development Standards](#).
- (3) Porches or decks that are under 18 inches in height do not require a zoning certificate.

TABLE 6-1: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

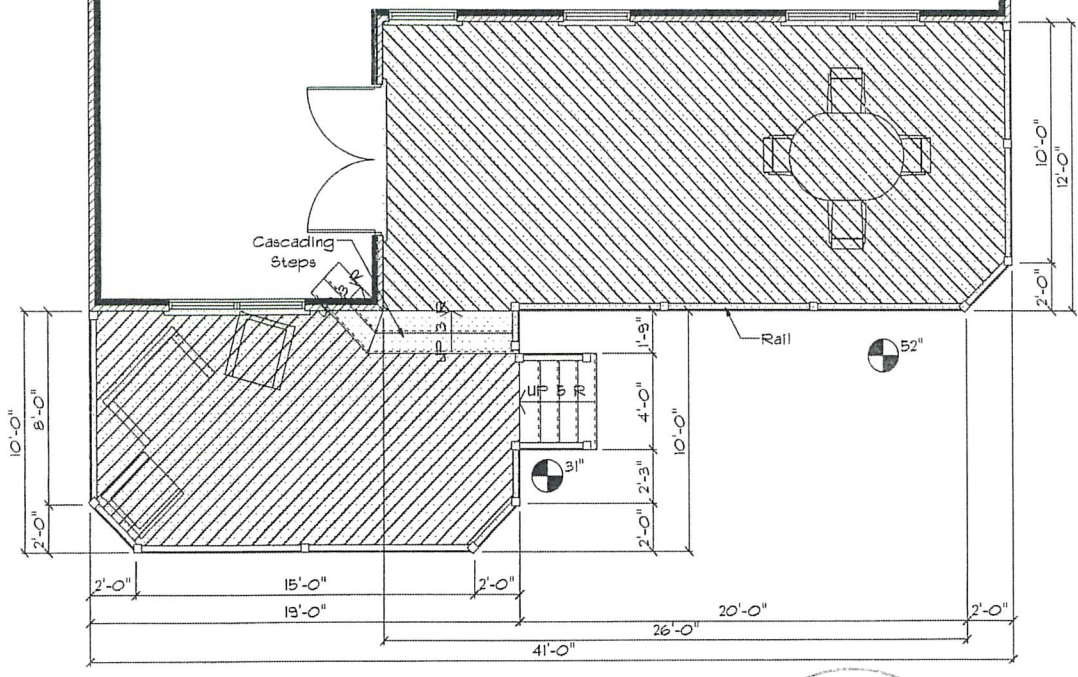
	LOT AREA [1] (SQUARE FEET)	LOT WIDTH AT BUILDING LINE (FEET)	WIDTH OF STREET FRONTAGE [2] (FEET)	FRONT YARD (FEET)	SIDE YARD [3] (FEET)	REAR YARD (FEET)	MAXIMUM BUILDING HEIGHT (STORIES/ FEET)	MINIMUM DWELLING UNIT SIZE (SQUARE FEET)
R-4 URBAN RESIDENCE DISTRICT								
Single Family Dwelling, Detached	8,000	70	25	40	7/14	30	2 1/4; 35	720
Single Family Dwelling, Attached	43,560	See Sec. 4.8.2.C Dwelling, Attached Single Family					2 1/4; 35	1,200
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2 1/4; 35	n/a

Site Summary:

The subject property is located on Venetian Way. The rear yard butts up to Classicway Blvd. which is the main throughfare through this subdivision. There is a mound that sits between the home and the paved sidewalk next to Classicway Blvd.



Dimensions are approximate. In the event of a difference between the drawn and written dimensions, the written dimension shall prevail. Due to local differences in building codes and regulations, and specific site conditions, these drawings may need to be modified by the builder to comply with such local codes and regulations.



Variance Review Criteria:

HTZC Section 3.8.3 provides the following guidelines for the BZA when considering variance requests.

