

**Members Present:** Lisa Carpenter  
Tim Cron  
Tim Schneider  
Reece Timbrook, Chairman

**Members Absent:**

**Others Present:** Nia Holt, Community Development Director  
Josh Rauch, City Manager  
Dalma Grandjean, Law Director

**CALL TO ORDER:** The Board of Zoning Appeals meeting was called to order at 6:30 p.m.

**ROLL CALL:** Mrs. Carpenter, present; Mr. Cron, present; Mr. Schneider, absent; and Mr. Timbrook, present. Chairman Timbrook excused Mr. Schneider.

**ELECTION OF CHAIR:** Mr. Schneider nominated Mr. Timbrook, seconded by Mr. Cron, for the position of Chairman for the Board of Zoning Appeals. Nominations were closed. All were in favor. **Motion carried.**

**ELECTION OF VICE-CHAIR:** Mr. Schneider nominated Mr. Cron, seconded by Mr. Timbrook, for the position of Vice-Chairman for the Board of Zoning Appeals. Nominations were closed. All were in favor. **Motion carried.**

**APPROVAL OF AGENDA:** Mr. Cron moved, seconded by Mr. Schneider, to approve the agenda. All were in favor. **Motion carried.**

**APPROVAL OF MEETING MINUTES:** Having no comments or corrections, the minutes of November 28, 2023, stand approved.

**PUBLIC HEARINGS/REVIEW:**

- a. **BZA Case #23-0012 – 4161 Leafback Place (Parcel ID# I39 00318 0021) – R-3,** Medium Density Residential District.  
A variance from UDO Section 1115.01(E)(3)(a) to allow front yard to exceed the maximum height of 4’ and a waiver from UDO Section 1115.01(E)(3)(b) to permit a solid board privacy fence in the front yard.

*Audio cut out at beginning of this case.*

Ms. Holt presented an aerial map indicating that it has two front yards as city code indicates anything that is between the side of the house and the street is the front yard. She presented the site plan submitted and the fence is behind the house. There had been a fence there before and it had been removed. The property owner received a citation then came in and submitted a fence permit; they let the property owner know a variance was required for this fence. She presented site photos of the property, the fence, and surrounding area. Based on the code, she stated that

a fence in the front yard has to be 50 percent transparent. The fence that has been put up is a solid fence. Staff finds that the requested variance to allow an increase in the maximum fence height is adequately justified and meets the standards of approval as the essential character of the neighborhood will not be altered and the fence will not impact any lines of site. There are other fences in the neighborhood of a similar nature and this height. This variance is not substantial, and the spirit and intent of the zoning code is being observed. She reviewed the criteria for granting a variance. Staff finds that the waiver to permit solid board fencing is not adequately justified and does not meet the standards for approval as strict application of the regulations will not deprive the applicant of reasonable use of the land. There are alternative fence designs compliant with the zoning regulations and could meet the applicant's needs.

Chairman Timbrook questioned how the city comes up with the approval for the variance of the fence height, but recommending denial of the waiver when treating it like a backyard. Ms. Holt stated with her recommendation for height, it is not blocking any lines of sight. For the waiver, they wanted the transparency because that is the look they wanted for those sections of the yards. She added there are other fence types that are acceptable; solid board is not permitted for front yard. Discussion continued on the line of sight, fence height, and type of fence. Mr. Rauch stated that the code requires that fences in the front yard must be able to be seen through as that is what the planning commission has required with 50 percent opacity. He added that on the height is fine as the ability to see around it causes no problem; it is the thoroughness where the recommendation comes into play as the code requires it. Mrs. Carpenter stated the fence across the street is also solid. They reviewed the site photos of the cul-de-sac.

Mr. Jason Rosenbaum, 4161 Leafback Place, Riverside, OH, took the oath to give sworn testimony. He stated that the house across the street from his as the BZA discussed is exactly the same. When the other house was having its fence put up, he went over to them and asked for a quote to do the same type of fence on his property. A fence was there before for 15-20 years but was greatly deteriorated. He moved the old fence to put the exact same fence up in the same space. Chairman Timbrook asked if there was anything more he wanted to add for the variance for height or waiver for the opacity. Mr. Rosenbaum stated a see through fence doesn't seem logical for yard as he considers it fencing his backyard, and it was the same type of fence that was there before. Chairman Timbrook asked him about the use of the property that he would or would not have with at least 50 percent see-through on the fence. Mr. Rosenbaum replied that he has pets that might escape. They are small dogs and that is why the fence needed to be replaced because he had to put bricks up to block the holes in the old fence. Mrs. Carpenter asked if they are questioning the applicant on moving the fence 10' to align with the house, and if that is an issue. Mr. Rauch stated that is regarding the variance, but staff does not have an objection to the variance. It is just the transparency that is the sticking point. Discussion was held on the 10' concern. Mrs. Carpenter stated it is mirroring what is across the street and it does not look out of sorts. It is in character of the neighborhood.

