



Board of Zoning Appeals

May 12, 2022

7:00 PM

I. Call to Order- Chair

II. Variance Request

- To construct a covered porch approximately 10 feet into the rear yard setback- 5771 Classicway Blvd., Morrow, OH 45152

III. Variance Request

- To construct a swimming pool 15 feet from the rear property lines- 631 Jewelweed Ct., Maineville, OH 45039

IV. Variance Request

- To construct an accessory structure in the front yard – 9988 Laurel Glen Dr., Loveland, OH 45140

V. Meeting Minutes

- April 14, 2022

VI. Adjournment



Board of Zoning Appeals

Notice of Public Hearing

Date of Meeting: May 12, 2022

Time of Meeting: 7:00 PM

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

Request & Locations: 3 Variances:

- 3-Season Room variance at 5771 Classicway Blvd., Morrow, OH 45152
- Pool Variance at 631 Jewelweed Ct., Maineville, OH 45039
- Accessory Structure located in front yard at 9988 Laurel Glen Dr., Loveland, OH 45140

Property Owners: Daniel Hils & Stephanie Bellamah; Aren & Jessica Dowden; Scott Stephenson & Rose Ann Maher

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 an Appeal to the Board of Zoning Appeals

Hamilton Township Board of Zoning Appeals

Mr. Daniel Hils

7:00 PM, May 12, 2022

General Information

Applicant: Mr. Daniel Hils
5771 Classicway Blvd.
Morrow, OH 45152

Property Location: Same

Existing Zoning: R-4

Existing Land Use: SFD

Parcel Information: Size .1986 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 12' x 12' 3-season room approximately 10 feet into the rear yard setback of their home.

Notice: A legal ad providing notice of the hearing on this case was published in *The Pulse* on May 1, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

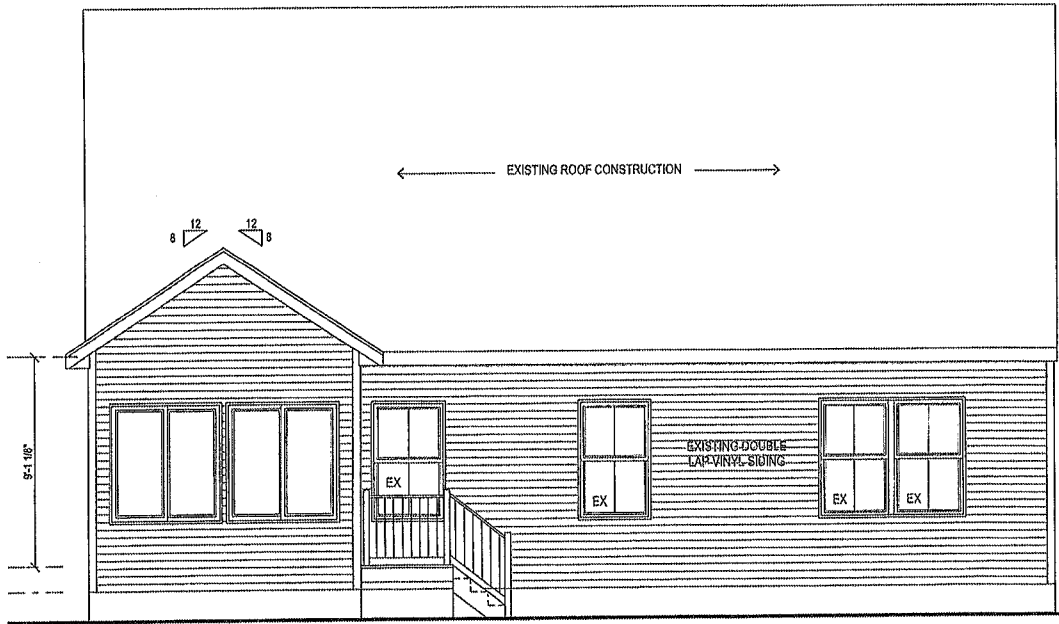
Applicable Regulations:

