

**A G E N D A**

**THE HAMILTON COUNTY BOARD OF ZONING APPEALS**

**REGULAR MEETING**

**Room 805-B, Administration Building**

**DECEMBER 9, 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:**

**ADM13:** Approval of minutes from November 18, 2015 Regular Meeting

**6. PUBLIC HEARINGS:**

**ZONING VARIANCE:**

- A. CASE: Green 2015-12; 1360 Colonial Drive (continued from November 18, 2015)  
REQUEST: To request a variance to allow the construction of an accessory structure with less setback than required in the rear yard of an existing single-family house located in a "C" Residence District  
APPLICANT: Holly A. & Nicholas R. Scheper (applicants & owners)  
LOCATION: Green Township: 1360 Colonial Drive, on the northeastern corner of Cleves Warsaw Road and Colonial Drive (Book 550, Page 41, Parcel 512)  
TRACT SIZE: Approximately 1.15 acres
- B. CASE: Green 2015-13; 4525 West Fork Road  
REQUEST: To request a variance to permit parking of a commercial vehicle on a single-family lot located within a "B" Residence district  
APPLICANT: Rickie W. Watson (applicant), Rickie W. & Melinda S. Watson, Trustees (owners)  
LOCATION: Green Township: 4525 West Fork Road, on the south side of West Fork Road, opposite Whispering Way (Book 550, Page 102, Parcel 16)  
TRACT SIZE: Approximately 0.765 acres

**CONDITIONAL USE:**

- A. CASE: Columbia 2013-01; Seven Hills Fence Modification  
REQUEST: Conditional Use approval to modify a previously approved Conditional Use plan to allow a taller fence with less opacity in an existing "B" and "C" Residence district  
APPLICANT: Robert W. Horne, The Seven Hills School (applicant), The Seven Hills School (owner)  
LOCATION: Columbia Township: 5400 Red Bank Road on the southeast corner of the Red Bank and Ellmarie Drive intersection (Book 520, Page 215, Parcel 11)  
TRACT SIZE: Approximately 10.79 acres

**7. OLD BUSINESS:**

**8. NEW BUSINESS:**

**9. DATE OF NEXT MEETING:** January 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.







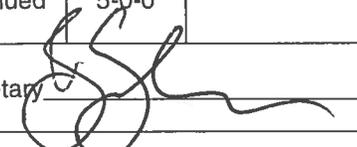
HAMILTON COUNTY  
BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS – NOVEMBER 18, 2015 REGULAR MEETING

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SUMMARY OF ACTIONS

**PRESIDING OFFICER:** Roudebush  
**MEMBERS PRESENT:** Abercrombie, Joesting, Rosenberger, Roudebush, Spraul, (Odioso, alternate, attended the meeting in entirety but was not called)  
**ABSENT:** None  
**STAFF PRESENT:** B. Snyder, B. Stratton  
**LOCATION:** Room 805, County Administration Bldg.  
**TIME:** 1:00 PM – 1:28 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>     | ADM12: Disposition of Minutes from October 14, 2015   | Approval   | 5-0-0 |                    |
| <b>ZONING VARIANCES</b>          | Green 2015-12; 1360 Colonial Drive  | Continued  | 5-0-0 |                    |
| <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<br>ODOT - Ohio Department of Transportation<br>SCS - U.S. Soil Conservation Service, Hamilton County Soil and Water Conservation District<br>DPW - Hamilton County Department of Public Works<br>ENG - Hamilton County Engineer<br>ZNG - Hamilton County Zoning Administrator<br>FPO - Township Fire Prevention Officer<br>TPZ - Township Planning/Zoning Committee<br>TT - Township Trustees |  |       |                    |



HAMILTON COUNTY  
BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS – NOVEMBER 18, 2015

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ZONING VARIANCE: GREEN 2015-12; 1360 COLONIAL DRIVE

**REQUEST:** To request a variance to allow the construction of an accessory structure with less setback than required in the rear yard of an existing single-family house located in a "C" Residence district

**APPLICANT:** Holly A. & Nicholaus R. Scheper (applicants & owners)

**LOCATION:** Green Township: 1360 Colonial Drive, on the northeastern corner of Cleves Warsaw Road and Colonial Drive (Book 550, Page 41, Parcel 512)

**TRACT SIZE:** Approximately 1.15 acres

**SPEAKERS:** B. Snyder, N. Scheper, D. Bunger, H. Thiemann, D. Finn

**DISCUSSION:**

Staff Comments:

1. **B. Snyder** – Mr. Finney called the office around 9:00am this morning to indicate that his client intended to request a continuance. Notices have already been sent out and it was too late to postpone the meeting and inform the neighbors at that point. If the applicant wishes to request a continuance he can do so at this time.
2. The building will have to be engineered to hold back the dirt. If the building is approved, the building department would require review for excavation and ground stability before any permits will be issued.
3. We have not received any additional correspondence from Green Township. They have considered the plan, but have not taken any position on it.

Applicant Comments:

1. **N. Scheper** – As of today I have not made any alterations to the plan.
2. Would like to request a continuance. I have not had a chance to finish the plans and obtain samples of the materials that I would like to present to the board. The vendors are very slow to give them to me. Mr. Finney, my attorney, was not able to attend today and we would like to give the board a much better presentation.
3. Want to clarify what the issues at hand are with the structure.
4. The dimensioned plan is the application. The photo rendering that was submitted was to the best of my ability and was simply an attempt to give an impression of what I wanted to build. It is exactly 22 feet off of the east property line and 5 feet off of the north property line. There will be a 4 ½ to 5 feet offset from the house. It will allow circulation from the backyard to the driveway because there is no access to any floor within the building.
5. I am doing my absolute best and will continue to do so to satisfy everyone. I think I personally have the most to lose because I will be spending my money on the structure. I appreciate your comments and the comments from the neighbors and I will try to continue to satisfy everyone.

Public Comments:

1. **D. Bunger** – Have concerns about the significant amount of dirt removal, the stability of the driveway and water run off issues. I have not heard this issue discussed.
2. Curious if this board has received any comments from Green Township on this proposal. I have spoken with Mr. Goetzman and was hoping he would have contacted you.
3. **H. Thiemann** – Have hired Architects Plus to review the plans and I have checked with Mr. Snyder on several occasions and Mr. Scheper has not submitted revised plans. I would like to know how I can find out when the new drawings will be submitted so that I can have them looked at.









# SECRETARY’S REPORT

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON OCTOBER 14, 2015

**BZA  
CASE:**

**GREEN 2015-12 (Variance Request)**

# 1360 COLONIAL DRIVE

**REQUEST:** To request a variance to allow the construction of an accessory structure with less setback than required in the rear yard of an existing single-family house located in a “C” Residence district

**APPLICANT:** Holly A. & Nicholaus R. Scheper (applicant & owners)

**LOCATION:** Green Township: 1360 Colonial Drive, on the northeastern corner of Cleves Warsaw Road and Colonial Drive (Book 550, Page 41, Parcel 512)

**SITE DESCRIPTION:**

|                  |   |
|------------------|---|
| Tract Size:      | Approximately 1.15 acres  |
| Frontage:        | Approximately 200 feet on Cleves Warsaw Road and 230 feet on Colonial Drive |
| Zone District:   | “C” Residence   |
| Existing Dvlpmt: | Single-family home  |

| <b>SURROUNDING CONDITIONS:</b> | <u>ZONE</u>                    | <u>LAND USE</u>     |
|--------------------------------|--------------------------------|---------------------|
| North:                         | “C” Residence                  | Single-family homes |
| South:                         | “C” Residence (Delhi Township) | Single-family homes |
| East:                          | “C” Residence                  | Single-family homes |
| West:                          | “C” Residence                  | Single-family homes |

**REQUEST:** The applicant has requested a variance to allow a proposed detached garage structure to be constructed 5 feet from the northern property line and 22 feet from the eastern property line of the subject property. The garage would be 1,728 square feet (36 x 48). The structure is required to be located 25 feet from all property lines. The garage would be two stories and approximately 29 feet in height (averaging 19.5 feet high) with a hip roof. The structure would be constructed with three garage doors and three windows on the 2<sup>nd</sup> story facing south towards Colonial Drive. It does not appear that there would be any other windows or entry doors. Construction would include a poured concrete foundation, vinyl siding and a metal or asphalt roof. The proposed garage would be located in the rear yard to the northeast of the home and would be visible from Colonial Drive and partially

visible from Cleves Warsaw Road. An existing paved driveway and paved parking area would provide access to the garage. The applicant states that the building would be for the storage vehicles, work equipment and yard equipment and the existing garage under the house is too small for these items. The lot is a corner lot and the applicant also states that the house sits in the corner making it impossible to maintain a 25 foot setback off the east and north property lines. A retaining wall exists in the rear of the property as the land slopes up to the east. The structure would be built slightly into the hillside.

**FINDINGS:**

**Accessory Structure Variance Request:** Accessory Structure over 1,032 square feet setback 5 feet and 22 feet where 25 feet is required.

The Zoning Resolution requires accessory structures with a maximum of 1,032 square feet in area and a maximum height of 14.5 feet to be setback 3 feet from all property lines. However, the resolution also allows accessory structures up to 2,000 square feet and a maximum height of 24 feet for parcels greater than one acre in size and 150 feet in width provided that the structure includes a 25-foot setback from all property lines. The applicant has a parcel that is greater than one acre and greater than 150 feet in width and is permitted to have the larger garage. However, the applicant is requesting the variance to allow the garage to be setback 5 feet from the northern property line and 22 feet from the eastern property line instead of the required 25 feet.

There is a home located approximately 30 feet to the north of the property which would be directly impacted by the proposed garage. If approved, this home would be located approximately 35 feet from the garage at its closest point. There does appear to be some vegetation that would screen this garage during the summer months. However, once the foliage was gone, the garage would be highly visible. The existing home to the east would be located approximately 55 feet away at their closest point to the proposed garage and are more heavily buffered with mature vegetation including some evergreens.

In addition to the setback, there appears to be a question as to the size of the structure as well. Though no floor plans were submitted for a second story in the garage, and the zoning refusal was based only on the setback, the applicant has mentioned a possible second story in the garage for storage purposes. The addition of a second story would add up to an additional 1,728 square feet of area for a total floor area of the accessory structure of 3,456 square feet. This would be far in excess of the maximum 2,000 square feet permitted on the property. More detail is needed as to the potential second floor area and its intended use, if any. If approved as submitted, the applicant would not be permitted to construct a second story within the garage structure.

There does not appear to be any variances granted for similar circumstances in this portion of Green Township.

**STANDARDS:**

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

Provides in relevant part: “On parcels of one (1) acre or less, no more than 1,032 square feet in area and 14.5 feet in height...On parcels greater than one (1) acre and

having a minimum width of 150 feet at the building line, no more than 2,000 square feet in area and 24 feet in height..."

**Section 10-12.2 – Setback.**

Provides in relevant part: "No detached accessory structure having 1,032 square feet or less in floor area and 14.5 feet in height...shall be closer than three feet (3') from any property line...When permitted by Section 10-12.1, no detached accessory structure having more than 1,032 square feet in floor area or being more than 14.5 feet in height...shall be closer than 25 feet from any property line."

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 garage should be permitted to have a 5-foot and a 22-foot setback where a 25-foot setback is required on the residential 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 a detached garage with a 5-foot setback from the northern property line and a 22-foot setback on the eastern property line on the property in question.

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JSH/BDS

**SITE PHOTOS**



View of home looking south from Cleves Warsaw Road



View of home looking east from Colonial Drive



View of new garage area and existing buffering looking east





**RURAL ZONING COMMISSION**  
**HAMILTON COUNTY, OHIO**  
**OFFICE OF THE ZONING INSPECTOR**  
 138 E Court Street • Room 801 • Cincinnati, OH 45202  
 (513) 946-4550

|                                  |
|----------------------------------|
| APPLICATION NO<br><b>Z140353</b> |
| BZA CASE NO<br><b>ZVGT201512</b> |

**NOTICE OF REFUSAL**

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TO APPLICANT **NICK SCHEPER**  
 1360 COLONIAL DRIVE  
 CINCINNATI, OH  
 45238

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TO OWNER **NICK SCHEPER**  
 1360 COLONIAL DRIVE  
 CINCINNATI, OH  
 45238

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**AUDITOR'S ID NUMBER**  
**BOOK: 550 PAGE: 041 PARCEL: 512**

Your application dated September 8, 2015 for a zoning certificate for the construction of a detached garage with less setback than required at premises designated as **1360 COLONIAL DRIVE** is hereby refused on this 10th day of September, 2015 under Table 1-6, Section 10-12.2 and Section 20-1 of the zoning resolution in that:

**Table 1-6 et seq.** of the Zoning Resolution and the Green Township District Maps designate said premises to be in the "C" Single Family Residence District.

**Section 10-12.2 Setback.** When permitted by Section 10-12.1, no detached accessory structure having more than 1,032 square feet in floor area or being more than 14.5 feet in height measured to the mean height level between eaves and ridge shall be closer than 25 feet from any property line.

**Section 20-1** Provides in relevant part: "... (N)o land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose whatsoever until the County Zoning Inspector has issued a Zoning Certificate. ..."

An appeal from this decision to the County Board of Zoning Appeals is governed under **Sections 21-1, 21-2, 21-5.1(a), 21-6, and 22-2** of the Zoning Resolution.

