

BOARD OF ZONING APPEALS MEETING  
JULY 17, 2012  
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

II ROLL CALL

Members Present: Ed Knox, Joe Ramirez, Lawrence Hawkins III,  
William Reichert, Carolyn Ghantous, Robert Weidlich, Jane Huber

Others Present: Randy Champion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF MAY 15, 2012

Mr. Hawkins: I have one correction for page #9; I think about ten lines down where it indicates Boards and Commissions that we have in terms of laying out the City and having "division", I think that should be "vision" for the City and folks executing it. With that correction, I move to adopt.

(Mrs. Ghantous seconded the motion and with a unanimous affirmative vote from the Board of Zoning Appeals Members the minutes were approved with one correction.)

V CORRESPONDENCE

Chairman Weidlich: There is no correspondence this month.

VI REPORT ON COUNCIL

(Mr. Hawkins presented summary reports of the May 16<sup>th</sup>, June 6<sup>th</sup>, and June 20<sup>th</sup>, 2012 Springdale City Council meetings.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous presented a summary report of the June 12<sup>th</sup>, 2012 Springdale Planning Commission Meeting, and also reported that the July Planning Commission meeting was cancelled.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

IX OLD BUSINESS

(No Old Business presented at this meeting.)

X NEW BUSINESS

A. Chairman Weidlich: The owner of 12100 Brookston Drive has submitted an application to the Board of Zoning Appeals requesting a variance to keep a utility

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shed 2' from the rear property line. Said variance is from Section 153.067(B)(4) "All other structures...may be located in the rear yard but must not be less than five feet from the side and rear lot lines."

(At this time Mr. Campion read the Building Official's comments.)

Mrs. Tasha Easterling: My address is 12100 Brookston Drive, Springdale Ohio 45240.

Mr. Tim Easterling: My address is 12100 Brookston Drive. The reason why we are requesting the variance at this time is because at our previous home we were not required to obtain a permit to replace a pre-existing shed or fencing or anything. If it was already built, we were allowed to just rebuild it there as long as it met the same requirements as the previous fence or shed or anything else. When we replaced the shed we put it back exactly where it was; on the previous shed I couldn't get behind it to do any work. When I had the shed installed I made sure that I had enough space to get back there to stain the fence when I got ready to do that and to trim the hedges that overlap that fence and also to do any work that I need to do on the shed; I gave myself two feet of room to go back there and work.

(No members of the audience came forward to speak and the Chairman closed this public portion of the hearing.)

Mr. Hawkins: The Code says that there has to be a five foot setback from the rear lot line, what is your reason for why you want to have it closer than the five foot setback?

Mr. Tim Easterling: Really, there is no reason. Had I knew that I had to obtain a permit before we had that installed I would have had it placed five feet away from the fence. At this time it would be very costly to have that shed relocated. Since having that installed, we also paid someone professionally to come out and install the ramp. Physically, I had back surgery so I cannot move it. I would have to have someone come out and relocate that the three feet so at this point, at a cost standpoint we were just hoping that the variance could stand and we could leave the shed where it is.

Mrs. Tasha Easterling: And in addition, there is no way any person could move it because of the size and so forth. With or without back surgery it would take some type of machine.

Mr. Tim Easterling: A company would have to send out a machine and we would have to remove the property fence in the front of the yard, bring the machine back and lift the shed up and move it the three feet. Also, we would have to pay the guy to come back out to rebuild the ramp.

Mr. Hawkins: What is the ramp made out of?

Mr. Tim Easterling: It is made out of 1 X 4's and then he skirted the ramp all the way around so that no animals could get up under the shed; pretty much all of that would have to be torn up.

Mr. Hawkins: And you say you have two feet behind the shed, between the shed and the fence?

Mr. Tim Easterling: Yes.

Mr. Hawkins: Is there grass there?

Mr. Tim Easterling: No, the shed is actually placed on top of rocks.

Mr. Hawkins: If there was grass there is there enough room to get a mower back through there?

Mr. Tim Easterling: Yes.

Mrs. Huber: Mr. Easterling, who constructed your building?

Mr. Tim Easterling: Perish Rentals; they are located down in Fairfield next to the U-Haul store down in Fairfield. We bought the shed there and they came out and delivered it. When they brought it out it was already assembled.

