

**A G E N D A**

**THE HAMILTON COUNTY BOARD OF ZONING APPEALS**

**REGULAR MEETING**

**Room 805-B, Administration Building**

**APRIL 8, 2015**

**1:00 P.M.**

**Peggy Roudebush, Chairman/Presiding Officer**

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**1. MEETING CALLED TO ORDER**

**2. ROLL CALL OF COMMISSIONERS**

**3. PLEDGE OF ALLEGIANCE**

**4. SWEARING IN OF WITNESSES**

**5. ADMINISTRATIVE ITEMS:**

**ADM05:** Approval of minutes from March 11, 2015

**6. PUBLIC HEARINGS:**

**ZONING VARIANCES:**

A. **CASE:** Miami 2015-01; 8273 Bridgetown Road  
**REQUEST:** To request a variance to allow the construction of an accessory use structure with more area than permitted in an "A" Residence  
**APPLICANT:** Terry L. & Ruth Ochs (applicant & owners)  
**LOCATION:** Miami Township: 8273 Bridgetown Road, on the south side of Bridgetown Road, 900 feet east of Legendary Ridge Lane (Book 570, Page 102, Parcel 4)  
**TRACT SIZE:** 5.23 acres

**7. OLD BUSINESS:**

**8. NEW BUSINESS:**

**9. DATE OF NEXT MEETING:** May 13, 2015

**10. ADJOURNMENT**

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**NOTE:** Individuals requiring special accommodations to participate in or attend any meeting or hearing should call the Planning & Development Office at 946-4550, ext. 2 seven days prior to the meeting.







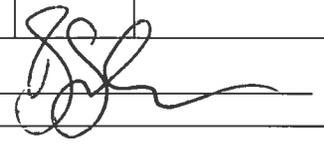
HAMILTON COUNTY  
BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS – MARCH 11, 2015 REGULAR MEETING

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SUMMARY OF ACTIONS

**PRESIDING OFFICER:** Roudebush  
**MEMBERS PRESENT:** Spraul, Joesting, Rosenberger, Abercrombie, Roudebush  
**ABSENT:** None  
**STAFF PRESENT:** Snyder, Stratton  
**LOCATION:** Room 805, County Administration Bldg.  
**TIME:** 1:00 PM – 1:30 PM

	AGENDA ITEMS	BZA Action	Vote	Conditions & Codes
<b>SWEARING IN OF WITNESSES:</b>	All those in attendance that provided testimony were sworn in by the Chairman of the Board			
<b>ADMINISTRATIVE ITEMS:</b>	ADM04: Disposition of Minutes from February 11, 2015	Approval	5-0-0	
<b>ZONING VARIANCE:</b>	Green 2015-01; 5757 West Fork Road	Approval	5-0-0	1, 5
<b>NEW BUSINESS:</b>	Welcoming new board member – Mr. Richard Joesting			
<b>ATTEST:</b>	Chairman _____	Secretary 		
<b>CONDITIONS AND CODES:</b>	<ol style="list-style-type: none"> <li>1. Approval subject to standard covenants.</li> <li>2. Approval subject to conditions recommended in the staff report.</li> <li>3. Approval subject to conditions recommended by the RZC.</li> <li>4. Approval pending receipt of favorable reports or required revisions.</li> <li>5. Approval subject to conditions recommended by BZA.</li> </ol>			
<b>ABBREVIATIONS IN MINUTES:</b>	MSD - Metropolitan Sewer District ODOT - Ohio Department of Transportation SCS - U.S. Soil Conservation Service, Hamilton County Soil and Water Conservation District DPW - Hamilton County Department of Public Works ENG - Hamilton County Engineer ZNG - Hamilton County Zoning Administrator FPO - Township Fire Prevention Officer TPZ - Township Planning/Zoning Committee TT - Township Trustees			

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ADMINISTRATIVE ITEMS

**ADM04: DISPOSITION OF MINUTES**

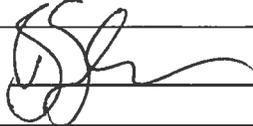
**MOTION:** To approve the minutes of the Regular Meeting of the Board of Zoning Appeals, February 11, 2015.