- A. *The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning code will result in practical difficulty for an area/dimensional variance.*
- B. *The following factors shall be considered and weighed by the BZA to determine practical difficulty:*
 - (1) *Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;*
 - (2) *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*
 - (3) *Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;*
 - (4) *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*
 - (5) *Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;*
 - (6) *Whether special conditions or circumstances exist as a result of actions of the owner;*
 - (7) *Whether the property owner's predicament can feasibly be obviated through some method other than a variance;*
 - (8) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and*
 - (9) *Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.*

C. *No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined by its own facts.*

Action:

The BZA will hold a public hearing on March 24, 2022, including the following actions:

- Open the hearing
- Swear in witnesses
- Take testimony regarding the application from staff, the applicant, and anyone else in attendance at the hearing who wishes to speak
- Close the hearing
- Deliberate
- Render a decision on the variance application



Board of Zoning Appeals

Notice of Public Hearing

Date of Meeting: March 24, 2022

Time of Meeting: 7:00 PM

Location of Meeting: Hamilton Township Administration Building
7780 South State Route 48, Hamilton Township

Request & Locations: Variance request to construct a deck 5 feet into the rear yard setback of 30 feet. Property is located at 5279 Venetian Way, Morrow, OH 45152

Property Owners: Ronny & Paula Alldredge;

The plans for the projects are available for review at the Administration Building Monday-Friday between 8:00am and 4:30pm. Those with questions or concerns regarding the project are encouraged to review the plans and attend the meeting.

Lindsey Gehring
Hamilton Township



APPLICATION FOR A RESIDENTIAL ZONING CERTIFICATE

FOR OFFICE USE ONLY
APPLICATION # 22-0043
DATE 2/1/2022

DENIED

SUBJECT PROPERTY

Street Address 5279 Venetian Way Morrow OH 45152

Parcel ID Number 17241420130

Subdivision Villages of Classic Way Lot # 159 Zoning District Hamilton

APPLICANT

Name Archadeck

Address 143F Westpark Rd
Centerville, OH 45459

Phone Number 937-848-7040

Email wcoho@archadeck.net

PROPERTY OWNER

Ronny Alldredge

5279 Venetian Way

Morrow OH 45152

TYPE OF CONSTRUCTION

- New Single Family, Pool, Above Ground, Solar Panels, New Two Family, Pool, In Ground, Other, Addition to Home, Detached Garage, X Deck, Shed

DESCRIPTION

Describe construction in detail including square footage, height, and intended use
two decks, (19' x 10', lower deck) (28'x12' upper deck) 526 total sq ft for outdoor living

Applicant Signature [Handwritten Signature]

Date 1/24/22

Rundberg Lehning
Hamilton Township Zoning Authority

Date 2/7/2022 Approved ___ Denied [checked]

Setbacks
 L-13'
 R-13'
 F-17'
 B-25'



Warren County
 Date: 1/6/2022

Warren County Map

1 inch = 40 feet

Cadastral Lines	Corporate Line	Parcel Line	Heretofore
all other setbacks	County Line	ROW Unknown Width Line	Subdivision Lot Line
Line Type	Farm Lot Line	Road ROW	Township and Range Line
Acres	Tread Line	School Line	Tread Line
City/Township Line	Subdivision Limit Line	Section Line	Viaduct Line
			Unclassified Road Line

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archadeck®
of
West Central and Southwest Ohio

