

CITY OF MADEIRA
BOARD OF ZONING APPEALS
AGENDA

Monday, June 3, 2024, at 7:00 P.M.

*Meeting proceedings will be available to the public in person in
City Council Chambers, 7141 Miami Avenue or via Zoom
(Link is on the calendar for this meeting on www.madeiracity.com)*

This regular meeting of the Board of Zoning Appeals is subject to Section 121.22 of the Ohio Revised Code, which is otherwise referred to as Ohio's Open Meetings Act. Because some applications are "quasi-judicial" in nature, the Board of Zoning Appeals is authorized by Ohio law to adjourn the meeting for the purpose of deliberating the merits of such applications (See, *TBC Westlake v. Hamilton County Bd. of Revision*, 81 Ohio St.3d 58; *State ex rel. Ross v. Crawford County Bd. of Elections*, 125 Ohio St.3d 438; *Pennell v. Brown Twp.*, 2016-Ohio-2652; *Wightman v. Ohio Real Estate Comm'n*, 2017-Ohio-756; *State ex rel. Eaton v. Erie County Bd. of Elections*, 2006-Ohio-966; *Beachland Enters. v. City of Cleveland Bd. of Review*, 2013-Ohio-5585). If the Board of Zoning Appeals elects to do so, it will temporarily adjourn the meeting after all of the Public Hearings have concluded. Then, upon completion of deliberations, the Board of Zoning Appeals will resume the meeting to discuss the application(s), vote on the same, and address any items remaining on the agenda. The Board of Zoning Appeals may delay voting on (or "table") an applicant's request if it determines additional information from the applicant or the administrative staff is necessary. While the applicant is not required to be present when the vote is taken, the applicant may stay in the chambers during deliberations and the meeting, once resumed, will remain open to the public. All of the Board of Zoning Appeals decisions will become final as soon as the Board (i) votes to approve the meeting minutes for the subject meeting where an application was orally voted upon, (ii) the Board votes in favor of a resolution related to an applicant's request, or (iii) administrative staff issues written correspondence indicating whether the application was approved or denied.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. REVIEW OF MEETING PROCESS and PROCEDURE**
- V. ACCEPTANCE OF AGENDA**
- VI. CORRESPONDENCE**
 - None
- VII. GUESTS AND REGISTERED VISITORS**
 - None
- VIII. HEARINGS ON APPLICATIONS**

Public Hearing No. 1, Case BZA- 24-010
Address: 6814 Dawson
Applicant: Champion Windows – Amonyai Rush
Property Owner: David Bryant
Zone: Residence 2 (R2)
Request: Front and rear yard setback variance to allow construction of a deck and expansion of covered walkway/patio room.

Public Hearing No. 2, Case BZA- 24-011
Address: 6585 Apache Circle
Applicant: Richard T. Ernst, Jr.
Property Owner: Chris & Rebecca Moses
Zone: Residence 2 (R2)
Request: Front and Rear Setback Variance on a Corner Lot to Construct an Addition.

Public Hearing No. 3, Case BZA – 24-014
Address: 6820 Meadowdale Circle
Applicant: Jay Gates
Property Owner: Patrick & Christine Dowling
Zone: Residence 2 (R2)
Request: Front and Side Setback Variance on a Corner Lot to Construct an Addition.

Public Hearing No. 4, Case BZA- 24-015
Address: 7272 Berwood Drive
Applicant: J. Cody Shomber
Property Owner: Same as Applicant
Zone: Residence 3 (R3)
Request: Construction of an Accessory Structure that Exceeds Permitted Size Requirement.

IX. ADJOURN FOR DELIBERATION OF CASES

X. RECONVENE FOR DECISION ON CASES

XI. NEW BUSINESS

- None

XII. OLD BUSINESS

- None

XIII. ACCEPTANCE OF MINUTES

- May 6, 2024

XIV. ADJOURNMENT



BOARD OF ZONING APPEALS STAFF REPORT

Public Hearing Number: 1

Case Number: BZA-24-010

Address: 6814 Dawson

Applicant: Champion Windows – Amonyai Rush

Property Owner: David Bryant

Zone: Residence 2 (R2)

Request: Front and rear yard setback variance to allow construction of a deck and expansion of covered walkway/patio room.

Code Section: Section 150.13 Lot Requirements – Table 150-3

Legal Notice: City of Madeira website – May 24, 2023

Meeting Date: June 3, 2024



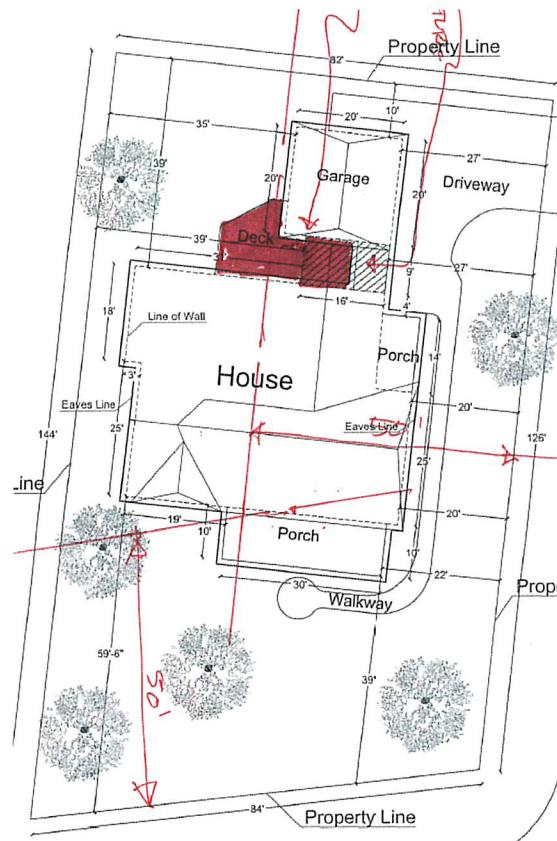
Overview: The Applicant has requested a variance to construct a deck and an expanded covered walkway/patio room.

Front Yard Setback Variance: As the property is a corner lot, the front yard setback distance of 50' is applied to both the Dawson Road and Rosecrest Avenue sides of the property. This places the majority of the existing house and garage in the required setback. The area proposed for the deck and walkway/enclosed patio falls within most of the required setbacks – both front and rear.

Rear Yard Setback Variance: The garage was originally constructed as a detached structure and subject to the accessory structure setback requirement of 4'. Now that the garage and house will be connected with an enclosed walkway/patio room, the garage is now considered attached under the Zoning Code and subject to the required rear yard setback of 40' for primary structures. The position of the garage is not being altered, and the setback remains at 10'.



MADEIRA
OHIO



Property History: The property was subject to a variance request in 2018 in Case 18-006. In that case, the BZA approved construction on the legal non-conforming lot and a side yard setback on a corner lot.

Abutting Property Uses: The surrounding properties are zoned R2 and are used as single family residential.

Public Comment: Administration will provide any public comments received during the case hearing.



City of Madeira
Board of Zoning Appeals
7141 Miami Avenue
Madeira, OH 45243
513-561-7228

RECEIVED: _____

Date _____

Fee Paid: _____

Date Paid: _____

Case No: 24-010

DISCLAIMER: ALL INFORMATION ON THIS FORM WILL BECOME PUBLIC RECORD

Variance Application

TYPE OF VARIANCE REQUESTED:

Please check appropriate box

TYPE	FEE CHARGED
X Residential	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
Commercial	\$150 + \$1.50 per \$1000 of total cost
Panhandle Lot	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
Conditional Use	\$150 + \$1.50 per \$1000 of total cost
Non-Conforming Use	\$150 + \$1.50 per \$1000 of total cost
Other	See City Staff to determine

Please indicate the Madeira Zoning Code Section that pertains to the variance request (circle one):

Chapter 150: Zoning Code

Chapter 153: Excavating, Filling, and Grading of Land

Chapter 151: Subdivision Regulations

Other: _____

Estimated project cost: \$125,421.00 Please describe requested variance: To add treated deck and sunroom to the existing house and garage.

PROPERTY INFORMATION:

Address:	6814 Dawson Rd Cincinnati, OH 45243		
Book, Page & Parcel number:	Plat Book 31, Page 1, Parcel # 525-14-55 & 56		
Current Zoning Designation:	R-2		
Adjacent Property Zoning Designation:	North: R-2	South: R-2	East: R-2
	West: R-2		

APPLICANT:

Name:	Champion Sunrooms	Daytime Telephone #:	513-349-1149
Address:	12121 Champion Way	Evening Telephone #:	
	Cincinnati, OH 45241	Email Address:	jschweizer@getchampion.com

OWNER (if different from applicant):

Name:	David Bryant	Daytime Telephone #:	816-519-0941
Address:	6814 Dawson Rd	Evening Telephone #:	
	Cincinnati, OH 45243	Email Address:	d.bryant131@yahoo.com

PAST VARIANCES:

Have any variances been requested, granted or denied on the subject property?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
--------------------------	-----	-------------------------------------	----

If yes, please provide date(s) and details (*attach separate page if necessary*):

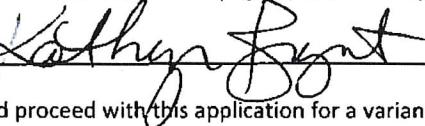
SUBMISSION REQUIREMENTS:

Fourteen (14) copies of this application, the variance request worksheet and all the materials listed in the applicable table attached must be submitted at least 28 days prior to the Board of Zoning Appeals meeting in order for the application to be placed on the agenda. All materials must be assembled in separate packets – please FOLD rolled drawings.

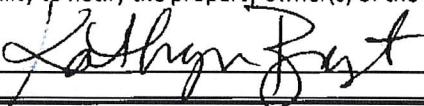
Stamped surveys will be required for any dimensional variance, including: a) New Dwellings; b) Additions with setback and/or lot coverage percentage requests; c) Commercial building projects; d) Sign Location variance requests closer than 10' from the right-of-way and e) Accessory Structures that exceed the allowable square footage by zoning district or are closer than 10 feet to the property line.

Any blanks or incorrect information on this application will be considered an incomplete application which may result in your request being delayed until the next meeting.

I certify that the information contained in this application and supplements is true and correct. Applicant hereby grants permission to the City of Madeira Board of Zoning Appeals and City staff to visit the subject property to review variance requests.

Applicant Signature:  Date: 4/26/2024

I/we authorize to file and proceed with this application for a variance concerning my property as stated in this application. It is the applicant's responsibility to notify the property owner(s) of the Board of Zoning Appeals decision.

Owner Signature:  Date: 4/26/2024

THIS SECTION TO BE COMPLETED BY STAFF

		Initials		
BZA Meeting Date:	Date:			
Legal Notice Published:	Date:			
ARO Review <i>(if applicable)</i> :	Date:			
BZA Decision <i>(circle one)</i> :	Approved	Approved w/ Conditions	Denied	
Property owner at BZA Meeting:				
Applicant at BZA Meeting:				

Fill in the table below to verify that this information was submitted. Write "submitted" where it is not asking for number of feet. Please use decimals.

