

July 15, 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 on Monday, 6:36 pm on July 15, 2019.

Item 2. – Roll Call of the Board

Mr. Scholtz called the roll.

Members Present: Mr. Scheve, Mr. Heidel, Mr. Scholtz and Mr. Eichmann

Members Absent: Mr. Leugers and Ms. Glassmeyer

Staff Present: Harry Holbert and Jessica Daves

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Approval of Minutes

Mr. Eichmann stated the first order of business was to approve the June 17, 2019 meeting minutes.

Mr. Heidel made a motion, seconded by Mr. Scholtz, to approve the June 17, 2019 meeting minutes.

Mr. Scholtz called roll to approve the minutes.

Mr. Scheve – Abstained
Mr. Eichmann- Aye
Mr. Scholtz – Aye
Mr. Heidel – Aye

Item 5. – 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 6. – Old Business

Mr. Holbert presented the resolution for SYCB190012 approving a request for a variance.

Mr. Scholtz called roll.

Mr. Eichmann- Aye
Mr. Scholtz – Aye
Mr. Heidel – Aye

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

Case: SYCB190003 (*Postponed to 08/19/2019*)
Applicant: Sycamore Township
Location: 8540 Kenwood Road
Request: Conditional Use

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

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

Mr. Holbert presented Case SYCB190011 in a PowerPoint. The current zoning is "C" single family residential. The zoning compliance issue is Section 13.53: minimum setback from the right of way 10ft is required. The applicant provides zero feet from the property line. The request is to permit a monument sign not meeting the required setbacks to remain as installed.

Mr. Holbert discussed the Zoning Certificate that was approved.

Mr. Holbert said the applicant did indicate on the zoning certificate application that it would be setback 10ft which is what the code requires from the property line. The sign is actually on the property line.

Mr. Holbert explained where the sign is located from the right of way, the inspection process for signs.

Mr. Holbert said the applicant never called for a foundation inspection so therefore it was missed.

Mr. Scholtz asked Mr. Holbert if he would consider this partially the Townships fault.

Mr. Holbert answered he would consider that none of the Townships fault. The Township has it noted on the permit that a foundation inspection is required and final inspection is required. In this case the applicant did not call for the inspection.

Mr. Holbert reviewed the sign is location and visibility.

Mr. Holbert discussed chapter 21 under variances.

Mr. Eichmann asked Mr. Holbert if the sign was in the right of way.

Mr. Holbert answered it is at the edge of the right of way. It is at the zero property line, it is still on the owner's property but doesn't meet the 10 ft. setback.

Mr. Eichmann asked if it is not in the right of way but on the edge of the right of way is the Township is in any way responsible. If for some reason they would approve this location if there

was a road widening would they be responsible because they approved this for removing and replacing their sign someplace else.

Mr. Holbert answer that is a legal question and he does not feel comfortable answering.

Mr. Heidel asked Mr. Holbert if this was a part of the new sidewalk that is going in.

Mr. Holbert said he does not know if that site is or not.

Mr. Eichmann said they understood last month that part of the reason for this was obviously you could see if it was moved back a little bit it would be blocked by a tree west to east viewing and probably blocked by the building east to west view. He realizes the situation and said moving it a little bit does not make sense to him. Moving it all the way would create a concern for their ability for people to see it. The concern is about who is responsible should there be a widening or a sidewalk project.

Ms. Twyla Heinlein, Cincinnati Custom Signs, 2467 Crowne Point Drive, Cincinnati, OH 45241, addressed the board.

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

Mr. Cravens present a PowerPoint for case SYCB190010. He wanted to clarify some questions about the location. He had made mention that one of the reasons they were not initially concerned was because they thought the sign was being installed where they had been promised the sign was going to go.

Mr. Cravens discussed the slides of the PowerPoint he submitted.

Mr. Scholtz asked Mr. Cravens who promised where the sign was going.

Mr. Cravens answered the sign company.

Mr. Cravens presented pictures and photo shop picture of the property from different directions.