Typical Detail
Plan View
SCALE = Varies

TAS

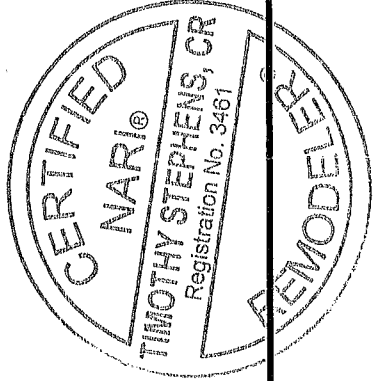
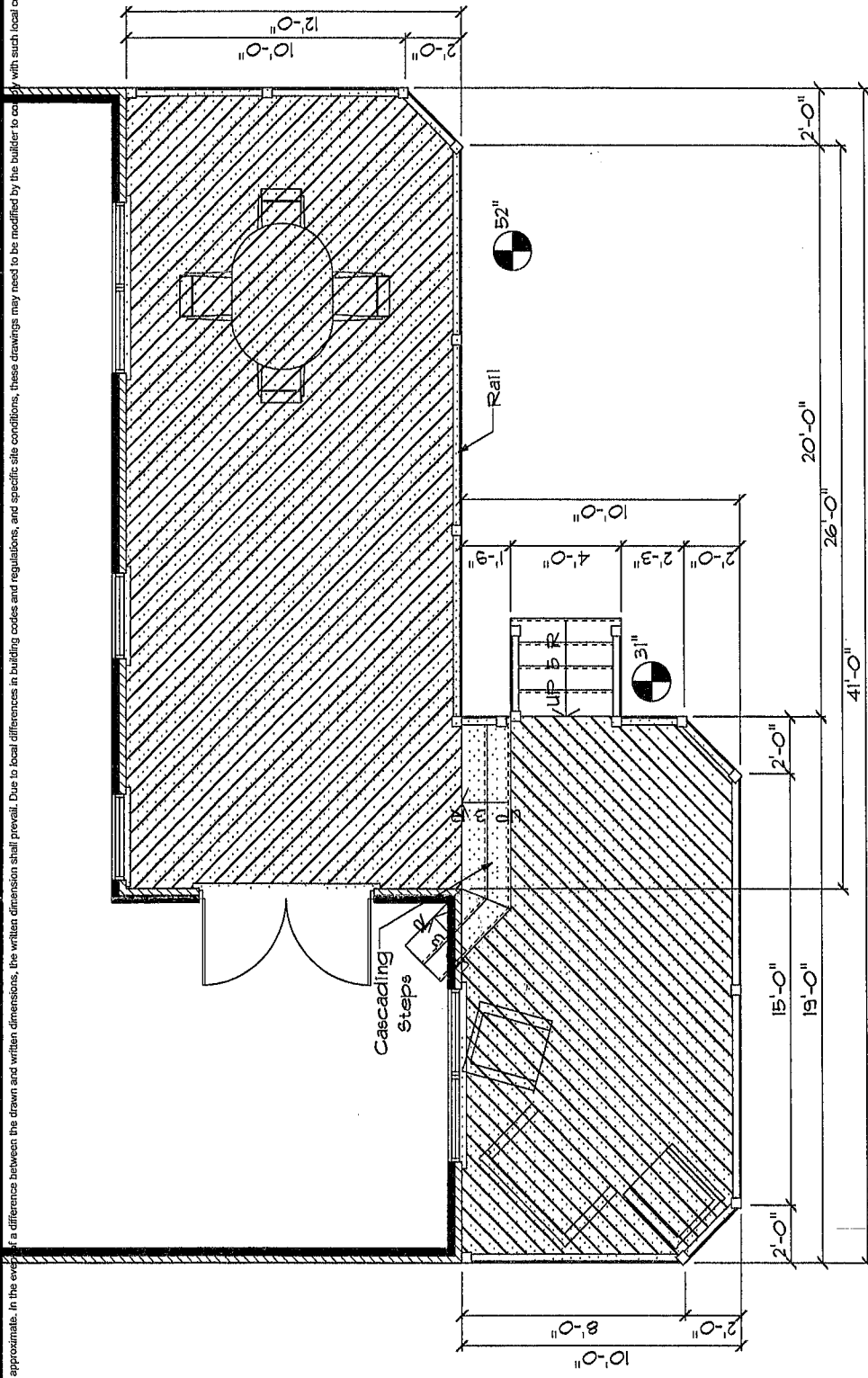
Prepared By:
RSC Custom Construction, Inc.
284 Armbrose
Wilmington, Ohio 45398
Tel: 513-263-0088
Fax: 513-263-0088
www.rscconstruction.com

