

SYCAMORE TOWNSHIP, OH
 DEPARTMENT OF PLANNING & ZONING
 8540 KENWOOD ROAD, CINCINNATI, OH 45236

513.792.7250 PHONE 513.792.8564 FAX

SYCAMORE TOWNSHIP
 PLANNING & ZONING

MAR 25 2019

RECEIVED

BZA APPLICATION	
FEES:	
APPEAL:	\$150.00
VARIANCE:	\$150.00
CONDITIONAL USE:	\$500.00
NON-CONFORMING USE:	\$500.00

COMMERCIAL	RESIDENTIAL

APPLICATION NUMBER
SYCB190004
DO NOT WRITE IN THIS SPACE

1. PROJECT ADDRESS: _____ ZIP CODE: _____

2. NAME	STREET ADDRESS	CITY	ST	ZIP	PHONE NUMBER
OWNER Christopher & Jamie Byers	8295 Millview Dr	Cincinnati	OH	45249	(513) 289-0749
CONTRACTOR EADS					
DESIGNER NA					
APPLICANT Christopher Byers	8295 Millview Dr	Cincinnati	OH	45249	(513) 289-0749
APPLICANTS E-MAIL ADDRESS	cbyers@youngsjurylew.com				

3. BZA ACTION REQUESTED: APPEAL VARIANCE
 CONDITIONAL USE NON-CONFORMING USE

4. STATE IN DETAIL ALL EXISTING & PROPOSED USES OF THIS BUILDING OR PREMISES:

Appeal/Variance to build fence

5. SQUARE FEET: 156 ft → Fence only 6. USE: _____ 7. HEIGHT: 4 ft


8. EST. START DATE: TBD 9. EST. FINISH DATE: TBD

Pending Variance

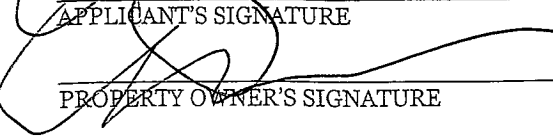
THE DEPARTMENT OF PLANNING & ZONING IS DEDICATED TO THE CONTINUING PROSPERITY OF SYCAMORE TOWNSHIP. WE PROMOTE HIGH STANDARDS FOR DEVELOPMENT AND QUALITY PROJECTS. WE LOOK FORWARD TO SERVING OUR CITIZENS AND BUSINESS COMMUNITY TO MAKE SYCAMORE TOWNSHIP THE BEST IT CAN BE.

The owner of this project and undersigned do hereby certify that all of the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct. The applicant and owner of the real property agree to grant Sycamore Township access to the property for review and inspection related to this Board of Zoning Appeals application.

NOTE: FILING THIS APPLICATION DOES NOT CONSTITUTE PERMISSION TO BEGIN WORK.

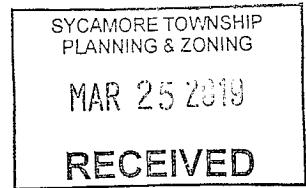


 APPLICANT'S SIGNATURE 3/24/19
 DATE



 PROPERTY OWNER'S SIGNATURE 3/24/19
 DATE

DO NOT WRITE BELOW THIS LINE



CHRISTOPHER & JAMIE BYERS
8295 Millview Drive
Cincinnati, Ohio 45249

March 24, 2019

HAND DELIVERED ON MARCH 25, 2019
ON OR BEFORE 12PM

Sycamore Township Board of Zoning
Attn: Board of Zoning Appeals
8540 Kenwood Road
Cincinnati, OH 45236

Re: Application for Variance/Letter of Intent

To Whom It May Concern:

We are hereby submitting this application of a variance and letter of intent to construct a fence upon our property located at 8295 Millview Drive. For the reasons set forth below, we respectfully request a variance and authority to begin construction of the proposed fence.

