

Meeting Minutes

**Sycamore Township Board of Zoning Appeals
8540 Kenwood Road
Sycamore Township, Ohio 45236
Wednesday, April 30, 2025, at 6:00 p.m.**

Mr. John O'Shea
Mr. Michael Schwartz
Mr. Anthony Ramicone
Mr. George Ten Eyck
Mr. Karl Hoalst
Mr. Brian Weinel - Alternate

Item 1.- Meeting Called to Order

Mr. O'Shea called the meeting of the Board of Zoning Appeals to order on Wednesday, April 30, 2025, at 6:00 p.m.

Item 2.- Roll Call of the Board

Mr. O'Shea called the roll.

Members Present: Mr. Schwartz, Mr. O'Shea, Mr. Ramicone, Mr. Ten Eyck, Mr. Hoalst

Alternate Present: Mr. Weinel

Staff Present: Jeff Uckotter, Jon Ragan

Item 3.- Pledge of the Allegiance / Opening Ceremony

Mr. O'Shea led the Pledge of Allegiance.

Item 4.-Approval of Minutes

Mr. O'Shea moved to approve the March 19, 2025, meeting minutes. Mr. Ramicone seconded the motion.

Mr. O'Shea called the roll:

Mr. O'Shea- YES
Mr. Schwartz- ABSTAINED
Mr. Ramicone- YES
Mr. Ten Eyck- YES
Mr. Hoalst- YES
Mr. Weinel - YES

Item 5. Swearing in of Those Providing Testimony

Mr. O'Shea swore in all those providing testimony. Mr. O'Shea then explained variances, reviewed the meeting procedures, and discussed the process by which the Board of Zoning Appeals makes decisions on such requests.

Item 6.-Old Business

Case: SYCB250002
Applicant: Tara Grewe
Subject property: 9001 Montgomery Road
Request: Conditional Use

Mr. Ragan presented the case, stating that the applicant requests a Conditional Use to allow four (4) directional/informational way-finding signs on the Moeller High School property. Mr. Ragan stated that the proposal includes four (4) signs, each measuring 12 square feet.

Mr. Ragan presented renderings of the proposed signs as shown in the staff report.

For the record, Mr. Uckotter noted that the subject property is located in the "B"-Single Family Residential district; therefore, a Conditional Use is required for the applicant's proposal. Mr. Uckotter stated that the proposal includes variance requests, which staff views as packaged under the Conditional Use.

Mr. Ragan presented a site plan provided by the applicant showing the locations of the four (4) proposed signs on the Moeller High School Property (as shown in the staff report).

Mr. Ragan reviewed the applicable code, section 13-9 (k), stating that on-premise directional and informational signs shall not exceed six (6) square feet and must be five (5) feet from the right-of-way, easement of access, or edge of pavement. Mr. Ragan explained the two (2) variances of the applicant's proposal. Variance 1 – a proposed setback variance relaxing the five (5) foot setback requirement. Variance 2 – a size variance allowing each sign to be 12 square feet. Mr. Ragan stated that staff feels both variance requests are appropriate, and the proposal is consistent with the scale and scope of the Moeller High School campus.

Mr. Ragan reviewed the General Considerations For Conditional Uses, 17-6, and Table 17-12 Conditional Uses – Specific Conditions. Mr. Ragan stated that no adverse effects will occur related to the installation of the proposed directional signage as it fits the unique scale of the Moeller High School Campus.

Mr. Ragan read correspondence from Mindy Brabender, a resident who could not attend the meeting. Ms. Brabender stated that the proposed signage seems unnecessarily large.

Mr. Ragan stated that staff recommends approval of the Conditional Use request for the proposed four (4) directional signs as shown on the plan, with the following conditions:

1. Setback variances for signs one (1) through four (4) shall be granted to allow a setback from the pavement of less than the required five (5) feet.
2. Approval of a directional sign size variance from the required six (6) square feet to the proposed twelve (12) square feet per sign.
3. If the directional signs are replaced in the future, future signs must conform to the size and location specified in this case. Zoning Certificates for future replacement directional signage is required.

Margee Clarke (7765 Kennedy Ln, 45242) introduced herself from the podium. Ms. Clarke stated that she has no issue with the proposed signage. However, she does have problems with the proposed size. Ms. Clarke stated that a six (6) square foot sign would be sufficient.

