

**Board of Zoning Appeals Minutes**  
**February 10, 2020 – 6:00 pm**  
**233 South Main Street, Monroe, Ohio**

The Board of Zoning Appeals of the City of Monroe met on February 10, 2020. The meeting was held at Monroe City Hall.

**Call to Order**

The meeting was called to order at 6:00 pm by Mr. Nerenberg. Members present were Mr. Walters, and Mr. Adam.

Also present were: Kevin Chesar, Director of Development/Zoning Enforcement Officer; Kameryn Jones, Planner; and Deana England, Deputy Clerk of Council.

**Election of Officers**

Mr. Walters moved to appoint Mr. Nerenberg as President; seconded by Mr. Adam. Voice vote. Motion carried.

Mr. Nerenberg moved to appoint Mr. Adam as Vice President; seconded by Mr. Walters. Voice Vote. Motion carried.

Mr. Nerenberg moved to table the minutes from the December 11, 2019 meeting until a majority of those present at that meeting are present to vote; seconded by Mr. Adam. Voice vote. Motion carried.

Mr. Nerenberg opened the Public Hearing at 6:03pm

**Case No. 2020-1—Consideration of an appeal of a code enforcement violation related to storage of a recreational vehicle in the front yard.**

Mrs. Jones stated that Mr. Gail Dickey, owner of 10 Stillpass Way, has appealed the order of the Code Enforcement Officer regarding a violation for storing a recreational vehicle in the front yard of their residential property. The property owner was sent a notice of violation on December 5, 2019 for storing a boat in the front yard, which, as a recreational vehicle, is only permitted from one week prior to Memorial Day through Veterans Day. In this same violation notice, the property owner was cited for installing the concrete pad on which the recreational vehicle sits without a zoning permit. A zoning permit has yet to be filed regarding the concrete pad/driveway extension. A letter stating a request for appeal regarding the violation was received by the City on January 7, 2020. Staff informed the property owner an official appeal application is required, which was later submitted on January 17, 2020.

Section 1202.07 of the Planning and Zoning Code specifies that the Code Enforcement Officer be charged with enforcement of the code. Monroe Planning and Zoning Code Sections 1202.05(C)(2) and

(5) grant the Board of Zoning Appeals powers and duties regarding Code Enforcement Officer Enforcement actions.

The applicant requests an appeal of the violation regarding the parking of a recreational vehicle (boat) in the front yard of their corner lot property.

In accordance with the Planning and Zoning Code Section 1203.11, the Board of Zoning Appeals is charged with hearing an appeal of the Code Enforcement Officer's decision and rendering a decision to uphold, reverse, or modify the Code Enforcement Officer's decision. The Board's decision criteria is based specifically on Monroe Planning and Zoning Code Section 1202.05(C)(5): In this instance, the Board of Zoning Appeals' function is to determine if the Code Enforcement Officer made an error in enforcing the specific Code language previously mentioned and subsequently issuing a removal order for the recreational vehicle in the front yard. As specified in 1203.11(D), the Board shall not reverse or modify the decision of the Code Enforcement Officer unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

The codes in question state the following: A combined total of two recreational vehicles and/or trailers may be parked or stored outdoors on each individual residential lot that contains an inhabited dwelling. The location restrictions are as follows: On a year-round basis One recreational vehicle and/or trailer is permitted to be stored in one of the side yards, provided that no recreational vehicle or trailer is stored in any other side yard. From the period of time beginning one week prior to Memorial Day through Veterans Day, one of the recreational vehicles/trailers is permitted in the front yard on the driveway serving the dwelling, provided that the vehicle/trailer does not encroach upon the sidewalk. Recreational vehicles and/or trailers may be stored in the rear yard. All recreational vehicles and trailers shall be parked or stored at least five feet from any adjacent lot line. When located in the front or side yard, recreational vehicles and trailers shall be on a paved surface. When located in the rear yard, a paved surface shall not be required. A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include, but are not limited to, campers, travel trailers, motor homes, boats, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured or mobile homes. Recreational vehicles shall not include buses with a wheelbase over 139 inches, racing automobiles, or vehicles utilized for or related to the employment of a resident.

The applicant addressed the board stating that he is aware now that he should have applied for a variance to present to that board rather than appealing the Code Enforcement Officers violation as they understand that the Code Enforcement Officer interpreted the code correctly. Additionally, the applicant understands that the board has to uphold the decision and reasoning for the violation.

Mr. Adam moved to accept all documents as presented; seconded by Mr. Walters. Voice vote. Motion carried.

Mr. Adam moved to close the Public Hearing at 6:20pm; seconded by Mr. Walters. Voice vote. Motion carried.

Mr. Adam moved to uphold the Code Enforcements Officers decision to render a violation related to storage of a recreational vehicle in the front yard; seconded by Mr. Walters. Roll call vote. 3 ayes. Motion carried.

Mr. Adam moved to adjourn at 6:24pm; seconded by Mr. Walters.

Respectfully submitted by:

Deana England  
Deputy Clerk of Council