Mr. Scott Kreckman, 4036 Cozycroft, Riverside, OH, and President of the HOA, took the oath to give sworn testimony. He stated he previously responded to Ms. Holt regarding the HOA

regulations for fencing in the front yard. He stated the HOA is fine with it. Everything is not front yard based on how they see it. They are for the variances to let him continue with what he has. This is for both the height and the opacity.

Chairman Timbrook closed public comments at 6:50 p.m. as no one else came forward to speak.

Chairman Timbrook moved, seconded by Mr. Cron, to approve the variance request for Case #23-0012, 4161 Leafback Place, based on the staff report, evidence, and testimony presented. Roll call went as follows: Mr. Timbrook, yes; Mr. Cron, yes; Mrs. Carpenter, yes; and Mr. Schneider, yes. **Motion carried.**

Discussion was held on the fence type and the character of the neighborhood. The criteria were reviewed for the waiver.

Mr. Schneider moved, seconded by Mr. Cron, to approve the requested waiver Case #23-0012, 4161 Leafback Place, to permit a solid board privacy fence in the front yard All were in favor. **Motion carried.**

- b. BZA Case #23-0013 – 5010 Linden Avenue (Parcel ID# I39401506 0037) – R-2,**  
Medium Density Single Family Residential District.  
Variances from UDO Section 1107.05(C)(1) of the City of Riverside Unified  
Development Ordinance to allow reductions in minimum lot width, side yard side  
back, and an increase in maximum lot coverage.

Ms. Holt stated that there are three variances from dimensional standards in the zoning code for the R-2 Zoning District. The applicant is proposing to split the lot. The resulting lots will not meet all the dimensional standards. The request is for several variances: 1) Tract 1 – minimal lot width for a 78 percent reduction, 2) Tract 1 – Side Yard setback for a 60.4 percent reduction, and 3) increase in maximum lot coverage for Tract 1 by seven percent and Tract 2 by 89 percent. She presented an aerial map of the lot and pointed out the proposed lot split between the two structures. There is a residential-like structure and a more commercial structure. It is currently zoned as an R-2 residential. She presented the site plan, site photos and photos of adjacent properties. Staff finds the requested variance to allow a reduction in the required minimum lot width is adequately justified and meets the standards for approval. Staff finds the requested variance to allow a reduction in the side yard setback is adequately justified and meets the standards for approval. Staff also finds the requested variance to allow a reduction in the maximum lot coverage is adequately justified and meets the standards for approval. Staff recommend approval of the requested variances as the spirit and intent behind the zoning code would be observed. She reviewed the criteria for granting a variance.

Chairman Timbrook opened the public hearing at 7:03 p.m. Mr. Lance Oakes, 5712 Woodbridge Lane, West Chester, OH, took the oath to give sworn testimony. He stated they were trying to get it consistent having a residential property with a commercial property. There is a tenant in

the home who would like to purchase it.

Chairman Timbrook closed the public hearing at 7:31 p.m. as no one else came forward to speak.

Chairman Timbrook moved, seconded by Mr. Cron, to approve BZA Case #23-0013, 5010 Linden Avenue, for the minimum lot width of Tract 1 based on the staff report, evidence, and testimony heard today. All were in favor. **Motion carried.**

Chairman Timbrook moved, seconded by Mr. Cron, to approve BZA Case #23-0013, 5010 Linden Avenue, the side yard setback reduction from 10’ to seven feet based on the staff report, evidence, and testimony heard today. All were in favor. **Motion carried.**

Chairman Timbrook moved, seconded by Mr. Schneider, to approve BZA Case #23-0013, 5010 Linden Avenue, for the maximum lot coverage on Tract 1 and 2 based on the staff report, evidence, and testimony heard today. All were in favor. **Motion carried.**

**ZONING ADMINISTRATOR DISCUSSION TOPIC – Annual Report:** Ms. Holt presented the 2023 Community Development Department Accomplishments that included some of the zoning code updates they have had cases related to. She presented the number of BZA cases from 2018 to 2023 and how the number has dropped last year from some of the code changes. She stated last year they approved seven cases, denied two, two withdrew, and the two pending were heard tonight. She stated it has helped having conversations with residents and businesses, helping them understand the code and improving the code, so the appeals are not as numerous. She discussed different options for training that would be available to them. Mr. Rauch thanked Ms. Holt and her staff for her work and the work the BZA does for the community as it is much appreciated. He added the city intends to be intentional this year with pursuing code rewrites. The particular challenge with BZA is weighing what they wish the code says and what it actually says. They are about to start a process on what the code actually says. There will be opportunities to revisit issues whether corner lots or front yard fences to take another look and what aligns with the community’s vision. They are hoping to get a third party involved with the comprehensive code rewrite; planning commission will be involved, and opportunities for them to be involved as well. He thanked them again for the time they give to serve on the BZA.

**ADJOURNMENT:** Mr. Schneider moved, seconded by Mr. Cron to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 7:15 p.m.

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Chair

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Date