	Applicant Reply/Checklist	Staff
List of property owners within 200 ft of the subject property	Yes	
SITE PLAN REQUIREMENTS		
Site plan, <u>BASED ON A REGISTERED SURVEY</u> , including the following:	Surveyor Name: Daivid J. Kroger	
a) Complete property line, showing dimensions and metes and bounds.	Yes	
b) Street names	Yes	
c) Title, scale and north arrow. Scale should be 1"=20'	Yes	
d) Existing and proposed structures on the subject site	Yes	
e) Setback lines shown as dashed line on plan (See Section 150.24 of the Zoning Code)	Front: _____ Side: _____	Rear: _____ Side: _____
f) Distance from existing structures on subject property to property line in feet. <u>Include all projections outside foundation walls</u>	Front: 47' Side: 10'	Rear: 10' Side: 18'
g) Distance from proposed structures on subject property to property line in feet. <u>Include all projections outside foundation walls</u>	Front: 27' Side: 0'	Rear: 24' Side: 23'
h) Existing structures on adjacent property		
i) Distance from existing structures on adjacent property to property line nearest subject property. How was this measured?	North: 10'2" East: 18'4" South: 47' West: 10'3"	
ELEVATION REQUIREMENTS		
Elevations of all sides, including the following:		
a) Label and describe all relevant proposed materials (siding, paving, etc) and colors	Glass and Aluminum	
b) Proposed distance from finished grade to finished floors and top of structure	13'4" Feet	
c) Proposed distance from finished grade to top of highest point of the structure	14' Feet	
MISCELLANEOUS REQUIREMENTS		
Proposed Lot Coverage % (footprint of proposed compared to lot size within r-o-w)	11,206 Total lot size.	
Topography, at 2' increments, drawn to scale depicting existing and proposed changes	NO	
Will proposed variance result in any change in surface water drainage in either direction or volume from subject site? Explain how determined and mitigated.	No, Tie in to existing drains.	
Completed variance request worksheet.		
UPON REQUEST		
Landscape Plan	No	
Rendering illustrating the proposed project	Yes	
OPTIONAL		
Photos of the site	Yes	
Letters in support of the project	No	

MADEIRA CITY PLANNING COMMISSION

VARIANCE REQUEST WORK SHEET

TO BE COMPLETED BY THE APPLICANT

Property Location: _____ Request Type: _____

- (1) Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? _____
Yes it will. _____
- (2) Is the variance necessary to preserve a substantial property right (the reasonable enjoyment and use of the property) which is already possessed by the owners of other properties in the same area? _____
Yes it will. _____
- (3) Are there exceptional or extraordinary conditions which apply to the subject property that do not apply generally to other properties in the same area? _____
No there is not. _____
- (4) Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance? _____
No they would not. _____
- (5) Would the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?
No it would not. _____
- (6) Were the applicable zoning restrictions in place when the property was purchased or acquired by the applicant?
Did the applicant have a reasonable means of determining what zoning restrictions were in effect at the time the property was acquired? _____
Yes they were. _____
- (7) Can the property owner's predicament feasibly be obviated through some method other than a variance (such as a zoning change or redesign of the proposed plan)? _____
No it can't. _____
- (8) Can the spirit and intent behind the zoning requirement be observed and substantial justice done if the variance is granted? _____
Yes it will. _____

Karol David & Anna

6715 Rose Crest AVE

Cincinnati OH 45243

Barnhorst Janice & Steve Roderer

6727 Rose Crest AVE

Cincinnati OH 45243

Burroughs Ted David & Linda D

6728 Rose Crest AVE

Cincinnati OH 45243

Young Robert & Paula J

6850 Dawson Rd 45243

Cincinnati OH 45243

Jackson Howard Charles & Beulah Gail Jackson

6860 Dawson Rd

Cincinnati OH 45243

Wamsley Jeffrey & Cathy

6845 Dawson Rd

Cincinnati OH 45243

Tenofsky Deborah & Timothy Zack

6797 Dawson Rd

Cincinnati OH 45243

Tesmond Richard & Katherine Phillips
6794 Dawson Rd
Cincinnati OH 45243

Lutes Brian & Erin
6804 Dawson Rd
Cincinnati OH 45243

Bentle William Dante & Sonia G
6814 Dawson Rd
Cincinnati OH 45243

McDonald John Patrick
6831 Dawson Rd
Cincinnati OH 45243

Marshall Travis & Erin Dance
6779 Dawson Rd
Cincinnati OH 45243

Hagglund Mary & Nickolas
6784 Dawson Rd
Cincinnati OH 45243

Jackson Howard & Beulah Gail

6520 Kenwood Rd

Cincinnati OH 45243

Almquist Megan & Matthew

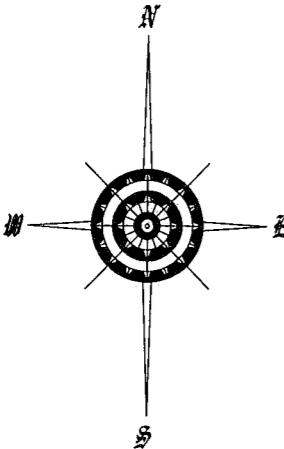
6704 Eleck Place

Cincinnati OH 45243

Pease John & Sara

6712 Eleck Place

Cincinnati OH 45243



Plat of Survey

Situated in Section 12, Town 4, Fractional Range 2, Miami Purchase, City of Madeira, Hamilton County, Ohio, being all of Lot's 23 & 24 of Madeira View Subdivision as recorded in Plat Book 31, Page 1 of the records of the Hamilton County Recorder's Office.

Tax Parcel No. 525-14-55 & 56



Land Surveying LLC,
Serving Southwest Ohio
4109 Westwood Northern Boulevard
Cincinnati, Ohio 45211
Phone: (513) 288-5828
Company Email: aezland@gmail.com

LAND SURVEYING

6814 Dawson Road
Cincinnati, Ohio 45243

Basis of Bearings for this survey are based on the NAD83/Ohio South.

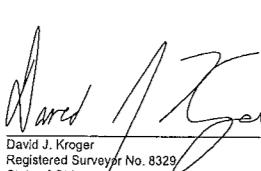
Date of Survey:
March 22, 2024

Notation of Occupation
Occupation in General Fits Survey.
Citation of Pertinent Documents
As depicted graphically hereon.

Note: All monumentation is in good condition unless otherwise stated.



This survey was made in accordance with the minimum Standards for Boundary Surveys located in Chapter 4733-37 of the Ohio Administrative Code and was based on an actual field survey performed on or about March 22, 2024.

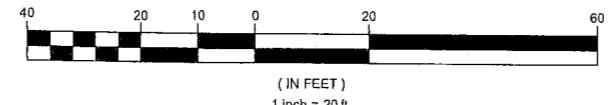

David J. Kroger
Registered Surveyor No. 8329
State of Ohio



Legend of Symbols & Abbreviations

- Found Iron Pin
- Set Iron Pin
- Found PK
- Set Wood Stake
- C/L Centerline
- Z Indicates Mutual Ownership
- R/W Right of Way

GRAPHIC SCALE



All Rights Reserved, AEZ Land Surveying LLC.

Print date: March 22, 2024

REVISIONS

No. Date Description

1 March 22, 2024 Original Survey

2

3

4

5

Project Number: Drawn By:
2024-0044 DJK

Checked By:
DJK

Sheet Title:

Plat of Survey

Sheet Number:

Sheet 1 of 1



MySitePlan.com
Site Plans When You Need Them

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE.
This work product represents only generalized locations
of features, objects or boundaries and should not be
relied upon as being legally authoritative for the precise
location of any feature, object or boundary.



Plot Plan for:

Owner: BRYANT DAVID & KATHRYN

Address: 6814 DAWSON RD

Subdivision: MADEIRA VIEW

Parcel/Locator: 525-0014-0055-00

Lot: 23&24

Scale: 1"=20'

Additional Info: Bryant_3100016617_Cincinnati

House Roof 3/12

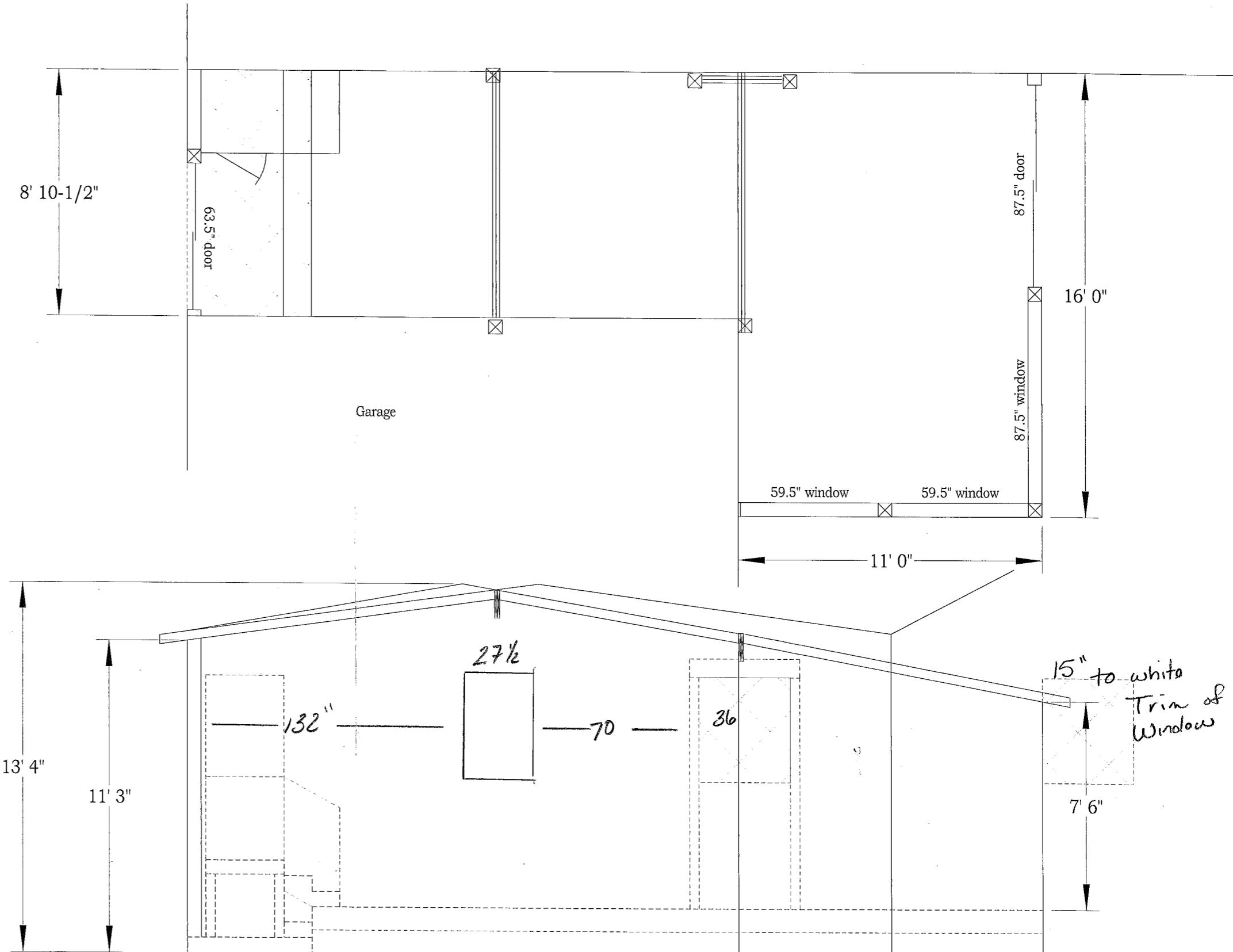
Garage Roof 4/12

Front Edge of House to Peak = 160"

Front Edge of Garage to Peak = 120°

8 1/4" to Garage threshold

141" to concrete to top of Roof



<u>CODES</u>	CHAMPION Modular aluminum construction. Seasonal, unheated, non-habitable space. 3-SEASON window room with 365 glass Framing to be white aluminum. Exterior panel to be white. Interior panel to be white. All sashes & door glass to be tempered.	CHAMPION PATIO ROOMS 12121 Champion Way Cincinnati, OH 45241	<u>RESIDENCE</u> David & Kate Bryant 6814 Dawson Rd. Cincinnati, OH 45243	<u>SCALE :</u> 1/4" = 1' <u>DATE</u> 12/21/2023	<u>NOTES</u> No egress issues per section R-310 of the 2019 Residential Code of Ohio
<u>PATIO ROOM MANAGER</u>	Scott Moore	<u>CUSTOMER ID NO.</u>	3100016617	<u>SHEET NO.</u>	1 of 1



BOARD OF ZONING APPEALS STAFF REPORT

Public Hearing Number: 2

Case Number: BZA-24-011

Address: 6585 Apache Circle

Applicant: Richard T. Ernst, Jr.