Ron and Paula Alldredge
5279 Venetian Way
Morrow, OH 45152

210618

06/18/21

All dimensions are approximate. In the event of a difference between the drawn and written dimensions, the written dimension shall prevail. Due to local differences in building codes and regulations, and specific site conditions, these drawings may need to be modified by the builder to comply with such local codes and regulations, or site conditions.





Application to the
Board of Zoning Appeals
7780 South SR 48
Hamilton Township, OH 45039

VARIANCE REQUEST

APPLICANT

Name Archadeck
Address 143-F Westpark Rd Centerville OH 45459
Phone Number 937-848-7040 Email wcoho@archadeck.net

OWNER

Name Ronny and Paula Alldredge
Address 5279 Venetian Way Morrow OH 45152
Phone Number 661-203-0293 Email ronny.alldredge@att.net

SUBJECT PROPERTY

Street Address 5279 Venetian Way Morrow OH 45152
Parcel ID Number 17241420130
Zoning District Hamilton Twsp

VARIANCE REQUESTED

Code Section 4.9.5.M.
Reason for variance Deck encroaches 5 feet into the minimum rear yard setback. of 30 feet.

K. MacMill
Applicant Signature

2/11/22
Date

For Township Use Only

Application file date 2/11/22

Fee \$300.00 Check Number 1040 Receipt Number 362954

Date of Legal Advertisement March 13, 2022

Date of Notice to Adjoining Owners March 13, 2022

Date of Public Hearing March 24, 2022

Action of the BZA Approved Denied Tabled

Additional Comments

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I ~~(we)~~ Ronny L. Alldredge

hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to Hamilton Township considering the attached application and approving the request for the subject real estate. We understand that our application will be considered and processed in accordance with the regulations as set forth by the Hamilton Township Zoning Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval. I (we) authorize Hamilton Township to place a Public Meeting notification sign on the property. I (we) authorize Hamilton Township staff to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

Ronny L. Alldredge
Signature

Ronny L. Alldredge

Printed Name

5279 Venetian Way

Street Address

Morrow, OH 45152

City, State, Zip Code

661-203-0293

Phone

Subscribed and sworn to before me this 11 day of Feb 2022



Megan
Notary Public

Design Review Application

From: Architectural Review Committee (arc@villagesofclassicway.com)

To: ronny.alldredge@att.net

Date: Thursday, February 10, 2022, 09:51 AM EST

Ronny,

The Board has reviewed your application and it was approved on 2/8/2022.

You, as the homeowner, are responsible for ensuring that the project is completed in compliance with the requirements set forth in Article VII (Architectural Control) of the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for the Villages of Classicway HOA and the building codes of Hamilton Township and Warren County.

If you have any additional questions or comments, please use the "Contact Board of Trustees" page under the "Contact Us" section of the HOA website.

The Board

Board of Zoning Appeals

March 10, 2022

Mr. Blomer called the meeting to order and announced the matters before the Board at 7:00 p.m.

Members present: Michael Blomer
 Ryan Ziemba
 Brandon Roark
 Adam Paul

Mr. Blomer explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing. Mr. Blomer asked any persons wishing to offer testimony or speak during the hearing to raise their right hand; an oath was administered.