Location and Size of Property

Our family owns a property located at 8295 Millview Drive, Cincinnati, Ohio 45249. This property is located at the corner of Snider Road and Millview Drive within Sycamore Township. The size of the parcel is 0.63 with the front of the home facing Millview and a large side yard facing Snider. The parcel number is 600-0023-0083 and further information about the size and location of the property can be accessed on the Hamilton County Auditor's website.

Description of Request and Zoning Resolution in Question

We are seeking a variance to construct a 4-foot-high fence around our side yard. The fence would be of aluminum material, and would have an open face of no less than 75 percent visibility. The fence would attach to the side of our home and extend 78 feet along the side of the house facing Millview. Note that this portion of the fence would be located 69 feet away from the roadway on Millview. The fence would then extend 86 feet along the side of Snider and attach to an existing fence of a neighboring landowner. Note that this portion of the fence would be located 40 feet away from the roadway on Snider.¹ Attached are copies of the proposal from Eads Fencing and a drawing of the proposed plan. **See Exhibits A & B.**

¹ The neighbors front yard fence extends out onto Snider and is only 22 feet from the roadway. Indeed, many of the yards facing Snider have front yard fences constructed.

Unfortunately, our original request for a permit to construct the fence was denied as it was in violation of Sycamore Township Zoning Resolution 10-7.1 which states that:

“No fence or wall shall be located in any defined front yard. A fence located in the defined side yard shall be built to a height greater than three (3’) feet and shall have an open face area of no less that 50 percent or when constructed to a height of not more than four feet (4’) above grade, shall have an open face area of no less than 75 percent. Fences and walls as provided in Sections 10-5.3 and 10-7.4 shall be exempt from these height and openness requirements.”

It is our understanding that because our property is a corner lot that touches both Millview and Snider, we are considered to have two front yards, and thus prohibiting the construction of the proposed fence. Notwithstanding, it is our position that our proposal is in conformance or substantial conformance of the spirit of the resolution, and that the variance should be granted.

First, it is our position that the area of the construction of the new fence has been improperly classified as a “defined front yard” and should be considered a “defined side yard.” Note that the fencing which would face Millview is 69 feet away from the roadway, and the proposed fence is attached to the rear side of the current residence. This is outside of what should be considered a front yard. Also, the fence facing Snider would be over 40 feet away from the roadway, well within the easement to the roadway, and well within existing landscaping that separates our property from the roadway. **See attached Exhibit C demonstrating an aerial view of the property.** If this area is deemed as a “defined side yard” then our proposed plan would conform with the resolution and should be approved.

Second, even assuming that this in fact a “defined front yard” under the resolution, then it is our position that a variance should be granted because our proposed plan substantially conforms with the resolution and the abutting landowners have been permitted to construct similar fencing. Specifically, our neighbors at 8287 Millview have a similar fence extending from the side of their home, along the side of Millview, and connecting to our property line. The set-back from Millview is also approximately 69 feet from the roadway as our proposed fence. Additionally, our neighbor located at 11157 Snider has a clearly defined front yard fence upon Snider that is set back only 22 feet from the roadway. Here, it is our plan to connect to the fence located at 11157 Snider, except that our fence would have a set back of 40 feet and be will within existing landscaping that separates our property from the roadway.

Hardship and Other Pertinent Information

The fact that our property is a corner lot abutting both Snider Road and Millview Drive is a unique physical condition of the property. Because of this physical condition, we have been deemed to have two (2) front yards and we are prohibited from building a fence. This is not a self-created condition, and we were unaware of the resolution prohibiting or limiting the construction of fences when we purchased our property in September of 2018.

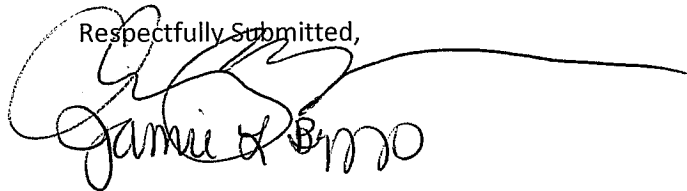
Please note that our family has a 1-year old daughter and dogs, and we plan to use this side yard as a safe play area for them. Failing to allow the variance would deny substantial rights to our use and quiet enjoyment of our property. We would be unable to allow our young child or dogs to use the large

side yard for fear of traffic on Snider and Millview. This is not merely a special privilege, but involves the fundamental right to the use of our personal property.