Property Owner: Chris & Rebecca Moses

Zone: Residence 2 (R2)

Request: Front and Rear Setback Variance on a Corner Lot to Construct an Addition

Code Section: 150.13 – Lot Requirements

Legal Notice: City of Madeira website – May 24, 2023

Meeting Date: June 3, 2024



Overview: The Applicant is requesting a variance on the required front and rear setbacks of the existing corner lot to construct an addition. A second-floor addition over the existing garage, as well as an additional storage area for the garage is planned. In the R2 District, the required front yard setback is 50 ft. The existing garage structure is 41ft. The second story addition does not exceed the existing footprint. The required rear yard setback in the R2 is 40 ft. The existing footprint of the house has a rear yard setback of 18.5 ft. This is not changing with the proposed project, but still requires a variance since the project will take place in the required setback area.

Property History: No previous zoning requests on file.

Abutting Property Uses: The surrounding properties are zoned R2 and are used as single family residential.

Public Comment: Administration will provide any public comments received during the case hearing.



City of Madeira
Board of Zoning Appeals
7141 Miami Avenue
Madeira, OH 45243
513-561-7228

RECEIVED: 4/23/2024

Fee Paid: 120.50 Date
Date Paid: 4/23/2024
Case No: 24-011

DISCLAIMER: ALL INFORMATION ON THIS FORM WILL BECOME PUBLIC RECORD

Variance Application

TYPE OF VARIANCE REQUESTED:

Please check appropriate box

TYPE	FEE CHARGED
<input checked="" type="checkbox"/> Residential	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
<input type="checkbox"/> Commercial	\$150 + \$1.50 per \$1000 of total cost
<input type="checkbox"/> Panhandle Lot	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
<input type="checkbox"/> Conditional Use	\$150 + \$1.50 per \$1000 of total cost
<input type="checkbox"/> Non-Conforming Use	\$150 + \$1.50 per \$1000 of total cost
<input type="checkbox"/> Other	See City Staff to determine

Please indicate the Madeira Zoning Code Section that pertains to the variance request (circle one):

Chapter 150: Zoning Code

Chapter 153: Excavating, Filling, and Grading of Land

Chapter 151: Subdivision Regulations

Other: _____

Estimated project cost: 47,000 Please describe requested variance: Permission to construct second - floor addition over existing garage & garage storage addition

PROPERTY INFORMATION:

Address:	6585 Apache Circle, Cincinnati OH 45243		
Book, Page & Parcel number:	525 - 0014 - 0106 - 00		
Current Zoning Designation:	R-2		
Adjacent Property Zoning Designation:	North: <u>R-2</u>	South: <u>R-2</u>	East: <u>R-2</u> West: <u>R-2</u>

APPLICANT:

Name:	Richard T. Ernst, Jr.	Daytime Telephone #:	513.470.2510	Initials
Address:	7351 Keller Road Cincinnati OH 45243	Evening Telephone #:	513.470.2510	

OWNER (if different from applicant):

Name:	Chris & Rebecca Moses	Daytime Telephone #:	513.205.2774
Address:	6585 Apache Circle Cincinnati OH 45243	Evening Telephone #:	513.205.2774

Fill in the table below to verify that this information was submitted. Write "submitted" where it is not asking for number of feet. Please use decimals.

	Applicant Reply/Checklist	Staff
List of property owners within 200 ft of the subject property	SEE ATTACHED	
SITE PLAN REQUIREMENTS		
Site plan, <u>BASED ON A REGISTERED SURVEY</u> , including the following:	Surveyor Name: <u>JT King</u>	
a) Complete property line, showing dimensions and metes and bounds.		
b) Street names		
c) Title, scale and north arrow. Scale should be 1"=20'		
d) Existing and proposed structures on the subject site		
e) Setback lines shown as dashed line on plan (See Section 150.24 of the Zoning Code)	<u>R. 2</u>	Front: <u>50'</u> Rear: <u>40'</u> Side: <u>9'12'</u> Side: <u>9'12'</u> <u>68'40'</u> Front: _____ Rear: <u>12.5'</u> Side: <u>20'</u> Side: _____
f) Distance from existing structures on subject property to property line in feet. <u>Include all projections outside foundation walls</u>		
g) Distance from proposed structures on subject property to property line in feet. <u>Include all projections outside foundation walls</u>	Front: <u>68'40'</u> Rear: <u>12.5'</u> Side: <u>14'</u> Side: _____	
h) Existing structures on adjacent property		
i) Distance from existing structures on adjacent property to property line nearest subject property. How was this measured?	North: _____ East: _____ South: _____ West: _____	
ELEVATION REQUIREMENTS		
Elevations of all sides, including the following:		
a) Label and describe all relevant proposed materials (siding, paving, etc) and colors		
b) Proposed distance from finished grade to finished floors and top of structure	<u>0 - 22</u>	Feet
c) Proposed distance from finished grade to top of highest point of the structure	<u>22</u> Feet	
MISCELLANEOUS REQUIREMENTS		
Proposed Lot Coverage % (footprint of proposed compared to lot size within r-o-w)	<u>100%</u>	
Topography, at 2' increments, drawn to scale depicting existing and proposed changes		
Will proposed variance result in any change in surface water drainage in either direction or volume from subject site? Explain how determined and mitigated.	<u>NO.</u>	
Completed variance request worksheet.	<u>✓</u>	
UPON REQUEST		
Landscape Plan		
Rendering illustrating the proposed project		
OPTIONAL		
Photos of the site		
Letters in support of the project		

MADEIRA CITY PLANNING COMMISSION

VARIANCE REQUEST WORK SHEET

TO BE COMPLETED BY THE APPLICANT

Property Location: 6585 Apache Circle Request Type: _____

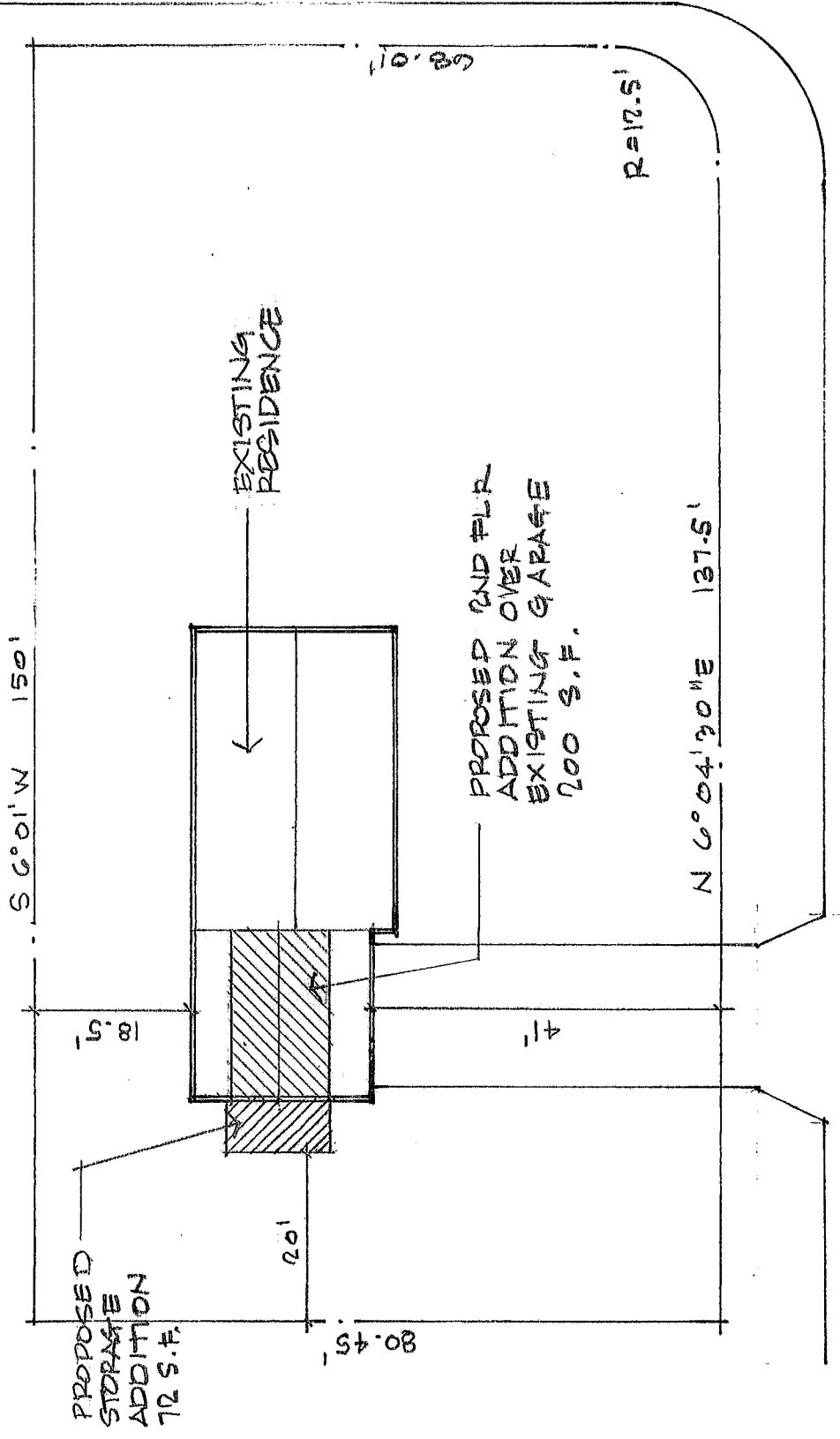
- (1) Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? The existing property is sub-par to todays standards. Adding additional square footage w/ amenities will greatly improve this property.
- (2) Is the variance necessary to preserve a substantial property right (the reasonable enjoyment and use of the property) which is already possessed by the owners of other properties in the same area? Yes. Many of the surrounding properties have added additional square footage.
- (3) Are there exceptional or extraordinary conditions which apply to the subject property that do not apply generally to other properties in the same area? This is a corner lot which makes any improvements almost impossible.
- (4) Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance? No. All proposed new work is to blend with the existing architecture of the house.
- (5) Would the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?
No.
- (6) Were the applicable zoning restrictions in place when the property was purchased or acquired by the applicant? Did the applicant have a reasonable means of determining what zoning restrictions were in effect at the time the property was acquired? Yes. Yes.
- (7) Can the property owner's predicament feasibly be obviated through some method other than a variance (such as a zoning change or redesign of the proposed plan)? No. The existing house is non-conforming. Any changes would require a variance.
- (8) Can the spirit and intent behind the zoning requirement be observed and substantial justice done if the variance is granted? Yes.