Bryan D. Snyder, AICP, ZONING INSPECTOR

Mary Berta Coggeshall, AICP,  
 ZONING PLANS EXAMINER

**NOTE: ANY APPEAL MADE FROM THIS REFUSAL MUST BE FILED WITH THE BOARD OF ZONING APPEALS WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS REFUSAL. FOR FURTHER INFORMATION, CONTACT THE ZONING PLAN EXAMINER, OFFICE OF THE ZONING INSPECTOR (513) 946-4550.**



APPLICATION FORM

Submit Completed Application To: The Hamilton County Board of Zoning Appeals, County Administration Building, 138 E. Court Street, Room 801, Cincinnati, OH 45202 Phone: (513) 946-4550

Prepare a Letter referring to instructions in the "User's Guide" and including:

- a. The principal points set forth in this case shall be the same as those under which the administrative officer acted, whether the granting or refusal of a zoning certificate or any other decision based upon the regulation of the Zoning Resolution.
- b. A clear and accurate description of the proposed use
- c. Specific reference to the Chapter and Section(s) of the Zoning Resolution which, it is claimed, authorize the determination sought

NAMES AND ADDRESSES

Applicant Nicholaus Scheper Owner Nicholaus Scheper  
 Address 1360 Colonial Drive Address 1360 Colonial Drive  
Cinti OH 45238 Cinti OH 45238  
 Email Address Schep@cinci.RR.com Email Address Schep@cinci.RR.com

The undersigned \_\_\_\_\_ hereby appeals under Chapter 21 & 22 and Section(s) \_\_\_\_\_ of the Zoning Resolution to permit the construction of a Detached Garage

\_\_\_\_\_ in accordance with the plats, plans and other data hereto attached and made a part of this case.

PROJECT IDENTIFICATION

| ZONE DISTRICT | AUDITOR'S BOOK NO. | AUDITOR'S PAGE NO. | AUDITOR'S PARCEL NO. | LOT NO. |
|---------------|--------------------|--------------------|----------------------|---------|
| <u>C</u>      | <u>530</u>         | <u>041</u>         | <u>372</u>           |         |

Project Location: 1360 Colonial Drive, Cinti, OH 45238

I hereby depose and say that all the above information and that statements contained in all of the exhibits transmitted herewith are true.

Nicholaus R. Scheper  
Applicant Signature

Sworn to and subscribed before me, this 8th day of September 2015

Rebecca Stratton  
REBECCA STRATTON, Notary Public  
In and for the State of Ohio  
My Commission Expires June 13, 2016

APPLICATION FORM (continued)

APPLICATION NUMBER  
ZVOT201512

Address of Subject Property 1360 Colonial Drive, Cinti Township Green

|            | NAME              | ADDRESS             | CITY  | STATE | ZIP CODE | PHONE NO. |
|------------|-------------------|---------------------|-------|-------|----------|-----------|
| OWNER      | Nicholas Schepers | 1360 Colonial Drive | Cinti | OH    | 45238    | 659-0147  |
| CONTRACTOR | same              | ↓                   | ↓     | ↓     | ↓        | ↓         |
| PLANS BY   | same              | ↓                   | ↓     | ↓     | ↓        | ↓         |
| APPLICANT  | same              | ↓                   | ↓     | ↓     | ↓        | ↓         |

TYPE OF IMPROVEMENT: (Describe briefly proposed work)  
Construction of a Detached Garage

PROPERTY OWNERSHIP  
**RECEIVED**  
 SEP 08 2015  
 HAMILTON COUNTY  
 PLANNING & DEVELOPMENT

- Private
- Public (Federal, State, Local)
- Corporate
- Other

BZA ACTION REQUESTED

- Appeal
- Variance
- Conditional Use
- Compatible Non Conforming Use
- Non Conforming Use
- Other

State in detail all existing and proposed uses of this building or premises:

Existing Use Residential Home

Proposed Use Residential Home detached Garage

- Commercial
- Residential

Estimated cost of improvement for which this application is being made: \$ 45,000

The owner(s) of this building and undersigned, do hereby covenant and agree to comply with all of the laws of the State of Ohio and the Zoning Resolution of the County of Hamilton, pertaining to building and constructing the proposed building or structure or making the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct.

Application By: Nicholas R. Schepers Address 1360 Colonial Drive, Cinti, OH 45238  
 DO NOT WRITE BELOW THIS LINE

Adopted: \_\_\_\_\_ Journalized: \_\_\_\_\_

BZA Filing Fee: \_\_\_\_\_ Cash \_\_\_\_\_ Check # \_\_\_\_\_

Proposal letter to the Board of Zoning Appeals requesting a Variance, case # ZV6T201512

Hamilton County Planning & Development  
138 East Court Street  
Room 801  
Cincinnati, OH 45202

8 September, 2015

Dear Board of Board of Zoning Appeals,

This proposal letter is to request and substantiate the granting of a variance for the residence located at 1360 Colonial Drive (45238) in Green Township. The variance requested is relatively minor, and as shown below meets all of the parameters set forth in Chapter 10, of the Hamilton County Zoning Resolution except section 10-12.2, regarding setback constraints.

I am requesting a variance allowing for the construction of a 36' x 48' detached garage on the property. The reason for the proposed garage is for the personal storage of the five vehicles we currently own, as well as a workbench and woodworking equipment. We also have yard care equipment: riding mower, large leaf vacuum, push-mower, snow-blower, weed eaters, blowers, cans, etc, typical of maintaining a lot of one acre. The existing garage under the house is so small that my pickup truck will not fit under the door opening, much less fit in length, and my wife's Mazda SUV barely fits in height or length.

We purchased this house to be in the Township, but it still is in the CPS district and one daughter is in Walnut Hills High School, with another at Fairview German Language. Given school activities on the east side of town, we anticipate a need for at least two more cars in the coming years. With the existing driveway wrapping the face of the house, leaving all of these cars outside will look lousy to me and also my neighbors. Under the proposed design of the garage, it is not great, but it barely allows four doors for four cars. In 1953 this house might have only had one or two cars in the household; however, times have changed and lifestyles now make it common to have a car for every driver, if not more than one car, or a motorcycle. Even now, we keep five bicycles, as an example.

My father was a mechanic, and my first degree is in mechanical engineering; oddly, I occasionally **enjoy** doing my own vehicle maintenance. There is a real need to store some expensive tool boxes and it is separate from the woodworking equipment I would enjoy to use at times. My table saw, planer, vacuums, radial arm saw, and other woodworking equipment are currently in storage because they will not fit in the existing garage. Again, to be useful, they cannot reside in storage.

The proposed garage will be constructed of a poured concrete foundation and then traditional stick framed walls above with engineered wood trusses. The proposed garage is desired, intended, and will be built specifically to be unobtrusive. We are going into the hillside as much as possible without killing trees in the rear. The exterior finish over the wood will be vinyl or Hardieboard to mimic the white painted brick of the existing house. We will use windows and shutters as a facade to help again match the house. The roof peak is not to dominate the house, and top roof pitch is to be similar to the existing house pitch. The roof material will be either metal or asphalt, again with color to mimic the existing red clay color of the house roof. Frankly, it is in our own best interest to make this garage represent a positive improvement to our parcel; if I leave here, it will be to a cemetery or a double wide somewhere.

**Summarizing, using exactly your Standards for Variances, Case number ZV6T201512**

As outlined, no variance shall be granted that is greater than the minimum necessary to relieve an unnecessary hardship or practical difficulty. I am confident the requested variance falls within these guidelines, notably;

A) The request is related to a unique physical condition of the subject property whereby the property is a corner lot and the existing house sits toward the rear NE corner, making it impossible to maintain a 25' set back off the east and especially north property lines while still allowing for a functional driveway apron or access. Setting the proposed garage anywhere else on the lot incurs significant additional cost and would look lousy compared to being a house compliment, again due to the existing lot elevations and house layout.

B) The need for a variance is not self-created. The existing layout of the house on the lot necessitates that the garage be placed in the far NE corner to make use of the driveway and apron.

C) Denial of the request would deny the property owner substantial rights. Several houses in the area have attached three car garages and/or detached garages/out-buildings so the addition of this garage is in conformance with the neighborhood. In today's market a house of our size (2700 sq. ft.) is expected to have a garage large enough to house a pickup truck and/or SUV. Our current garage does not, and the sweeping driveway layout makes it look even worse to leave extra cars outside in the front.

D) The alleged hardship or difficulty is not merely a request for special privilege. If we could place the garage in another portion of the lot to accommodate the zoning set-backs, and still have the building look appealing to the neighbors and be useful to us, we would certainly do so. Due to the placement of the existing house on the lot, this is not possible.

E) The request must be in harmony with the purposes of the Zoning Resolution. This garage is for our personal use only. I have numerous tools from my father and father-in-law and enjoy woodworking and doing my own auto maintenance. We have no intentions of adding a building that would be detrimental to the value of our or any neighbors' properties. Our goal is to increase the value of the property.

- F) The variance would not result in a use or development on the subject property that
- Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
  - Would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;
  - Would increase hazardous conditions in the public streets due to traffic or parking;
  - Would unduly increase the danger of flood or fire;
  - Would unduly tax public utilities and facilities in the area; or
  - Would endanger the public health or safety

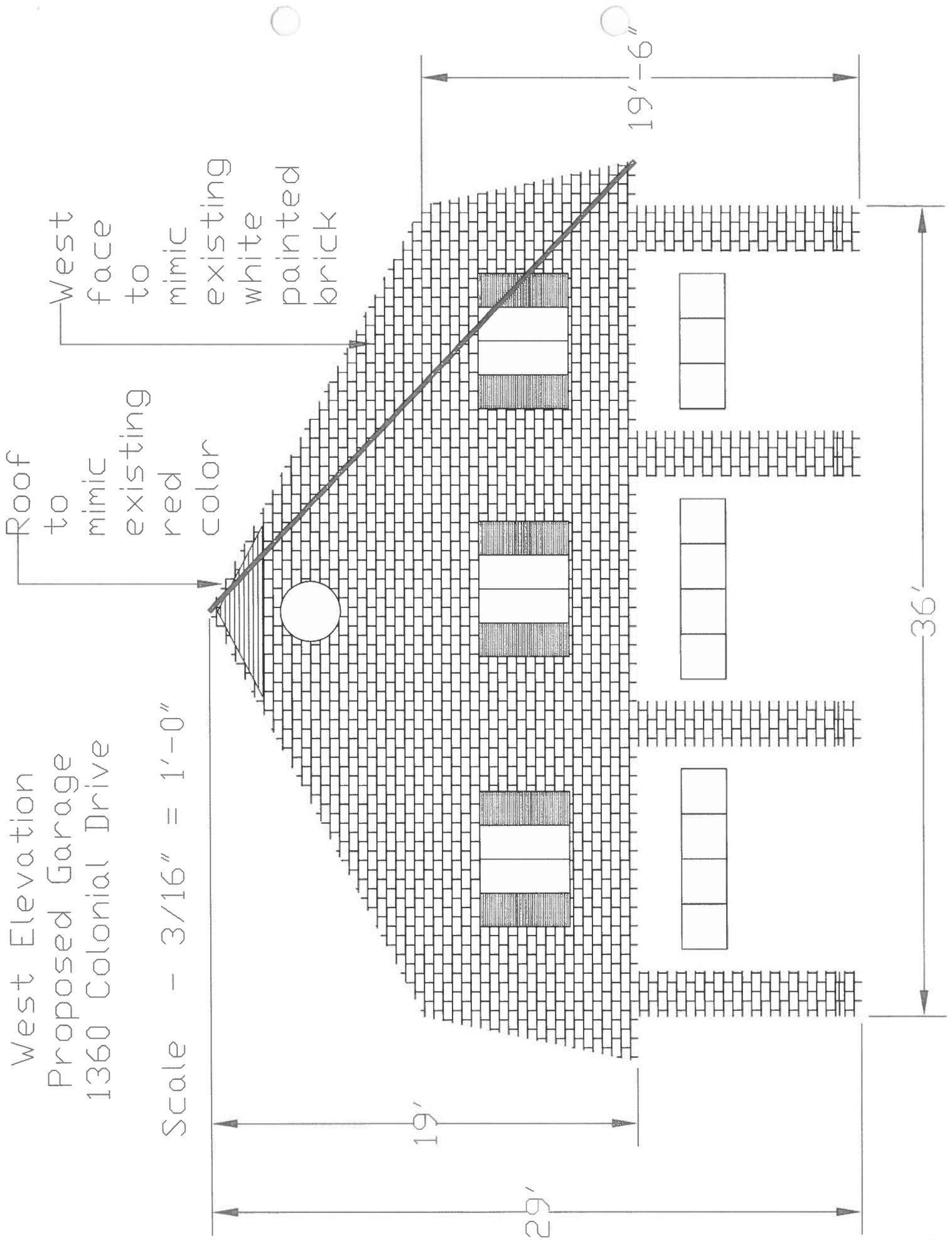
The garage is to be placed in the rear NE corner of the property which is already lined with trees on both sides; therefore it will not impair anyone's light supply. The structure is designed to blend in with the style and color of the existing house and will be an improvement to the property by reducing the number of vehicles parked in the driveway. It is solely for personal use and in no way poses any danger to nearby residents.

