

**MINUTES OF THE MEETING  
OF THE PLANNING COMMISSION / BOARD OF ZONING APPEALS  
August 23, 2016**

A meeting was convened of the Planning Commission sitting as the Board of Zoning Appeals at 7:00 p.m. Tuesday, August, 23, 2016. The meeting was opened by Chairman Bob Harper with the following members present: Dave Willacker, Matt Scott, Matt Boettcher, and Steve Simiele.

John and Jennifer Malott were present to request three separate variances from the Commission. Before beginning the meeting, Terrence M. Donnellon, Law Director, presented the attached Memo and a summary of the requested variances. The three variances included a request for a variance from the 20% restriction on rear yard coverage for accessory structures, a variance to permit a fence in excess of six feet, and a variance concerning the location of a shed which is required to be three feet or more from the side yard property line.

The Malotts testified that they own both properties at 2539 and 2541 Losantiville, and because of the common ownership and the need to provide accommodations for a disabled grandchild they would like to keep the accessory structures in place in the rear yard. They also testified that the six foot high fence is necessary for privacy, and when measured from the lot on Fair Oaks to the rear of their property it is well within the guidelines because of the grade change. After hearing from the Malotts, the Commission then debated the request and came to the following conclusions:

1. A motion was made by Steve Simiele, seconded by Dave Willacker, to approve a variance from the 20% lot coverage restriction conditioned upon John and Jennifer Malott remaining the property owners of both lots. While they own both lots, the entire rear lot will be considered as one area for lot coverage without the need to consolidate the two lots. The exception is being granted for the existing pool, pool deck, shed, patio/deck, and a proposed chair lift to be installed with the swimming pool. If the lots are separated at a future date, the lot owners must submit a new variance request or bring the coverage requirements into compliance. The Commission unanimously approved.

2. A motion was made by Dave Willacker, seconded by Matt Boettcher, to grant a variance for the location of the shed along the property lines between 2539 and 2541 Losantiville Avenue, again, so long as the Malotts remain the owners of both properties. If ownership should be separated, the shed must be brought into compliance immediately or another variance sought. The Commission unanimously approved.

3. A motion was made by Steve Simiele, seconded by Dave Willacker, to grant a variance for the six foot fence solely along the rear property line of 2539 and 2541 Losantiville Avenue. Commission members expressed their concern that a six foot high fence abutting the sidewalk on the Fair Oaks side of 2539 Losantiville Avenue would be

too much. The Commission indicated they would be willing to consider a variance for a six foot high fence if the fence was set back from the sidewalk and landscaping was installed between the fence and the sidewalk or if a more decorative fence design was submitted which would break up the solid wall of the existing fence. The Commission further agreed that if the Malotts were to submit a revised variance request with either landscaping or a more decorative design within nine months, they would reconsider the variance without the need for a new application nor a new fee. This motion was also unanimously approved.

There being no further business before the Commission, the meeting was then adjourned.