PROPERTY OWNERS WITHIN 200' OF SUBJECT PROPERTY:

6585 Apache Circle

Apache Circle

Amy & Adam Simmons	6559 Apache Circle	Madeira, OH 45243
James & Darlene Wilson	6564 Apache Circle	Madeira, OH 45243
Brett & Alexandra Simons	6567 Apache Circle	Madeira, OH 45243
Keith & Elizabeth Barrett	6568 Apache Circle	Madeira, OH 45243
David & Annabelle Myers	6571 Apache Circle	Madeira, OH 45243
Richard & Susan Shonk	6574 Apache Circle	Madeira, OH 45243
Jay & Janelle Klosterman	6580 Apache Circle	Madeira, OH 45243
Thomas & Victoria Liming	6584 Apache Circle	Madeira, OH 45243
Thomas & Victoria Liming	6590 Apache Circle	Madeira, OH 45243
Jessica Yankie	6596 Apache Circle	Madeira, OH 45243
Suzanne Nelson	6603 Apache Circle	Madeira, OH 45243
Lois Telford	6608 Apache Circle	Madeira, OH 45243
Eric & Priscilla Peters	6609 Apache Circle	Madeira, OH 45243
Steven & Angela Boronyak	6613 Apache Circle	Madeira, OH 45243
Mark & Diane Difrancesco	6626 Apache Circle	Madeira, OH 45243
Stephen Bertke	6634 Apache Circle	Madeira, OH 45243
Nancy & Craig Spencer	6640 Apache Circle	Madeira, OH 45243



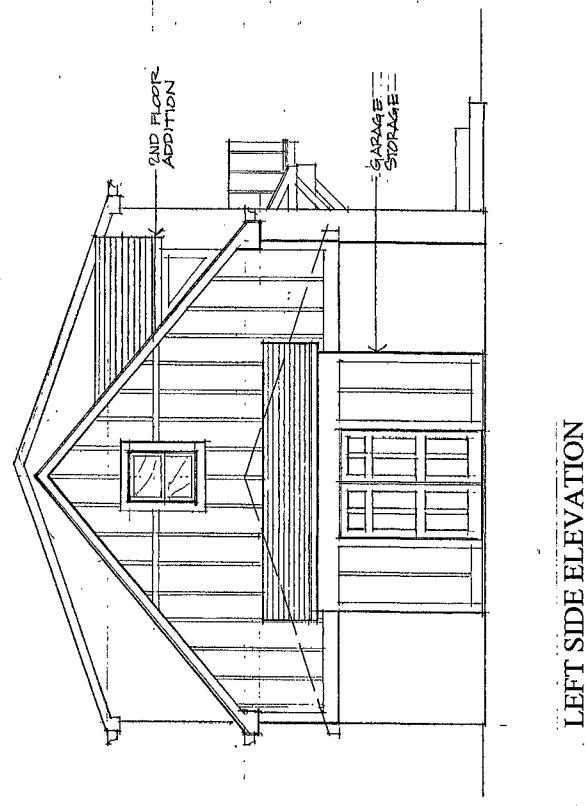
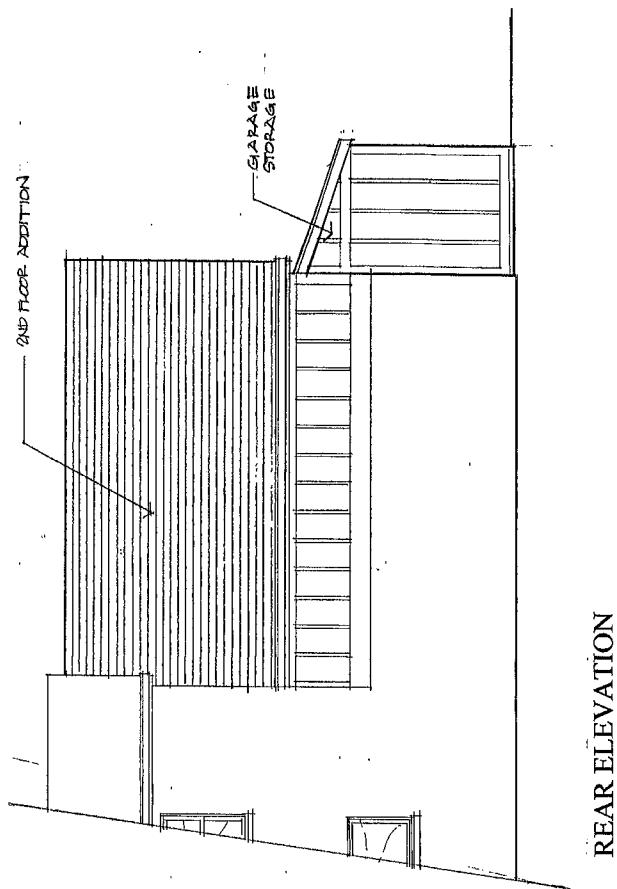
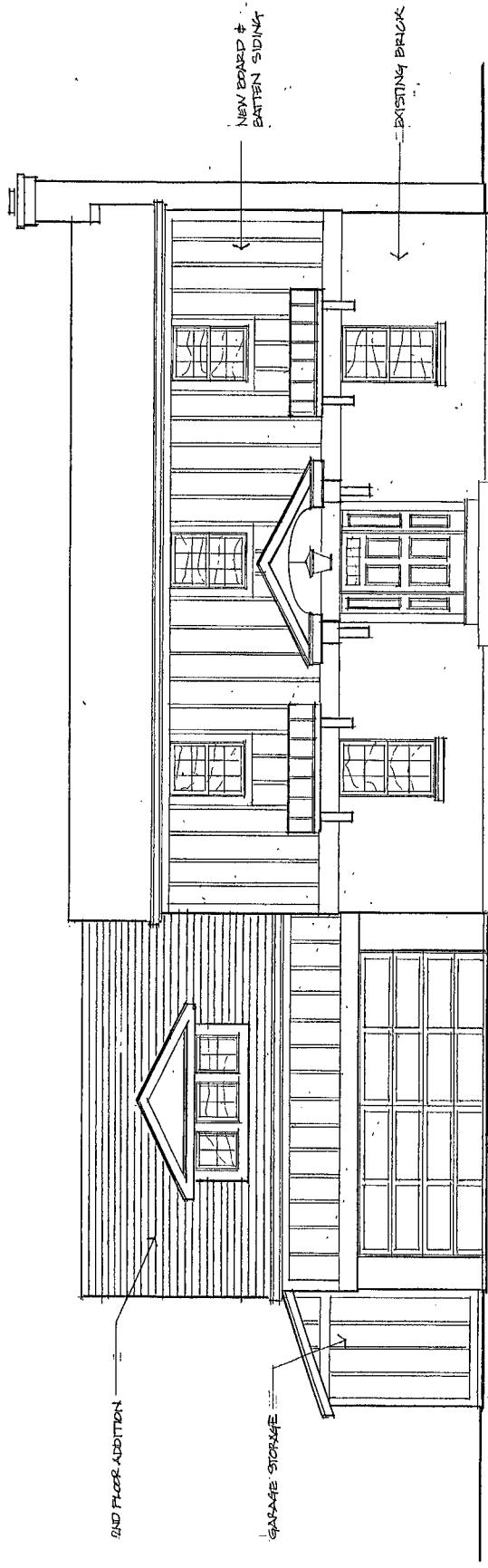
APACHE CIRCLE

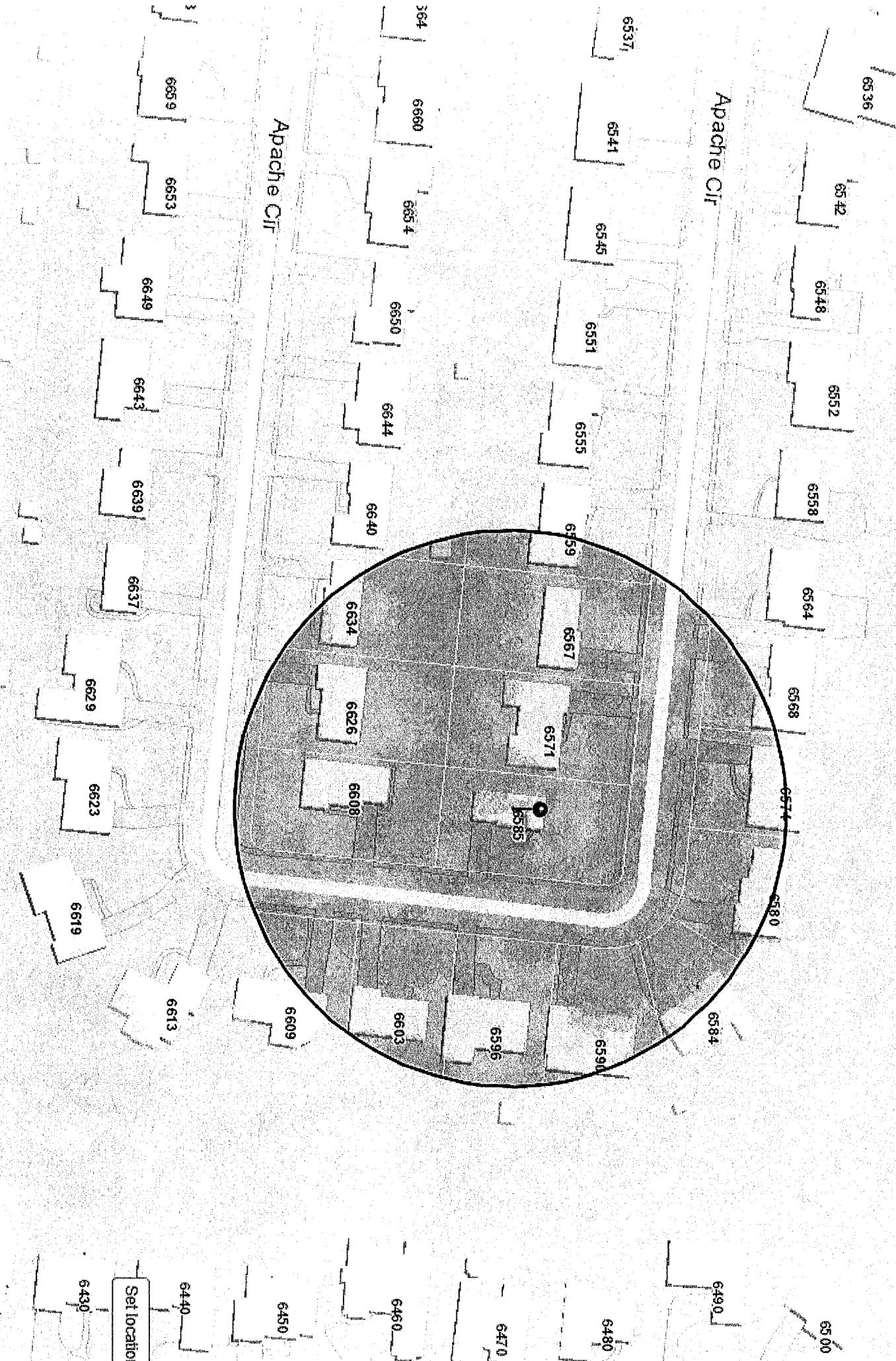
SITE PLAN

$R = 20'$

NORTH

RICHARD T. ERNST, JR.
ARCHITECT
7351 KELLER ROAD
CINCINNATI, OHIO 45243
513-470-2510







BOARD OF ZONING APPEALS STAFF REPORT

Public Hearing Number: 3

Case Number: BZA-24-014

Address: 6820 Meadowdale Circle

Applicant: Jay Gates

Property Owner: Patrick & Christine Dowling

Zone: Residence 2 (R2)

Request: Front and Side Yard Setback Variance on a Corner Lot to Construct an Addition.

Code Section: 150.13 – Lot Requirements

Legal Notice: City of Madeira website – May 24, 2023

Meeting Date: June 3, 2024



Overview: The Applicant is requesting a variance on the required front and side setbacks of the existing corner lot to construct an addition. The proposed addition is to be built on the north side of the existing structure. The addition will include a two-car garage and interior space for future use. In the R2 District, the required front yard setback is 50 ft. The proposed addition will have a 43.9 ft setback on the Meadowdale side; this matches the south end setback of the existing structure. The required minimum side yard setback in the R2 is 9 ft. The proposed addition has a side yard setback of 6 ft.

Property History: No previous zoning requests on file.

Abutting Property Uses: The surrounding properties are zoned R2 and are used as single family residential.

Public Comment: Administration will provide any public comments received during the case hearing.