Respectfully submitted,

Nicholaus R. Scheper

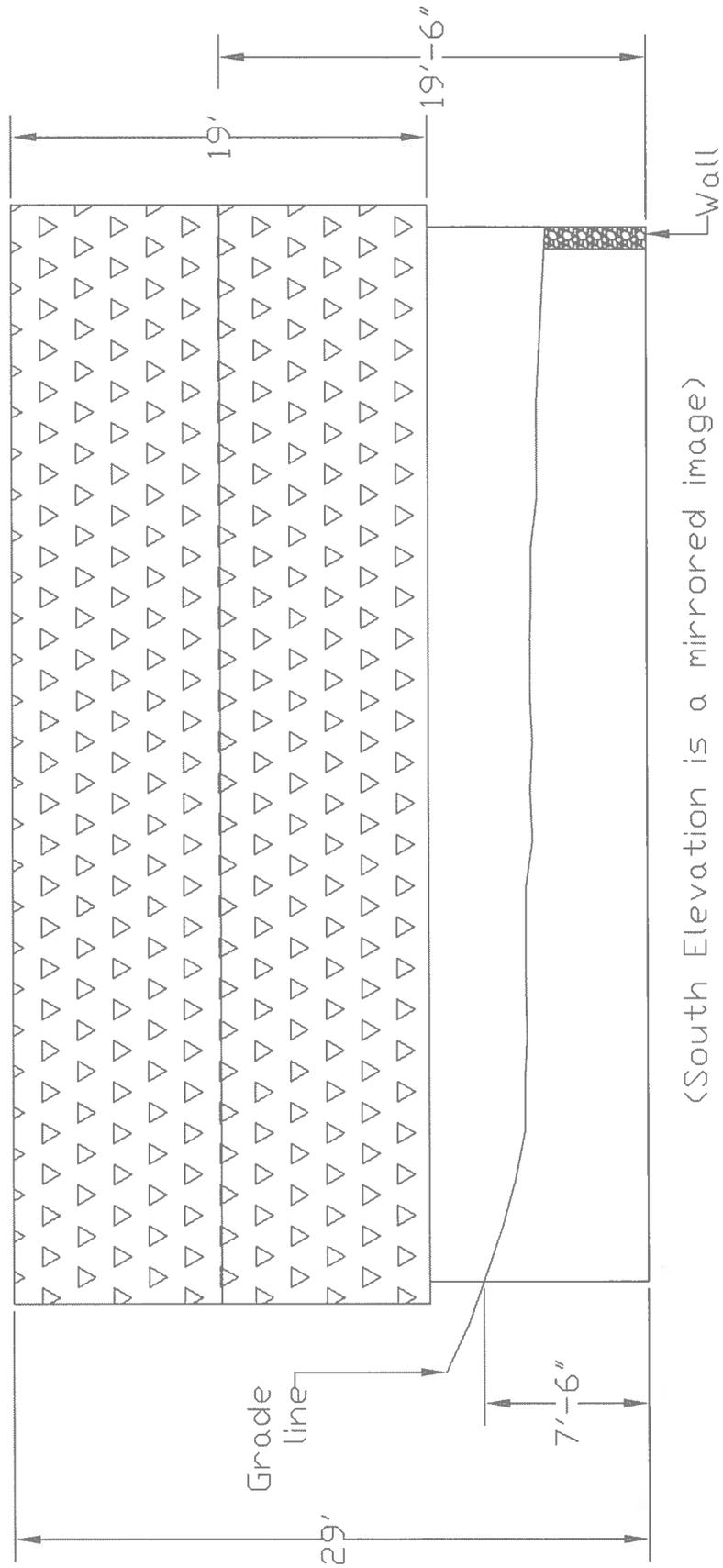
West Elevation  
Proposed Garage  
1360 Colonial Drive

Scale - 3/16" = 1'-0"



North Elevation, Proposed Garage  
1360 Colonial Drive

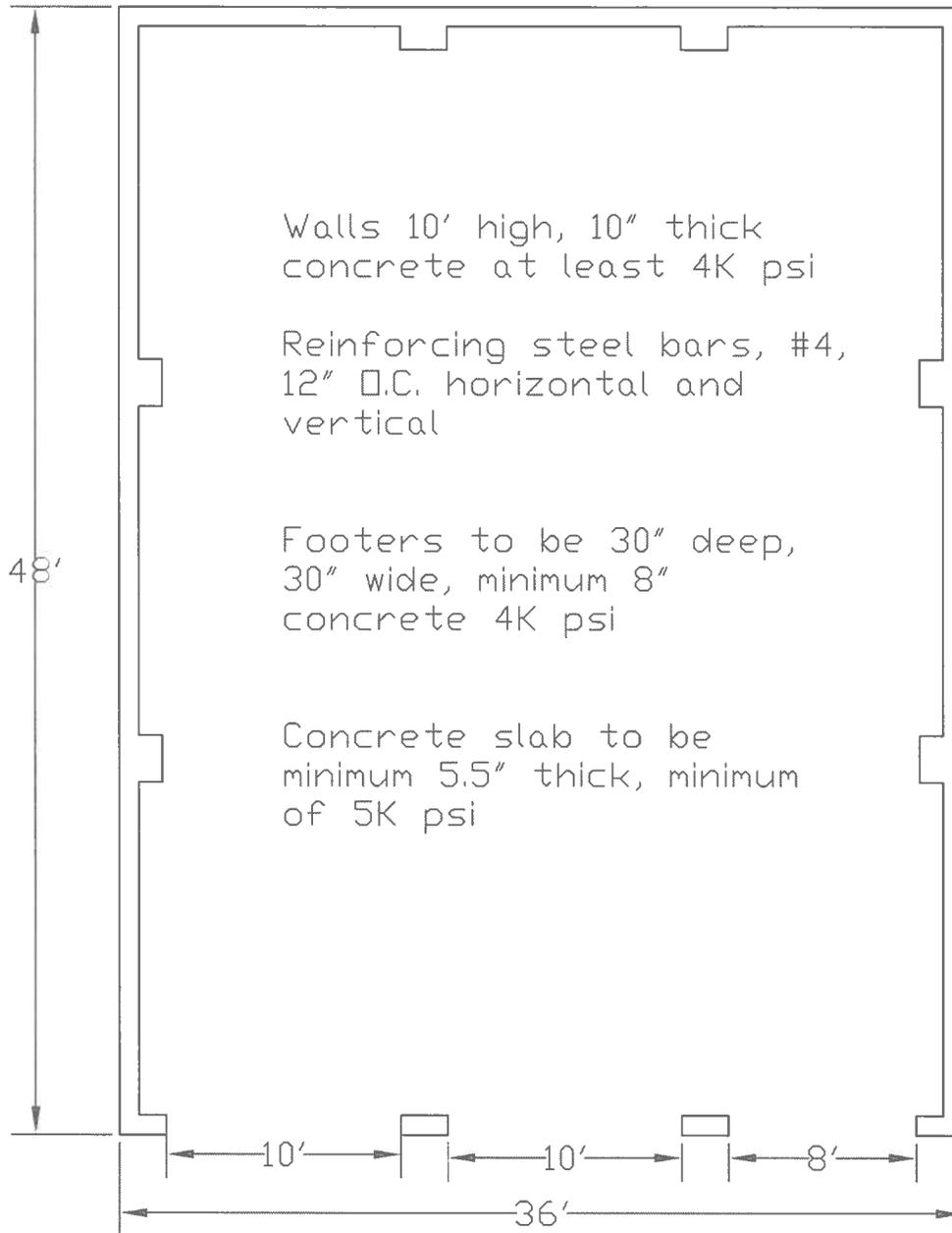
Scale -- 1/8" = 1'-0"



<South Elevation is a mirrored image>

Floorplan, Proposed Garage  
1360 Colonial Drive

Scale -- 1/8" = 1'-0"







Proposed Garage, 1360 Colonial Drive





# SECRETARY'S REPORT

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON DECEMBER 9, 2015

**BZA  
CASE:**

**GREEN 2015-13 (Variance Request)**

## 4525 WEST FORK ROAD

**REQUEST:** To request a variance to permit parking of a commercial vehicle on a single-family lot located within a "B" Residence district

**APPLICANT:** Rickie W. Watson (applicant), Rickie W. & Melinda S. Watson, Trustees (owners)

**LOCATION:** Green Township: 4525 West Fork Road, on the south side of West Fork Road, opposite Whispering Way (Book 550, Page 102, Parcel 16)

**SITE DESCRIPTION:**

|                  |   |
|------------------|---|
| Tract Size:      | Approximately 0.765 acres               |
| Frontage:        | Approximately 90 feet on West Fork Road |
| Zone District:   | "B" Residence                           |
| Existing Dvlpmt: | Single-family home                      |

|                                |        |                                    |                     |
|--------------------------------|--------|------------------------------------|---------------------|
| <b>SURROUNDING CONDITIONS:</b> |        | <u>ZONE</u>                        | <u>LAND USE</u>     |
|                                | North: | "B" Residence (North Green Zoning) | Single-family homes |
|                                | South: | "A" Residence                      | Single-family homes |
|                                | East:  | "B" Residence                      | Single-family homes |
|                                | West:  | "B" Residence                      | Single-family homes |

**REQUEST:** The applicant is requesting a variance to allow a commercial vehicle to be parked on a newly constructed parking pad on the east side of the existing single-family home on the property. The vehicle is a Cincinnati Bell Telephone bucket truck that meets the definition of a commercial vehicle based on size and commercial markings. The truck height is 9.5 feet, which exceeds the 7.5 foot maximum height permitted and the commercial markings are greater than 4 square feet. The applicant states that the garage he reported to closed and that repair men were requested to store their vehicles at home. The variance request is to allow the bucket truck to be parked on the residential lot when the applicant is not at work.

**Variance Request:** Allow parking of a commercial vehicle in a residence district.

**FINDINGS:**

The vehicle is defined as a commercial vehicle by the Zoning Resolution due to its size and the permanent external commercial markings. The applicant has a two-car garage attached to the front of the existing home with a driveway wrapping in an “L” shape to access the side-facing garage. The proposed parking area for the bucket truck was recently constructed as a gravel extension of the driveway on the opposite side from the garage. The applicant constructed a small retaining wall to level out the area next to the house to allow parking of vehicles. The applicant is working with the Zoning Inspector to pave the gravel area and is not requesting a variance to allow the gravel to remain. The subject of the request is to allow the commercial vehicle to remain parked in this newly constructed parking area.

Due to the grade of the property, existing vegetation on the property to the east, and the setback and configuration of the home and garage, the commercial vehicle is somewhat screened from view of motorists traveling along West Fork Road. However, the location is clearly visible to all traffic at the intersection of West Fork Road and Whispering Way directly to the north of the site. Traffic both on West Fork Road and traffic on Whispering Way sitting at the intersection waiting to turn onto West Fork can clearly see the parking area and the bucket truck. This would not be consistent with the character of the area.

Additionally, the proposed parking location for the bucket truck would be less than 20 feet from the side of the neighboring home to the east. Incidentally, this neighboring home was the subject of a variance to allow a privacy fence in this side yard area that was denied in September 2015. There is no landscaping separating this home from the parking area. It is unclear if there is any space between the top of the retaining wall and the property line to plant landscaping to help screen the parking area. There appears to be approximately 16 feet from the front corner of the home to the property line. Without landscaping or some type of screening, the 9.5 foot high bucket truck would be clearly visible from three interior windows of the adjacent ranch-style home. This would not be consistent with the purpose of the Zoning Resolution to provide separation between residential and commercial uses.

Finally, there is nothing about the property that makes it unique in a way that lends itself to the parking of a commercial vehicle or exceptional as compared to other properties in the area. The Zoning Resolution prohibition on parking of commercial vehicles on the property has existed prior to the applicant locating the bucket truck on the property and there are no findings that indicate the applicant should be afforded the special privilege of a variance to these requirements. The variance request relates to the personal situation of the current property owner and allowing a variance in this case could set a precedent to allow similar requests in other areas under the jurisdiction of the Zoning Resolution. These findings do not support granting of a variance based on the standards for “unnecessary hardship” or “undue hardship” listed below.

**STANDARDS:**

**Sec. 12-5.6 – Parking or Storage of Commercial Vehicles in Residence Districts**  
In Residence Districts, the storage or parking of commercial vehicles shall be regulated as follows:

- a. No truck, construction equipment, or other vehicle of a business or industrial

nature shall be parked or stored on a lot in a Residence District that exceeds twenty (20) feet in length, seven and one half (7 ½) feet in height and/or contains permanent commercial markings or signs exceeding a total of four (4) square feet.

This request is not a variance based on “practical difficulties.” However, it is a “use variance” and should be reviewed using the standards of “unnecessary hardship” or “undue hardship.” The following factors should be used to determine if the commercial vehicle should be permitted to be parked on the residential property:

1. Is the variance requested the minimum variation necessary to relieve the alleged hardship?
2. Is the property exceptional as compared to other lots subject to the same provision by reason of a unique physical condition that amounts to more than a mere inconvenience to the owner and that relates to or arises out of the lot rather than the personal situation of the current owner?
3. Is the requested variance not self-created and rather the result of a unique physical condition which existed at the time of enactment of the provision from which a variance is sought?
4. Is the alleged hardship not merely the inability of the owner to enjoy some special privilege not available to owners of other lots subject to the same provision?
5. Would the requested variance be in harmony with the general and specific purposes for which the Zoning Resolution, and the provision from which a variance is sought, were enacted?
6. Would the requested variance result in a use or development that would be consistent with the essential character of the area?

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**BOARD'S ACTION:** The Board is to consider the application for a variance to allow the parking of a commercial vehicle on the property in question located in a “B” Residence District.

