

**BOARD OF ZONING APPEALS  
MINUTES  
May 2, 2018**

MEMBERS                      Fred Gibson              Christopher Amburgey              Jerry Heidenreich  
PRESENT:                      **Dan Ward**                      Todd Moore                      David Kash  
   Roger Daniel

STAFF                              Jeff Green, Zoning Administrator  
PRESENT:

OTHERS:                      Dan Ragden              Carl North                      Kathy Larison

Chairman Todd Moore called the meeting to order at 5:30 P.M. The roll was called by Zoning Administrator, Jeff Green. A quorum of seven members were present. Mr. Gibson led in the Pledge of Allegiance.

**ELECTION OF CHAIRMAN**

A motion was made to have Todd Moore be the chairman of the Middletown Board of Zoning Appeals for 2018. The motion was seconded and passed through roll call unanimously.

**ELECTION OF VICE CHAIRMAN**

A motion was made to have Jerry Heidenreich be the vice-chairman of the Middletown Board of Zoning Appeals for 2018. The motion was seconded and passed through roll call unanimously.

**ACCEPTANCE OF MINUTES**

Mr. Moore asked for questions or discussion on the minutes of the October 4, 2017 regular meeting and none were heard. A motion and second was made to accept the minutes. The motion to accept the minutes was approved by roll call.

**VARIANCE CASE #1-18 –  
200 CURTIS ST- 2<sup>nd</sup> FLOOR DWELLING SPACE AND PARKING REQUIREMENTS**

Mr. Moore introduced the case being a request by applicant Carl North for approval of a 2nd floor dwelling space to contain 50% of the floor area where a dwelling area shall not exceed 40% in a commercial district. Mr. North is also requesting an extension of one year after the building is to be completed for a parking lot where a parking lot must be completed before the building opens. The property is located at 200 Curtis St, Middletown, Ohio 45044.

Jeff Green, Zoning Administrator, was sworn in to present the case.

Mr. Green used a PowerPoint presentation to present the case.

Mr. Moore asked the board if they had any questions for staff.

The board discussed the ability of to extend a time limit and whether or not all other aspects of the code of the would be met.

Mr. Green noted the intent of the code is to have the lot paved before the site is open to the public, but the BZA does have the ability to give relief if the board believes it meets the requirements for a variance. Mr. Green stated that to his knowledge, all other aspects of the code would be followed.

Mr. Moore opened the hearing to the public.

Dan Ragden (employee at Robert Treadon & Associate), 00 High St # 612, Hamilton, OH 45011, discussed the proposed building and was there to answer any questions.

Carl North, 200 Curtis St Middletown OH, (applicant) stated what would be going on at the location, and why the variance was needed.

The board and Mr. North discussed the project and how the original building was destroyed and how it ties to the current proposal. The board and Mr. North discussed the proposed 1 year “grace period” before a parking lot is constructed.

Mr. Moore closed the public hearing and asked for staff recommendation.

Mr. Green stated that staff would recommend approval.

A motion was made and seconded to approve variance request 1-18 as submitted. The motion was approved unanimously.

#### **VARIANCE CASE #2-18**

#### **4206 LEWIS ST – FENCE PARALLEL TO ANOTHER**

Mr. Moore introduced the case being a request by applicant Kathy Larison for approval to erect a fence within 25 ft. parallel to an existing fence where such a fence running parallel to another must be 25 ft. apart. The property is located at 4206 Lewis Street, Middletown OH, 45044.

Mr. Green used a PowerPoint presentation to present the case.

Mr. Moore asked the board if they had any questions for staff.

The board discussed the overall present site conditions (current fencing, surrounding properties, etc.) with Mr. Green.

Mr. Moore opened the hearing to the public.

Kathy Larison, 4206 Lewis St Middletown OH, expressed why the fence is needed and stated she would have been happy to have the fence that Ms. Banks (neighbor) owns taken out and paid for if she would have allowed it. Ms. Larison stated she is doing this mostly so her dogs will not bark for herself and the neighbors.

Ms. Larison and the board discussed how the strip between the fences would be maintained.

The board expressed some concern with who would maintain the area between the fences.

Mr. Moore closed the public hearing and asked for staff recommendation.

Mr. Green stated that staff would recommend approval given the code will most likely be changed and be in line with Ms. Larison's request.

The board further discussed the proposal.

A motion was made and seconded to approve variance request 2-18 as submitted. The motion was approved 4-3, with Mr. Ward, Mr. Amburgey, and Mr. Heidenreich voting "No."

### **ADJOURNMENT**

With no further business to conduct, Mr. Moore asked for a motion to adjourn at 6:31 pm. The motion passed unanimously.

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Todd Moore  
Chairman

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Jeff Green  
Zoning Administrator