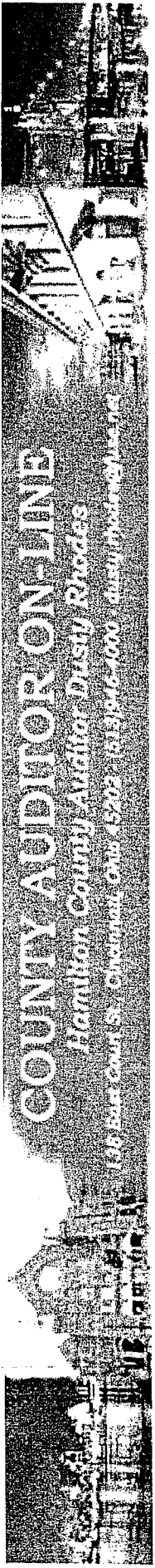
Finally, the proposed variance is in harmony with the existing resolution. We are only asking for a 4-foot fence with an open area of more than 75 percent. This is the minimum necessary to relieve the hardship and be in harmony with the code. This proposal would not be materially detrimental to public welfare, public safety or the rights of neighboring property owners. In fact, this proposal would enhance property value and public safety in the area.

For these reasons, we request that our variance to construct the proposed fence be GRANTED and to be provided approval for construction. We would request that this matter to be considered as soon as practical and for a hearing on April 15, 2019.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jamie Byers", with a long horizontal flourish extending to the right.