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BDS

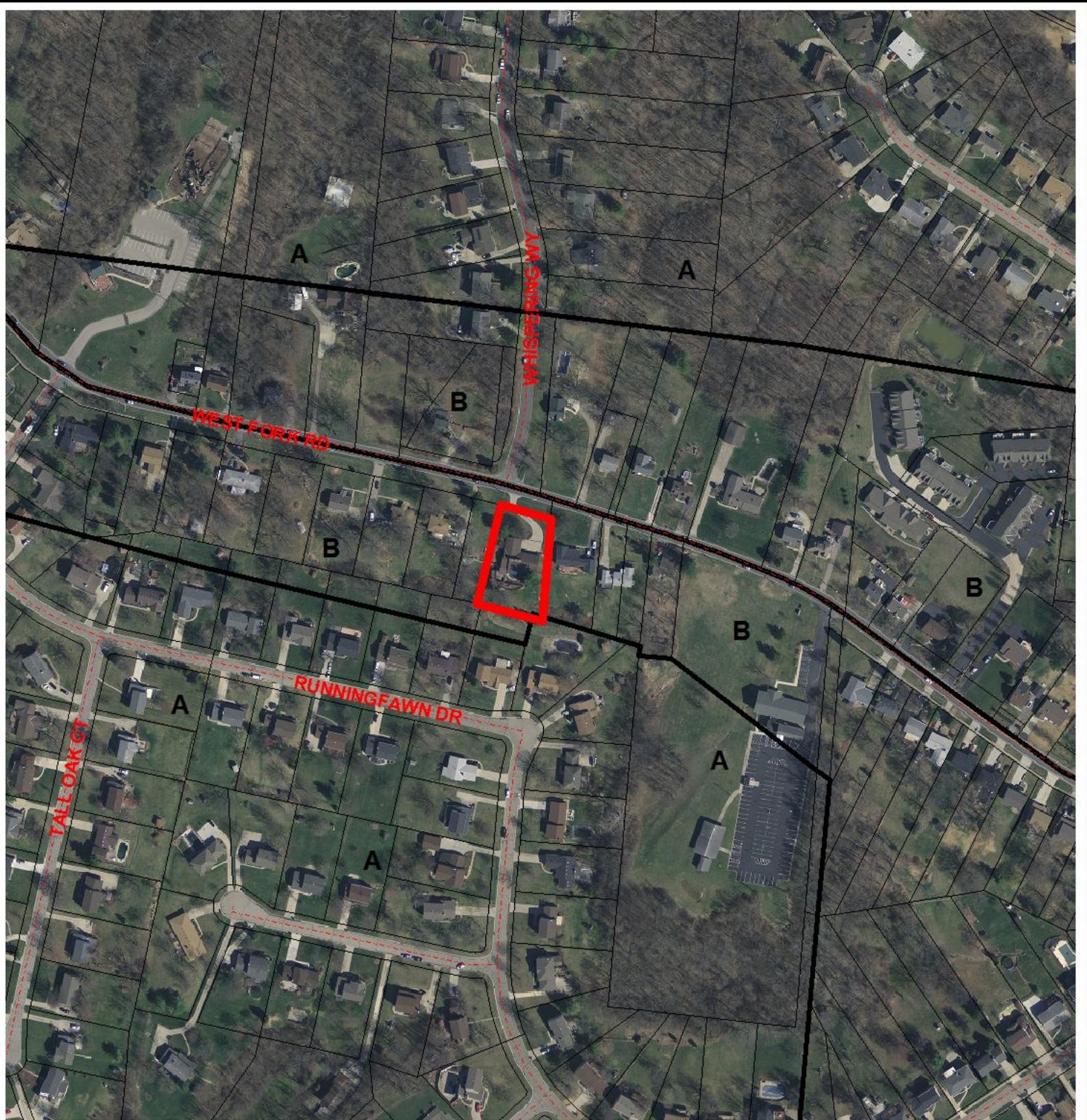
## SITE PHOTOS



View subject site (parking area on left) looking south near the intersection of West Fork and Whispering Way

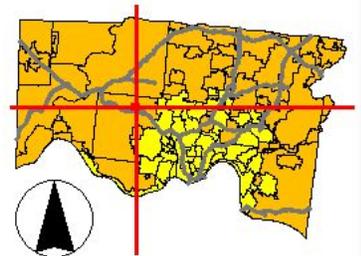


View of commercial vehicle with proposed parking area behind truck (taken in August 2015)



# VICINITY MAP

**Case: Green ZVGT2015-13; 4525 West Fork Road**  
**Request: VARIANCE APPROVAL**



Printed: 12/1/2015  
 Printed By: BRYAN SNYDER

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 Any trademarks and trade names mentioned are provided on their respective websites for informational purposes only. For a final determination of a property's zoning, the recipient must refer to the 1992 FEVA, local zoning ordinances, large differences can occur between actual floor plans and official FEVA and zoning maps.



**RURAL ZONING COMMISSION  
HAMILTON COUNTY, OHIO  
OFFICE OF THE ZONING INSPECTOR**  
138 E Court Street • Room 801 • Cincinnati, OH 45202  
(513) 946-4550

**APPLICATION NO**  
(DO NOT WRITE IN THIS SPACE)  
**Z150438**

---

**BZA CASE NO**  
(DO NOT WRITE IN THIS SPACE)  
**ZVGT201513**

**NOTICE OF REFUSAL**

TO **RICK WATSON**  
APPLICANT **4525 WEST FORK ROAD**  
**CINCINNATI, OH**  
**45247**

TO **RICK WATSON**  
OWNER **4525 WEST FORK ROAD**  
**CINCINNATI, OH**  
**45247**

**AUDITOR'S ID NUMBER**  
**BOOK: 550      PAGE: 102      PARCEL: 016**

Your application dated October 27, 2015 for a zoning certificate for the construction of a parking pad along the east side of the house for one commercial vehicle [7ft. width x 18ft. length x 9.5ft. height] at premises designated as **4525 WEST FORK ROAD** is hereby refused on this 28th day of October, 2015 under Table 1-6, Section 12-5.6 (a) & (d) and Section 20-1 of the zoning resolution in that:

**Table 1-6** et seq. of the Zoning Resolution and the Green Township District Maps designate said premises to be in the "B" Single Family Residence District.

**Section 12-5.6      Parking or Storage of Commercial Vehicles in Residence Districts.**

In Residence Districts, the storage or parking of a commercial vehicle shall be regulated as follows:

- a. No truck, construction equipment, or other vehicle of a business or industrial nature shall be parked or stored on a lot in a Residence District that exceeds twenty (20) feet in length, seven and one half (7-1/2) feet in height and/or contain permanent external commercial markings or signs exceeding a total of four (4) square feet.
- d. No tow truck, stake truck, box truck or dump truck may be parked or stored in a Residence District.

**Section 20-1** Provides in relevant part: "... (N)o land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose whatsoever until the County Zoning Inspector has issued a Zoning Certificate. ..."

An appeal from this decision to the County Board of Zoning Appeals is governed under **Sections 21-1, 21-2, 21-5.1(a), 21-6, and 22-2** of the Zoning Resolution.

Bryan D. Snyder, AICP, ZONING INSPECTOR

Mary Berta Coggeshall, AICP,  
ZONING PLANS EXAMINER

**NOTE: ANY APPEAL MADE FROM THIS REFUSAL MUST BE FILED WITH THE BOARD OF ZONING APPEALS WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS REFUSAL. FOR FURTHER INFORMATION, CONTACT THE ZONING PLAN EXAMINER, OFFICE OF THE ZONING INSPECTOR (513) 946-4550.**



HAMILTON COUNTY

Board of Zoning Appeals

Case No: 2V00201513

Filed: 10/27/2015

APPLICATION FORM

Submit Completed Application To: The Hamilton County Board of Zoning Appeals, County Administration Building, 138 E. Court Street, Room 801, Cincinnati, OH 45202 Phone: (513) 946-4550

Prepare a Letter referring to instructions in the "User's Guide" and including:

- a. The principal points set forth in this case shall be the same as those under which the administrative officer acted, whether the granting or refusal of a zoning certificate or any other decision based upon the regulation of the Zoning Resolution.
b. A clear and accurate description of the proposed use
c. Specific reference to the Chapter and Section(s) of the Zoning Resolution which, it is claimed, authorize the determination sought

NAMES AND ADDRESSES

Applicant: Richie Watson Owner: Richie Watson
Address: 4525 West Fork Rd Address: 4525 West Fork Rd

Email Address: RWATSON@ZOOMTOWN.COM Email Address: RWATSON@ZOOMTOWN.COM

The undersigned Sec. 12.5.6 12-5-2 hereby appeals under Chapter 21 & 22 and Section(s) 12-5-3 of the Zoning Resolution to permit the construction of a \_\_\_\_\_

\_\_\_\_\_ in accordance with the plats, plans and other data hereto attached and made a part of this case.

PROJECT IDENTIFICATION

Table with 5 columns: ZONE DISTRICT, AUDITOR'S BOOK NO., AUDITOR'S PAGE NO., AUDITOR'S PARCEL NO., LOT NO. Values: B, 550, 102, 0/6

Project Location: 4525 West Fork Rd

I hereby depose and say that all the above information and that statements contained in all of the exhibits transmitted herewith are true.

Richie Watson
Applicant Signature

Sworn to and subscribed before me, this 27th day of October, 2015

REBECCA J STRATTON, Notary Public
In and for the State of Ohio
My Commission Expires June 13, 2016
Notary Public

APPLICATION FORM (continued)

APPLICATION NUMBER  
2VGT201513

Address of Subject Property 4525 West Fork Township Green

|            | NAME               | ADDRESS               | CITY          | STATE       | ZIP CODE     | PHONE NO.           |
|------------|--------------------|-----------------------|---------------|-------------|--------------|---------------------|
| OWNER      | <u>Rick Watson</u> | <u>4525 West Fork</u> | <u>Cinti.</u> | <u>Ohio</u> | <u>45247</u> | <u>513-389-0002</u> |
| CONTRACTOR | <u>/</u>           | <u>/</u>              |               |             | <u>/</u>     |                     |
| PLANS BY   | <u>/</u>           | <u>/</u>              |               |             | <u>/</u>     |                     |
| APPLICANT  | <u>/</u>           | <u>/</u>              |               |             | <u>/</u>     |                     |

TYPE OF IMPROVEMENT: (Describe briefly proposed work)  
Commercial Vehicle Bucket Truck  
New parking pad

PROPERTY OWNERSHIP

- Private
- Public (Federal, State, Local)
- Corporate
- Other

BZA ACTION REQUESTED

- Appeal
- Variance
- Conditional Use
- Compatible Non Conforming Use
- Non Conforming Use
- Other

State in detail all existing and proposed uses of this building or premises:

Existing Use To Park work Truck on east side of house

Proposed Use To Park work Truck on east side of house

Commercial  
 Residential

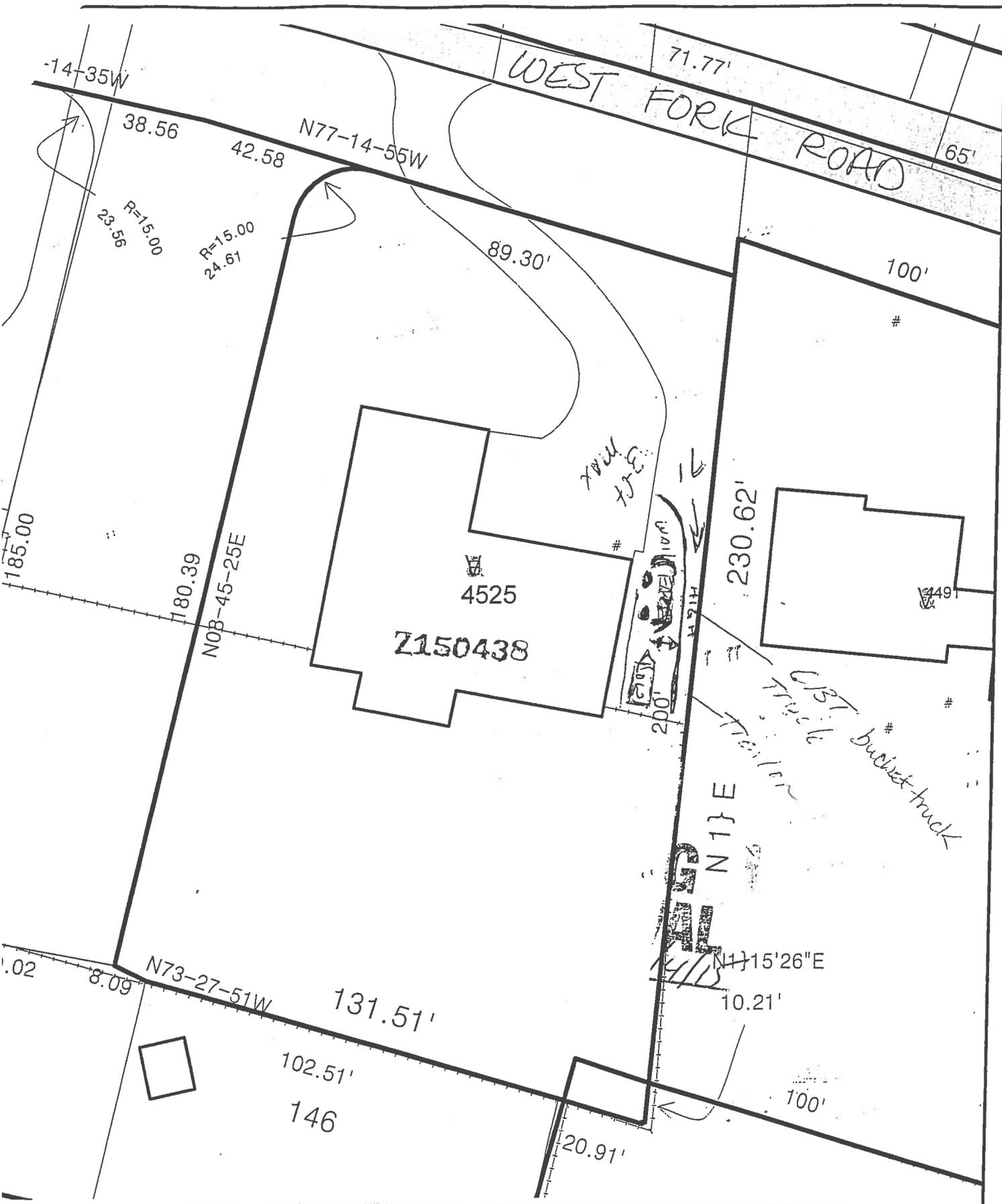
Estimated cost of improvement for which this application is being made: \$ \_\_\_\_\_

The owner(s) of this building and undersigned, do hereby covenant and agree to comply with all of the laws of the State of Ohio and the Zoning Resolution of the County of Hamilton, pertaining to building and constructing the proposed building or structure or making the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct.