City of Madeira
Board of Zoning Appeals
7141 Miami Avenue
Madeira, OH 45243
513-561-7228

RECEIVED: 5/7/2024

Fee Paid: 140 - Date
Date Paid: 5/7/2024
Case No: 24-014

DISCLAIMER: ALL INFORMATION ON THIS FORM WILL BECOME PUBLIC RECORD

Variance Application

TYPE OF VARIANCE REQUESTED:

Please check appropriate box

TYPE		FEE CHARGED
X	Residential	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
	Commercial	\$150 + \$1.50 per \$1000 of total cost
	Panhandle Lot	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
	Conditional Use	\$150 + \$1.50 per \$1000 of total cost
	Non-Conforming Use	\$150 + \$1.50 per \$1000 of total cost
	Other	See City Staff to determine

Please indicate the Madeira Zoning Code Section that pertains to the variance request (*circle one*):

Chapter 150: Zoning Code

Chapter 153: Excavating, Filling, and Grading of Land

Chapter 151: Subdivision Regulations

Other: _____

Estimated project cost: \$60,000 Please describe requested variance: We are requesting a modification of the current setback for the front and side of the property. For a garage addition to match the current house setback and be large enough for two cars to park inside. This will allow for the creation of a future 1st FL. bedroom for owner.

PROPERTY INFORMATION:

Address:	6820 Meadowdale Circle, Madeira OH 45243		
Book, Page & Parcel number:	525-0014-0211-00		
Current Zoning Designation:	R-2		
Adjacent Property Zoning Designation:	North: <u>R-2</u>	South: <u>R-2</u>	East: <u>R-2</u> West: <u>R-2</u>

APPLICANT:

Name:	Jay Gates		Daytime Telephone #:	513-288-2227
Address:	7824 Greenbriar Lane		Evening Telephone #:	513-288-2227
	Madiera, OH 45243		Email Address:	Jay@cincinnatihomesolutions.com

OWNER (if different from applicant):

Name:	Patrick & Christine Dowling		Daytime Telephone #:	513-207-1665
Address:	6820 Meadowdale Circle		Evening Telephone #:	513-207-1665
	Madiera, OH 45243		Email Address:	pat.dowling@specdesignllc.com

PAST VARIANCES:

Have any variances been requested, granted or denied on the subject property?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
--------------------------	-----	-------------------------------------	----

If yes, please provide date(s) and details (attach separate page if necessary).

SUBMISSION REQUIREMENTS:

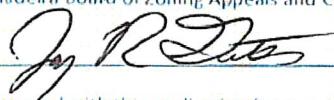
Fourteen (14) copies of this application, the variance request worksheet and all the materials listed in the applicable table attached must be submitted at least 28 days prior to the Board of Zoning Appeals meeting in order for the application to be placed on the agenda. All materials must be assembled in separate packets – please FOLD rolled drawings.

Stamped surveys will be required for any dimensional variance, including: a) New Dwellings; b) Additions with setback and/or lot coverage percentage requests; c) Commercial building projects; d) Sign Location variance requests closer than 10' from the right-of-way and e) Accessory Structures that exceed the allowable square footage by zoning district or are closer than 10 feet to the property line.

Any blanks or incorrect information on this application will be considered an incomplete application which may result in your request being delayed until the next meeting.

I certify that the information contained in this application and supplements is true and correct. Applicant hereby grants permission to the City of Madeira Board of Zoning Appeals and City staff to visit the subject property to review variance requests.

Applicant Signature:



Date:

5/5/24

I/we authorize to file and proceed with this application for a variance concerning my property as stated in this application. It is the applicant's responsibility to notify the property owner(s) of the Board of Zoning Appeals decision.

Owner Signature:



Date:

5/5/2024

THIS SECTION TO BE COMPLETED BY STAFF

BZA Meeting Date:	Date:	Initials	
Legal Notice Published	Date:		
ARO Review (if applicable)	Date:		
BZA Decision (circle one)	Approved	Approved w/ Conditions	Denied
Property owner at BZA Meeting:			
Applicant at BZA Meeting:			

Fill in the table below to verify that this information was submitted. Write "submitted" where it is not asking for number of feet. Please use decimals.

	Applicant/Reply/Checklist	Staff
List of property owners within 200 ft of the subject property		
SITE PLAN REQUIREMENTS		
Site plan, BASED ON A REGISTERED SURVEY , including the following:	Surveyor Name: HEYL Surveyors	
a) Complete property line, showing dimensions and metes and bounds.	yes	
b) Street names	Meadowdale Clr. and Juniper Lane	
c) Title, scale and north arrow. Scale should be 1"=20'	On Survey	
d) Existing and proposed structures on the subject site	Page S1 of submitted plans	
e) Setback lines shown as dashed line on plan (See Section 150.24 of the Zoning Code)	Front: <input checked="" type="checkbox"/> X	Rear: <input checked="" type="checkbox"/> X
	Side: <input checked="" type="checkbox"/> X	Side: <input checked="" type="checkbox"/> X
f) Distance from existing structures on subject property to property line in feet. Include all projections outside foundation walls	Front: 40.1	Rear: 38.6
	Side: 30.5	Side: 40.0
g) Distance from proposed structures on subject property to property line in feet. Include all projections outside foundation walls	Front: 40.1	Rear: 38.6
	Side: 6.0	Side: 40.0
h) Existing structures on adjacent property	House on the north and east	
i) Distance from existing structures on adjacent property to property line nearest subject property. How was this measured?	North: 7.92 <small>Survey</small>	East: 51.0 <small>Survey</small>
	South: Street	West: Street
ELEVATION REQUIREMENTS		
Elevations of all sides, including the following:		
a) Label and describe all relevant proposed materials (siding, paving, etc) and colors	Whole house done Hardie siding neutral color, concrete driveway,	
b) Proposed distance from finished grade to finished floors and top of structure	19 Feet	
c) Proposed distance from finished grade to top of highest point of the structure	19 Feet	
MISCELLANEOUS REQUIREMENTS		
Proposed Lot Coverage % (footprint of proposed compared to lot size within r-o-w)	15%	
Topography, at 2' increments, drawn to scale depicting existing and proposed changes	None	
Will proposed variance result in any change in surface water drainage in either direction or volume from subject site? Explain how determined and mitigated.	Surface water drainage volume should be the same as it is now on concrete driveway. Drainage will be tied into gutter system.	
Completed variance request worksheet.		
UPON REQUEST		
Landscape Plan	None	
Rendering illustrating the proposed project	Page S4 of plans	
OPTIONAL		
Photos of the site	Included Page 5 of application	
Letters in support of the project	None at time of submittal	

MADEIRA CITY PLANNING COMMISSION

VARIANCE REQUEST WORK SHEET

TO BE COMPLETED BY THE APPLICANT

Property Location: 6280 Meadowdale Circle Request Type: Zoning Code Section 150.23

(1) Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? It will increase the value of the home, enhance the look of the neighborhood and allow the homeowners of 35+ years to move their Master Bedroom when that need presents itself. The home owner cannot continue to enjoy his home for another 20+ years without this variance.

(2) Is the variance necessary to preserve a substantial property right (the reasonable enjoyment and use of the property) which is already possessed by the owners of other properties in the same area? Yes, the home has been part of the owners family since built in 1962 and occupied by current owner since 1988, other properties in the area are outside current setbacks

(3) Are there exceptional or extraordinary conditions which apply to the subject property that do not apply generally to other properties in the same area? Being a corner lot and a smaller lot in general to some of the neighboring lots presents challenges in complying with the setback restrictions in placed on this neighborhood. The addition will match the neighbors current garage layouts facing the street instead of a large open concrete pad with cars parked in the driveway.

(4) Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance? It is the owners belief that the neighborhood beauty and value would be greatly enhanced by this addition removing the stark look of concrete and parked cars with a eye pleasing 1st class garage addition

(5) Would the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?
No

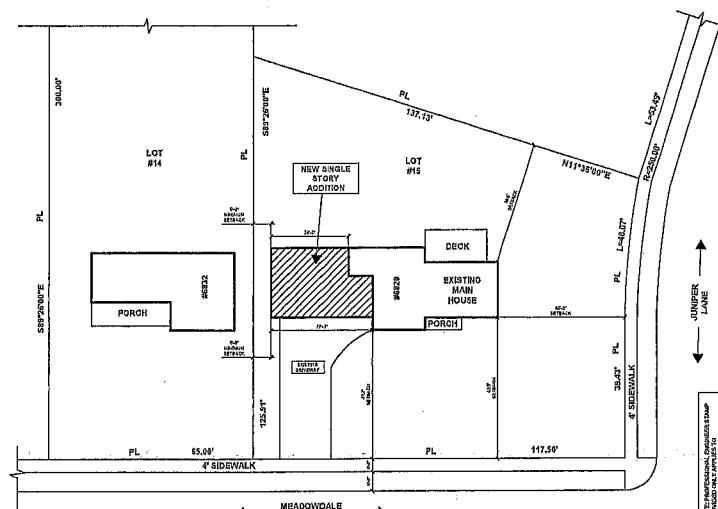
(6) Were the applicable zoning restrictions in place when the property was purchased or acquired by the applicant? Did the applicant have a reasonable means of determining what zoning restrictions were in effect at the time the property was acquired? The home has been in the owners family since built in 1962 and personally owned/occupied since 1988. The current setback were not in effect as evidenced by the fact that the current house and most of the neighboring houses encroach on one or more setbacks as applied by the latest revision of the zoning rules. That is why the owner prays that the board will find in his favor and grant a variance.

(7) Can the property owner's predicament feasibly be obviated through some method other than a variance (such as a zoning change or redesign of the proposed plan)? No we believe that this piece of property is more an exception than the rule. We have looked at plan redesigns as well and the loss of functionality due to the current zoning would make the project lose its desired result to be able to park two cars inside the garage and have room to access vehicles from both sides.

(8) Can the spirit and intent behind the zoning requirement be observed and substantial justice done if the variance is granted? Yes, the spirit of the rule is to maintain quality and home owner values. Review of projects needing variances are the guardrails that support owners property rights and neighbors home values. We pray that we have met these standard.

PATRICK AND CHRISTINE DOWLING
SINGLE STORY ADDITION
6820 MEADOWDALE CIRCLE
CINCINNATI, OHIO 45243

6820 MEADOWDALE CIR
CINCINNATI, OHIO 45243



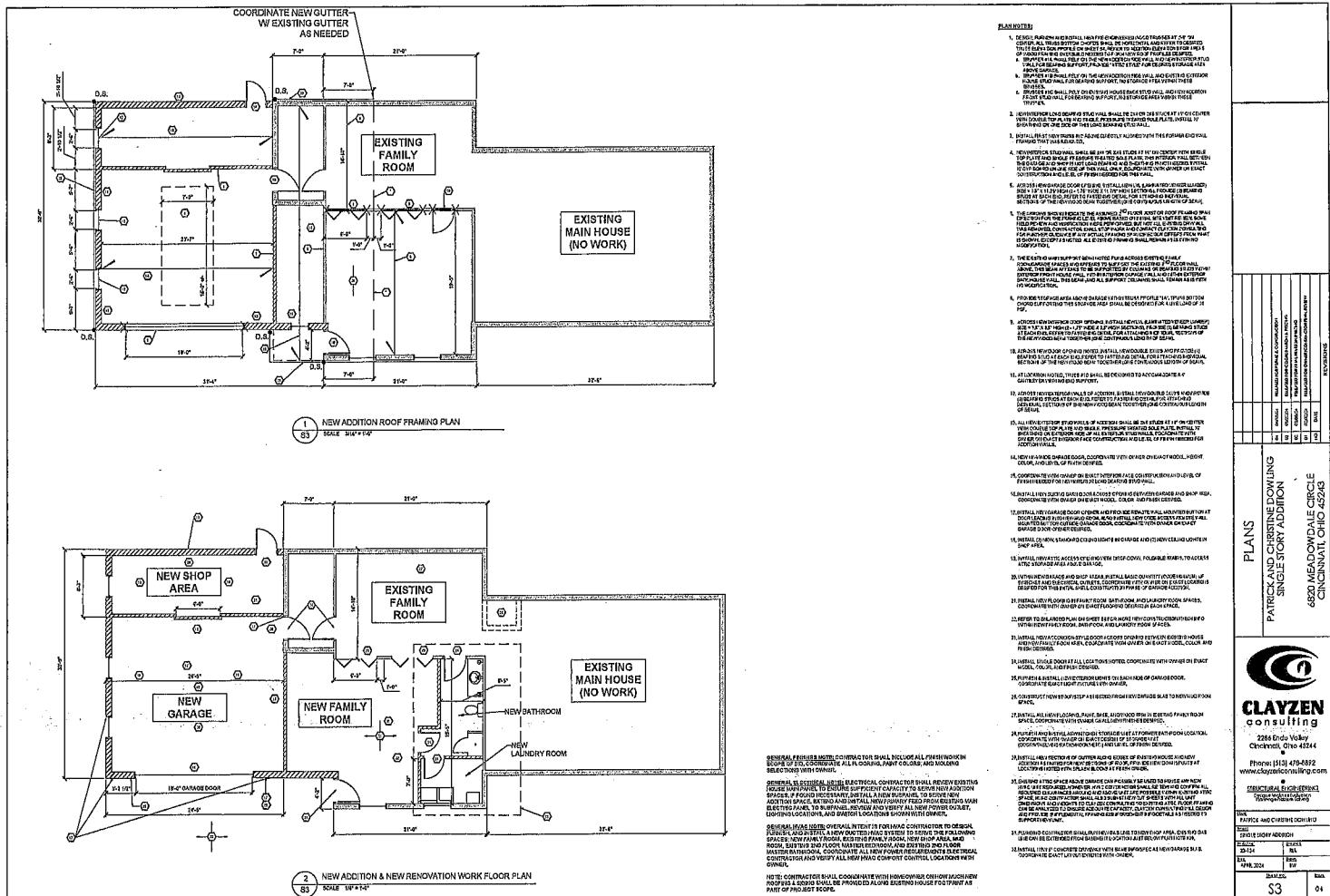
NOTE: CONTRACTOR SHALL ENSURE 6'-0" MINIMUM SETBACK FROM SIDE PROPERTY LINE, ADJUST NEW ADDITION DIMENSIONS AS NEEDED TO ENSURE REQUIRED SETBACKS.