Moved: Spraul Second: Abercrombie

**VOTE:**  
AYE: 4 Spraul, Rosenberger, Abercrombie, Roudebush  
NAY: 0  
ABSTAIN: 1 Joesting

**ACTION:**

**ADJOURNMENT:** The meeting was adjourned at 1:30 PM

**ATTEST:** Chairman: \_\_\_\_\_ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Board of Zoning Appeals meeting.

HAMILTON COUNTY  
BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS – MARCH 11, 2015

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ZONING VARIANCE: GREEN 2015-01; 5757 WEST FORK ROAD

**REQUEST:** To request a variance to allow construction of an addition with less front yard setback than required and replacement of a 6-foot wood privacy fence in the front yard area of the existing single-family house located on a corner lot in an "A" Residence

**APPLICANT:** Toby M. & Sara A. Stecher (applicants/owners)

**LOCATION:** Green Township: 5757 West Fork Road, on the southeast corner of the intersection of West Fork Road and Fox Ridge Court (Book 550, Page 203, Parcel 229)

**TRACT SIZE:** Approximately 0.685 acres

**SPEAKERS:** B. Snyder, T. Stecher

**DISCUSSION:**

Staff Comments:

1. **B. Snyder** – Review of staff report.
2. Received no correspondence from Green Township on this project.

Applicant Comments:

1. **T. Stecher** – The house is at least 100 years old house and has been vacant for the past 3 years. It needs a lot of updating. Planning on putting a ton of money into the house to become our family's primary residence.
2. We are asking for the variance because the architect felt that by giving some additional setback it will not have the look of a porch addition and be more aesthetically pleasing. The porch that is currently there has never been used as a porch because there is no sidewalk that leads there. The house has always been accessed thru the driveway. The architects' recommendation was to build it around the side for access purposes.
3. Do not believe the distance to the road is much of a concern.
4. The six foot fence portion that is proposed will only be needed in the area near the top of the driveway extending from the garage to the edge of the driveway, perpendicular to Fox Ridge Court. This will prevent people from entering the pool area from this location.
5. The existing fence around the pool will be replaced with a new split rail fence. This is what the Homeowners Association is encouraging me to put up. I also don't feel it's necessary to put up a six foot fence in its place because of all the landscaping along that side of the property.
6. The pines along Fox Ridge Court, technically as of today, belong to me but the Homeowners Association put them in and currently maintains them. Eventually I will be granting them an easement to allow them to continue to maintain them.
7. The old addition on the back of the house is not structurally sound. The plan is to tear down the addition, put a new footer wall in and put in a new laundry room entrance connected to the garage.
8. Currently the exterior of the home is all wood siding. Would like to re-side the entire house using high quality textured vinyl or a fiber cement siding, grey in color with a white trim. Depending on cost and maintenance concerns.
9. The entire roof will need to be replaced.
10. Built a house in the past and will be doing most of the work as the general contractor.

Public Comments:

1. **J. Whitaker** – Supports the project by Mr. Stecher.

Commissioner Comments:

1. **D. Spraul** – Agree about materials, have no issue with the addition or the fence.
2. **P. Roudebush** – Want to make sure materials for the addition and roof are compatible across the entire house.

**MOTION:**

To consider the application for a variance to allow an addition with less front yard setback than required along West Fork Road and a 6-foot privacy fence in the front yard on the Fox Ridge Court frontage of the house on the property in question with conditions per Attachment A.

Moved: Abercrombie

Second: Spraul

**VOTE:**

AYE: 5 Spraul, Joesting, Rosenberger, Abercrombie, Roudebush

NAY: 0

ABSTAIN: 0

**BZA**

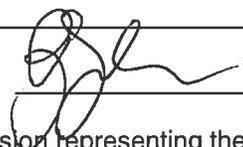
**ACTION:**

**APPROVAL** with Conditions

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**ATTEST:**

Chairman: \_\_\_\_\_

Secretary: 

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**Attachment A**

The Hamilton County Board of Zoning Appeals approves Case Green ZVGT2015-01; 5757 West Fork Road, a request for a variance to allow an addition with less front yard setback than required along West Fork Road and a 6-foot privacy fence in the front yard on the Fox Ridge Court frontage of the house on the property in question with the following conditions.

Conditions:

1. That the applicant shall obtain all necessary zoning permits within 90 days.
2. That the structure and fence shall be constructed in accordance with the plats and plans submitted.
3. That the 6-foot privacy fence shall be permitted only on the portion of the property extending from the rear corner of the garage to the edge of the driveway.
4. That the exterior shall be constructed using siding consistent with the old house and new construction.
5. That the roof of the completed structure shall be surfaced with asphalt shingles.