Zoning Administrator, Ms. Lindsey Gehring, presented the staff report for the first variance request this evening. The Variance review criteria was reviewed for our Board members. Legal notice was published in *The Pulse Journal* on Sunday, February 27, 2022, as well as being sent out to all neighboring property owners within 200 feet. The subject property is located at 9406 State Route 48, Loveland, OH 45140. The property owner and applicant is Mr. Raymond Gibson. Mr. Gibson is requesting a variance to allow for a detached accessory structure to be built into a portion of the front yard. Per the Hamilton Township Zoning Code, this property is defined as a corner lot being that it has road frontage on two public streets. The surrounding properties are zoned R-1 single family residence zone, with the exception of one rental property that is zoned B-1, neighborhood business.

HTZC Section 4.9 Table 4-5 states that a detached accessory building is permitted in the R-1 zoning district and does require a placement in the rear or side yard. Corner lots are considered to have two front yards and two side yards therefore the proposed placement is within the front yard. The applicant states that he will remove and replace an existing garage with a 20' x 32' Amish loft barn.

Mr. Ziemba asked about the dimensions of the existing structure.

Ms. Gehring was unsure of that information but did include that the current structure/location does have its own separately metered electric and water. There is also an existing culvert and driveway to access this location.

Mr. Blomer invited the applicant to speak.

Mr. Raymond Gibson stated that the existing garage used to belong to a home that was right next to it. The previous owners built the new home off to the side and then tore down the old home on the corner. The garage is old and falling apart. He came across the new structure when land was being cleared down in Loveland as it sat on a hillside. It was disassembled and then moved to Mr. Gibson's property. Through the permitting process, he learned the placement would be in

a front yard. He mentioned that the new structure is slightly larger than the existing, but he plans to build a block foundation.

Mr. Blomer asked when the property was purchased and if the parcels were already combined?

Mr. Gibson stated that he bought the property about a year and a half ago. The previous owners did have the parcels combined to make one large plot of property.

Mr. Ziembra questioned the intended use.

Mr. Gibson stated that it will be his workshop. He owns the neighboring two properties on the same corner and his son moved into his other home that had the workshop space.

Mr. Blomer made a motion with a second from Mr. Ziembra to close the public comment portion of the meeting for deliberations.

All in favor. Aye.

The board did not have major concerns and expressed that the hardship would be the financial burden to move the water and electric to another location on the property.

Mr. Ziembra made a motion with a second from Mr. Blomer to approve the request for 9406 State Route 48, Loveland, Ohio 45140, for a variance from Zoning Code section 4.9.3 to allow for a detached accessory structure to be built into a portion of the front yard.

Roll call as follows:	Ryan Ziembra	Yes
	Michael Blomer	Yes
	Brandon Roark	Yes
	Adam Paul	Yes

Motion carries.

Next, Ms. Gehring gave the staff report for a variance request for Mr. and Mrs. Lucas and Stacy Kleinhenz for property located at 260 South Wind Court, Maineville, Ohio 45039. The legal ad was published in the Sunday, February 27, 2022, edition of *The Pulse Journal*. The subject property is zoned R-4 Urban Residence Zone. The surrounding properties consist of R-4, M-1 Light Industry, and B-1 Neighborhood business as their neighborhood is adjacent to the Kroger complex. The request tonight is for a variance to Hamilton Township Zoning Code section 4.9.5.M. to construct a covered porch approximately 10 feet into the rear yard setback of 30 feet. The applicant states that their property is a pie-shaped lot that sits at the end of a cul-de-sac. The covered porch will be attached to the rear of the home. One post will sit 25 feet from the rear property line and the other post will sit 20 feet from the rear property line.

Mr. Blomer invited the applicant to speak.

Mr. Luke Kleinhenz explained that due to the cul-de-sac, they have a shallow back yard so this

puts the posts into the rear yard setback.

Mr. Blomer asked if the applicant had spoken to the Homeowners Association.

Mr. Kleinhenz stated that they have approved everything, now they are just waiting for the proper permits. The yard does slope to the south as there is a pond that takes up the southern corner of their lot. This will be a 22 ft. by 25 ft. structure.

Mr. Blomer asked what the hardship is as the applicant could make the area smaller and it would comply with the zoning code.