Mrs. Huber: I would think it would be a lovely public service if our Building Department would get the name of that contractor and send letters to these people and let them know that before they construct anything in our City they need a permit. And then, if the Building Department would be so kind as to tell them that you have to be this many feet or that many feet and you can only have this many feet. I think for new people coming in to our City it is really a shock to know that permits are required and all the limitations on things that you want to do.

Mr. Knox: Are we absolutely certain that fence is sitting on your property line? There are an awful lot of trees back there and I questions whether the fence is right on your property line or is your property line actually beyond the fence.

Mr. Tim Easterling: I would have to say from our knowledge that when we purchased the home we hoped that everyone involved in that deal had already had that land surveyed and made sure that the fence and everything was established on the property lines.

Mr. Knox: If your property line is beyond the fence, you may be five feet off of the property line. Do we know if that fence is actually on the property line?

Mr. Champion: We don't survey property lines; but who is to say the fence isn't on somebody else's property. We assume the fence is the property line.

Mr. Knox: When we did the one on Tivoli Lane we got all sorts of drawings showing exactly where the property lines were.

Mr. Champion: We usually have the line from Cagis that shows the property line but even that is not something that we can "hang our hat on", without surveying something. That is a service the City doesn't do because it is too costly.

Chairman Weidlich: Mr. and Mrs. Easterling, when I drove by your house the other day I noticed that you have a very well kept yard, it looks very nice. Just looking at the Cagis photo that we have, the two neighboring fences seem to be in line with your back fence.

If no one has anything further we will move along to a motion.

Mrs. Huber: I move to grant a variance from Section 153.067(B)(4), so as to allow a 10' X 16' utility building to remain two feet from property line at the property located at 12100 Brookston Drive.

(Mr. Hawkins seconded the motion.)

(With no further deliberation, discussion or amendments Mrs. Huber polled the Board of Zoning Appeals Members and with 7 "aye" votes and 0 "no" votes the request for a variance was approved.)

Mr. Tim Easterling: How do we go about getting "Slow Children at Play" signs put in place in a residential area; that is one of the problems that we have? Our daughters are not always in the backyard playing and they don't have to be; if I am in the front yard working they are allowed to be out there. We have problems with people speeding up and down the street.

Mr. Champion: A good place to start would be to ask the Public Works to look into that.

Chairman Weidlich: You could even notify the Police Department.

Mr. Reichert: The Police Department and Neighborhood Watch would have a lot of bearing on that; they meet once a month.

Mr. Knox: The City Administration and the Police Department do not like signs that say "Slow Children Playing" because they feel, from the experience they've had, that they don't work. Recently the City purchased two signs that show the speed that you are driving; they are a radar controlled device, so you might ask to get on the list to have one put on Brookston Drive.

Mr. Tim Easterling: Thank you.

Mrs. Huber: I will tell you another traffic problem in Springdale, people cutting through CVS to avoid the light. If you are a patron of CVS and you are backing out they could hit you; it is a very dangerous situation. The manager said there is nothing she can do about it.

Mr. Knox: They could put a speed bump in their parking lot.

Mrs. Huber: The pharmacy drive-through is on the side, and they could hit you there.

## XI DISCUSSION

A. Chairman Weidlich: Moving on to discussion, does anyone have any comments for Mrs. Ghantous concerning the Planning Commission report?

Mrs. Ghantous: Are those the types of things that you want to know about?

Chairman Weidlich: That seemed to cover the topics.

B. Mr. Ramirez: With not knowing for sure where the property lines are, we assume it is always the fence line. We could possibly deny somebody a variance just because it is close to the fence when indeed they may have three or four feet beyond that fence that is actually their property.

Mrs. Huber: That is why Mrs. Kennedy lost seven feet because of a fence.

Mr. Ramirez: When I put up my fence I put it two feet into my yard just for that reason; to make sure I wasn't on the neighbor's property line.

Mr. Knox: Many fence companies will put it six inches inside their surveyed position.

## XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:39 p.m.

Respectfully submitted,

\_\_\_\_\_,2012 \_\_\_\_\_  
Chairman Robert Weidlich

\_\_\_\_\_,2012 \_\_\_\_\_  
Secretary Jane Huber