Christopher & Jamie Byers



RETURN TO SEARCH LIST Property 1 of 1

Online Property Access

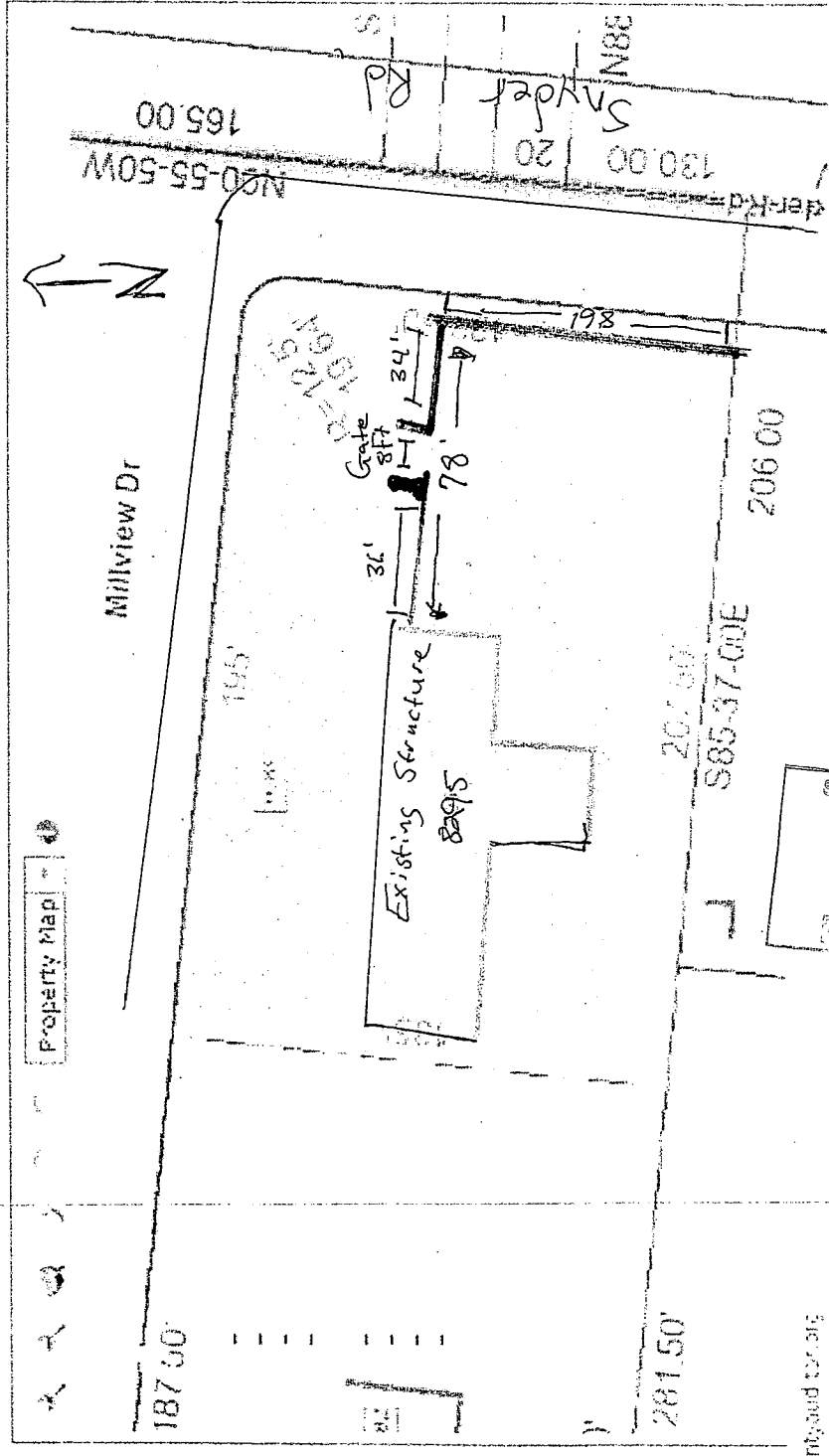
Property Map

I Want To...

- Start a New Search
- Email the Auditor
- View the Online Help
- Auditor's Home

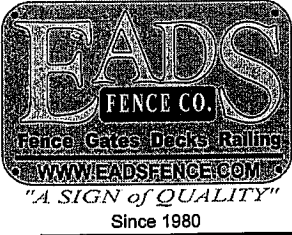
- View:
- Property Summary
 - Appraisal Information
 - Levy Information
 - Transfer
 - Value History
 - Board of Revision
 - Payment Detail
 - Tax Distributions
 - Images
 - Special Assessment/Payoff
 - Tax Lien Certificates
 - CAGIS On Line Maps
 - Aerial Imagery
 - Owner Names
- Print: Current Page

Parcel ID: 500-0023-0063-00 Address: 5255 MILLVIEW DR Index Order: Parcel Number Tax Year: 2018 Payable 2019



SYCAMORE TOWNSHIP
 PLANNING & ZONING
 MAR 25 2019
 RECEIVED

Scale: 1 inch = 50'
 Prepared by: CAGIS
 Owner: Christopher ; Jamie Byers



EADS Fence Company, Inc.

131 Broadway Street
 Loveland, Ohio 45140
 (513) 677-4040
 Fax (513) 677-4045

Date Sold _____

Lead # _____

Proposal Final Contract

1 of 2

Customer Christopher Byers Date Estimated 3/1/2019

Billing Address 8295 Millview Drive, Cin, Oh, 45249

Job Location / Neighborhood undefined

Home Phone _____ Work Phone _____ ext _____ Source H & G

Cell Phone (513) 289-0794 Email cbyers@younginjurylaw.com Email

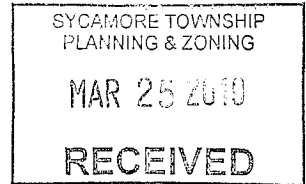
Tear out and haul off around 60' ft of old 5' tall aluminum

Install 156' ft of 4' tall black aluminum - granite style by active yards

Install 8' wide double gates to match

Install magna latch on existing pool gate behind house

1 year labor warranty - all posts in concrete



Terms: All accounts past due are subject to a service charge of 2% per month or 24% annum on invoices that are unpaid and over 10 days old. Should action be brought to collect any sums past due, Eads Fence Company shall be entitled to recover collection costs, court costs and attorney's fees. Invoices not paid in full void any and all warranties and all materials remain the property of Eads Fence Company until invoices are paid in full.