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

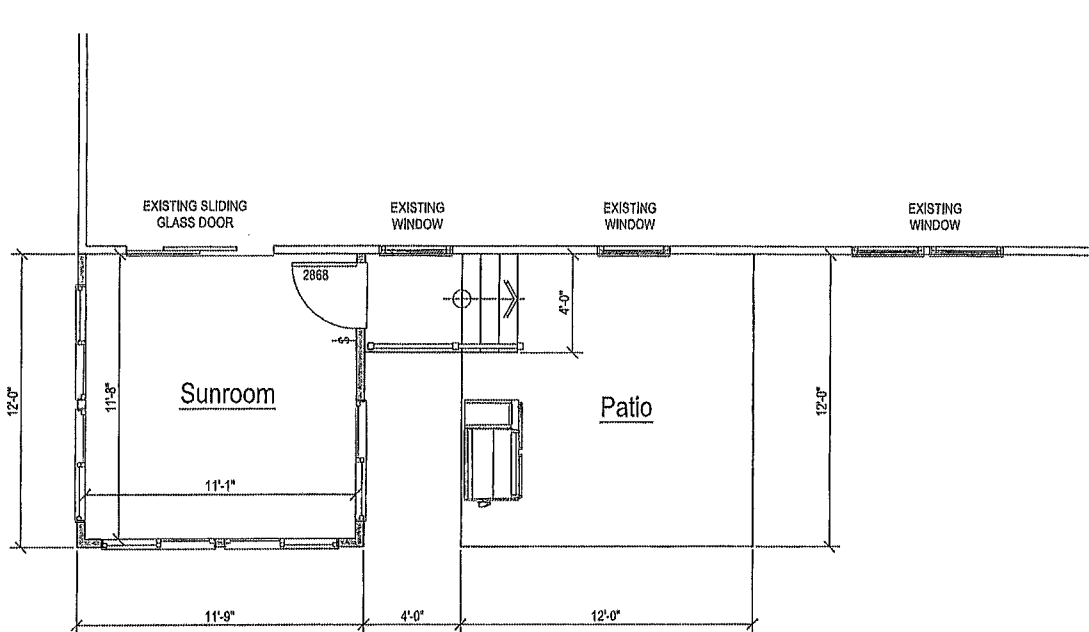
M. Porch or Deck

- (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.





1 South Elevation
SCALE 1/4" = 1'-0"



1 Floor Plan
SCALE 1/4" = 1'-0"

DIMENSIONS FOR EXISTING
BUILDING ARE APPROXIMATE

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 May 12, 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



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

VARIANCE REQUEST

APPLICANT

Name Daniel Hils

Address 5771 Classicway Blvd.

Phone Number (513) 338-4858 Email danhils@yahoo.com

OWNER

Name Daniel Hils / Stephanie Bellamah

Address 5771 Classicway Blvd.

Phone Number (513) 218-7518 Email spb221@gmail.com

SUBJECT PROPERTY

Street Address 5771 Classicway Blvd.

Parcel ID Number 172438600


Zoning District R-4 PUD

VARIANCE REQUESTED

Code Section 4.9.5.M.

Reason for variance _____

To build a 3-season room - patio and fence


Applicant Signature

April 5, 2022
Date

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Daniel Hills Stephanie Bellamah

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.

