

**BOARD OF ZONING APPEALS MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**February 19, 2014**

- Meeting** Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m. which was held at the Tipp City Government Center, 260 S. Garber Drive, Tipp City, Ohio.
- Roll Call** Roll call showed the following Board Members present: Mike McFarland, David Berrett, Isaac Buehler, and Mark Browning. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and Board Secretary Kimberly Patterson.
- Absence** Mr. Matt Crawford notified Staff of his absence. Chairman McFarland **moved to excuse Mr. Crawford from the meeting**, seconded by Mr. Berrett and unanimously approved. **Motion carried.**
- Citizens signing the registrar** Citizens attending the meeting: Lori Willoughby, nancy Cox, Michael Boyde, Ralph Brown, and Andy McGraw.
- Board Minutes 11-20-2013  
Citizens Comments** Chairman McFarland asked for discussion. There being none, Chairman McFarland **moved to approve the January 15, 2014 meeting minutes as written**, seconded by Mr. Berrett. **Motion carried.** Ayes: McFarland, Berrett, Browning, and Buehler. Nays: None.
- Administration of Oath** Mrs. Patterson swore in citizens and Mr. Spring.  
There was none.
- Chairman's Introduction** Chairman McFarland explained the guidelines and procedures for the meeting and public hearings. He advised the applicant that a decision of the Board could be appealed to City Council within 10 days. If the Board granted the applicant's request, the applicant may file the appropriate permits after the 10-day waiting period has expired.
- New Business  
Case No. 02-14  
McGraw  
Two Variance  
Requests** **Case No. 02-14: Andy McGraw - 201 Greensward Drive Tipp City - IL 3178** – Applicant requested two variances to Zoning Code Section(s): §154.059(D)(10)(b)  
**Zoning Districts:** R-1C – Urban Residential Zoning District  
Mr. Spring stated that the applicant requested two separate variances in conjunction with the proposed construction of a 16' x 38' in-ground swimming pool at the single-family residence located at 201 Greensward Drive.

Variance 1

A variance of 5' to Code §154.059(D)(10)(b) to the required 15' setback, from side or rear property line, for a swimming pool.

Code §154.059(D)(10)(b) (Ord. 18-10) states:

*The pool may not be located closer than 15 feet to any property line or 10 feet from the primary structure, and such location shall be in accordance with all pertinent provisions of § 154.061 and shall be measured from the water line. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pools shall be considered as patios for the purpose of this chapter and shall conform to the provisions of this section.*

Mr. Spring stated that if approved, the proposed swimming pool (water line) would have a setback of 10' from the side property line. Therefore, a variance of 5' was needed (15 – 10 = 5).

Variance 2

A variance of 4' to Code §154.059(D)(10)(b) to the required 10' setback (from the primary structure) for a swimming pool.

Code §154.059(D)(10)(b) (Ord. 18-10) states:

*The pool may not be located closer than 15 feet to any property line or 10 feet from the primary structure, and such location shall be in accordance with all pertinent provisions of § 154.061 and shall be measured from the water line. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pools shall be considered as patios for the purpose of this chapter and shall conform to the provisions of this section.*

Mr. Spring also stated that if approved, the proposed swimming pool (water line) would have a setback of 6' from the primary structure. Therefore, a variance of 4' was needed (10 – 6 = 4).

Mr. Spring stated that the Board of Zoning Appeals had jurisdiction in this case to grant both variances as noted above per Code §154.175(E)(1):

- E. "The Board may grant variances only in the following instances and no others:
1. To permit any yard or setback less than a yard or setback required by the applicable regulations.

Staff noted the following procedural requirements that must be met regarding the granting of variances as noted in Zoning Code Section(s) §154.175(C):

*"The Board shall make written findings of fact, based on the particular evidence presented to it, that each and every one of the following standards for a variance are met by the application:*

- (1) The particular physical surroundings, shape, or topographical condition of the specific property would cause particular and extraordinary hardship to the owner if the literal provisions of the zoning code were followed;
- (2) The alleged hardship has not been created by the applicant for the variance after the adoption of the zoning code;
- (3) The granting of a variance will not be materially detrimental to the public health, safety, convenience, or general welfare or injurious to other property or improvements in the vicinity;
- (4) The granting of a variance will not constitute a grant of a special privilege, denied by this chapter to other property in the same zoning district, or permit a use not expressly allowed by this chapter, or permit a use prohibited expressly or by implication to other property in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the granting of a variance."