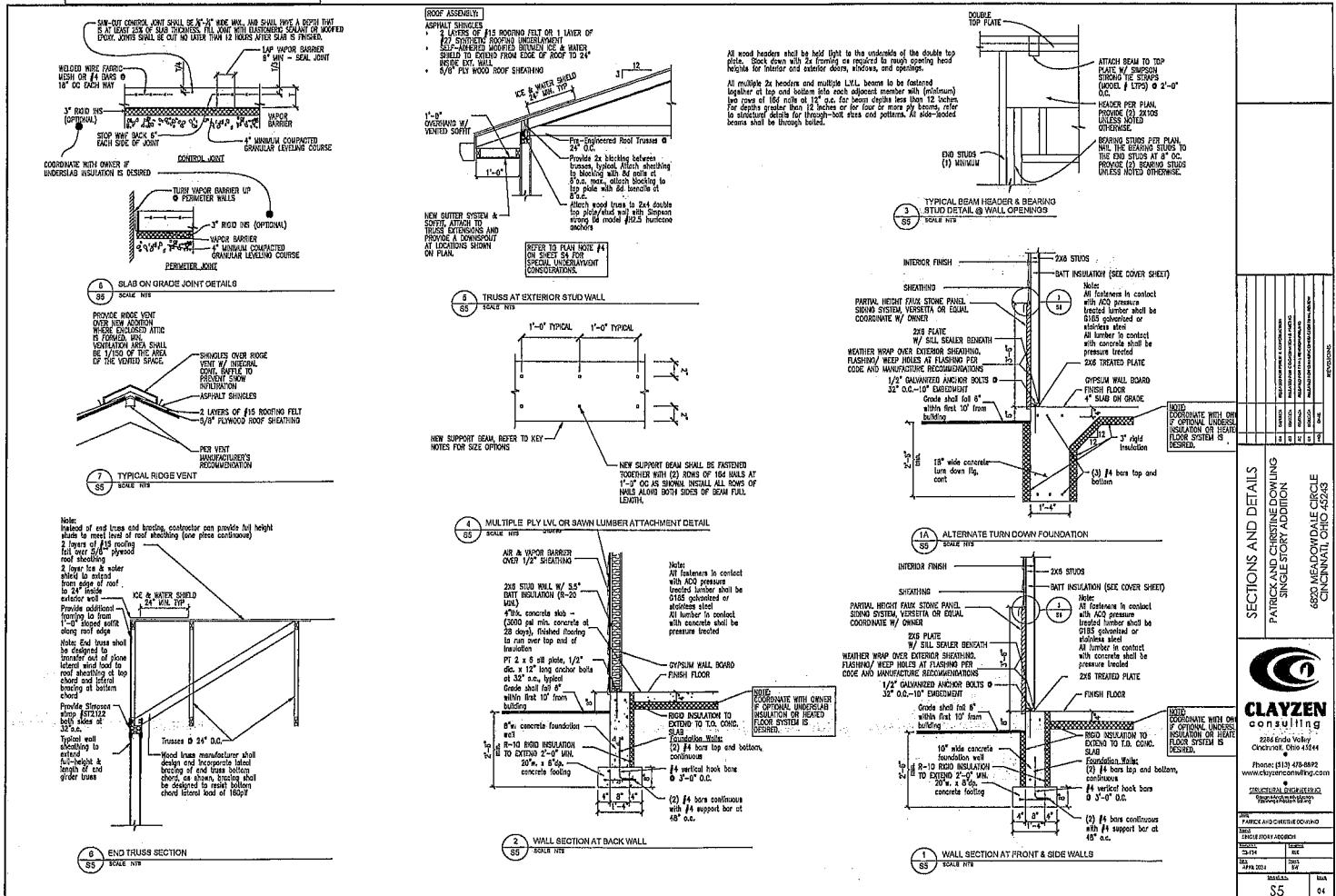


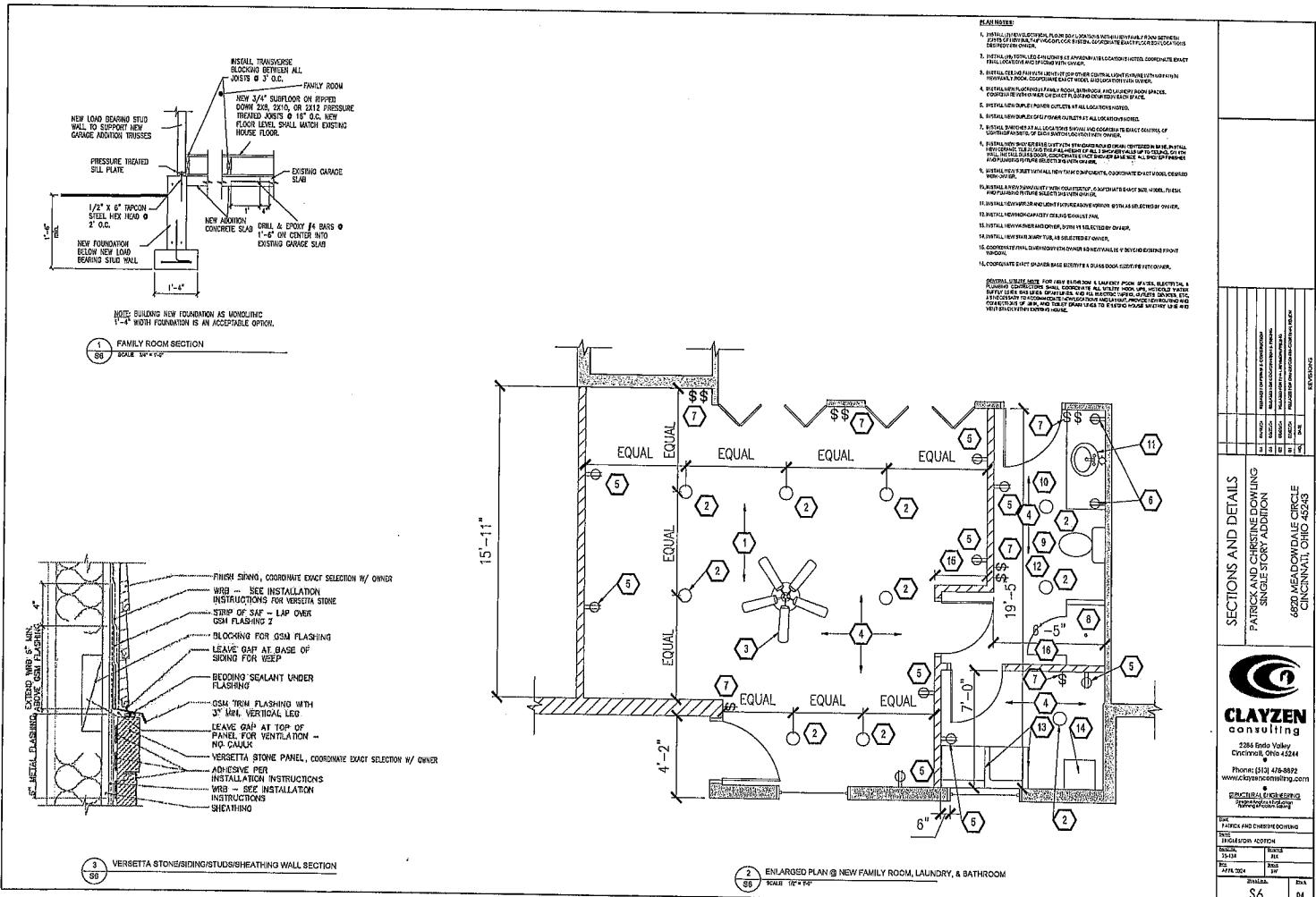
CLAYZEN
consulting

2146 Emde Valley
Cincinnati, Ohio 45244
Phone: (513) 478-4524
www.clayzenconsulting.com

TITLE AND SITE PLAN
PATRICK AND CHRISTINE DOWNTOWN
SINGLE STORY ADDITION
6820 MERRIDOWNTOWN CIRCLE
CINCINNATI, OHIO 45249











BOARD OF ZONING APPEALS STAFF REPORT

Public Hearing Number: 4

Case Number: BZA-24-015

Address: 7272 Berwood Drive

Applicant: J. Cody Schomber

Property Owner: Same

Zone: Residence 3 (R3)

Request: Construction of an Accessory Structure that Exceeds Permitted Size Requirement

Code Section: 150.23/Table 150-6 Accessory Buildings and Structures

Legal Notice: City of Madeira website – May 24, 2023

Meeting Date: June 3, 2024



Overview: The Applicant has submitted a Building/Zoning Permit Application to install a pergola in the rear yard. Pergolas are categorized as Accessory Structures, and the R3 District permits up to 160 sq ft of accessory structure(s) on a lot. The proposed pergola is 288 sq ft, plus the existing shed at 142 sq ft, gives a total of 430 sq ft in accessory structures on the property.

Property History: No previous zoning requests on file.

Abutting Property Uses: The surrounding properties are zoned R3 and are used as single family residential.

Public Comment: Administration will provide any public comments received during the case hearing.