Mr. Cravens said he does feel like it would create a hardship for them if they moved it back with visibility. They would, as a church be willing if there ever was a moment in time they had to move the sign back or relocate the sign they would take responsibility for that.

Ms. Twyla Heinlein said they would also take responsibility.

Mr. Cravens said they really don't want to cut down the tree because it would hurt the beauty of the lawn and the landscape. The old sign was rotten and deteriorated, it was really a disgrace to the community. They tried to put a very nice sign that would look good.

Mr. Cravens said he did go to neighbors.

Mr. Eichmann said they did see the petition and the letters.

Mr. Scholtz asked Ms. Heinlein if they were supposed to call staff and have them come out.

Ms. Heinlein answered yes, she had been very ill for several weeks and she was counting on her mason to let them know and he did not and her guys went ahead and proceeded after he did his work without doing anything, it was a big mistake.

Mr. Heidel asked if there were any comments against it.

Mr. Holbert said he did not receive any comments against it.

Mr. Robert Mohat, 8463 Monroe Ave., Sycamore Township, OH 45236, addressed the board.

Mr. Mohat said he lives about five houses directly north of that intersection and where that sign is located. He travels that intersection frequently and the view of drivers no matter which way you approach that intersection. He said the sign does not interfere right now with the view for cars coming or going from either intersection and he does not feel it is a problem for drivers in that area as far as current location interfering with vision or ability to approach that intersection.

Mr. Mohat continued to discuss the sign, the location, and intersection.

Mr. Eichmann asked if anyone else from the public would like to speak.

Mr. Eichmann closed the floor to public comment.

Mr. Scholtz asked Mr. Holbert other than the right of way issue, are there any other issues that staff is concerned about.

Mr. Holbert said no, it is a county road and he does not have any input from the county regarding the case itself. We did not notify the county in regards to the applicant because it doesn't fall into that standard procedure but it is a county road. The county you can go right up to the property line, it is a Township requirement.

Mr. Scheve abstained because he was not here last month.

Mr. Heidel said he truthfully does not find it to be a problem.

Mr. Scholtz said that Mr. Holbert said the magic words to him that the county would allow them to do it and it looks like it is going to be a hardship. He would vote for it as long as they understand if it has to be moved later on they are going to do it.

Mr. Eichmann asked if we could add that as a condition or the fact that the Pastor already accepted the fact that it would be their expense should they have to move it for any reason.

There was continued discussion about if the sign needed to be moved, the expense, the responsibility.

Mr. Eichmann said in this case the hardship to him is a hidden sign and capabilities of anybody actually getting use out of this sign. The hardship is apparent to him.

Mr. Eichmann made a motion to approve the variance for case SYCB190011 as is.

Mr. Heidel seconded.

Mr. Scholtz took roll.

Mr. Eichmann-AYE

Mr. Heidel-AYE

Mr. Scholtz-AYE

Mr. Scheve made a motion to move Case SYCB190014 to the next case heard.

Mr. Heidel seconded that motion.

Mr. Scholtz called Roll

Mr. Scheve – Aye
Mr. Eichmann- Aye
Mr. Scholtz – Aye
Mr. Heidel – Aye

Item 8. – New Business

Case: SYCB190014

Applicant: Demisse Woldemichael

Location: 8503 Myrtlewood Avenue

Request: Variance

Mr. Holbert presented case SYCB190014 in a PowerPoint. The current zoning is "C" single family residential. The Zoning Compliance issue is to Section 10.7.1. The request is to allow for the construction of a six foot tall wood fence in the defined side yard of the property.

Mr. Holbert continued discussion about the proposed fence and the property.

Mr. Eichmann asked Mr. Holbert what height is a fence allowed in a side yard.

Mr. Holbert answered four feet and 75 percent open. The six foot tall privacy fence violates both of those sections. The four foot tall privacy fence only violates the one section of the code which requires 75 percent open but it is only four feet tall which is compliant in the side yard.