Daniel Hills Stephanie Bellamah
Signature

Daniel J. Hills Stephanie Bellamah
Printed Name

5771 Classicway Blvd.
Street Address

Morrow, Ohio 45152
City, State, Zip Code

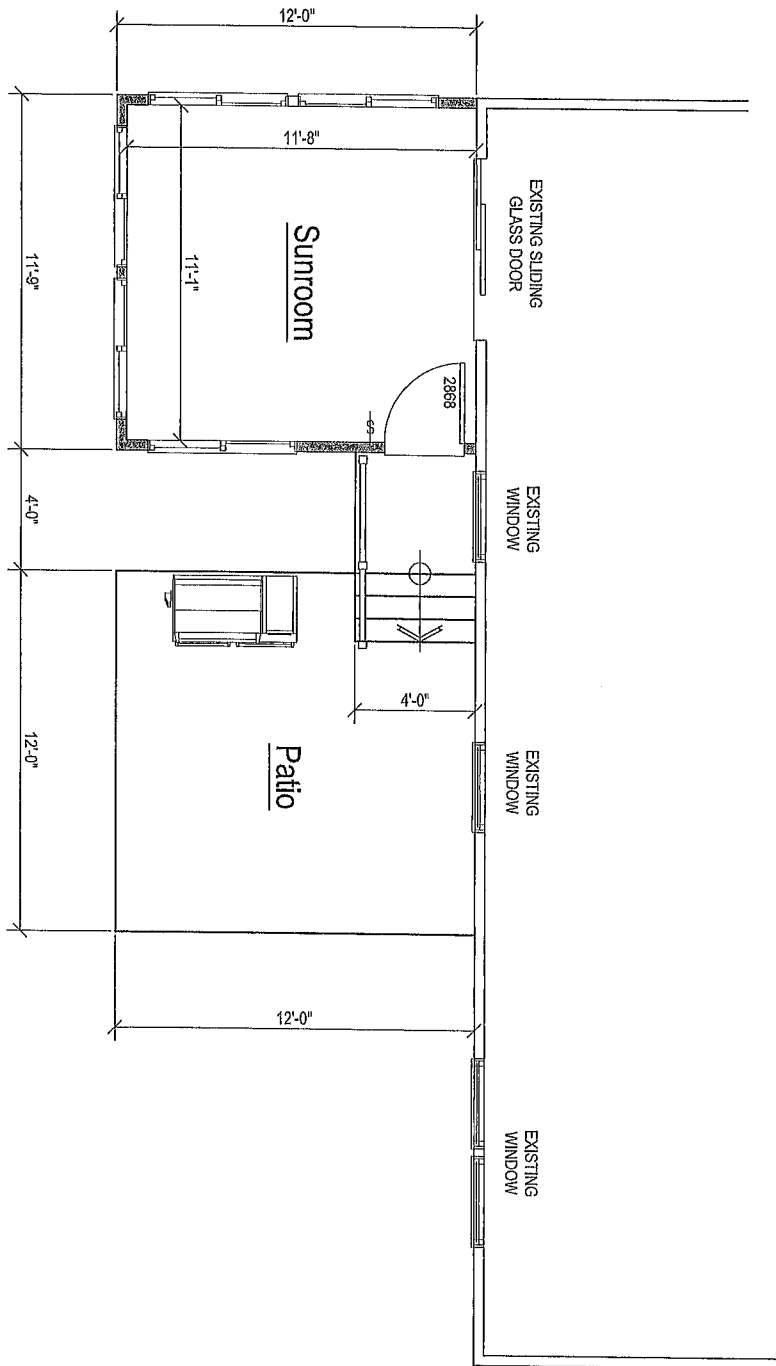
(513) 338-4858
Phone

Subscribed and sworn to before me this 5th day of April 2021

[Signature]
Notary Public



JARROD NICHOLAS COTTON
Notary Public, State of Ohio
My Commission Expires
December 22, 2025



1
Floor Plan

SCALE 1/4" = 1'-0"

DIMENSIONS FOR EXISTING
BUILDING ARE APPROXIMATE

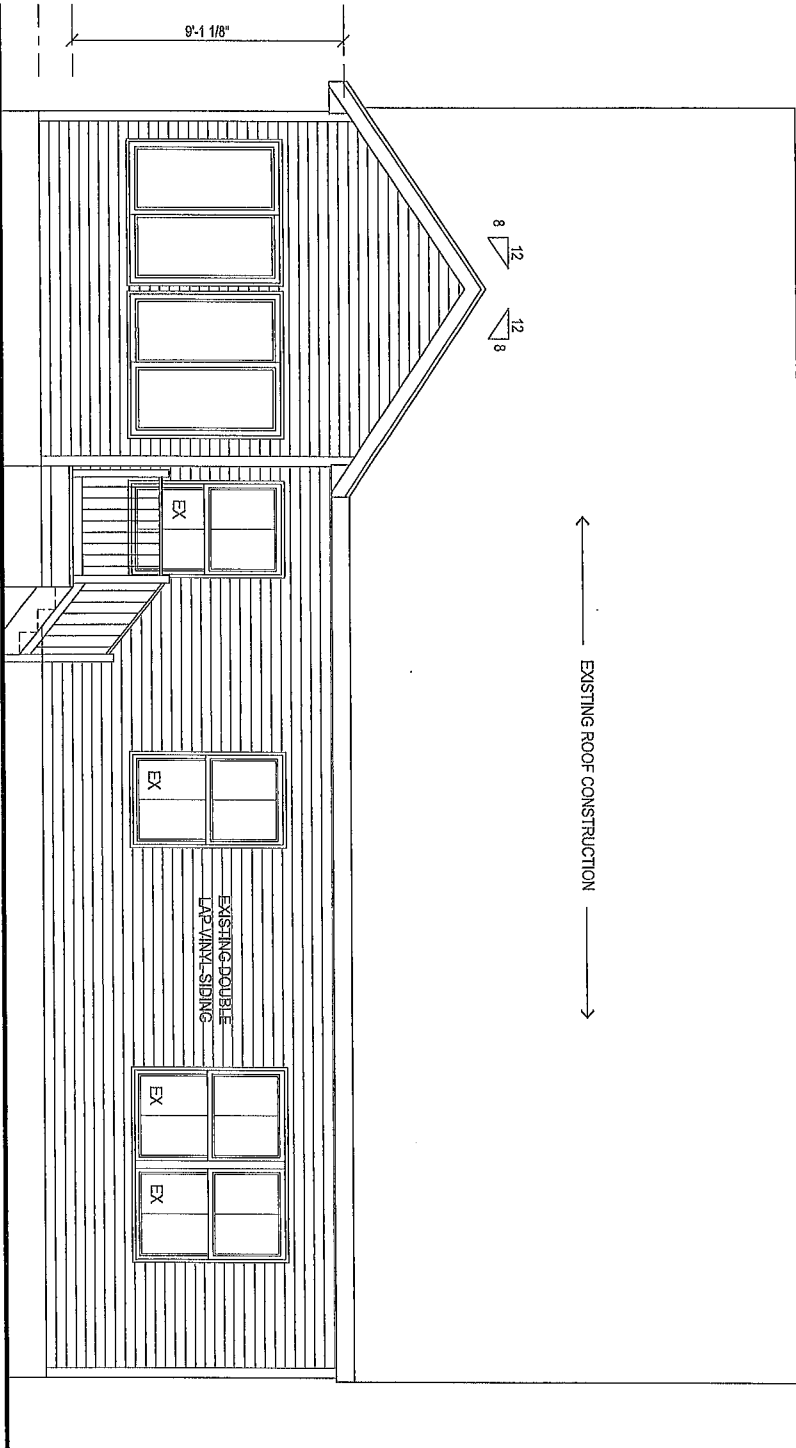
N. Jeffrey Watson & Associates
 Architects
 246 Palm Springs Drive
 Fairfield, Ohio 45014
 Phone: (513) 865-1111
 Fax: (513) 865-1112
 Email: info@njwa.com