Mr. Kleinhenz stated that this size is proposed because they are installing an outdoor fireplace and they wanted it moved a little further away from the home. The aesthetics will match the design of the home.

Mr. Ziembra asked if there is a required distance for the fireplace in comparison to the home.

Mr. Kleinhenz stated that the design in question was put together by the company doing the fireplace.

Mrs. Stacy Kleinhenz added that the existing patio has a dryer vent that lets out onto it. Given the slope of the yard and the venting, part of the patio space is not usable so that was considered when designing this covered porch area.

Mr. Blomer made a motion with a second from Mr. Ziembra to close the public comment portion of this hearing.

All in favor. Aye.

The Board mentioned that the footprint could be made to fit the code, however they understand the size increase for safety from the fireplace.

Mr. Ziembra made a motion with a second from Mr. Blomer to approve the requested variance for 260 South Wind Ct., Maineville, OH 45039 from section 4.9.5.M. in order to construct a covered porch approximately 10 feet into the rear yard setback requirement of 30 feet.

Roll call as follows:	Adam Paul	Yes
	Brandon Roark	Yes
	Ryan Ziembra	Yes
	Michael Blomer	Yes

Motion carries.

Next, Ms. Gehring gave the staff report for a variance request for Mr. and Mrs. Lucas and Stacy Kleinhenz for property located at 260 South Wind Court, Maineville, Ohio 45039. The legal ad was published in the Sunday, February 27, 2022, edition of *The Pulse Journal*. The subject

property is zoned R-4 Urban Residence Zone. The surrounding properties consist of R-4, M-1 Light Industry, and B-1 Neighborhood business as their neighborhood is adjacent to the Kroger complex. The request tonight is for a variance to construct a 16' x 42' inground pool 5 feet into the rear and 5 feet into the side setback lines. Hamilton Township Zoning Code section 4.9.5.N. states that a swimming pool shall be set back a minimum of 20 feet from any property line. This setback shall be measured from the edge of the pool water. The applicant states that their property is a pie-shaped lot that sits at the end of a cul-de-sac and they would like to move the pool farther away from the home therefor putting it only 15 feet from the rear and side property lines. There is an existing fence for the property.

Mr. Blomer invited the applicant to speak.

Mr. Luke Kleinhenz stated that again due to the slope of the yard, they would like to move it to this particular location so that it is also farther from the home. The HOA will not allow the fence to be moved to another location.

Mr. Paul asked if there is a way to make the pool fit?

Mr. Kleinhenz stated that they already have a deposit down and this is for a fiberglass pool. If they made it fit 20 feet from property lines, it would only be 10 feet from the home.

Conversations were had about the concrete decking for the pool as well as landscaping. Concrete can be placed right up to the property line. There is a sewer easement that they are waiting on clarification for building purposes. They do plan to install landscaping to screen the pool from their neighbors.

The board suggested to get clarification on setbacks for that sewer easement in question before any construction occurs.

Mr. Blomer made a motion with a second from Mr. Ziembra to close the public comment portion of the hearing.

All in favor. Aye.

Discussion about the easement took place as well as consideration of the shape of the lot and existing fencing.

Mr. Ziembra made a motion with a second from Mr. Blomer to approve the request for 260 South Wind Ct, Maineville, OH 45039 for a variance to construct a 16' x 42'; inground pool five feet into the rear and side yard setback requirements of 20 feet.

Roll call as follows:	Brandon Roark	Yes
	Adam Paul	Yes
	Michael Blomer	Yes
	Ryan Ziemba	Yes

Motion carries.

Mr. Blomer made a motion to approve the meeting minutes from March 10, 2022, as written. There was a second from Mr. Ziemba.

All in favor. Aye.

With no further business to discuss, Mr. Paul made a motion to adjourn with a second from Mr. Ziemba.

All in favor. Aye.

DRAFT