# SECRETARY’S REPORT

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON APRIL 8, 2015

**BZA  
CASE:**

**MIAMI 2015-01 (Variance Request)**

## 8273 BRIDGETOWN ROAD

**REQUEST:** To request a variance to allow the construction of an accessory structure with more area than permitted in an “A” Residence District

**APPLICANT:** Terry L. & Ruth Ochs (applicant & owners)

**LOCATION:** Miami Township: 8273 Bridgetown Road, on the south side of Bridgetown Road, 900 feet east of Legendary Ridge Lane (Book 570, Page 102, Parcel 4)

**SITE DESCRIPTION:**

Tract Size:	5.23 acres
Frontage:	Approximately 8.65 feet on Bridgetown Road
Zone District:	“A” Residence
Existing Dvlpmt:	Single-family home and in-ground pool

<b>SURROUNDING CONDITIONS:</b>		<u>ZONE</u>	<u>LAND USE</u>
	North:	“A” Residence	Accessory structure
	South:	“A CUP” Residence	Single-family subdivision (Aston Woods)
	East:	“A” Residence	Undeveloped
	West:	“A” Residence	Large-lot single-family home

**REQUEST:** The applicant has proposed to construct a 4,800 sq. ft. L-shaped post frame building approximately 18 feet high to the middle of the roof in the western side yard and rear yard of the existing single-family home. The property is a flag lot and the home is approximately 1000 feet south of Bridgetown Road and is served by a single asphalt driveway. The applicant owns the two properties between the lot in question and Bridgetown Road. The existing home is located on the eastern half of the flag lot and includes one driveway with turnaround space in the front and an in-ground pool in the rear. There is also a small pond to the southwest of the home.

The proposed accessory structure would be accessed by a new driveway off the southwest side of the existing turnaround area in front of the home. On the front main façade, the proposed structure would include a covered porch, three building entrances, six windows, two 16-foot by 8-foot overhead garage doors, and one 12-

foot by 12-foot overhead garage door. The applicant has not provided a floor plan indicating the internal layout of the building but has stated in their letter that the building would be used primarily for the storage of lawn equipment, a 26-foot personal watercraft, 16-foot trailer, skid steer, trailered steam cleaner, two classic trucks, and a 40-foot recreational vehicle. The building would be constructed with steel siding, pitched steel roofing and would contain four cupolas

**FINDINGS:**

**Accessory Structure Variance Request:** Accessory structure of 4,800 sq. ft. where a maximum of 2,000 sq. ft. is permitted and an accessory structure with an area in excess of the 2,849 sq. ft. area (finished) of the principal structure served.

The proposed structure would be 157 feet from the western property line and 134 feet from the southern property line, both well in excess of the required setbacks. The structure would also be separated from the property to the east by the existing home and would be no closer to the front (north) property line than the existing home. The location of the structure off to the side of the existing home, as well as its design would give the appearance of a subordinate accessory structure. However, the appearance of the accessory structure would likely dominate that of the much smaller home given the difference in size.

Though the accessory structure would be much larger than both the maximum area permitted for accessory structures and the area of the home, due to existing vegetation and topography around the area of improvements, it does not appear that either the home or structure are highly visible in any direction except to the north. Furthermore, given that the house is 1000 feet from Bridgetown Road, it does not appear that the accessory structure would be visible from the road and would only be visible from the residences to the north and west of the lot. The lot appears to be very secluded and provides ample area to construct the structure without having a negative impact on surround residential properties. Given the large lot area, it would be possible for the applicant to construct additional accessory structures in the future in the side or rear yards as the Zoning Resolution does not limit the number of accessory structures on a lot.

Staff did not find any similar variance approvals for accessory structure size in the immediate area. There are numerous approvals in the area for structures that do not meet required setbacks. Though staff finds that the request is not likely to have a negative impact on surrounding properties, approving a building greatly over each area requirement may lead to further requests for properties that do not have as much acreage and buffering as the lot in question.

**STANDARDS:**

**Definition – Accessory Use or Structure.**

Provides in relevant part: “An accessory structure or use: (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served...”

**Section 10-12.1 – Accessory Structure Area and Height.**

Provides in relevant part: “On parcels greater than one (1) acre and having a

minimum width of not less than 150 feet at the building line, no more than 2,000 square feet in area..."

This request is a variance based on "practical difficulties" and not based on a "use variance", "unnecessary hardship" or "undue hardship". The following factors should be used to determine if the accessory structure should be permitted to be 4,800 sq. ft. in size on the property:

1. Can the property in question yield a "reasonable return" or be used in any beneficial way without the variance?
2. Is the variance a substantial deviation from the zoning code?
3. Will the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance?
4. Will the variance adversely affect the delivery of governmental services, such as garbage removal, sewage disposal, or water lines?
5. Did the property owner purchase the property with knowledge of the zoning restrictions?
6. Can the property owner's predicament be feasibly obviated through some method other than a variance? In other words, does the property owner have a remedy other than a variance, which would alleviate the problem?
7. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

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**BOARD'S ACTION:** The Board is to consider the application for a variance to allow the applicant to construct an accessory structure with more area than permitted on the property in question.

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EDF

## **SITE PHOTOS**



Looking southwest at proposed location of structure



Looking northwest at proposed location of structure



Looking southeast at residence