Also the requirement of Zoning Code Section(s) §154.175(D), which states:

*"The Board shall further make a written finding that the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum variance that will make possible the reasonable use of the property. When a variance is denied, a written statement shall set forth the reason(s) therefore.*

Mr. Spring noted the following:

- The home was situated on a corner lot (Greensward Drive & Chevington Chase). As such the property's front, rear and side lot lines (and setbacks) were delineated by Code §154.004 which defines a "front," "rear," and "side" lot lines.
- On February 11, 2014, the Tipp City Planning Board approved a replat of Inlot 3078 whereby an existing ± 33' x 36' (± 1,083 sq. ft.) section of existing storm sewer, detention basin, and utility easement was vacated in order to facilitate the proposed construction of the swimming pool.
- The property included the following additional easements: The proposed swimming pool would not encroach into these easements:
  - A 10' utility easement along the two front property lines (Greensward Drive & Chevington Chase)
  - A 5' utility easement along the (west) side property line.

- A variable width storm sewer, detention basin, and utility easement along the (east) side property line.

Mr. Spring noted that if the requested variance was approved, the applicant would be required to obtain an approved zoning and building permits prior to the start of any proposed construction.

Chairman McFarland asked if there were any further questions for Mr. Spring. There were none.

Mr. Berrett inquired if there were any neighbor's comments received. There were none.

Mr. Andy McGraw, 201 Greensward Drive, approached the dais. Mr. McGraw stated that it was his desire to install an 18' x 38' pool that would run parallel to the house. Currently there was an attached 15' x 18' patio cover that was built six years ago which was surrounded by designer masonry blocks (sitting wall) was where the proposed pool would be 6' from. Mr. McGraw stated that in order to install the desired size of pool which was 18' x 38' the pool would have to be put away from the house and angled toward the patio structure.

Mr. McGraw also noted that he would most likely downsize the pool to an 18' x 36' which gave him 2' to move the pool away from the patio cover.

Mr. McGraw stated that the variance was to cover all of the bases in a sense that he proposed the largest pool, if he chose that particular size he would like to have the variance, but most likely he would not do the largest size and was too big for his rear yard and that the 18' x 36' was a better fit so the variance would most likely be 8' from the house and 11' or 12' from the property line but that was if he went with the 18' x 36' pool. Mr. McGraw also stated that the variance was based on an 18' x 38' pool and that it was hard for him to decide what size pool to install and was still working those issues out.

Mr. Browning inquired if there were setback requirements from the easement. Mr. Spring stated that the concrete could abutt the easement.

Mr. Browning asked the applicant if the pool could be shifted around toward the easement line to eliminate the need for a variance. Mr. McGraw stated that where the pool to be located and the easement he had given himself 1.5' between the easement and the concrete for the walkway. Mr. McGraw noted that he would push the pool as far as possible and his thoughts were the distance between the water and the porch would be more like 7' or 8'.

Chairman McFarland inquired if Mr. McGraw had considered going with a smaller pool. Mr. McGraw said that he had considered a pear shape pool but did not like the pear shape and the proposed pool was what he would like to have. Mr. McGraw said that he could go with a smaller pool but he thought that 16' x 34' was too narrow and look small.

Mr. McGraw reiterated that his request was for a 18' x 38' pool and he had already made the decision that an 18' x 36' was the way he was going to go with which would give him two more feet next to the house. Mr. McGraw also mentioned that he did not want to be in the situation where his contractor might come to him in the middle of digging with a scenario of not having enough variance.

Mr. Buehler asked Mr. McGraw if he had made the decision to go with the smaller pool of 18' x 36'. Mr. McGraw stated yes.

Mr. Browning inquired if his staff report had a typo since the size of the pool was noted to be 16' x 38'. Mr. Spring stated that was originally presented by the applicant. Mr. McGraw reviewed the drawing and agreed with Mr. Spring that the 16' x 38' was correct. Mr. McGraw stated the 6' variance request would still work if he went with the 18' x 36'.

Mr. Berrett suggested tabling the request until exact measurements could be presented to the Board.