WBC Contractors
 246 Palm Springs Drive
 Fairfield, Ohio 45014

Proposed Covered Wood Deck
Dan Hils & Stephanie Bellamah Residence
 5771 Classlway Blvd
 Morrow, Ohio

REVISIONS

PROJECT
Hils/Bellamah
 DRAWING NO.
A-2
 Floor Plan
 DRAWN BY: NW DATE: 2/15/22
 CHECKED BY: _____ DATE: _____



← EXISTING ROOF CONSTRUCTION →

1 South Elevation
SCALE 1/4" = 1'-0"

N. Jeffrey Waterson
 ARCHITECTS & DESIGNERS
 246 Palm Springs Drive
 Fairfield, Ohio 45014
 (513) 225-3539

WBC
 Contractors
 246 Palm Springs Drive
 Fairfield, Ohio 45014

Proposed Covered Wood Deck
Dan Hils & Stephanie Bellamah
 Residence
 5771 Classloway Blvd
 Morrow, Ohio

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
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Hils/Bellamah
 ARCHITECTS
A-3
 Elevations
 DRAWN BY: JHW DATE: 3/21/2022
 CHECKED BY: DATE:

Application for an Appeal to the Board of Zoning Appeals

Hamilton Township Board of Zoning Appeals

Aren Dowden

7:00 PM, May 12, 2022

General Information

Applicant: Mr. Aren Dowden
631 Jewelweed Ct.
Maineville, OH 45039

Property Location: Same

Existing Zoning: R-3 PUD

Existing Land Use: SFD

Parcel Information: Size .23 acres
Land Use SFD

Area Land Use: North: R-3 Multi-Family Residence Zone
East: R-3 Multi-Family Residence Zone
South: R-3 Multi-Family Residence Zone
West: R-3 Multi-Family Residence Zone

Request: The applicant has requested a variance from Section 4.9.5.N in order to construct a 16' x 32' in-ground pool 5 feet into the rear yard setback.

The applicant states that the 20-foot setback would require partial removal of an existing patio in order to have the required space to dig footing. This would result in additional labor and material costs, therefore they would like for the pool to be 15' from the waters edge to the property line to alleviate additional cost.

Notice: A legal ad providing notice of the hearing on this case was published in *The Pulse* on May 1, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

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

N. Private Swimming Pool or Public Swimming Pool

- (1) The 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.
- (2) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a self-closing, self-latching gate that can be locked. Above grade pool walls may be counted toward the height of the required fence.