Conditions: Installations and workmanship will be consistent with the generally recognized standards in the industry. Eads Fence Company shall not be responsible for damage or delays due to strikes, fires, accidents, weather, seasonal business conditions, soil conditions, late shipment of materials or other causes beyond our reasonable control. However, all efforts will be made to complete work on time. Eads Fence Company is not responsible for compensation to the customer for any consequential damages including but not limited to time lost from work. This agreement, when accepted by the purchaser named above, shall become a contract under the laws of the state in which the job is located and shall be so construed. All changes or alterations in measurements or materials will be treated as an entirely new contract. If installation is suspended at the purchaser's request, the ensuing expense for time and travel and/or the installer to complete the job is to be paid by purchaser. There are no warranties expressed or implied including the warranty of merchantability on the materials used in the construction of the above proposal except those warranties extended by the manufacturer. The removal of rocks larger than holes being dug, tree roots, buried foundations, debris, shale and other obstructions, will be added to the contract price as an additional cost to the purchaser. 15% Restocking fee on cancelled jobs / orders. No refund of non-stock materials. Eads Fence Company sign must be on your completed fence or any and all warranties are voided. QUOTE VALID FOR 30 DAYS, unless otherwise stated.

DEPOSIT	BALANCE	TOTAL
Amount <u>\$ 2,140.00</u>	Amount <u>\$ 2,140.00</u>	Amount <u>\$ 4,280.00</u>
Received _____ / _____ / 20_____	*DUE DAY OF COMPLETION*	

Acceptance of Proposal— The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do work as specified.

Signature _____

Date of Acceptance _____

Sales Rep Brian Siefke

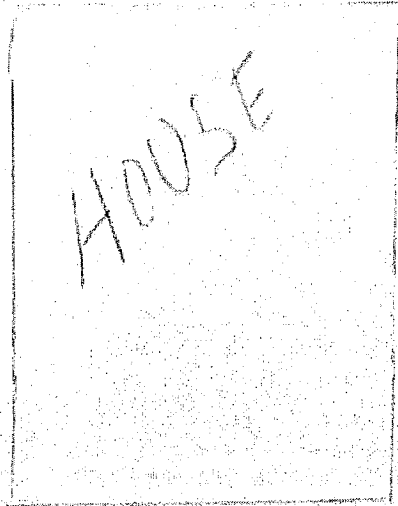
Cell # (513) 314-6045

A.

SYCAMORE TOWNSHIP
PLANNING & ZONING
MAR 25 2010
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2795 MILLER RD
45249

INSTALL
MAGNA LATCH
TO OLD POOL GATE!



TEAR OUT
HAIL OF
OLD FENCE

NEIGHBORS CHASING FENCE
TO BE REBUILT

36'

8' wide
double
gate

34'

File
WELL WITHIN
EASEMENT
TO ROAD

SNIDER RD.

B.

COUNTY AUDITOR ON-LINE

Hamilton County Auditor Dusty Rhodes

138 East Court St., Cincinnati, Ohio 45202 • (513)946-4000 • dusty.rhodes@hucse.net

Online Property Access

| < First << Prev Next >> Last > |

RETURN TO SEARCH LIST

Property 1 of 1

Parcel ID
600-0023-0063-00

Address
8295 MILLVIEW DR

Index Order
Parcel Number

Tax Year
2018 Payable 2019

Aerial Imagery



I Want To...

- Start a New Search
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- View the Online Help
- Auditor's Home

View:

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C.