City of Madeira
Board of Zoning Appeals
7141 Miami Avenue
Madeira, OH 45243
513-561-7228

RECEIVED: _____

Date _____

Fee ~~10.00~~ _____

Date Paid: _____

Case No: 24-015

DISCLAIMER: ALL INFORMATION ON THIS FORM WILL BECOME PUBLIC RECORD
Variance Application

TYPE OF VARIANCE REQUESTED:

Please check appropriate box

TYPE	FEE CHARGED
Residential	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
Commercial	\$150 + \$1.50 per \$1000 of total cost
Panhandle Lot	Variance fee of \$50.00 + \$1.50 per \$1000.00 of total cost for additions; \$0.75 per \$1000.00 for a new house
Conditional Use	\$150 + \$1.50 per \$1000 of total cost
Non-Conforming Use	\$150 + \$1.50 per \$1000 of total cost
Other	See City Staff to determine

Please indicate the Madeira Zoning Code Section that pertains to the variance request (circle one):

Chapter 150: Zoning Code

Chapter 153: Excavating, Filling, and Grading of Land

Chapter 151: Subdivision Regulations

Other: _____

Estimated project cost: \$6,000 Please describe requested variance: Pergola, on back of property

PROPERTY INFORMATION:

Address:	<u>7272 Berwood Dr</u>		
Book, Page & Parcel number:			
Current Zoning Designation:			
Adjacent Property Zoning Designation:	North:	South:	East:
			West: _____

APPLICANT:

Name:	<u>J. Cody Schomber</u>	Daytime Telephone #:	<u>812-593-0653</u>
Address:	<u>7272 Berwood Dr</u>	Evening Telephone #:	
		Email Address:	<u>jschomber.js@gmail.com</u>

OWNER (if different from applicant):

Name:		Daytime Telephone #:	
Address:		Evening Telephone #:	
		Email Address:	

PAST VARIANCES:

Have any variances been requested, granted or denied on the subject property?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
--------------------------	-----	-------------------------------------	----

If yes, please provide date(s) and details (*attach separate page if necessary*):

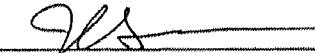
SUBMISSION REQUIREMENTS:

Fourteen (14) copies of this application, the variance request worksheet and all the materials listed in the applicable table attached must be submitted at least 28 days prior to the Board of Zoning Appeals meeting in order for the application to be placed on the agenda. All materials must be assembled in separate packets – please FOLD rolled drawings.

Stamped surveys will be required for any dimensional variance, including: a) New Dwellings; b) Additions with setback and/or lot coverage percentage requests; c) Commercial building projects; d) Sign Location variance requests closer than 10' from the right-of-way and e) Accessory Structures that exceed the allowable square footage by zoning district or are closer than 10 feet to the property line.

Any blanks or incorrect information on this application will be considered an incomplete application which may result in your request being delayed until the next meeting.

I certify that the information contained in this application and supplements is true and correct. Applicant hereby grants permission to the City of Madeira Board of Zoning Appeals and City staff to visit the subject property to review variance requests.

Applicant Signature: 

Date: 5/22/24

I/we authorize to file and proceed with this application for a variance concerning my property as stated in this application. It is the applicant's responsibility to notify the property owner(s) of the Board of Zoning Appeals decision.

Owner Signature: 

Date: 5/22/24

THIS SECTION TO BE COMPLETED BY STAFF

		Initials	
BZA Meeting Date:	Date:		
Legal Notice Published:	Date:		
ARO Review (<i>if applicable</i>):	Date:		
BZA Decision (<i>circle one</i>):	Approved	Approved w/ Conditions	Denied
Property owner at BZA Meeting:			
Applicant at BZA Meeting:			

Fill in the table below to verify that this information was submitted. Write "submitted" where it is not asking for number of feet. Please use decimals.

	Applicant Reply/Checklist	Staff
List of property owners within 200 ft of the subject property		
SITE PLAN REQUIREMENTS		
Site plan, <u>BASED ON A REGISTERED SURVEY</u> , including the following:	Surveyor Name:	
a) Complete property line, showing dimensions and metes and bounds.		
b) Street names		
c) Title, scale and north arrow. Scale should be 1"=20'		
d) Existing and proposed structures on the subject site		
e) Setback lines shown as dashed line on plan (See Section 150.24 of the Zoning Code)	Front: _____ Side: _____	Rear: _____ Side: _____
f) Distance from existing structures on subject property to property line in feet. <u>Include all projections outside foundation walls</u>	Front: _____ Side: _____	Rear: _____ Side: _____
g) Distance from proposed structures on subject property to property line in feet. <u>Include all projections outside foundation walls</u>	Front: _____ Side: _____	Rear: _____ Side: _____
h) Existing structures on adjacent property	/	
i) Distance from existing structures on adjacent property to property line nearest subject property. How was this measured?	North: _____ South: _____	East: _____ West: _____
ELEVATION REQUIREMENTS		
Elevations of all sides, including the following:		
a) Label and describe all relevant proposed materials (siding, paving, etc) and colors		
b) Proposed distance from finished grade to finished floors and top of structure		Feet
c) Proposed distance from finished grade to top of highest point of the structure		Feet
MISCELLANEOUS REQUIREMENTS		
Proposed Lot Coverage % (footprint of proposed compared to lot size within r-o-w)		
Topography, at 2' increments, drawn to scale depicting existing and proposed changes		
Will proposed variance result in any change in surface water drainage in either direction or volume from subject site? Explain how determined and mitigated.		
Completed variance request worksheet.		
UPON REQUEST		
Landscape Plan		
Rendering illustrating the proposed project		
OPTIONAL		
Photos of the site		
Letters in support of the project		

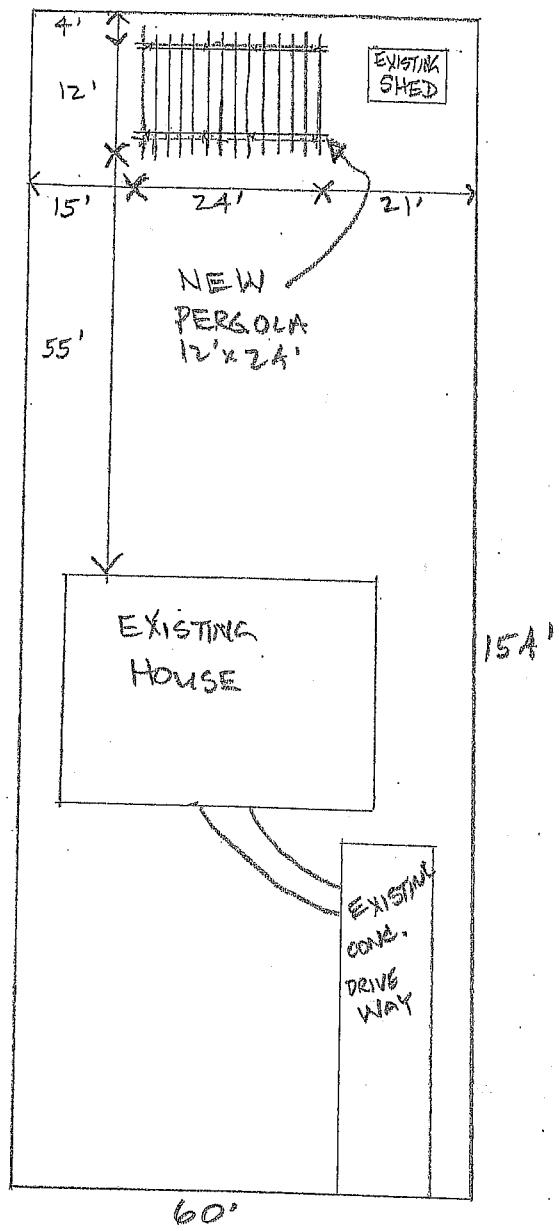
MADEIRA CITY PLANNING COMMISSION

VARIANCE REQUEST WORK SHEET

TO BE COMPLETED BY THE APPLICANT

Property Location: 7272 Birchwood Dr Request Type: Residential

- (1) Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? Yes
- (2) Is the variance necessary to preserve a substantial property right (the reasonable enjoyment and use of the property) which is already possessed by the owners of other properties in the same area? Yes, additional shade and privacy
- (3) Are there exceptional or extraordinary conditions which apply to the subject property that do not apply generally to other properties in the same area? No
- (4) Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance? No
- (5) Would the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)? No
- (6) Were the applicable zoning restrictions in place when the property was purchased or acquired by the applicant? Did the applicant have a reasonable means of determining what zoning restrictions were in effect at the time the property was acquired? Yes
- (7) Can the property owner's predicament feasibly be obviated through some method other than a variance (such as a zoning change or redesign of the proposed plan)? No
- (8) Can the spirit and intent behind the zoning requirement be observed and substantial justice done if the variance is granted? Yes