Application By: Rick Watson Address 4525 West Fork Rd  
 DO NOT WRITE BELOW THIS LINE

Adopted: \_\_\_\_\_ Journalized: \_\_\_\_\_

BZA Filing Fee: \_\_\_\_\_ Cash \_\_\_\_\_ Check # \_\_\_\_\_



06/04/2015 11:40:48  
 ADMIN AT HAMCOAD



HAMILTON COUNTY REGIONAL PLANNING COMMISSION  
 138 E COURT ST RM 807  
 CINCINNATI, OH 45202-1237  
 (513) 946-4500



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10.27.15

NOTES:

We Rick & Mindy Watson  
at 4525 West Fork Rd request to  
park my work truck from Cincinnati  
Bell Telephone on east side of  
house, where I dug out and  
built small retaining wall & Parking Pad.  
Garage closed at Miami town  
where I reported to and repairmen  
were requested to Home garage.

Rick Watson







HAMILTON COUNTY

Regional Planning Commission

## STAFF REPORT

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON DECEMBER 11, 2015

**BZA CASE:**

**COLUMBIA 2013-01 (CONDITIONAL USE MODIFICATION)**

### **SEVEN HILLS FENCE MODIFICATION**

**REQUEST:**

CONDITIONAL USE approval to modify a previously approved Conditional Use plan to allow a taller fence with less opacity in an existing “B” and “C” Residence District

**PURPOSE:**

To modify the approved site plan to allow for six-foot high and four-foot high vinyl privacy fences in the front yard where a four foot high fence with a minimum open face area of 75 percent is required

**APPLICANT:**

Robert W. Horne, The Seven Hills School (applicant); The Seven Hills School (owner)

**LOCATION:**

Columbia Township: On the southeast corner of the Red Bank Road and Ellmarie Drive intersection (Book 520, Page 215, Parcel 11)

**SITE**

**DESCRIPTION:**

Tract Size: Approximately 10.79 acres  
Frontage: Approximately 470 feet on Red Bank Road, 275 feet on Ellmarie Drive, and 160 feet on Raywill Court  
Topography: Relatively flat  
Existing Dvlpmt: Early Childhood School under construction

**SURROUNDING  
CONDITIONS:**

|        | <u>ZONE</u>                             | <u>LAND USE</u>                               |
|--------|---|---|
| North: | “C” Residence                           | Single-family homes                           |
| South: | “B” Residence                           | Seven Hills School and parking lot            |
| East:  | “C” and “B” Residence                   | Single-family homes and school athletic field |
| West:  | “ML” Manufacturing (City of Cincinnati) | Manufacturing/Industrial uses                 |

**SUMMARY OF  
RECOMMENDATIONS**

**DENIAL**

**PREVIOUS BZA ACTION:**

Several Conditional Uses have been granted for the site and surrounding Seven Hills School Campus since the year 2000. In December of 2013, a Conditional Use for the Seven Hills Early Childhood Learning Center with play areas was approved. Landscaping and four-foot high fencing with a maximum open face area of 75% were required around the perimeter of the site as part of several conditions of approval.

On February 11, 2015, the RZC approved a modification to the previously approved Conditional Use plan to allow for a 1,800 square-foot addition to the previously approved Early Childhood building and modifications to the paved areas, paved paths, landscaped areas, and play areas. The additions to the building were approved along the front (southwestern) facade facing Red Bank Road and the southern facade. The total square footage of the single-story early childhood center totaled 19,132 square feet. The approved one-way driveway providing access to the school from Red Bank Road and out to Ellmarie Drive was shifted slightly to align with the new building entrance. The paths and pavement areas had also been redesigned. Changes were permitted in the play areas including a new play area identified just west of the entrance drive off of Red Bank Road. At the time of approval, the RZC imposed 6 conditions including the previously approved condition regarding fencing (see attached Approved Minutes with Conditions).

The Zoning Compliance Plan and Zoning Certificate were issued for the site in March of 2015. On one of the 23 pages of plans that were submitted, a small note was included that identified a six foot high fence in several areas. However, the conditions of approval were never changed and therefore, two of the fences, which have already been constructed, are in direct violation of the conditions of approval described below.

**PROPOSED USE:**

The applicant is requesting to modify an approved Conditional Use plan to permit six-foot high and four-foot high privacy fences with a zero percent open face area where a maximum four-foot high fence with a minimum open face area of 75 percent is required as part of a previous condition of approval. The first fence is a six-foot high privacy fence located along the eastern property line that connects to an existing chain link fence and extends north along the western side of Raywill Court to Ellmarie Drive and back to the existing Early Childhood Center building. This fence, in its entirety, measures approximately 500 feet in length. A second fence extends west off of the Early Childhood Center building for approximately 50 feet and is four feet high. This fence expands to six feet high as it extends south to the existing red barn building for approximately 130 feet. The third fence, approximately 220 feet long, separates the play area from the existing parking lot along the southern portion of the site and is four feet high. All fences described above have been constructed and are white vinyl privacy fences with a zero percent open face area.

---

**ANALYSIS:**

**Compliance With General Considerations For Conditional Uses**

In accordance with Chapter 17 of the Zoning Resolution in order to approve a Conditional Use, the Board of Zoning Appeals shall make a finding that the proposed use is appropriate in the location where it is proposed. That finding must be based on the following considerations as contained in Section 17-6 as well as the specific criteria identified in Section 17-7.

- **Spirit and Intent:** The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. ***Findings:*** Staff finds that the already approved school use remains appropriate in the “B” and “C” Residence Districts as a conditional use. The portions of the proposed fences located in the front and side yards at six feet high and zero percent open face area do not conform to the requirements of Section 10-7.1 (a) & (b) which permits fences in the front and side yards to be no taller than four foot feet high with an open face area of no less than 62%. If approved, the proposed fence would require a variance to this section. Staff does not support this variance and is concerned with setting a precedent permitting such a fence in a residential area.
- **No Adverse Effect:** The proposed use and development shall not have an adverse effect upon adjacent property or the public health, safety, morals and general welfare. ***Findings:*** With the previously approved screening including fencing, landscaping and mounding, the proposed development was not found to adversely impact the surrounding properties. At the time of approval in January of 2014, it was determined by the BZA and the applicant that a four foot high fence with 75% open face and landscaping would fit in more with the residential character of the area more than a six foot high fence which was previously proposed (See Attachment A – January 8, 2014 BZA Record of Proceedings). Staff finds that a six foot high privacy fence with zero percent open face would adversely affect the surroundings and that privacy fences are more appropriate in rear yards and not along residential streets in close proximity to the public right-of-way. At the time, staff stated that if approved, privacy fencing along Raywill Court should be setback 30 feet to match the required front yard setback for building in the district. The existing fence was constructed less than five feet from the right-of-way.
- **Protection of Public Interests:** The proposed use and development should respect, to the greatest extent practicable, the natural, scenic and historic features of significant public interest. ***Findings:*** There are no known features of significant public interest.
- **Consistent with Adopted Plans:** The proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Board of County Commissioners. ***Findings:*** Columbia Township has an adopted Land Use Plan for this area. The designation for the southern portion of the property is listed as ‘Educational’ and the proposed development changes would be consistent with the adopted Columbia Township Land Use Plan. The northern portion of the site is identified as ‘Single-Family’. Schools are permissible in single-family areas and therefore, the changes are not in conflict with the adopted Land Use Plan in this area.

### **Compliance With Specific Conditional Use Criteria As Per Section 17-7**

Schools (and related uses) in Residential districts must comply with the following specific criteria:

**17-7-(1):** Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.

**Findings:** *With the proposed screening as identified on the plan, the additional noise, odor, vibration or dust from the proposed changes would be minimal. Staff recognizes that noise is likely already generated from the existing school, and athletic fields within 50 feet of adjacent residences. Increasing the fence height as propose, may lessen the noise from the children in the play areas on adjacent properties but the potential visual impact on these properties does not warrant the variance needed to allow the six foot high fences.*

**17-7-(o) (1):** Landscaping shall be installed in accordance with one of the following buffers as described in detail in chapter 14:

- 1). Boundary Buffer A (shown in Fig. 14 A)
- 3). Streetscape Buffer (shown in Fig. 14 C).

**Findings:** *The previous approval identified more landscaping within the required Boundary Buffer along with a six foot high privacy fence with shrubs located between the fence and the adjacent house at 5555 Raywill Court. The previous approval also included planting trees and shrubs along Red Bank Road along with preserving three existing mature trees. Three existing large mature trees were also to be preserved along Raywill Court and were to be counted as part of the required streetscape buffer. However, these trees are located behind the existing six-foot privacy fence where staff typically requires them to be located between the right-of-way and any proposed fence to be counted towards the required streetscape buffer. It appears that all other landscaping has been planted and staff and the BZA concurred in January of 2015 prior to some of the fences changing from the required four-foot high open face fences to the constructed six foot high privacy fences that this was an adequate screening and buffering of the area. Other than the issue previously described, all landscaping appears to be more than what is required in the Zoning Resolution.*

**17-7-(p) (3):** One sign permitted at a maximum of 32 square feet.

**Findings:** *The applicant has not proposed any new signage.*

**17-7-(s):** All exterior lighting shall be directed away from adjacent residential properties.

**Findings:** *A lighting plan has been submitted that meets the requirements of the Zoning Resolution.*

---

**CONCLUSION:**

The above findings indicate that the proposed changes to the approved development do not meet the requirements of Section 17-6, General Considerations for Conditional Uses and Section 17-7, Specific Criteria Pertaining to Conditional Uses. The proposed fence height and zero percent open face area modification would likely have a negative impact on the surrounding residential area and could possible set a precedent for future development in residential areas. The development is in direct violation of one of the previous conditions of approval (BZA decision on January 8, 2014) and therefore, staff finds that the proposed changes do not comply with the intentions of the Conditional Use review.

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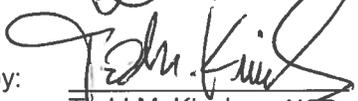
**RECOMMENDATION:** Staff of the Regional Planning Commission recommends denial of BZA case Columbia 2013-01; Seven Hills Fence, a request for a modification to the approved Conditional Use.

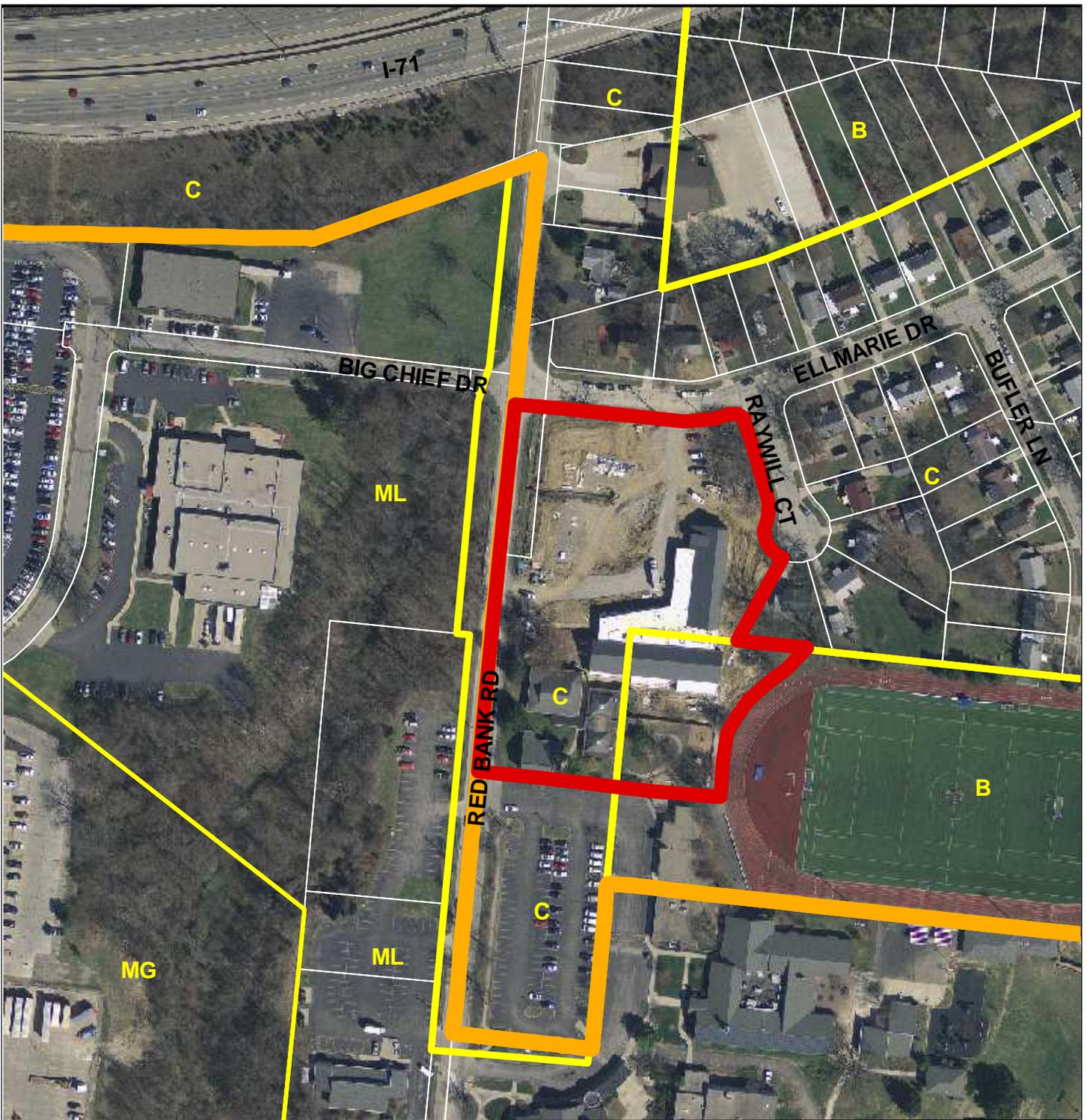
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NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:  Senior Planner, Development Services  
John S. Huth

