

# Board of Zoning Appeals

## June 13, 2024

Mr. Blomer called the meeting to order and announced the matters before the Board at 6:00 p.m.

Members present:           Holly Roush  
                                      Susan Erickson  
                                      Michael Blomer  
                                      Ryan Ziemba  
                                      Mark Wernery

Mr. Blomer explained the procedures and guidelines the Board would use to reach a decision during the hearing. Mr. Blomer asked any persons wishing to offer testimony or speak during the hearing to raise their right hand; an oath was administered.

Mr. Blomer made a motion with the second from Mr. Paul to approve the May 9, 2024, regular meeting minutes.

All in favor. Aye.

Ms. Walton presented the staff report for the variance request located at 7054 Quellin Boulevard, Maineville, Ohio 45039. The applicant is Mike Stewart, Anchor Pools & Spas. The legal notice was published in *The Journal News* on April 26, 2024, and additionally was sent out to all neighboring property owners within two hundred feet of the subject parcel. During the May 5, 2024 meeting, the applicant initially sought a variance from Section 4.9.5.N (1) to build an 18' x 36' in-ground swimming pool, extending 8 feet into the right-side yard setback, 4 feet into the left-side yard setback, and 8 feet into the rear-yard setback, which requires 20 feet. The applicant now proposes a variance to install a 16' x 32' in-ground swimming pool that encroaches 3.6 feet into the side yard setbacks and 4 feet into the rear yard setback.

Mr. Hood opened the floor to public comments and invited the applicant to address the Board.

Mike Stewart, a representative from Anchor Pools & Spas, described the revisions made to reduce the variance request from the previous meeting. He noted that the pool's size has been decreased and now includes interior steps.

Mr. Bloomer inquired whether the applicant had received approval from the Homeowners Association for the pool. The homeowner responded that he was awaiting approval from the Board before submitting the application to the HOA.

Mr. Blomer opened to floor to those in favor and opposed in which there were none.

Mr. Hood and Mr. Ziembra both agree that the new plan is manageable and acceptable distance to the neighbors.

Mr. Wernery remarked that adhering to the 20-foot setbacks mandated by the Hamilton Township Zoning Code would render the pool impractically sized for the homeowner.

Mr. Wernery made a motion with a second from Mr. Ziembra to approve the variance request for installation of an in-ground swimming pool that encroaches the side yard setbacks by 3 and 3/5 feet and the rear yard setback by 4 feet.

Roll Call:	Mr. Blomer	Yes
	Mr. Ziembra	Yes
	Mr. Wernery	Yes
	Ms. Roush	Yes
	Ms. Erickson	Yes

Ms. Walton presented the staff report for the variance request found at 5621 Oak View Drive, Hamilton Township, Ohio 45039. The applicant is Kevin and Pam Davis. The legal notice was published in *Journal-News* on June 2, 2024, and additionally was sent out to all neighboring property owners within two hundred feet of the subject parcel. The applicant has requested a variance from Section 4.9.5.N (1) to construct a 16' x 36' in ground swimming pool twelve feet into the left-side yard setback. The house is currently under construction, and they would like to have an inground pool installed. Because the property is a corner lot, it has two front yard areas and two side yard areas. The pool does not meet the setback requirement to the side property line. The homeowners received a variance from TPC River's Bend to encroach into the 15' golf easement.

Mr. Hood opened the floor to public comments and invited the applicant to address the Board.

Mr. Davis explained that he has lived in Cleveland for the past 11 years, separate from his now-wife Pam, and looks forward to joining her in their forever home in the River's Bend subdivision. They have positioned the pool to accommodate a significant slope in the side yard, needing the installation of a retaining wall. Mr. Davis assured the board that if approved, they would landscape the side property adjacent to the golf course to provide both protection from golf balls and privacy, while maintaining the neighborhood's aesthetic.

Mr. Hood asked Mr. Davis what the materials of the pool would be made of.

Mr. Davis specified that the pool will be constructed with vinyl and steel framing.

Mr. Blomer opened to floor to those in favor and opposed in which there were none.

Ms. Roush closed the public comment portion for deliberations.

The Board members unanimously agreed that the proposed design and size of the pool complement the neighborhood's characteristics, and they recognized the slope in the yard as constituting a valid hardship justification.

Mr. Hood made a motion with a second from Mr. Ziemba to approve a variance to install an in-ground swimming pool that encroaches the side yard setback by twelve feet located at 5631 Oak View Drive, Hamilton Township, Ohio 45039.

Roll Call:	Mr. Ziemba	Yes
	Mr. Wernery	Yes
	Ms. Roush	Yes
	Ms. Erickson	Yes
	Mr. Blomer	Yes

With no further business to discuss, Mr. Gravett made a motion with a second from Mr. Hood to adjourn at 6:28 p.m.

All in favor. Aye.