Mr. Eichmann asked if any of the fence was done yet.

Mr. Holbert answered based on what was submitted in the photographs that is accurate.

Mr. Eichmann asked Mr. Holbert what could be done on a wood deck to add privacy.

Mr. Holbert answered in this case they could basically make a privacy railing and it could be up to six feet tall. It could be attached to the side of the deck.

Mr. Eichmann asked from the deck up or the ground up.

Mr. Holbert answered from the deck up because then it would be part of the deck but attached to the ground it would become a fence and it would be a fence in the side yard again.

There was continued discussion about the deck.

Mr. Eichmann asked the applicant if he wished to speak.

Mr. Demisse Woldemichael, 8503 Myrtlewood Avenue, Sycamore Township, OH 45236, addressed the board.

Mr. Woldemichael said the current deck to his neighbor is about 12 feet apart. There is not only a privacy issue there is also a security issue. He said the owner of the property has not been neighborly, and there have been issues.

Mr. Woldemichael discussed a survey of the property and the issues with the neighbor.

Mr. Scheve asked Mr. Woldemichael if the neighbor has done anything to damage his yard.

Mr. Woldemichael answered yes, somebody threw a pipe fitting through the garage window. He doesn't have proof that he did it.

Mr. Woldemichael discussed an issue about a neighbor posted a sign on his property.

Mr. Scheve asked Mr. Woldemichael what kind of sign was put up.

Mr. Woldemichael answered a flyer sign.

Mr. Scheve asked Mr. Woldemichael how long has he lived there.

Mr. Woldemichael answered since 2005.

Mr. Scheve asked Mr. Woldemichael how long his neighbor has lived there.

Mr. Woldemichael answered he was there when he bought the house but he moved out and came back about five years ago.

Mr. Scheve asked Mr. Woldemichael if they had been having these problems for 15 years or is this something recent.

Mr. Woldemichael answered recently.

There was continued discussion about the neighbor, who lives at the adjacent property and the sign.

Mr. Eichmann asked Mr. Woldemichael if he thinks the fence is going to solve this problem.

Mr. Woldemichael answered maybe not.

Mr. Eichmann said he was trying to find a way to give him a fence that was totally within the limits of Sycamore Township ordinance and some of that can be accomplished with his deck.

Mr. Eichmann asked Mr. Woldemichael if his comments make sense to him about the deck because they are trying to give him the opportunity to do what he wants to do for the safety and protection of his children utilizing the deck and the back yard. He is thinking the comments he is making around the deck if that is acceptable to him they don't even have a decision to make.

There was continued discussion about the deck and proposed fence.

Mr. Eichmann asked Mr. Woldemichael if he would consider his alternative if they wouldn't approve the six foot fence all the way up to the garage.

Mr. Eichmann asked the board if there were any other questions.

Mr. Eichmann closed the public comment.

Mr. Heidel said the six foot fence is too close to the neighbor's yard.

Mr. Eichmann asked Mr. Holbert if the discussion that he had earlier would permit him to put the fence up with just a building permit.

Mr. Holbert answered on the deck, correct. He can amend his previous application.

There was continued discussion about Mr. Woldemichael's options.

Mr. Scheve made a motion to deny the request for a variance in Case SYCB190014.

Mr. Heidel Seconded.

Mr. Scholtz called roll.

Mr. Scheve – Aye
Mr. Eichmann- Aye
Mr. Scholtz – Aye
Mr. Heidel – Aye

Case: SYCB190013
Applicant: Five Star Equity Investors, LLC
Location: 6100, 6331, 6341, 6491 & 6551 Kugler Mill Road
Request: Conditional Use

Case SYCB190013 was transcribed by a court reporter.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, August 19, 2019 at 6:30 p.m.

Item 10. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Scheve moved to adjourn.

Heidel seconded.

Vote: All AYE

The meeting adjourned at 10:40 P.M.
Minutes recorded by: Jessica Daves, Planning & Zoning assistant