

June 17, 2019

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jeff Heidel – Member
Mr. Steve Scholtz – Secretary
Ms. Julie Glassmeyer - Alternate

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 6:30 P.M. on Monday, June 17, 2019.

Item 2. – Roll Call of the Board

Mr. Scholtz called the roll.

Members Present: Mr. Eichmann, Mr. Heidel, Mr. Scholtz and Ms. Glassmeyer

Members Absent: Mr. Scheve and Mr. Leugers

Staff Present: Kevin Clark and Jessica Daves

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann explained that this is a public hearing in which testimony will be given by staff and members of the public. He then swore in all those providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the May 20, 2019 meeting minutes.

Mr. Scholtz called roll to approve the minutes.

Mr. Scholtz-AYE
Mr. Heidel – AYE
Mr. Eichmann-AYE
Mr. Glassmeyer-AYE

Item 6. – Old Business

Case: SYCB190005
Applicant: Brian Woeste
Location: 9148 Shadetree Drive
Request: Variance

Mr. Clark presented the resolution approving case SYCB190005 for a variance for an addition.

Mr. Eichmann asked if there was any further discussion.

Mr. Scholtz called the roll.

Mr. Eichmann –AYE
Mr. Heidel – AYE

Mr. Scholtz-AYE
Ms. Glassmeyer-AYE

Case: SYCB190006
Applicant: Lawrence E. Edmonds
Location: 8710 Blue Ash Road
Request: Variance

Mr. Clark presented the resolution denying case for SYCB190006 for a variance for an accessory use structure.

Mr. Eichmann asked if there was any further discussion.

Mr. Scholtz called the roll.

Mr. Eichmann –AYE
Mr. Heidel – AYE
Mr. Scholtz-AYE
Ms. Glassmeyer-AYE

Case: SYCB190007
Applicant: Joe Tschidea, Complete Home Repair
Location: 7825 Styrax Lane
Request: Variance

Mr. Clark presented the resolution approving with conditions case SYCB190007 for a variance for a deck.

Mr. Eichmann asked if there was any further discussion.

Mr. Scholtz called the roll.

Mr. Eichmann –AYE
Mr. Heidel – AYE
Mr. Scholtz-AYE
Ms. Glassmeyer-AYE

Case: SYCB190008
Applicant: M. Steven and Nancy Chapel
Location: 8011 Keller Road
Request: Variance

Mr. Clark presented the resolution approving case SYCB190008 for a variance for a fence.

Mr. Eichmann asked if there was any further discussion.

Mr. Scholtz called the roll.

Mr. Eichmann –AYE
Mr. Heidel – AYE
Mr. Scholtz-AYE
Ms. Glassmeyer-AYE

Case: SYCB190009

Applicant: Rick Curtis
Location: 8076 Queens Avenue
Request: Variance

Mr. Clark presented the resolution approving case SYCB190009 for a variance for a retaining wall.

Mr. Eichmann asked if there was any further discussion.

Mr. Scholtz called the roll.

Mr. Eichmann –AYE
Mr. Heidel – AYE
Mr. Scholtz-AYE
Ms. Glassmeyer-AYE

Case: SYCB170014
Applicant: Kathleen Ryan, Esq.
Location: 7292 Kenwood Road
Request: Appeal Notice of Zoning Violations

Mr. Clark stated the case was being continued again due to pending litigation.

Case: SYCB190003 (continued to 08/19/19)
Applicant: Sycamore Township
Location: 8540 Kenwood Road
Request: Conditional Use

Item 7. – New Business

Case: SYCB190010 (*Postponed to 08/19/2019*)
Applicant: Archbishop Moeller High School
Location: 7745 and 7755 Kennedy Lane
Request: Conditional Use

Case: SYCB190011
Applicant: Twyla Heinlein
Location: 4555 Kugler Mill Road
Request: Variance

Mr. Clark presented Case SYCB190011 in a PowerPoint presentation. The applicant is requesting a variance to Section 13-5.3 of the Zoning Resolution. The current zoning is "C" single family residential. The property owners of 4555 Kugler Mill Rd received a permit to install a sign. The approved permit showed the sign within the required setback of 10 feet, the sign was installed with a setback of zero feet.

Mr. Clark presented the approved site plan and pictures of the current sign and location.

Mr. Clark said the sign in question was constructed without a foundation inspection that would have shown the sign was not at the correct distance it needed to be from the property line.

Mr. Eichmann asked Mr. Clark if the Township did an inspection.

Mr. Clark answered the applicant did not call us to do a foundation inspection which is what is required.

Mr. Clark explained the process of sign inspections.

Mr. Scholtz asked Mr. Clark if the sign company sees the drawing and do they know it is supposed to be 10 feet from the property line.

Mr. Clark answered yes, they submitted that to the Township.