Reviewed by:  Development Services Administrator  
Bryan D. Snyder, AICP

Approved by:  Planning Director  
Todd M. Kinskey, AICP

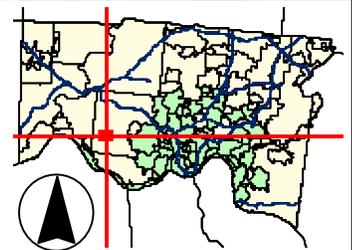


# VICINITY MAP

Case: **Columbia 2013-01; Seven Hills Fence Modification**

Request: **Conditional Use Modification**

Printed: 2/19/2014  
 Printed By: JOHN HUTH



THE PLANNING COMMISSION (PC) is a public body created by the City of Columbia, Missouri, under the authority of the City Charter. The PC is responsible for the preparation and adoption of the Comprehensive Zoning Ordinance (CZO) and the Comprehensive Land Use Ordinance (CLO). The PC also reviews and recommends to the City Council on all zoning and land use matters. The PC is composed of representatives from various city departments and the public. The PC meets regularly to discuss and act on matters related to zoning and land use. The PC's decisions are subject to appeal to the City Council. The PC's website is located at <http://www.columbia-mo.gov/planning>.

## SITE PHOTOS



View of the site looking south from Ellmarie Drive



View of the fence along Raywill Court cul-de-sac looking southwest



View of the existing fence looking south from Red Bank Road



View of the existing fence looking east from Red Bank Road





## APPROVED MINUTES WITH CONDITIONS

HAMILTON COUNTY  
BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS – JANUARY 8, 2014

PAGE 5

**CONDITIONAL USE:** COLUMBIA 2013-01; SEVEN HILLS EARLY CHILDHOOD CENTER  
(Continued from December 11, 2013 meeting)

**REQUEST:** Conditional Use approval for a school use located in an existing "B" and "C" Residence District

**PURPOSE:** To demolish seven single-family homes and the existing Seven Hills School Early Childhood Center and to construct a 17,332 square foot single-story early childhood center with an associated 34-space parking lot, play area and new entrances on Red Bank Road and Ellmarie Drive

**APPLICANT:** Richard S. Thomas, SHP Leading Design (applicant); The Seven Hills School, Hillsdale Land Company LLC, and 5533 Raywill Investors LLC (owners)

**LOCATION:** Columbia Township: on the southeast corner of Red Bank Road and Ellmarie Drive (Book 520, Page 215, Parcels 11, 50, 51, 52, 98, 99, 100, 101 and 103)

**TRACT SIZE:** 10.79 acres

---

**SPEAKERS:** B. Snyder, J. Huth, R. Thomas, R. Horne

**DISCUSSION:** Staff Comments:

1. **J. Huth** – Review of staff report.
2. We have received revised plans since the last meeting.
3. I have some dimensions for the location of the fence. According to the plans that were submitted from the edge of the sidewalk, the fence is measuring about 60 feet. So that pushes it off the edge of pavement of Ellmarie about 70 feet. The top of the mound sits about 50 feet from Ellmarie, which puts it about 40 feet from the edge of the sidewalk.
4. **B. Snyder**- The fence is very close to the sidewalk on Raywill Court and the proposed bushes will probably never get big enough to hide the fence.
5. I think what we recommended was 30 feet, between the sidewalk and the fence itself and that would match the front yard setback.
6. The Zoning Resolution requires that a 4 foot fence in the front yard be at least 75% open. This fence will be entirely in the front yard.

Applicant Comments:

1. **R. Thomas** – Architect, SHP Leading Design
2. I may have misinterpreted some of the conversation of the last meeting regarding the fence. I interpreted that you were requesting the six foot fence. We are more than happy to use a 4 foot fence rather than the 6 foot fence.
3. From a landscaping point of view, we think that a mound this size is reasonable from a design prospective. But we would like to move it a little closer to the street.
4. There was a discussion in the last meeting here, that the mark line of the fence should align with the edge of the curb. That is how we interpreted the request.
5. **R. Horne**- Seven Hills School
6. We gave up a lot of play area with that mound and we would love it if we could push that up a bit perhaps another 10 feet or so. We will take as much as you are willing to give us. We would be very grateful and use it to our best advantage.
7. We definitely want a fence around the entire area and I think something with some transparency would be nicer.
8. I would prefer something that is maintenance free and looks nice.

HCBZA Record of Proceedings  
CUCT2013-01; Seven Hills Early Childhood Center  
Page 5.1  
January 8, 2014

Commissioner Comments:

1. **Roudebush** – I would like to state for the record that I have brought myself up to date with the information for the Seven Hills Early Childhood Center case and I will be participating in this case.
2. I think that a four foot fence with the landscaping would certainly look more residential than a six foot privacy fence. I can see where you need something to deter neighborhood children from coming into your playground.
3. **Hogan**- I, as well, have reviewed all the material for this case, and will be participating. I was somewhat confused as well about the fence. But I think the four foot fence is a good idea.
4. **Spraul**- I am okay with moving the mound closer to Ellmarie. I think the fence should be 4' with 75% open to look residential.

**MOTION:**

To approve BZA case CUCT2013-01; Seven Hills Early Childhood Center, a request for approval of a Conditional Use with the conditions as per Attachment A

Moved: Spraul

Second: Roudebush

**VOTE:**

AYE: 5 Spraul, Hogan, Rosenberger, Beck, Roudebush  
NAY: 0  
ABSTAIN: 0

**BZA**

**ACTION:**

**APPROVAL with Conditions**

**ATTEST:**

Chairman:

Secretary:

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

#### Attachment A

The Hamilton County Board of Zoning Appeals approves case CUCT2013-01; Seven Hills Early Childhood Center, a request for a Conditional Use approval with the following conditions:

##### Conditions:

1. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
2. ~~That the play area located in the northeast corner of the site at the intersection of Ellmarie Drive and Raywill Court shall be moved south of the proposed Early Childhood Center Building.~~ THAT THE FENCING ON THE NORTHERN PLAY AREA SHALL BE NO CLOSER THAN THIRTY (30) FEET FROM THE RIGHT-OF-WAY OF ELLMARIE DRIVE WITH THE PROPOSED LANDSCAPING LOCATED BETWEEN THE FENCE AND THE RIGHT-OF-WAY OF BOTH ELLMARIE DRIVE AND RAYWILL COURT, AND THAT A THREE (3) FOOT HIGH MOUND SHALL BE PROVIDED BETWEEN THE FENCING AND THE RIGHT OF WAY OF ELLMARIE DRIVE, AND THAT THE FENCING SURROUNDING ALL PLAY AREAS ON THE PROPERTY SHALL BE A MAXIMUM OF FOUR (4) FEET IN HEIGHT AND SHALL HAVE A MINIMUM OPEN FACE AREA OF SEVENTY-FIVE (75) %.
3. That a sidewalk shall be constructed along Red Bank Road that connects the existing sidewalk along Ellmarie Drive and the existing sidewalk along Red Bank Road in front of the existing Seven Hills School Campus.
4. That, unless further restricted by the County Engineer, the proposed curb cut located along Red Bank Road shall be identified as an "entrance only" and the proposed curb cut located along Ellmarie Drive shall be identified as "exit only".
5. That landscaping shall be installed in the area of the improvements as shown on the submitted landscape plan and in accordance with Section 15 of the Zoning Resolution and Condition #6 listed below.
6. That all proposed landscaping shrubs shall be planted between the fencing and the adjacent single-family homes.

##### Variance:

1. That the existing barn building be located no closer than 20 feet from the Red Bank Road right-of-way line where 30 feet is required.

---

Note: Revisions of the Staff recommendations as approved by the Hamilton County Board of Zoning Appeals are crossed out if deleted (i.e. ~~deleted by BZA~~) and shown capitalized and underlined if added (i.e. ADDED BY BZA).

## APPLICANT'S LETTER

THE  
SEVEN  
HILLS  
SCHOOL

RECEIVED

OCT 21 2015

Monday, October 1, 2015

Hamilton County Planning & Development  
County Administration Building  
138 East Court Street, Room 801  
Cincinnati, OH 45202

PLANNING & DEVELOPMENT

Brian Snyder:

The Seven Hills School's new Nellie Leaman Taft Early Childhood Center (ECC) was opened on August 18, 2015. This new building and new adjacent outdoor child play areas are for grades pre-kindergarten age two through kindergarten. When fully enrolled the building will have four pre-kindergarten classes, three kindergarten classes, one early education program and one toddler program. The ages of the students range from early 2-year-olds to 6-year-olds. The building was designed so that each of the classrooms has direct access to the outside and age-appropriate play facilities.

The building itself is located on the northern edge of the Red Bank Road campus on what once were residential properties. The building now resides in space adjoining to the sub-division and has neighbors across the street on Ellmarie Drive and adjacent to the east on Raywill Court.

As safety is always the School's paramount concern, the architect, the School's administration, and teaching staff spent a great deal of time reviewing all the safety features associated with the design and construction of the playground and building.

Because of the ECC's building and play areas' proximity to Red Bank Road and residential neighbors, the decision was made to protect the students as much as possible from possible outside influences and provide for as attractive a frontage as possible.

To that end, the School chose a vinyl fence made by Illusions. The fence height around the building is either 4 feet or 6 feet tall. The 4-foot sections face the School and the 6-foot sections face either the neighborhood or Red Bank Road.

**Hillsdale campus**  
5400 Red Bank Road  
Cincinnati, Ohio 45227  
513.728.2400  
www.7hills.org

**Doherty campus**  
2726 Johnstone Place  
Cincinnati, Ohio 45206

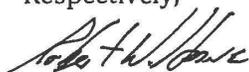
Intellectually vibrant, individually attuned, future-ready learning for students grades pre-K through 12.

The School feels that the fence in place prevents students from trying to climb over it or from trying to slip through openings in the fence slats – as was the case with our previous “open” fences.

The neighbors are also benefiting from the existing fence as it allows them privacy for their own homes and yards.

Thank you for your consideration. If you have any questions, please let me know. I can be contacted at (513) 728-2384.

Respectively,



Robert W. Horne  
Director of Finance and Operation



APPLICATION FORM

Submit Completed Application To: The Hamilton County Board of Zoning Appeals, County Administration Building, 138 E. Court Street, Room 801, Cincinnati, OH 45202 Phone: (513) 946-4550

Prepare a Letter referring to instructions in the "User's Guide" and including:

- a. The principal points set forth in this case shall be the same as those under which the administrative officer acted, whether the granting or refusal of a zoning certificate or any other decision based upon the regulation of the Zoning Resolution.
b. A clear and accurate description of the proposed use
c. Specific reference to the Chapter and Section(s) of the Zoning Resolution which, it is claimed, authorize the determination sought

Applicant: Robert W. Horne NAMES AND ADDRESSES
The Seven Hills School Owner
Address: 5400 Red Bank Road Address
Cincinnati, OH 45227
Email Address: robert.horne@7hills.org Email Address

The undersigned Robert W. Horne hereby appeals under Chapter 21 & 22 and Section(s) of the Zoning Resolution to permit the construction of a vinyl fence and chain link fence around the Early Childhood Center. The fence varies between four and six foot height. The chain link is four foot high. in accordance with the plats, plans and other data hereto attached and made a part of this case.

PROJECT IDENTIFICATION

Table with 5 columns: ZONE DISTRICT, AUDITOR'S BOOK NO., AUDITOR'S PAGE NO., AUDITOR'S PARCEL NO., LOT NO.
Values: C & B, 520, 215, 11, (blank)

Project Location: 5400 Red Bank Road Cincinnati, OH 45227

I hereby depose and say that all the above information and that statements contained in all of the exhibits transmitted herewith are true.