Chairman McFarland asked if there were any further questions for Mr. McGraw. There were none.

Chairman McFarland asked if there was anyone present who wished to speak in favor. There were none.

Chairman McFarland asked if there was anyone present who wished to speak in opposition of the request. There was none.

Chairman McFarland asked for further discussion. There being no further discussion, Mr. Berrett **moved to table the request**. Motion failed due to lack of a second.

Board Members discussed the request further, determining that more concrete information was desired as to the exact size and exact location of the proposed pool and would requested that the applicant provide that information in a drawing.

Chairman McFarland asked for further discussion. There being no further discussion, Mr. Buehler **moved to table the requests to the March 19, 2014 meeting**, seconded by Mr. Berrett. **Motion carried**. Ayes: Buehler, Berrett, Browning, and McFarland. Nays: None.

**Case No. 03-14  
Monroe Federal  
Bank  
Appeal to RAB  
28JAN2014  
Decision**

**Case No. 03-14: Michael Boyde – Monroe Federal Bank - 24 E. Main Street Tipp City - Pt. II 39** – Applicant appealed decision of the Restoration and Architectural Board of Review per Zoning Code Section(s): §154.052  
**Zoning Districts:** CC/RA- Community Center/Old Tippecanoe City Restoration and Historic District

Mr. Spring stated that the applicant was appealing the 1/28/14 decision of the Restoration and Architectural Board of Review regarding a requested Certificate of Appropriateness for the installation of an Automatic Teller Machine at the Monroe Federal Savings & Loan located at 24 E. Main Street.

On January 28, 2014, the Tipp City Restoration Board approved an amended application for a Certificate of Appropriateness for the removal of an existing window, enlarging the existing opening; required the removal of a section of the existing marble exterior and the corresponding installation of an exterior facing, (internal to the building) drive-thru Automatic Teller Machine (ATM) at the Monroe Federal Savings & Loan located at 24 E. Main Street.

Mr. Spring also stated that the amended application specifically prohibited enlargement of the existing window opening, which involved the disturbance of the existing marble exterior, which was originally requested by the applicant in order to install the ATM at the appropriate height for use by drive-thru patrons.

The Restoration Board's unanimous, quorum of 4 members present, amendment of the requested Certificate of Appropriateness was based upon the following facts:

- 24 E. Main Street was within Tipp City's Restoration District, which was formally known as the Old Tippecanoe City Restoration and Architectural District.
- Any exterior construction or alteration within the Restoration District, such as a the installation of an external facing ATM requires an approved Certificate of Appropriateness per Code §154.052(D) which states:  
*Regulation of property. No person, partnership, society, association, corporation, or organization shall make any exterior construction, reconstruction, alteration, or demolition on any property within the district unless a certificate of appropriateness has been issued by the Board.*
- Restoration Board review of requests for Certificates of Appropriateness are based upon the *Guidelines for the Old*

Tippecanoe City Restoration and Architectural District adopted by the Restoration Board per Code §154.052(H)(a) which states:

*It shall be the duty of the Restoration Board to review all plans for the construction, alteration, repair, moving, and demolition of the structures in the district. The Restoration Board shall also act as advisor to the City Planning Board and City Council. The Restoration Board shall:*

*(a) Adopt guidelines for the review of proposed exterior changes and establishment of standards, using as the basis the Secretary of the Interior's Standards for Rehabilitation.*

- Regarding window replacement, the guidelines state *Window openings should not be reduced or enlarged to accommodate new window units.*
- Regarding the amendment that prohibited the disturbance/cutting of the existing marble exterior of the building, Tipp City Code states:

§154.052(B)(2)

*The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*

§154.052(B)(5)

*Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.*

§154.052(B)(10)

*Whenever practical, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.*

Mr. Spring noted that on January 28, 2014, and based upon the parameters denoted in the *Guidelines for the Old Tippecanoe City Restoration and Architectural District* and the Tipp City Code, the Restoration Board approved an amended Certificate of Appropriateness, which allowed for the installation of the ATM, but prohibited the enlargement of the existing window opening by disturbance or cutting of the existing marble exterior.