Mr. Eichmann asked Mr. Clark if the reason for this because they said they could not see the sign.

Mr. Clark said he does not know.

Mr. Heidel said it looks like it would have been blocked off by the tree.

Mr. Scholtz said heading west you could see it.

Ms. Glassmeyer asked Mr. Clark if it replaced an existing sign.

Mr. Clark said he did not believe there was a sign.

Mr. Eichmann asked if there was any other discussion for staff.

Ms. Twylan Heinlein, Cincinnati Custom Signs, 2467 Crown Point Drive, Cincinnati, OH 45241 addressed the board.

Mr. Mark Cravens, Kenwood Bible Methodist Church, 4555 Kugler Mill Road, Cincinnati, OH 45236 address the board.

Ms. Heinlein said the reason there was no inspection done prior is they used a new mason. He was unfamiliar with the process and he did an erection of the sign. It was a bad time in her life and she was not on top of things at that point and she did not catch what he had not done.

Mr. Scholtz asked Ms. Heinlein if there was any functional reason the sign was not placed where it was supposed to be placed.

Ms. Heinlein answered no, if he had been paying attention to the drawing he would have caught that.

Mr. Eichmann said the Board of Zoning Appeals are tasked with the plan of approving this without a special privilege, they need to understand what the hardship is. The size of the sign within a block or two is very obvious. It could be in a different spot and still be seen.

Ms. Heinlein answered it could, but this is a better site for the sign and that is why they are requesting that it stays in the same place.

Mr. Cravens said he realizes there was some mistake but the church was under the understanding that was approximately where the sign was supposed to be. They have a picture from the sign company that shows the sign sitting right there in the proposal. He does not know where the mistake happened but from the church's perspective that is where they need the sign because if they move it one way the tree is going to block it. If they move it more the other way you are not going to see that sign because they have that porch that comes out on the old church. If you set it up on the rise then they will have a visibility problem coming from the other way. He is here on behalf of the church board to see if there is anything that can be done. He was not aware it was not in the right place and he came up here proactively trying to find out

what they needed to do because the sign was at a lull and they wanted to get it finished. He came up to the Township seeking what was needed to get it inspected because they also needed to run electricity to it. He fears if they move it they are going to have a very beautiful sign located up in a church yard in a point with very poor visibility and it is not going to service them very well. That is their hardship. As a church, if they move that the rest of the way up they are going to have a visibility situation.

There was continued discussion about the location of the sign.

Mr. Eichmann asked Ms. Heinlein if they are confusing the right of way with the curb.

Ms. Heinlein said they used Cagis.

There was continued discussion about the right of way and the sign.

Ms. Glassmeyer asked Mr. Clark about the zoning being residential or commercial and the church being a conditional use.

There was continued discussion about the church being a conditional use, the church being in a residential area and continuing Case SYCB190011 to get clarification from staff on the proper filing.

Mr. Eichmann made a motion to continue case SYCB190011 to the July 15, 2019 meeting.

Mr. Heidel seconded.

Mr. Scholtz called roll

Mr. Eichmann –AYE

Mr. Heidel – AYE

Mr. Scholtz-AYE

Ms. Glassmeyer-AYE

Mr. Eichmann asked if anyone from the public wanted to speak.

No response.

Case: SYCB190012
Applicant: Arcanum Architecture
Location: 11935 Snider Road
Request: Variance

Mr. Clark presented Case SYCB190012 in a PowerPoint. The current zoning is "A" single family residential. The applicant is requesting variances to Sections 10-12, 10-12.1, and 10-12.2 of the Zoning Resolution. The applicant's request is to construct a 1,283 square feet accessory structure setback 1 foot 3 5/8 inches from the property line.

Mr. Clark presented the drawings that were submitted; a site plan, pictures of the property, the panhandle, and the proposed garage location.

Mr. Clark said the owner is requesting a detached garage to store a motor home along with two vehicles. The proposed garage is 1,283 square feet and the applicant is requesting a side yard setback of 1 foot 3 5/8 inches where 3 feet is required.

There was discussion about the detached garage location, setback and the existing retaining wall.

Mr. Clark explained the location of the existing retaining wall.

Mr. Clark discussed a letter from a neighbor in support of the variance.

Mr. Heidel asked Mr. Clark how many other people were contacted.

Mr. Clark said he was not sure.

Mr. Clark discussed a letter from Jerry Knoblauch.

Ms. Glassmeyer asked Mr. Clark if there were two issues the location to the property line and it is bigger than it should be.

Mr. Clark said yes, it is bigger than it should be. You are only allowed 1,032 square feet where they want 1,283 square feet.

Mr. Eichmann asked Mr. Clark why the detached garage could not just be move 3 feet forward.

Mr. Clark deferred the question to the architect.

