

**WRITTEN SUMMARY
BOARD OF ZONING APPEALS
MEETING MINUTES
Thursday, March 3, 2016
1:33 p.m.**

The Board of Zoning Appeals meeting was called to order by Madam Chair Underwood-Kramer.

Members Present: Ms. Nancy Bushman, Mr. George Jonson, Mr. Desmond Maaytah, and Ms. Karen Underwood-Kramer and Mr. Samoviski.

Members Absent: None

City Staff Present: Mr. John Creech, Mrs. Heather Hodges, Ms. Meredith Murphy, Mr. Ed Wilson, Ms. Kim Kirsch, and Ms. Kathy Dudley.

Mr. Creech introduced Mr. Mike Samoviski and welcomed him as the Planning Commission Representative for the year 2016.

Madam Chair Underwood-Kramer gave an overview of the procedural process of the meeting.

Swearing in of Those Providing Testimony to the BZA:

Ms. Kathy Dudley swore in Mr. Tim Crane.

Old Business: None

New Business:

Agenda Item #1 - 2016-03: Variance Request 15 Hermay Drive (Tim Crane, Applicant/Owner).

STAFF: Meredith Murphy

Ms. Murphy presented the following to the Board:

A Request was received by Mr. Tim Crane for two (2) zoning variances in order to construct an accessory building on his property, zoned R-1 Residential District, located at 15 Hermay Drive. The requested zoning variances to Section 1110.26 and Section 1115.43.1 of the Hamilton Zoning Ordinance are as follows:

- 1) A request to alter the required exterior finish material on an accessory building where 50% brick is required, and
- 2) A request for a one foot variance to the Maximum height of an accessory building to allow a 16 foot height where there is a maximum of 15 feet is permitted.

Mr. Crane is seeking a variance to the requirements of the zoning ordinance in order to construct a new storage barn to be located behind the house. The proposed shed will be a total of 22' x 24', totaling 528 sq. ft. (including a porch on the front), and that is within the allowed size requirements of up to 800 sq. ft. for an accessory structure.

With regard to the first variance request, Section 1110.26 states that "Accessory buildings over 200 sq. ft. in area must have the same exterior finish material on a minimum of fifty (50) % of all sides as the primary exterior material and approximate color as the front of the existing primary building." Mr. Crane is proposing wood siding on the proposed structure. Mr. Crane's home is brick, and he is requesting the variance so that he doesn't have to brick his storage barn.

Ms. Murphy then went through the four variance findings, showed the aerial map of the lot, the zoning around the subject property, a copy of the application, and a handout from the storage barn business where he proposes to buy the barn. She points out the specific barn that Mr. Crane would like, she went over the specifics of it, and showed a drawing of the property and specifics of where the barn would be placed.

Ms. Murphy states that public hearing notices were mailed to the owners of eight (8) properties within 100 feet of the property in question, and states that there were no objections expressed to the proposed zoning variances. Staff provided a letter in support of Mr. Crane installing the shed to the Board members at the meeting (received after the Agenda was sent out).

Recommendation:

Based on a review of the information submitted, there is reason to consider approving the two (2) requested variances with the following conditions: If the BZA approves the request for a Variance, the Department of Community Development requests that the BZA consider the following conditions of approval:

- 1) The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 2) All improvements and work indicated on construction plans approved by the IDR be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Variance.

Ms. Murphy asked if there were any questions from the Board. There being none, the Public Hearing was opened.

Mr. Tim Crane, 15 Hermay Avenue, spoke. He gave specifics of which shed he wanted, his plans for it, and his reasons for wanting to put it up. Mr. Crane and Madam Chair Underwood-Kramer then had a brief discussion about what the loft will be used for, and whether or not there will be steps to the loft. Mr. Crane gave his reasoning for choosing

the particular model that he did, and said that it will sit lower than the house (so it won't be able to be seen from the street). They then talked about the square footage of the building.

With no further questions from the Board and no one in the audience wishing to speak against the request, Mr. Jonson made a Motion to close the Public Hearing. With a 2nd by Mr. Maaytah and all "ayes", the Motion passes and the Public Hearing was closed.

Mr. Maaytah said that he drove the area, and agrees that it would not be able to be seen. With no further discussion by the Board, Mr. Maaytah made a Motion to Approve both variances as requested with conditions set forth by Staff. With a 2nd by Mr. Samoviski and all "ayes" by roll call vote (4-0), the request is granted.

Mr. Creech advised the Applicant that decisions of the Board become effective 5 days after the Board's meeting, and he will be mailing them an official letter of the findings.

Mr. Crane had a few questions about getting the process started, and Mr. Creech and Madam Chair Underwood-Kramer answered those.

Agenda Item #2- 2016-04: Variance Request 735 South Erie Blvd. (Allen Loudiy, Applicant/Owner).

STAFF: John Creech

Madam Chair Underwood-Kramer stated that it was her understanding that there was a communication asking that this item be tabled. Mr. Creech verified that was correct, and said that Staff received a written request by Mr. Jay Bennett (Attorney for Mr. Loudiy) requesting an extension until May 5, 2016. He said that it is up to the Board to grant that extension of time, and that the next scheduled meeting is on April 7, 2016.

Mr. Creech further stated that the property is currently being used illegally. He states that the business has been written up, and they were asked to file the application for the variance. He stated that until the Board holds a meeting and decides on the application, by ordinance, there is a "Stay of Proceedings". He said that Staff asks that the Board consider their request, but if the Board decides to shorten that time until April 7, a letter would be sent to all parties letting them know that they needed to be present, along with any witnesses. Mr. Creech then read Section 1160.40 of the Zoning Code, "Stay of Proceedings". He said that Staff believes that a 30 day extension is reasonable.

Madam Chair Underwood-Kramer said that she noticed that the letter did not provide a reason for the 60 day extension request, but it did state a reason for the tabling of it for the meeting being held presently.

Mr. Samoviski made a Motion that the item be tabled until April 7, 2016. With a 2nd by Mr. Jonson and all "ayes" by roll call vote (4-0), the item is tabled.

Adjourned:

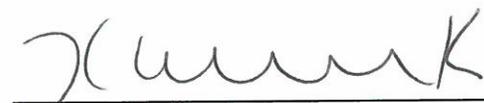
With nothing further, Mr. Jonson made a Motion to adjourn. With all "ayes", the Motion passes and the meeting is adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant



Mr. John Creech
Secretary



Madam Chair Karen Underwood-Kramer