Mr. Spring stated that the Board of Zoning Appeals had jurisdiction to hear the appeal as noted above per the following:

Code §36.041(B)

*Appeals from decisions made by the Restoration Board shall be made to the Board of Appeals in accordance with the standards of § 154.052(M) and §§ 154.151 through 154.155 (sic) of the Tipp City Zoning Code.*

Code §154.052(M)

*Appeal. Any person or entity claiming to be injured or aggrieved by any final action of the Restoration and Architectural Board of Review shall have the right to appeal to the Board of Zoning Appeals. Such appeal from a decision of the Restoration Board shall be filed with the Community and Economic Development Department within 10 days of the Restoration Board's decision.*

Staff noted the appeal was received within the required 10 day appeal period as required by Section §154.052(M): Meeting Date – January 28, 2014 Appeal Received - January 29, 2014

Mr. Spring noted the following:

- The proposed area of marble to be removed was ± 370.5 square inches (±2.6 sq. ft.).

Mr. Berrett inquired if there were any neighbor's comments received.

Mrs. Patterson stated that Mr. John Angel, 27 E. Main Street, stated that he had no problem with the appeal request.

Mr. Buehler inquired why the other Board denied the request. Mr. Spring stated that the request was not denied but was amended by the Restoration Board to include the ATM installation without the marble being disturbed.

Board Members inquired exactly what their duty was per this case. Mr. Spring stated that the Board of Zoning Appeals was reviewing the decision of the Restoration Architectural Board of Review to assure that the decision was in accordance with code and was not a variance request.

Chairman McFarland stated that many years ago the Citizens Bank where the Coldwater Café is now had a walkup ATM in the front of the building; and there was some limestone that was disturbed for installation but it was allowed. Chairman McFarland noted that based on that information a precedence had been set and he could see both sides but based on how code reads shouldn't have any precedence.

Mr. Spring stated that for the Board's information that three of the Restoration Board Members were present at the meeting if there were any questions specifically for them.

Mr. Michael Boyde, for Monroe Federal Bank, 24 E. Main Street, Tipp City approached the dais. Mr. Boyde stated the reason for the appeal was to meet the American Disability Act (ADA) requirement. The ATM has to be at the specific level to accommodate someone handicapped or in a vehicle and that was why the window sill must be cut down. Chairman McFarland asked if Mr. Boyde explained that to the Restoration Board. Mr. Boyde said that he basically stated that there was an ADA requirement but he was not exact on how deep and how many inches down the cut was, he went back measured and found that the cut had to be 13" down on the last window on the corner of the building.

Mr. Berrett inquired if there was any way to install the ATM without disturbing any marble such as installing a lever. Mr. Boyde stated there was not due to the window being too high.

Mr. Browning asked if this ATM would replace the existing ATM on the inside of the building. Mr. Boyde stated that yes the new ATM would replace the existing.

Board Members reviewed the drawings presented and confirmed the exact proposed installation details.

Mr. Berrett reiterated that Restoration Board only approved the ATM and did not approve the disturbance of the marble, essentially the ATM could be installed without the removal of marble. Mr. Berrett noted that put the bank at odds with the federal law if installed as directed by the Restoration Board. Mr. Spring stated that was correct but the ADA does not mandate an installation of a ATM. Mr. Berrett stated that with approval of the installation of the ATM the bank now had to meet federal law and had the Restoration Board not approved the installation of the ATM the federal law would be null and void but the bank does have approval and he believed the federal law takes precedence. Chairman McFarland asked if this would need clarification by the Law Director; anytime remodeling or modifying a structure that building had to be brought up to ADA code. Chairman McFarland inquired if the ADA code applied to the Restoration District. Mr. Spring stated that the law would apply universally with possible acceptations.

Chairman McFarland wanted to ask a member of the Restoration Board if ADA code was discussed.

Mr. Ralph Brown was sworn in by Mrs. Patterson.

Mr. Brown stated that the ADA mandate was not brought up and the Restoration Board's decision was based on the current code of not altering the window as far as the size. Mr. Brown also stated that had the ADA issue had been mentioned the Restoration Board would not have

approved the ATM installation. Mr. Brown noted that the marble now being cut 13" which was larger than what was presented to them, could not be put back and was permanently altering the building; the ATM five years from now could be changed/modified/made smaller or bigger but the window could not be due to the change.

