

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD APRIL 9, 2018**

The City of Germantown Board of Zoning Appeals met on April 9, 2018 at 7:00 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mrs. Izor, Mr. Jones, Mr. Richter, and Mr. Treiber.

MEMBERS ABSENT:

Mr. Hutchinson.

ALSO PRESENT:

Mr. Wafzig, Council Liaison; Keith Brane, City Planner.

ORGANIZATION:

On a motion by Mr. Richter, seconded by Mrs. Izor, it was moved to elect Mr. Jones to serve as Chairman of the BZA for 2018. On call of the roll: Mr. Richter, yes; Mr. Treiber, yes; Mr. Jones, yes; and Mrs. Izor, yes. Motion carried.

On a motion by Mr. Treiber, seconded by Mr. Richter, it was moved to elect Mrs. Izor to serve as Vice Chairman of the BZA for 2018. On call of the roll: Mrs. Izor, yes; Mr. Jones, yes; Mr. Richter, yes; and Mr. Treiber, yes. Motion carried.

Mr. Jones said we are supposed to review the by-laws each year but we can table that until next time. Mr. Brane can have the Law Director review those to make sure they are current with the Ohio Revised Code.

CONSIDER APPROVAL OF THE MINUTES OF THE DECEMBER 11, 2017 BZA MEETING:

On a motion by Mr. Treiber, seconded by Mr. Jones, it was moved to approve the minutes of the December 11, 2017 meeting as written. On call of the roll: Mr. Treiber, yes; Mr. Jones, yes; Mrs. Izor, yes; and Mr. Richter, yes. Motion carried.

PUBLIC HEARINGS:

Mr. Jones said we have a public hearing tonight on Variance Application# V18-01 made by Jonathan King, 105 S. Plum Street to appeal Section 1129.09 (b), Fences and Electronic Fences. If granted the variance would allow the construction of a 42 inch fence to be located in the front yard. Mr. Jones opened the public hearing at 7:05 p.m. and asked for the staff report.

Mr. Brane said Mr. King wants to put a 42 inch fence in the front yard as stated. His proposed fence exceeded the height restriction for placement in the front yard and he would be in violation of 1129.09 (b) which states no fence or hedge shall rise over 36 inches in height. Mr. King indicated the fence

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request is to provide a safe playing area for the children and dogs and create a safer driving environment around the home. He notes the requested fence exceeds the maximum height restriction by only 6 inches and he lives on a corner lot which has 2 required front yards. He feels he is not able to build a fence tall enough to satisfy his needs and he is seeking reasonable use of his second front yard by creating a physical boundary on the side of the house that faces Gunckel Street.

Mr. Jones asked if the variance would cover both front yards. Mr. Brane said the only infringement is on the Gunckel side. The board reviewed the site plan.

Mr. Jones asked if there were any proponents or opponents that wished to speak; seeing none, the public hearing was closed at 7:09 p.m. Mr. Jones asked Mr. Brane for final comments.

Mr. Brane said if the fence is installed at the back edge of the sidewalk then you wouldn't have full use of the sidewalk. We talked about a one foot set back from the property line/back edge of the sidewalk.

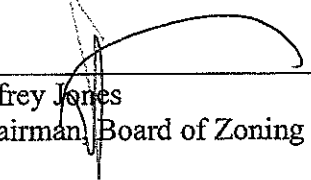
Mrs. Izor said a 42 inch height is actually considered a guardrail and most people go up to the walk but I would imagine if they put in any concrete footers or posts they would probably have to pull back a little bit anyway, so whatever is acceptable.

Mr. Treiber said I would do a foot, otherwise, if they ever have to replace the sidewalk it would be difficult.

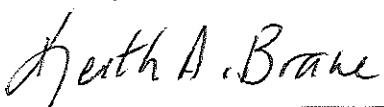
On a motion by Mr. Jones, seconded by Mr. Treiber, it was moved to approve Variance Application#V18-01 with the condition that no part of the fence that will be 42 inches in height shall be closer than one foot to the paved portion of the sidewalk. On call of the roll: Mr. Jones, yes; Mr. Treiber, yes; Mr. Richter, yes; and Mrs. Izor, yes. Motion carried.

ADJOURNMENT:

With no further business, the meeting was adjourned at 7:12 p.m.



Jeffrey Jones
Chairman, Board of Zoning Appeals



Keith A. Brane
City Planner