Signature of Robert W. Horne
Applicant Signature

Sworn to and subscribed before me, this 20 day of October, 2015

Notary Public seal for Rebecca J Stratton, Notary Public for the State of Ohio, My Commission Expires June 13, 2016

APPLICATION FORM (continued)

APPLICATION NUMBER  
CUFT 2013-01

Address of Subject Property 5800 Red Bank Rd. Township Columbia

|            | NAME                         | ADDRESS | CITY | STATE | ZIP CODE | PHONE NO. |
|------------|------------------------------|---------|------|-------|----------|-----------|
| OWNER      |                              |         |      |       |          |           |
| CONTRACTOR | <u>See Consolidated Plat</u> |         |      |       |          |           |
| PLANS BY   |                              |         |      |       |          |           |
| APPLICANT  |                              |         |      |       |          |           |

TYPE OF IMPROVEMENT: (Describe briefly proposed work)

Replacement Addition to new Early Child Center of the Seven Hills School. Project completed in August 2015

PROPERTY OWNERSHIP

- Private
- Public (Federal, State, Local)
- Corporate
- Other NOT-for-profit 501(c)3

BZA ACTION REQUESTED

- Appeal
- Variance
- Conditional Use
- Compatible Non Conforming Use
- Non Conforming Use
- Other

State in detail all existing and proposed uses of this building or premises:

Existing Use Early Childhood Center

Proposed Use Early Childhood Center

- Commercial
- Residential

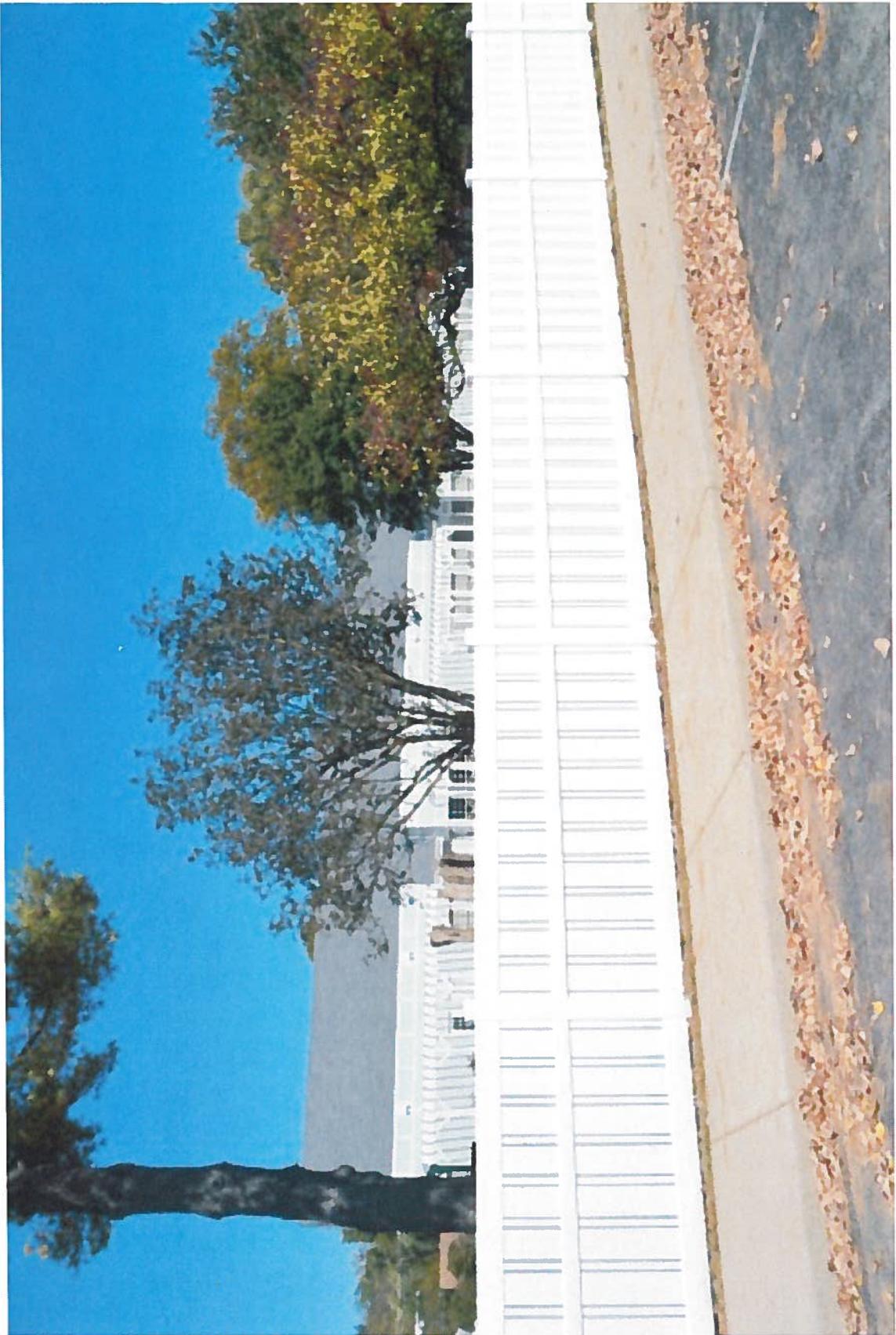
Estimated cost of improvement for which this application is being made: \$ \_\_\_\_\_

The owner(s) of this building and undersigned, do hereby covenant and agree to comply with all of the laws of the State of Ohio and the Zoning Resolution of the County of Hamilton, pertaining to building and constructing the proposed building or structure or making the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct.

Application By: Robert E. Howe Address 5800 Red Bank Road  
 DO NOT WRITE BELOW THIS LINE

Adopted: \_\_\_\_\_ Journalized: \_\_\_\_\_  
 BZA Filing Fee: 592 + 60 = \$652.00 Cash CC Check # \_\_\_\_\_

























# COMMERCIAL APPLICATIONS

Meets ASTM F964-13  
Certification At All Times

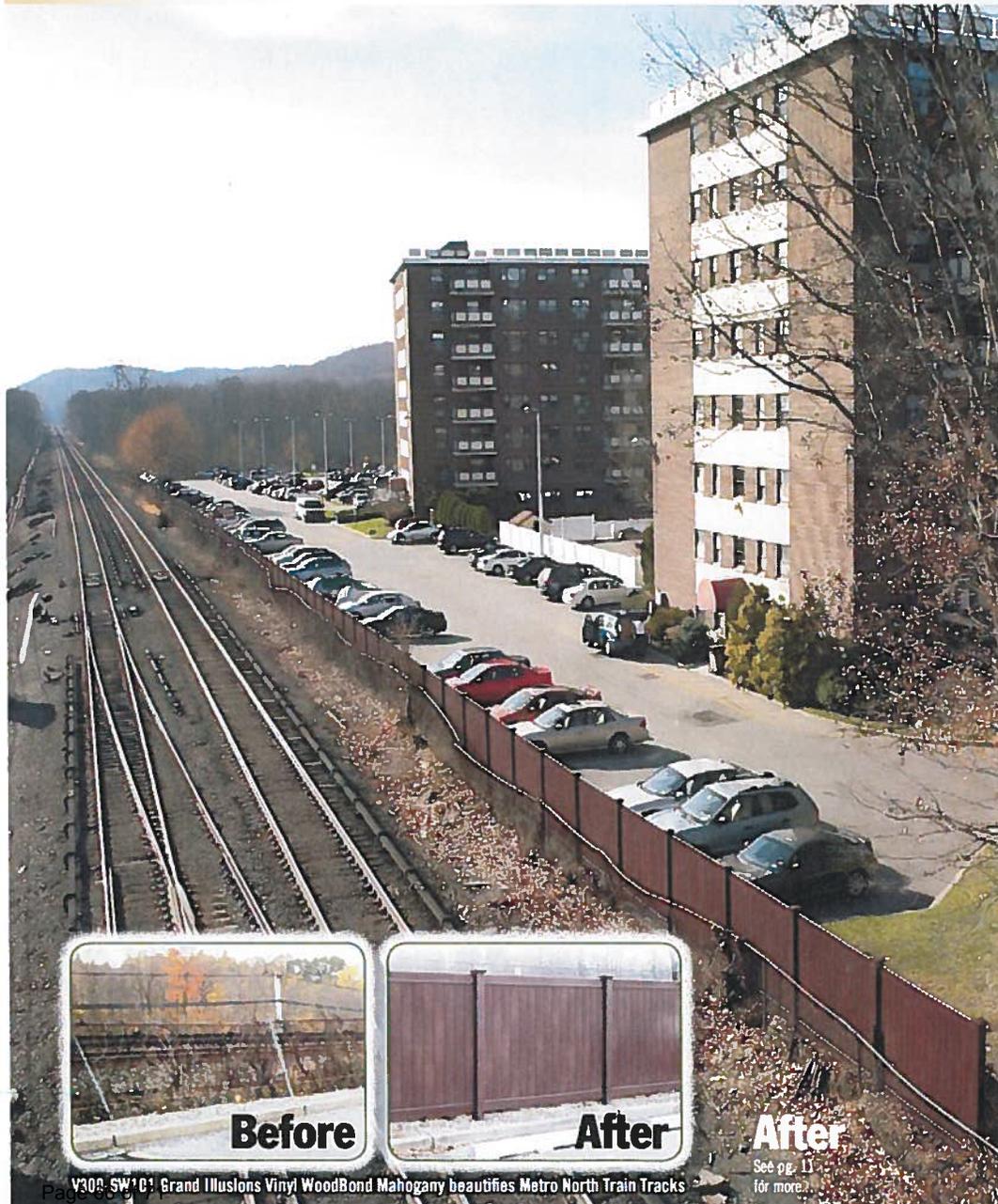
28 Styles Available  
For Immediate Shipment

Miami-Dade  
75MPH Certified  
Up to 8' High

Fully Assembled 8' Wide  
Panels Standard

Available in 35 Colors &  
6 Authentic Woodgrains

100% Pure Virgin  
Vinyl for Structural  
Integrity and Color  
Consistency



**Before**

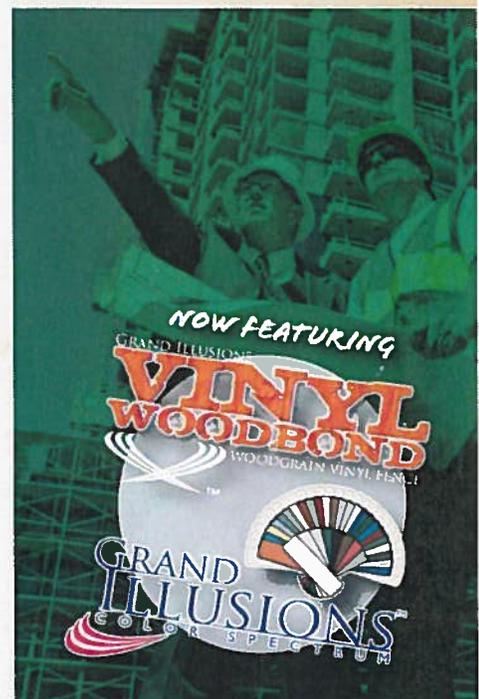


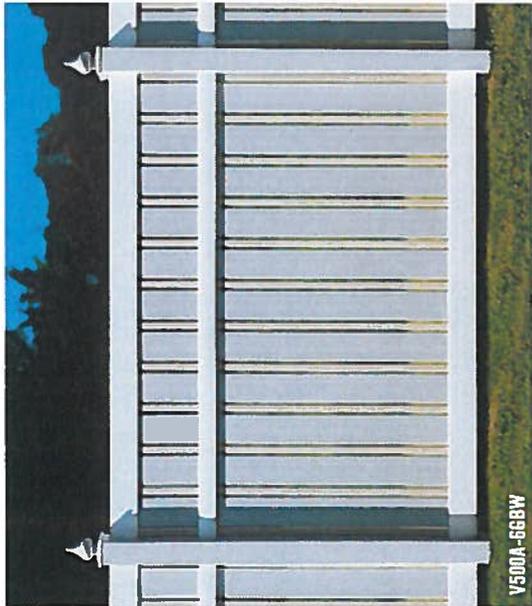
**After**

**After**

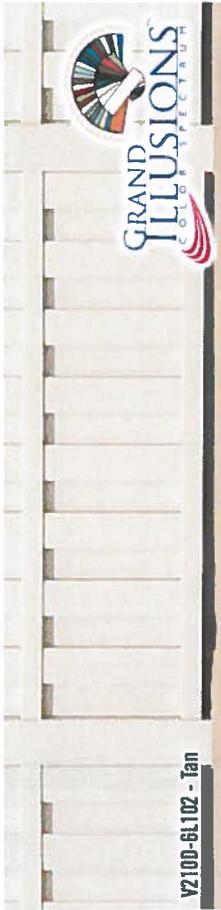
See pg. 11  
for more.