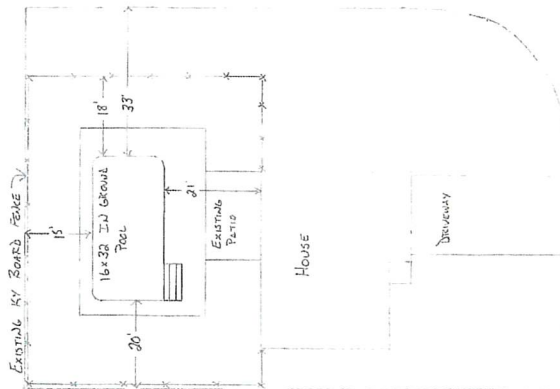
- (3) Any swimming pool for the use of occupants of multi-family dwellings containing over three dwellings or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.
- (4) The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

Site Summary:

The subject property is located on a corner lot within the Landings of Willow Pond neighborhood. There is an existing fence that will remain



ANCHOR POOLS & SPAS, INC.
 5218 DIXIE HWY. FAIRFIELD, OHIO 45014
 (513) 829-5551



NEW IN GROUND POOL FOR
 AREN & JESSICA DOWDEN
 631 JEWELREE CT
 MANEVILLE, OH 45039
 1" = 20'

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 May 12, 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



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

VARIANCE REQUEST

APPLICANT

Name Aren Dowden

Address 631 Jewelweed Ct. Maineville, OH 45039

Phone Number 513-374-0102 Email dowdenam@mac.com

OWNER

Name Aren Dowden

Address 631 Jewelweed Ct. Maineville, OH 45039

Phone Number 513-374-0102 Email dowdenam@mac.com

SUBJECT PROPERTY

Street Address 631 Jewelweed Ct. Maineville, OH 45039

Parcel ID Number 1605310012

Zoning District Maineville - Hamilton Township

VARIANCE REQUESTED

Code Section 4.9.5 N. Private Swimming Pool

Reason for variance Construction of pool inside of the 20' setback would require partial removal of existing patio in order

to have required space to dig footing. This would result in additional labor and material costs. Would like for pool water's edge

to be 15' from rear property line to alleviate need to remove patio to dig pool footer.



Applicant Signature

4/20/2022

Date

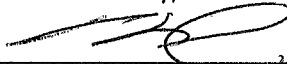
PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Aren Dowden

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.