Mr. Eichmann said he knew the Township got a letter from the owner saying they could not be there. The owner's primary request was to keep it from being an unsightly exposure of recreational vehicle.

Mr. Clark said yes, they have a motor home they would like to store in there and two other vehicles as well.

There was discussion about RV parks.

Mr. Eichmann asked if there were any other questions for staff.

Mr. Matt Evans, Arcanum Architecture, 7711 Camargo Road, Madera, OH 45243 address the board.

Mr. Evans explained the property, setback, water, flooding, and drainage in the PowerPoint.

Mr. Evans said the owner asked him to design a garage where he could park his cars. They went through multiple concepts of where they could put it and the best solution was that they continue the retaining wall and build a head wall. The discharge point feels like a small little pond, that pond has a pipe in it that goes underground and leads over to a head wall and discharges. They are landlocked where anything can be built on this property. They are rerouting the creek with an engineered pipe that is what dictated the location of where this garage could go. Because of the building design this whole back structure is a retaining wall. The variance they are asking for as far as distance just goes for a small portion of the structure, and that area sits very little above grade. It is just a small roof line that sits above grade in the corner. It will be built per the Ohio code.

There was continued discussion about the location of the proposed detached garage and the pipe.

Mr. Scholtz said that speaks to Mr. Eichmann's question about not being able to move it three feet.

Mr. Evans said the property is quite large. This building is located in such an area that it doesn't affect the person above them, to the side, or anywhere because all they see from all the other houses around them is a valley full of trees and a lot of water. They are trying to locate this on the highest ground possible that they can get to and relocate the creek the best they can without flooding it out. On the drawings he installed flood gates on the garage. If the pipe can't take the water and sometimes it can't we have to consider the water might flow around the garage. That is there to pick up the water as it goes around the garage, it work its way down the stepping stones and right across his drive as it does now. The height is where it is primarily because it is built into the hillside. The building size is primarily because he wants to get this mobile home and enough room to storing his cars that he now parks outside. The fact that it is larger than what is there is primarily because of the hardship of being able to locate anything on this property and having enough room to store what he has.

Mr. Evans explained the design of the proposed structure.

Mr. Evans said the hardship is he has unique property with a lot of water. The subdivision built above him actually increased that hardship.

Mr. Heidel asked Mr. Evans if the owner has effectively ever driven the motor home back the driveway.

Mr. Evans answered he does not own it yet.

Mr. Heidel said that driveway looks like it is a sidewalk.

Mr. Evans said the driveway is an adventure.

Mr. Heidel asked Mr. Evans if the bridge is working.

Mr. Evans answered the bridge has had some issues, the neighbor downstream has had issues with flooding already as well. His bridge works. There is a culvert to get over that creek when you come into the development. You drive over a very large pipe that is showing signs of having issues and someday this thing could collapse.

Mr. Heidel asked Mr. Evans if what he is going to do will alleviate that problem.

Mr. Evans said they would have to get the approval and payment from the other three homeowners. It is a shared driveway but they are not going to adversely affect the culvert or the drive that is there.

Mr. Heidel asked Mr. Evans if it will affect the neighbors as far as more water.

Mr. Evans said not at all.

There was continued discussion about water, drainage and approval from Hamilton County.

Mr. Evans said it is not a public storm water easement. As an architect he put a preliminary design on there but there is no way they are doing this without working with a civil engineer.

Mr. Eichmann asked the board if they had any questions.

Mr. Eichmann closed the floor to comments.

Mr. Heidel said it does not seem that anybody is opposing it.

Mr. Eichmann said they have to understand what the hardship is. The property is very unique and he obviously outlined clearly the hardships for his questions around the placement of the unit. We still have a size issue that is well above what we would normally approve understanding full well the size of the property, the structure of the property, and the fact that the neighbors don't have trouble with any of that. The height of the building is so far down from the roadway and any of the neighbors. He does not have a problem with that.

Ms. Glassmeyer said she thinks it is a pretty unique condition. She thinks they have put a lot of work into solving a lot of the problems that they already have. She thinks 1 foot 3 5/8 of an inch isn't that much different than 3 feet. She does not consider 200 square feet to be vastly over the amount they are allowed to do. She does not have a problem with it.

Ms. Glassmeyer made a motion in case SYCB190012 to approve as submitted.

Mr. Heidel seconded.

Mr. Scholtz called roll.

Mr. Eichmann –AYE

Mr. Heidel – AYE

Mr. Scholtz-AYE

Ms. Glassmeyer-AYE

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, July 15, 2019 at 6:30 p.m.

Item 9. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scholtz moved to adjourn, seconded by Mr. Heidel

Mr. Scholtz called roll. .

Vote: All AYE

The meeting adjourned at 7:42 P.M.

Minutes recorded by: Jessica Daves, Planning & Zoning assistant