12' x 24' PERGOLA
7272 BERWOOD DRIVE
SITE PLAN 1" = 30' 5-12-24

Jessica Mirenda, Hamilton County Auditor
Property Report

generated on 5/9/2024 5:54:46 PM EDT

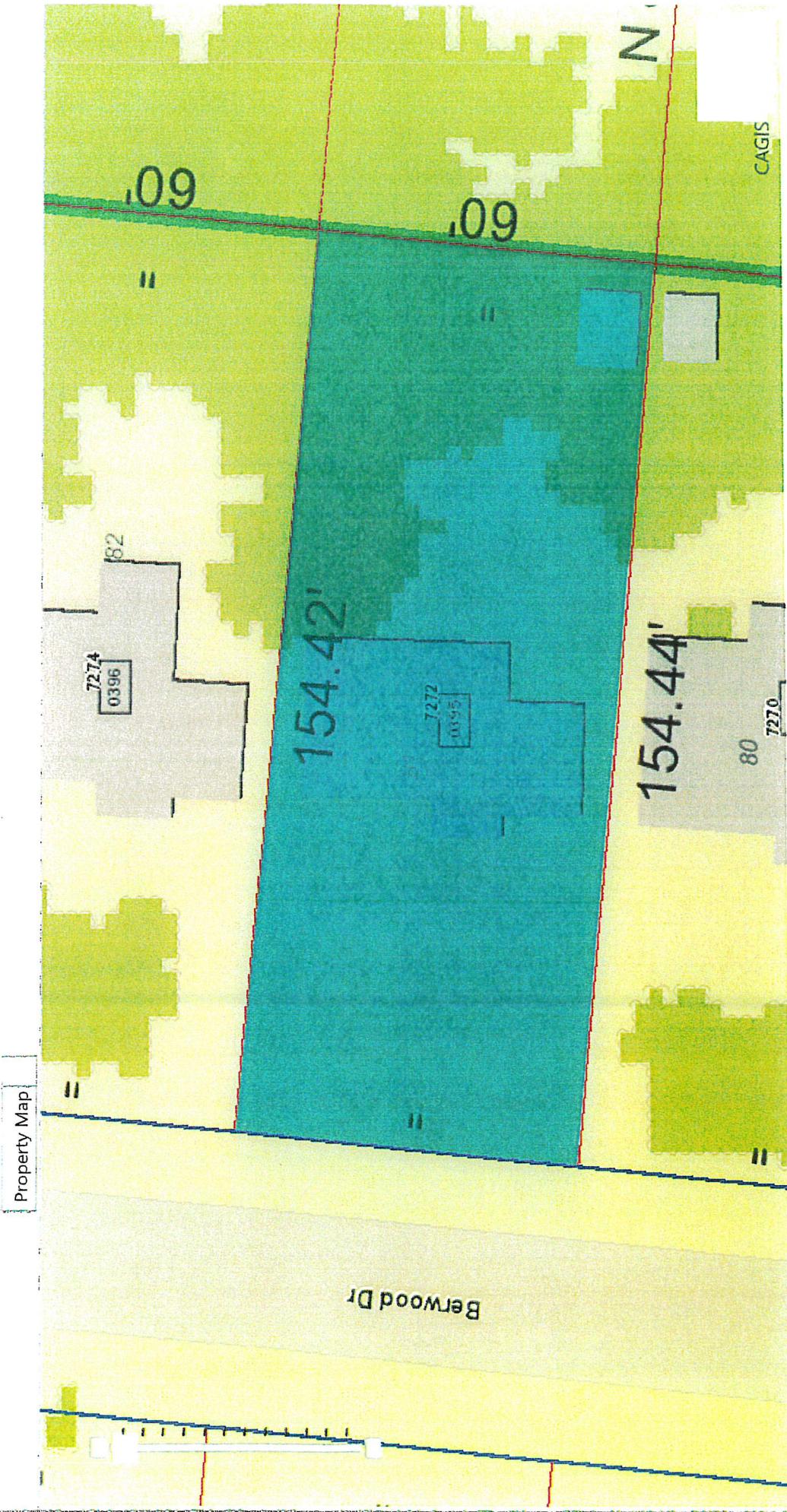
CoD4

Tax Year
2023 Payable 2024

Index Order
Parcel Number

Address
7272 BERWOOD DR

Parcel ID
52-0001-0395-00



12" DIA Footing, 30" DEEP
3,000 Psi. CONCRETE, POST
INSTALLED IN FOOTING

12" DIA Footing, 30" DEEP
3,000 Psi. CONCRETE, POST
INSTALLED IN FOOTING

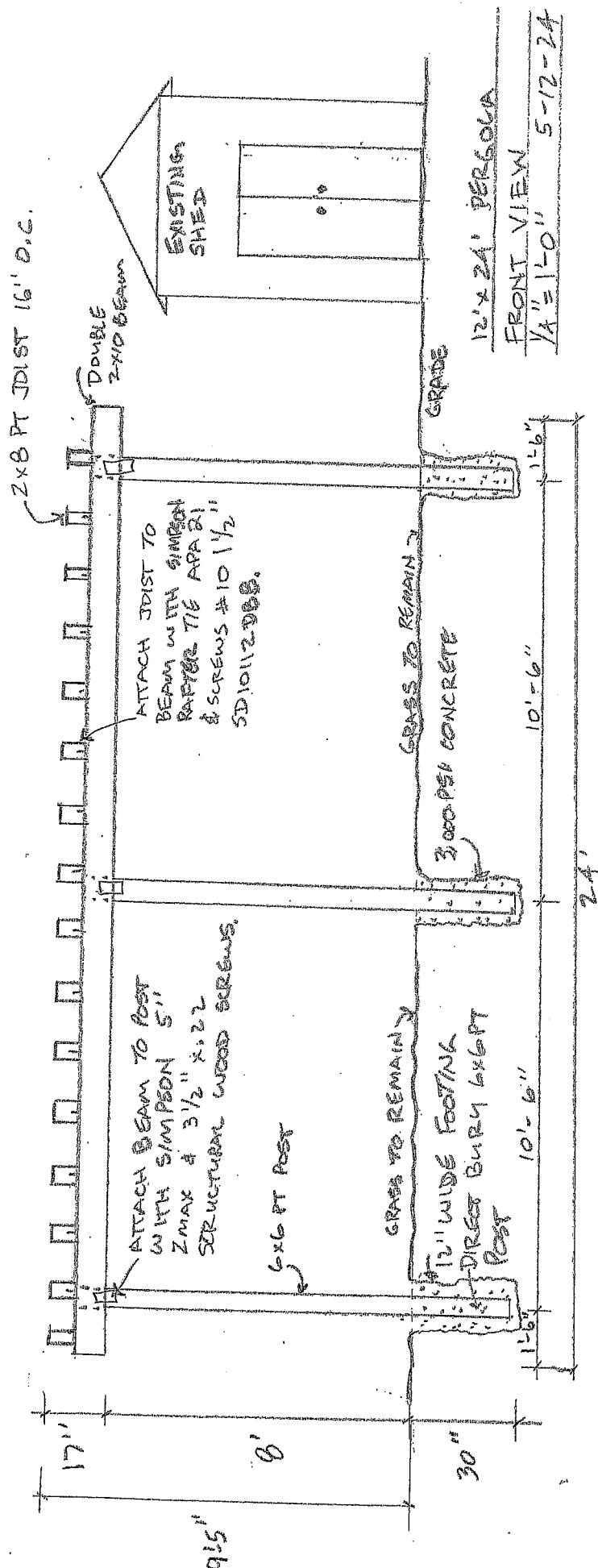
Lexile PT Count

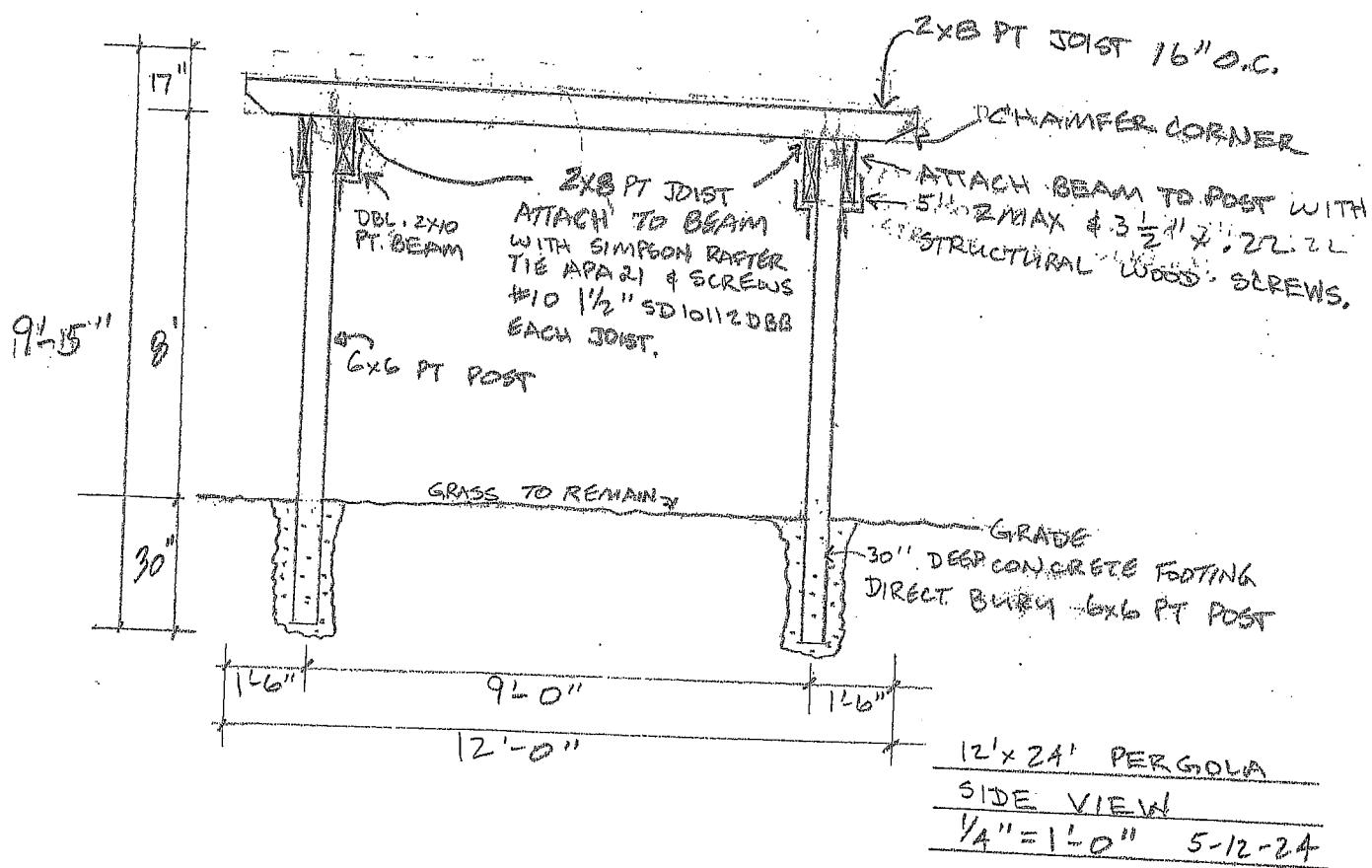
(2) 240 PT BEAM ATTACH TO POST WITH SIMPSON 5" ZMAX BLACK CONNECTOR #4 3/4" x 7/8" SIMPSON STRUCTURAL WOOD SCREW

2x8 JPISTS 16" O.C. ON TOP
OF BEAM. ATTACH WHT
SIMSON LIGHT RAFTER TIE
APA 21, AND SIMSON
CONSCREW SCREW SD10112 DEB.
#10 x 1 1/2"

24' - 0"

12' x 24' PERGOLA
7272 BERWOOD DRIVE
FRAMING PLAN 1/4" = 1'-0"









These minutes have not been approved by the City of Madeira Board of Zoning Appeals. Drafts of minutes have not yet been reviewed or corrected. Amendments may be made before a final approved version of the minutes is available. While comments are welcomed, we do not engage in changing or revising drafts of minutes until directed by a majority of the members of the Board of Zoning Appeals at a public meeting. The City of Madeira makes no warranty, expressed or implied, concerning the accuracy, completeness, reliability or suitability of these minutes until they are approved by the Madeira Board of Zoning Appeals.

MADEIRA BOARD OF ZONING APPEALS

REGULAR MEETING MINUTES

May 6, 2024

I. CALL TO ORDER

Mr. Karoly called the meeting to order at 7:08 pm.

II. PLEDGE OF ALLEGIANCE

Mr. Karoly led the pledge.

III. ROLL CALL

A. Members present:

Steve Karoly, Chair
Corey Cevasco
Grant Wenstrup
Kent Lutz
Christopher O'Malley

B. Officials/Staff present:

Brian Fox, Law Director
Michael Norton-Smith, City Manager
Lori Thompson, Assistant City Manager

IV. REVIEW OF MEETING PROCESS and PROCEDURE

Mr. Karoly reviewed the process for hearing and deciding upon cases.

V. ACCEPTANCE OF AGENDA

Motion made by Mr. Karoly to accept the agenda as amended, second by Mr. Wenstrup. Motion approved by 4-0-1 roll call vote. Mr. O'Malley abstained.

VI. CORRESPONDENCE

None

VII. GUESTS AND REGISTERED VISITORS

None

VIII. HEARINGS ON APPLICATIONS



A. Public Hearing No. 1, Case BZA- 24-008
Address: 7278 Rita Lane
Applicant: Colin & Amanda Riley
Property Owner: Same As Applicant
Zone: Residence 3 (R3)
Request: Front yard setback variance to allow construction of a deck

1. Mr. Karoly opened the case at 7:22 pm.
2. Mr. Norton-Smith presented Case BZA 24-008 for a front yard setback variance for a deck. Case was first presented April 1 for a stoop, now a deck, and materials were approved 4-1-24. A 10.7 ft. variance is requested. There is not a size limit for a deck, and this variance is for a front deck and setback.
3. Mr. Richard Bachman, 7373 Quailhollow, was sworn in by Mr. Fox, and stated that the proposed deck would be 19' by 6' and has a metal handrail.
4. Mr. Colin Riley, 7278 Rita Lane, was sworn in by Mr. Fox and outlined the project, initiated to prevent water in the basement and improve curb appeal. He noted other decks on neighboring streets.
5. Mr. David Pearson, 7274 Rita Lane, was sworn in by Mr. Fox and stated he has been a resident since 2011 and was in support of the Rileys' request. He feels it will be a great improvement and upgrade.
5. Mr. Karoly reviewed the Variance Request Worksheet and noted that the three options for homeowners are deck, stoop, or porch. The homeowner clarified that a front deck was specifically desired, and another deck existed in the backyard.
6. Mr. Karoly closed the case at 7:38 pm.

IX. ADJOURN FOR DELIBERATION OF CASES

Motion to adjourn for deliberation of cases made by Mr. Karoly, second by Mr. O'Malley. Motion carried by 5-0 roll call vote at 7:38 pm.

X. RECONVENE FOR DECISION ON CASES

Motion to reconvene made by Mr. Karoly, second by Mr. O'Malley. Motion carried by 5-0 roll call vote at 7:52 pm.

Motion to approve as submitted made by Mr. Karoly, second by Mr. O'Malley. Motion carried by 5-0 roll call vote

Mr. Karoly noted that durable materials and the low profile of the deck were pros in the decision.

XI. NEW BUSINESS

None

XII. OLD BUSINESS

None

XIII. ACCEPTANCE OF MINUTES

Motion to approve the April 1, 2024, minutes made by Mr. Karoly, second by Mr. Cevasco. Motion passed by 4-0-1 roll call vote. Mr. O'Malley abstained.



XIV. ADJOURNMENT

Motion made by Mr. Karoly, second by Mr. Wenstrup, to adjourn the meeting at 7:56 pm. Motion passed by 5-0 roll call vote.

Michael Norton-Smith
City Manager

DRAFT