Mr. Brown had a suggestion of making a lift area in front of the ATM, either with asphalt to bring it up higher when the vehicles pulled up to that area; the window was the Restoration Board's main concern and the cutting of marble was not the viable thing to do.

Chairman McFarland asked if there were any further questions for Mr. Boyde. Mr. Browning inquired the reasoning for relocating the existing ATM. Mr. Boyde stated for better access and better serve the community.

Chairman McFarland asked if there was anyone present who wished to speak in favor. There were none.

Chairman McFarland asked if there was anyone present who wished to speak in opposition of the request. There was none.

Mr. Browning stated the reasoning he had asked Mr. Spring to reiterate the Board of Zoning Appeals roll in the appeal was basically to review and make sure the Restoration Board's decision was based on the existing zoning code. Mr. Browning stated it was obvious that the Restoration Board did follow zoning code.

Chairman McFarland asked for further discussion. There being no further discussion, Chairman McFarland **moved to sustain the amended Certificate of Appropriateness of the Restoration Board as approved January 28, 2014**, seconded by Mr. Buehler. **Motion carried.** Ayes: McFarland, Buehler, and Browning. Nays: Berrett.

Mr. Spring stated to Mr. Boyde that the Board of Zoning Appeals sustained the position of the Restoration Board of Review. The Board of Zoning Appeals decision can be appealed to City Council within ten days.

**Case No. 04-14  
Willoughby  
Two Variance  
Requests**

**Case No. 04-14: Ken & Lori Willoughby - 12 Amokee Place, Tipp City – IL 1226** – Applicant requested two variances to Zoning Code Section(s): §154.059(D)(10)(b)  
**Present Zoning District:** R-1C – Urban Residential Zoning District

Mr. Spring stated that the applicant requested two variances to the required setback of 15' noted in Code §154.059(D)(10)(b) in conjunction with the proposed installation of a swimming pool located at the single

family residence at 12 Amokee Place. The two variances were as follows:

1. A variance of 5' to the required side yard setback of 15' noted in §154.059(D)(10)(b)
2. A variance of 5' to the required rear yard setback of 15' noted in §154.059(D)(10)(b)

Code §154.059(D)(10)(b) [Ord. 18-10] states:

*The pool may not be located closer than 15 feet to any property line or 10 feet from the primary structure, and such location shall be in accordance with all pertinent provisions of § 154.061 and shall be measured from the water line. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pools shall be considered as patios for the purpose of this chapter and shall conform to the provisions of this section.*

Mr. Spring stated that the proposed swimming pool would be located 10' from the western side property line and 10' from the southern rear property line. Thus two variances were required: 1) a variance of 5' to the required side yard setback of 15' ( $15 - 10 = 5$ ); and 2) a variance of 5' to the required rear yard setback of 15' ( $15 - 10 = 5$ ).

Staff noted the Board of Zoning Appeals had jurisdiction in this case to grant the variance request as noted per Code §154.175(E)(1):

- E. *"The Board may grant variances only in the following instances and no others:*
1. *To permit any yard or setback less than a yard or setback required by the applicable regulations.*

Staff also noted the following procedural requirements that must be met regarding the granting of variances as noted in Zoning Code Section(s) §154.175(C):

*"The Board shall make written findings of fact, based on the particular evidence presented to it, that each and every one of the following standards for a variance are met by the application:*

1. *The particular physical surroundings, shape, or topographical condition of the specific property would cause particular and extraordinary hardship to the owner if the literal provisions of the zoning code were followed;*
2. *The alleged hardship has not been created by the applicant for the variance after the adoption of the zoning code;*
3. *The granting of a variance will not be materially detrimental to the public health, safety, convenience, or general welfare or injurious to other property or improvements in the vicinity;*
4. *The granting of a variance will not constitute a grant of a special privilege, denied by this chapter to other property in the same zoning district, or permit a use not expressly allowed by this chapter, or permit a use prohibited expressly or by implication to other property in the same district. No nonconforming use of*

*neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the granting of a variance."*

Also the requirement of Zoning Code Section(s) §154.175(D), which states:

*"The Board shall further make a written finding that the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum variance that will make possible the reasonable use of the property. When a variance is denied, a written statement shall set forth the reason(s) therefore.*