Signature

Aren Dowden

Printed Name

631 Jewelweed Ct

Street Address

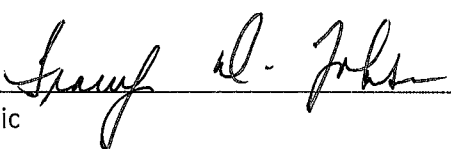
Maineville, OH 45039

City, State, Zip Code

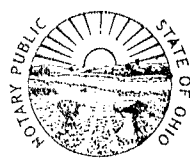
513-374-0102

Phone

Subscribed and sworn to before me this 22 day of April 2022



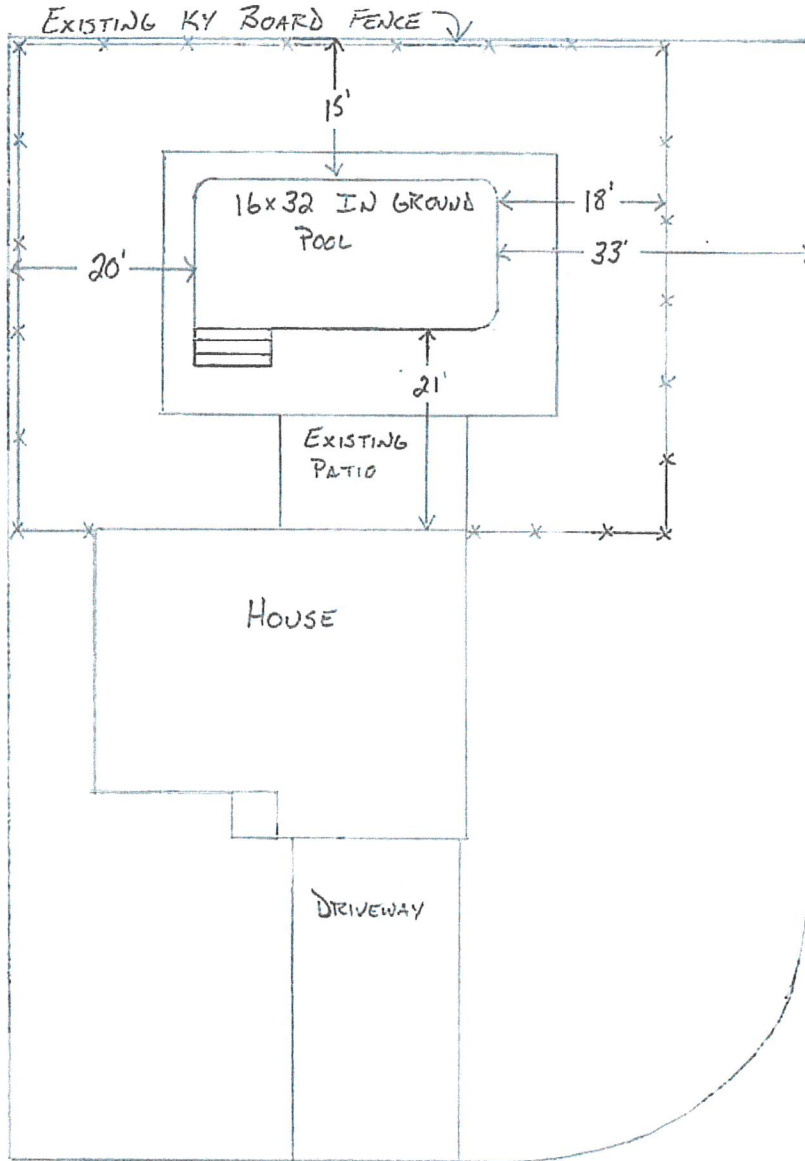
Notary Public



TRACEY D JOHNSON
Notary Public
State of Ohio
My Comm. Expires
February 10, 2026

ANCHOR POOLS & SPAS, INC.

5218 DIXIE HWY. FAIRFIELD, OHIO 45014
(513) 829-5551



NEW IN GROUND POOL FOR.
AREN & JESSICA DOWDEN
631 JEWELWEED CT
MAINEVILLE, OH 45039
1" = 20'

Application for an Appeal to the Board of Zoning Appeals

Hamilton Township Board of Zoning Appeals

Mr. Paul Brown

7:00 PM, May 12, 2022

General Information

Applicant: Mr. Scott Stephenson
9988 Laurel Glen Dr.
Loveland, OH 45140

Property Location: Same

Existing Zoning: R-1

Existing Land Use: SFD

Parcel Information: Size 4.741 acres
Land Use SFD



Area Land Use: North: R-1 Single Family Residence Zone
East: R-1 Single Family Residence Zone
South: R-1 Single Family Residence Zone
West: R-1 Single Family Residence Zone

Request: The applicant has requested a variance from Section 4.9.3. table 4-5 to allow for a detached accessory structure to remain in the front yard.

The applicant states that the original location was moved 10-15 feet forward to avoid killing several mature hickory trees.

Notice: A legal ad providing notice of the hearing on this case was published in *The Pulse* on May 1, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

Applicable Regulations: In Section 4.9.3. The Hamilton Township Zoning Code (“HTZC”) states,

F. Yards Permitted

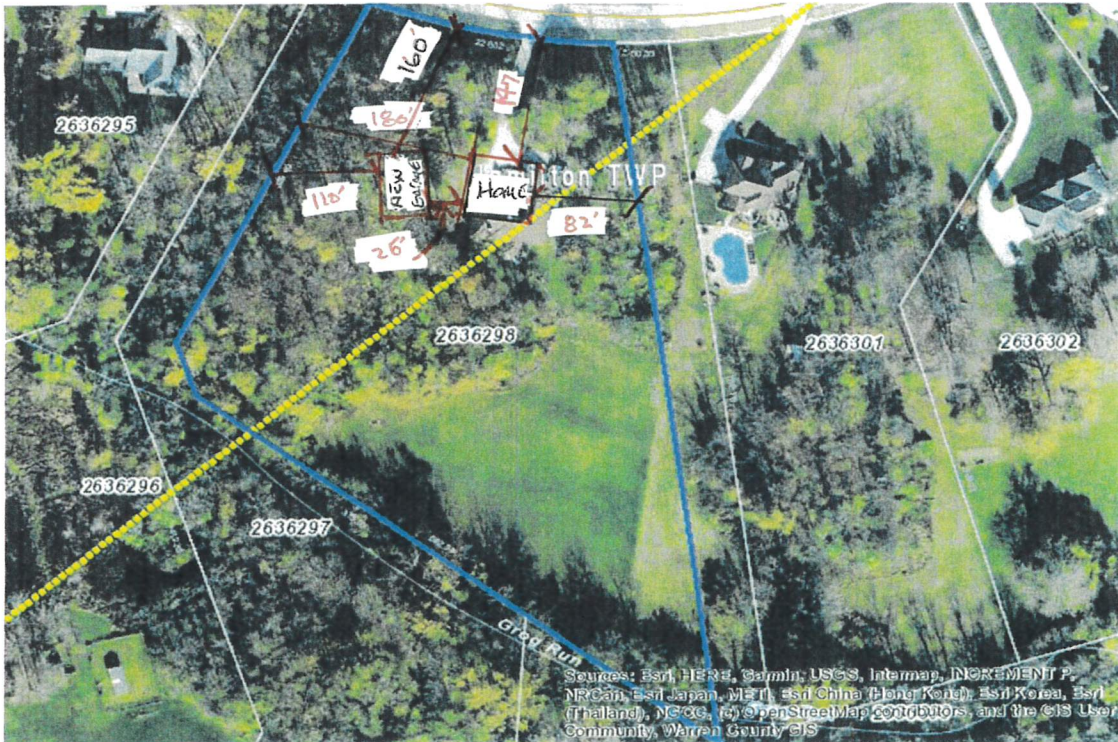
The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted.