V308-5W' C1 Grand Illusions Vinyl WoodBond Mahogany beautifies Metro North Train Tracks





V500A-56BW



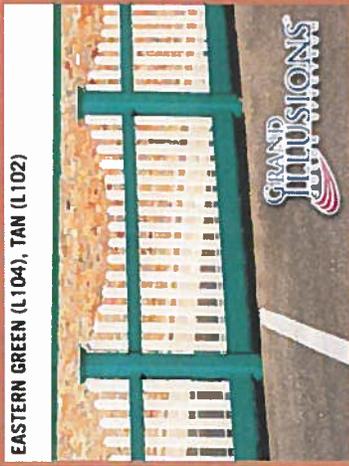
V2100-6L102 - Tan



**AVAILABLE STYLES**



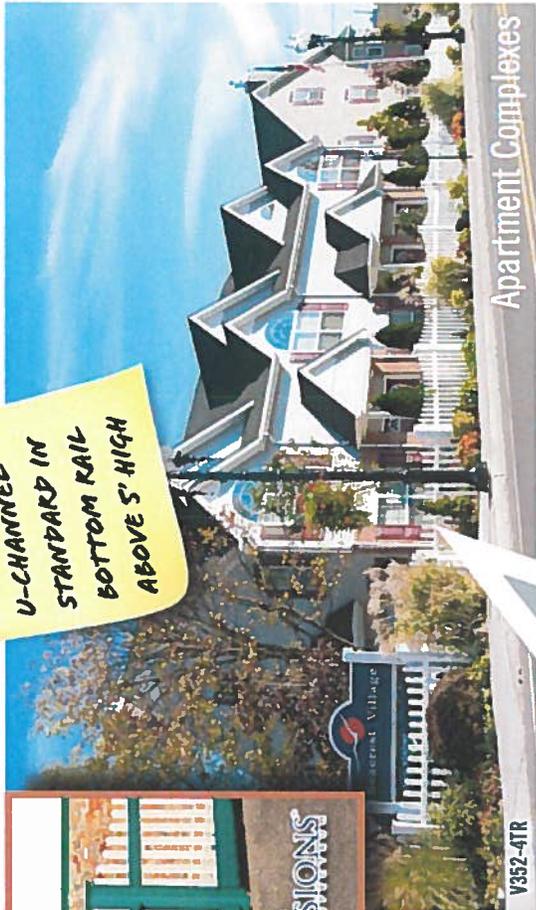
# CONTEMPORARY PICKET



EASTERN GREEN (L104), TAN (L102)

The Good Neighbor Thru-Rail Fence

METAL U-CHANNEL STANDARD IN BOTTOM RAIL ABOVE 5' HIGH



Apartment Complexes

V352-4TR



V350-4TR

V401-4TR

V401R-4TR

V352-4TR

V402-4TR

401N-4TR

V353-4TR

V406-4TR

402NR-4TR

# POST &

Animal Friendly  
Simply the high Rail available in Available Posts  
5" x 5" Heavy (Majestic 8" x 8"



CROSSBUCK



2-RAIL



3-RAIL



2-RAIL DIAMOND



3-RAIL DIAMOND

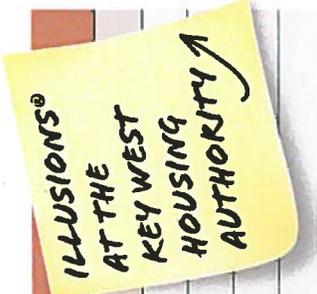
**Simple, Attractive, Timeless**  
100% Pure Virgin Vinyl Illusions® Contemporary Picket with its 'good neighbor' style 3" x 7/8" spaced picket, is the perfect fit for apartment complexes, restaurants, catering halls, and any other application calling for spaced picket fence for beauty and property demarcation.



## Illusions® 75MPH Wind Adaptor Kit Patent Pending

Will it hold up to an F5 tornado? Probably not. But in order to be certified, it had to sustain gusts up to 130 MPH for as long as 30-40 seconds. The Miami-Dade 75 MPH certification states that when properly installed, approved styles of Illusions® fencing can withstand sustained 75 MPH winds.

The Most Available 75 MPH Wind Certified Styles in the World  
 With 26 Styles available for immediate shipment, Illusions Vinyl Fence has the most Miami-Dade County High Velocity Hurricane Zone Certified styles of vinyl fence available in the world. All of which are 8' wide panels to speed up installation time. Illusions is also the only brand in the world that has 75MPH Certified 8' high vinyl fence sections. Imagine the 8' high applications for Pure Virgin Vinyl Products in multiple colors. The variations are endless and the strength and security unmatched.



| 75 MPH WIND ILLUSIONS VINYL FENCE CERTIFIED ADAPTOR KITS |   |
|--|---|
| Item No.   | Description                               |
| V75MPH-1   | Privacy V300, V3215 Series 6'H 75 MPH Kit |
| V75MPH-2   | Privacy 7' & 8'H 75 MPH Kit               |
| V75MPH-3   | Spaced Picket to 4'H 75 MPH Kit           |
| V75MPH-4   | Privacy 3700 Series 6'H 75 MPH Kit        |

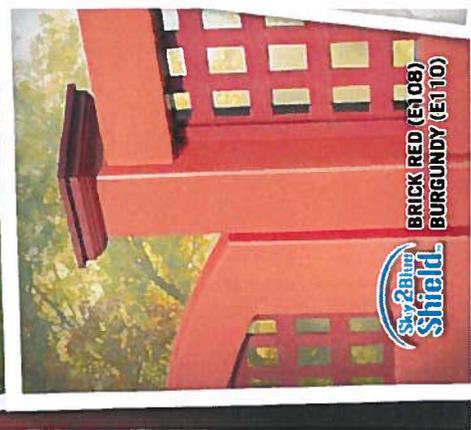


**Majestic™ 8" x 8"** and **5" x 5" Heavy Wall Posts**  
 At a whopping .250" wall thickness, the Illusions® 75MPH Wind Adaptor Kit's strength is rooted in the structural integrity of the Illusions® 100% Pure Virgin Vinyl Heavy Wall Posts.



**Key West Housing Authority**  
 When the Key West Housing Authority was looking for a vinyl fence, the only fence company they chose to accommodate their rigorous hurricane demands was Illusions® Vinyl Fence.

The request was for an 8' high by 8' wide vinyl fence that could handle hurricane force winds. Complete with 8" x 8" Majestic Posts, Illusions® is certified to handle those specs on more styles and choices than any other brand.





V300-8 at St. Charles Hospital / Marhyaven School , NY

## Why Illusions?

With the highest building code compliances in the nation, the largest Miami-Dade Hurricane Zone style selection in the market today, 26 styles available for immediate shipment, almost unlimited Mix 'n' Match™ possibilities with every style, and unparalleled speed and service, it's no wonder that Illusions Vinyl Fence is the 1st choice of Landscape Architects and Fence Contractors everywhere.

100% Pure Virgin Vinyl Illusions Fences are manufactured to maintain their structural integrity and color retention over years and years of use. Illusions® will certify that all of our vinyl fence is manufactured in the USA and is in compliance with applicable Federal, State and local specifications.



V300-5W103 Walnut



V352-4TR

## POSSIBLE COMMERCIAL APPLICATIONS

- AIRPORTS
- APARTMENT COMPLEXES
- CEMETERIES
- CORRECTIONAL FACILITIES
- DOG KENNELS
- GOLF COURSES
- GOVERNMENT FACILITIES
- HIGHWAY FENCING
- INDUSTRIAL GATES
- INDUSTRIAL PLANTS
- MINI-STORAGES
- NURSERIES
- OFFICE COMPLEXES
- PARKING LOTS
- PARKS & PLAYGROUNDS



- PERIMETER SECURITY
- PUBLIC WORKS
- RESIDENTIAL
- SECURITY PARTITIONS
- SPORTS FACILITIES
- SWIMMING POOLS
- ZOOS



V3708-6 w/ Custom V3708 Drive Gate with Max 8" x 8" Posts and Custom Majestic™ Ball Cap

all, beat all" testing specification for fence. The purpose of this specific is to establish a recognized standard quality for exterior vinyl profiles for assembling agricultural, commercial residential fencing and railing. This fence covers Illusions Vinyl Fence and the Ever-Strong Profiles us fabricate them.

**Materials**

Illusions Vinyl Fence Products are manufactured using Rigid Poly Vinyl Chloride (PVC) compounds for exterior-profile applications that meet the requirements of Specification D4216.

**Manufacture**

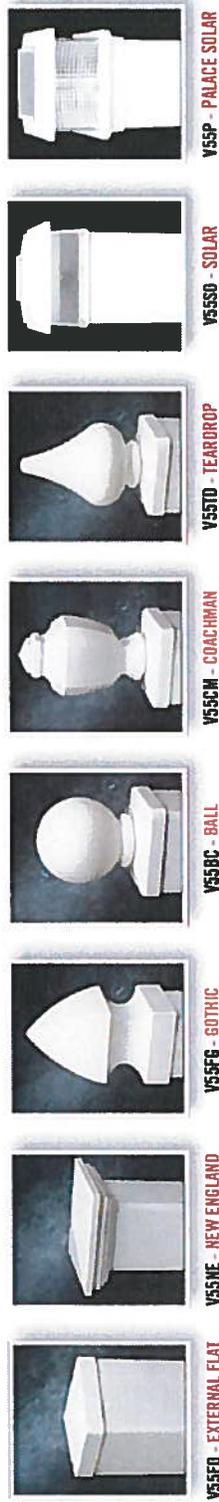
Illusions Vinyl Fence Products are manufactured to meet cell Class 3-30233-- defined in Specification D4216. Illusions compounds have higher cell classification because one or more properties are prior to those used in standard acceptance compounds.

**Color/Consistency Testing** – The PVC compound in extruded section shall maintain uniform color and be free of any surface or structural changes, such as chipping, cracking, flaking, or flaking, after weathering at intervals of six months and one year for white and for six months in hot, dry climate such as Phoenix, AZ; a hot, humid climate, such as Miami, FL; a temperate northern climate, when tested in accordance with ASTM Performance Weathering Requirements (TABLE 1).

**Weathering Testing** – The PVC compound shall have a minimum impact resistance of 0.6 in.-lb/mil (2670 J/m) after weathering six months and one year in a hot climate such as Phoenix, AZ; a hot, humid climate, such as Miami, FL; and a temperate northern climate, when tested in accordance with ASTM Performance Weathering Requirements. The PVC compound has successfully met the weathering requirements prescribed for six months at climatic testing site prior to use in production of exterior-profile extrusions, when tested in accordance with ASTM Performance Weathering Requirements (TABLE 1).



**ACCESSORIES**



All Illusions Gate Hardware is custom designed to our specifications and manufactured using only the highest quality materials that are held to the same rigorous standards we use for all of our products. Many of our products are available in both black and white. Always use a Vinyl Gate Stopper (VGS) and two sets of Drop Rods (DRAS) on double drive gates.



# ILLUSIONS VINYL FENCE®

Shown: Custom Apartment Complex Entryway with Majestic™ 8" x 8" Posts with Ball Caps, 5" x 5" Posts with Ball Caps, and D-Rail Sweep Transition Panels based on the V700-4 Classic Victorian Spaced Picket Fence.

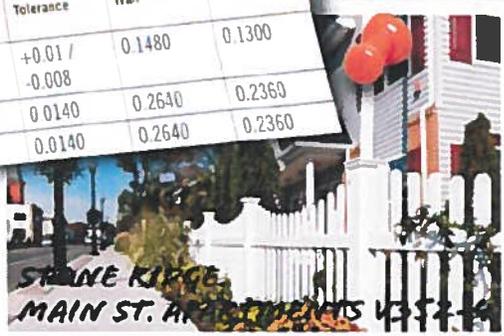
**Illusions Post Specifications**

| Profile Code                                     | Marketing Wall Thickness | +/- Tolerance | Extrusion Target Wall Thickness | Based on Tolerance |              |              |
|--|--------------------------|---------------|---------------------------------|--------------------|--------------|--------------|
|  |                          |               |                                 | +/- Tolerance      | Maximum Wall | Minimum Wall |
| V559L - 5" x 5" x 9' Standard Line Post          | 0.1380                   | 0.0100        | 0.1380                          | +0.01 / -0.008     | 0.1480       | 0.1300       |
| VH559E - 5" x 5" x 9' Heavy Wall End Post        | 0.2500                   | 0.0140        | 0.2500                          | 0.0140             | 0.2640       | 0.2360       |
| V889C - Majestic™ 8" x 8" Heavy Wall Corner Post | 0.2500                   | 0.0140        | 0.2500                          | 0.0140             | 0.2640       | 0.2360       |



Illusions® Vinyl Fence  
Just Built Better

Phone: 800.339.3362  
Email: info@illusionsfence.com  
www.illusionsfence.com  
274 Middle Island Rd  
Medford, NJ 11763

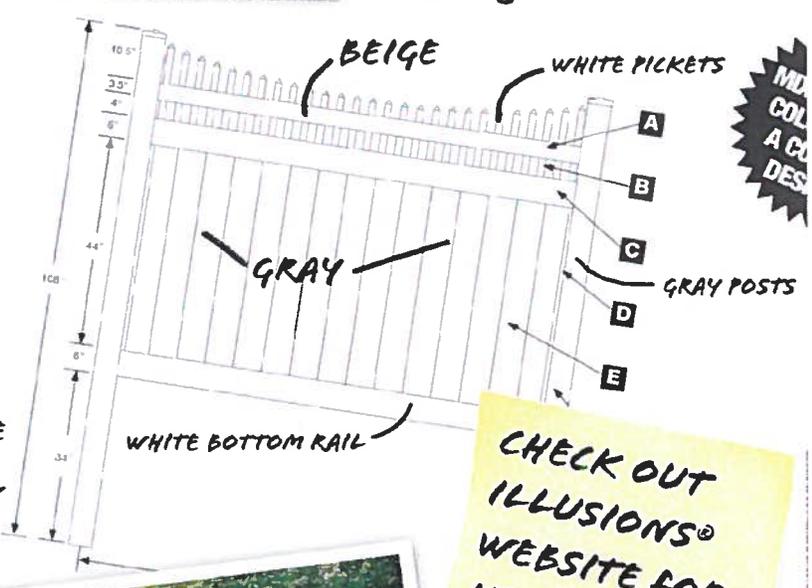


**AFTER DOING THE RESEARCH WE'VE DECIDED THAT ILLUSIONS® VINYL FENCE IS HANDS DOWN THE BEST CHOICE FOR THE MIDLAND COUNTY HOSPITAL PROJECT. THE 75MPH WIND ADAPTOR KIT IS A NO BRAINER! WE NO PROBLEM GETT THE BID!!!**

- JAMES

HERE'S A PIC OF THE V3707-6 FROM A PREVIOUS PROJECT. THE CUSTOMER WAS EXTREMELY HAPPY

LET'S SPEC IN THE 75MPH WIND ADAPTOR KITS ON THIS JOB SINCE IT BACKS UP TO FARM FIELDS.



CHECK OUT ILLUSIONS® WEBSITE FOR UP TO DATE SPEC SHEETS!