Mr. Spring noted the following:

- The proposed in-ground swimming pool would be round with a 24' diameter (± 452 sq. ft.).
- There were 5' utility easements along the eastern and western side property lines. The proposed swimming pool would not encroach into any of these easements.
- If the requested variance was granted and prior to the commencement of construction, the applicant would be required to obtain the required Zoning Compliance Permit and pay the associated fee. In addition, the applicant would need to obtain all other building permits (building, HVAC, electrical, etc.) from the Miami County Building Regulations Department.
- The swimming pool, or the entire rear yard of the property on which it was located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be 6 feet in height and maintained in good condition with a gate and lock, and shall be in accordance with the provisions of the Unified Building Code as well which required a separate permit.
- The proposed swimming pool would be 4' from an existing detached garage. Staff noted that there was no specific setback for this parameter.

Mr. Berrett inquired if there were any neighbor's comments received.

Mrs. Patterson stated that Tina Bradley, 13 Warner Drive, stated that she was concerned that the pool would be drained and would kill all vegetation on all nearby properties and that it had happened before with this property.

Mrs. Lori Willoughby, 12 Amokee Place, Tipp City, approached the dais. Mrs. Willoughby stated that her doctor had recommended aquatic exercise would be very helpful.

Mrs. Willoughby noted that to address Mrs. Bradley's concerns was that they had never had a pool on the property so when she stated about

draining from a pool that had never happened; also this would be an approved ground pool that would not be drained and would be winterized every year. Mrs. Willoughby also noted that the neighbor next to her also expressed the same concern and she had explained the winterizing process to her as well. Mrs. Willoughby believed that the two neighbors might have been referring to another neighbor who use to have a smaller pool that was taken down and put up every year and possibly had drained onto their properties but that would not happen with their property due to elevation. Mrs. Willoughby expressed that she did attempt to contact Mrs. Bradley on several occasions for her signature of approval but believed her to be out of town and was not available.

Mr. Buehler stated that there was a door on the side entrance of the garage and asked if close to the proposed pool. Mrs. Willoughby stated there was a door close to the back but was closer to the deck.

Chairman McFarland asked if there were any further questions for Mrs. Willoughby. Mr. Browning inquired if this was the smallest size pool to accommodate what was needed. Mrs. Willoughby stated that the pool was not big enough to be able to swim laps but was restricted due to the size of the yard and had been house hunting with a larger yard to accommodate the size of pool needed but did not make good economic sense.

Mr. Berrett asked what the life of the pool would be. Mrs. Willoughby stated ten to fifteen years. Mr. Berrett noted then if any drainage were to take place would be once in ten to fifteen years away.

Chairman McFarland asked if there was anyone present who wished to speak in favor. There were none.

Chairman McFarland asked if there was anyone else present who wished to speak in opposition of the request. There were none.

#### Variance 1

Chairman McFarland asked for further discussion. There being no further discussion, Chairman McFarland **moved to grant a variance of 5' to the required side yard setback of 15' noted in §154.059(D)(10)(b) in conjunction with the construction of a swimming pool at the single family dwelling located at 12 Amokee Place**, seconded by Mr. Berrett. **Motion carried.** Ayes: McFarland, Berrett, Browning, and Buehler. Nays: None.

#### Variance 2

Chairman McFarland asked for further discussion. There being no further discussion, Chairman McFarland **moved to grant a variance of 5' to the required rear yard setback of 15' noted in §154.059(D)(10)(b) in conjunction with the construction of a swimming pool at the single family**

**dwelling located at 12 Amokee Place**, seconded by Mr. Berrett. **Motion carried.** Ayes: McFarland, Berrett, Buehler, and Browning. Nays: None.

Mr. Spring reminded the citizens and the applicant that there was a ten day period where any aggrieved party could appeal decisions to City Council and that there was a ten day waiting period for the applicant to take out any permits if required.

**Old Business** There was none.

**Miscellaneous** Mrs. Patterson asked the Board to review the current contact information on file and to note any changes.

**Adjournment** There being no further business, Mr. Berrett **moved to adjourn the meeting**, seconded by Mr. Browning and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 8:30 p.m.

  
Board Chairman, Mike McFarland

Attest:   
Mrs. Kimberly Patterson, Board Secretary