TABLE 4-5: PERMITTED ACCESSORY USES

USE OR STRUCTURE	ZONING DISTRICTS						ZONING CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	ADDITIONAL REQUIREMENTS
	R-1, R-2, R-4	R-3	M-H	T-C	B-1, B-2	M-1, M-2			
Accessory Apartment	PS						Yes	S or R	See 4.9.5.A
Accessory Retail Sales					P	P	Yes	Inside principal building	See 4.9.5.B
Amateur Radio Transmitter or Antenna	PS	PS	PS				Yes	S or R	See 4.9.5.C
Automated Teller Machine (ATM)					P	P	Yes [2]	F, S or R	
Beekeeping	PS	PS	PS				No	S or R	See 4.9.5.D
Caretaker Dwelling				P	P	P	Yes	S or R	
Community Garden	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.E
Detached Accessory Building	P	P	P	P	P	P	Yes	R	

Definition: Any accessory structure in Hamilton Township must not project into the front or side yard of any residence.

Site Summary: Mr. Paul Brown, contractor, originally applied for a 4-vehicle, 1200 sq. ft. garage, in September of 2021. The plans attached show that the proposal was slightly in front of the home but was approved anyway. Our Zoning Inspector noticed during the building process that the garage sits completely in front of the home, which does require a variance per the HTZC.





Picture below shows the garage in front of the home



Picture showing the trees the applicant was avoiding cutting down by moving the structure.



Variance Review Criteria:

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

D. 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.

E. The following factors shall be considered and weighed by the BZA to determine practical difficulty:

(10) 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;

(11) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(12) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(13) 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;

(14) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

(15) Whether special conditions or circumstances exist as a result of actions of the owner;

(16) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(17) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and

(18) 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.

F. 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:

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- Open the hearing
- Swear in witnesses
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- Close the hearing
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- Render a decision on the variance application



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

VARIANCE REQUEST

APPLICANT

Name SCOTT M. STEPHENSON

Address 9988 LAUREL GLEN DRIVE LOVELAND OH. 45140

Phone Number (513) 404.7603 Email SCOTTMSTEPHENSON@YAHOO.COM

OWNER

Name SCOTT M. & ROSE ANN STEPHENSON

Address 9988 LAUREL GLEN DRIVE LOVELAND, OH. 45140

Phone Number (513) 404.7603 Email SCOTTMSTEPHENSON@YAHOO.COM

SUBJECT PROPERTY

Street Address 9988 LAUREL GLEN DRIVE LOVELAND, OH. 45140

Parcel ID Number 1724260140

Zoning District [REDACTED]

VARIANCE REQUESTED

Code Section 3.8.3

Reason for variance ORIGINAL APPROVAL 9/3/2021 ALEX KRAEMER: ORIGINALLY APPROVED PLAN FOR DETACHED GARAGE WAS MOVED ~10-15 FT. TO AVOID KILLING SEVERAL MATURE HICKORY TREES DURING FOUNDATION DIG.

[Signature]
Applicant Signature

4/21/2022
Date

FOUNDATIONS
DUG.

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) SCOTT M. STEPHENSON

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.

[Handwritten Signature] 4/21/2022
Signature

SCOTT M. STEPHENSON
Printed Name

9988 LAUREL GLEN DRIVE
Street Address

LOVELAND, OHIO 45140
City, State, Zip Code

(513) 404.7603
Phone

Subscribed and sworn to before me this 21ST day of APRIL 20 22



MARINA NEMIROVSKA
Notary Public
State of Ohio
My Comm. Expires
November 21, 2026

[Handwritten Signature]
Notary Public

Subject Fwd: garage plan 5032-00067
To: [scottmstephenson <scottmstephenson@yahoo.com>]
From kgshawkins@zoomtown.com <kgshawkins@zoomtown.com>
Date Wed, Dec 15, 2021 at 1:12 PM

Hey Scott

Here is your approval. Sent 10/27/2021

Ken

From: kgshawkins@zoomtown.com
To: "scottmstephenson" <scottmstephenson@yahoo.com>
Cc: "dave Chase" <dlc10@yahoo.com>, "Karen Devaney" <kpumpkincat@gmail.com>, "Steve Hais" <shais9940@gmail.com>, "Todd Litman" <todd.litman@yahoo.com>, "Bob Taylor" <bobcindy74@gmail.com>, "Tina Thompson" <tinad1113@aol.com>
Sent: Wednesday, October 27, 2021 5:46:00 PM
Subject: garage plan 5032-00067

Scott

The Laurel Glen ARC has approved your request for the two car detached garage. Thank you for submitting the plans.

Ken

Mr. Paul D Brown
9148 Willow Creek Dr.
Loveland, Oh 45140
04/22/2022

Hamilton Township Zoning Appeals Board
7780 South SR 48
Hamilton Township, OH 45039

Zoning board members,

This correspondence is to request a variance to Code Section 3.8.3, for the newly constructed garage located on the property at 9988 Laurel Glen Dr., Loveland OH 45140, Owned by Mr. Scott Stephenson.

My name is Paul Brown, owner of APB Services, the contractor that constructed the 1200 sq. ft. garage located at 9988 Laurel Glen Dr. I felt it necessary to write a letter outlining all steps I had taken, before any construction was started, on the detached garage for Mr. Stephenson. All attached paperwork was submitted to the Hamilton Township for approval on 9/1/21. The certificate was approved on 9/3/21. The Warren County building permit application was submitted on 9/2/21 and received approved on 10/05/21. Before any digging of footers began we consulted with an arborist about the large trees, on the south side of the garage layout, between the home and new garage. He informed me that we should be as far away as the height of the tree to be sure not to disturb them. However, due to needing the larger space for driveway access to the new garage, moving the layout that far was not possible. Mr. Stephenson and I spoke and decided to move the garage another 10-15 feet north (for a total of 30 ft. from trees) so no future damage would occur to the trees, without knowing the specific outline parameters set by Hamilton Township. The garage is 145 ft. from street & the house is 160 ft. from the street. The garage is located 135 ft. from the property line on the west side of garage.

Construction began on 10/11/21, to build the detached garage. At this point in construction all structural framing is complete, all roofing items are complete, all the masonry façade is complete, and all insulation & drywall are complete, along with new electric in the garage. At this time we have stopped all future construction on the garage, until such time as the variance can be approved for the location Mr. Stephenson's new garage.

Sincerely,

Paul D Brown

Board of Zoning Appeals

April 14, 2022

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

Members present: Adam Paul
Ryan Ziembra
Brandon Roark
Mark Wernery

Mr. Ziembra explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing. Mr. Ziembra 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 variance request this evening. The subject property is located at 7102 Quellin Blvd., Maineville, OH 45039. The property owners and applicants are Ruth and Larry Wagoner. Legal Notice was published in *The Pulse Journal* on Sunday, April 3, 2022, as well as being sent out to all neighboring property owners within 200 feet. The current zoning of this property and surrounding properties is R-1 Single Family Residence Zone. Hamilton Township Zoning Code, Section 4.9.5.M provides the criteria for porches and decks. The subject property is located in the Providence subdivision which is classified in our Zoning Code as a cluster development. There is an existing general note on the recorded plat that states rear yards abutting open space, may be reduced to a 20-foot rear yard setback which is what the builder did for this particular lot. The Little Miami Intermediate School is located behind this property. There is a large mound that sits between the home and green space located on the school property.

Mr. Blomer questioned how far into the rear yard setback would the deck be?

The deck proposal is going to come approximately 12 feet out from the rear of the home, putting the deck approximately 7.3 feet from the rear property line.

Mr. Blomer invited the applicant to speak.

Ms. Ruth Wagoner approached the podium explaining her variance request. There is a slope in the rear yard, and she does not believe that a patio would work well in the space as she wants to have enjoyable space. She did state that the HOA had already approved the project.

Mr. Blomer asked about setback disclosure from the builder.

Ms. Wagoner stated that she was not made aware of the lack of space in her rear yard. She stated that the builder originally offered to build a deck for her home, but she declined.

Ms. Gehring stated that a representative with Little Miami School District did stop into the office after receiving a letter about this hearing; they did not have any concerns with the deck proposal.

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

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

Mr. Paul commented that the lack of space is disappointing.

Mr. Ziembra made a motion with a second from Mr. Paul to approve the variance request to construct a deck approximately 7.3 feet into the rear yard setback of 20 feet.

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

Motion carries.

Mr. Wernery made a motion with a second from Mr. Ziembra to approve the March 24, 2022, Board of Zoning Appeals, meeting minutes.

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

Discussion about Findings of Fact ensued for past meetings. Essentially this is a brief summary of each discussion and the Board Chair, and the Board Secretary sign each copy into law.

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

All in favor.