The board and staff discussed the distance between the proposed signage and Montgomery Road's right-of-way. They also discussed applicable code 13-9 (k), regarding the five (5) foot setback requirement.

Mr. O'Shea moved to approve the Conditional Use request with the staff-recommended conditions as shown in the staff report.

Mr. Schwartz seconded the motion. Mr. O'Shea Called Roll:

Mr. Schwartz- YES

Mr. O'Shea- YES

Mr. Ramicone- YES

Mr. Ten Eyck- YES

Mr. Hoalst- YES

Item 7.-New Business

Case: SYCB250003
Applicant: Jennifer Russell
Subject property: 8802 Blue Ash Road
Request: Variance Request

Mr. Ragan presented the case, stating that the applicant is requesting to maintain the current location of the enlarged six-foot-privacy fence installed without a zoning certificate. Mr. Ragan explained that the six-foot-tall privacy fence was installed in the front yard of a corner lot. Mr. Ragan noted that the non-conforming fence was illegally enlarged in violation of STZR 9-3.2. Previously, a four-foot picket fence was enlarged into a six-foot privacy fence in violation of STZR 10-7.1 in 2024. For the record, Mr. Ragan stated that a violation letter was sent on 8/21/24, and this case is before the Honorable Judge Bernie Bouchard's Housing Court Docket.

Mr. Ragan reviewed the applicable code, STZR 10-7.1,9-3.2 and the definition for corner lots.

Mr. Ragan reviewed section 21-6 of the STZR – Standards to review a variance. Mr. Ragan stated that an unnecessary hardship or practical difficulty is not present in this case, nor does the applicant satisfy each of the standards set forth in Section 21-6. Therefore, the variance request that seeks a six-foot-tall privacy fence in the front yard should be denied.

Staff Recommendation:

Mr. Ragan stated that staff recommends the denial of the applicant's variance request to allow the six-foot privacy fence in the front yard as shown. **Staff recommends** an alternative site arrangement which would require the fence to not be sited in the front yard, but to allow relief from the 25% side setback rule (10-7.1C), to allow the fence to run parallel to the house front-corner lot (Lamont Avenue) elevation (shown in the staff report).

The applicant, Jennifer Russell (8802 Blue Ash Rd), introduced herself from the podium. Ms. Russell stated that the alternative site plan recommended by staff would place the fence in the middle of her deck. Ms. Russell stated she views the six-foot privacy fence as an improvement to the neighborhood. She stated that the new privacy fence was placed in the same holes as the old four-foot-picket fence.

Staff and the board discussed the non-conformance code. Mr. Uckotter explained that in this case, the expansion of non-conformance is the height of the fence (previously four feet and expanded to six feet).

Curt Hensley (4439 Redmont Ave, 45236) introduced himself from the podium. Mr. Hensley stated that he is the applicant's boyfriend and that he installed the fence. Mr. Hensley stated that the subject property has a walk-out basement and a concrete slab on which the existing deck sits (pictures were presented to the board). Mr. Hensley stated that the alternative site plan recommended by staff would not be feasible. Mr. Hensley presented a petition signed by neighbors to keep the six-foot privacy fence as it stands.

Dave Fee (4552 Lamont Ave, 45242) introduced himself from the podium. Mr. Fee stated that the subject fence does not bother anyone.

Elsie Smith (4554 Lamont Ave, 45242) introduced herself from the podium. Ms. Smith stated that the fence does not bother her. She stated that she was grateful that the fence was installed because the applicant has a large dog.

Mr. Schwartz made a motion to approve an alternative site arrangement allowing the fence to start at the southeast corner of the existing non-conforming deck, then abruptly run at an angle of 45 degrees to the plane that is parallel with the southeast corner of the house.

Mr. Ten Eyck seconded the motion. Mr. O'Shea Called Roll:

Mr. Schwartz- YES
Mr. O'Shea- YES
Mr. Ramicone- YES
Mr. Ten Eyck- YES
Mr. Hoalst- YES

Case: SYCB250004
Applicant: Eli Kadiu
Subject property: 8401/8403 St. Clair Av.
Request: Variance Request

Mr. Uckotter presented the case, stating that the applicant seeks to consolidate the land that makes up 8403 St Clair Ave. and 8401 St. Clair Ave. and split the area into three parcels so that a ranch house can be sited on each proposed lot. Mr. Uckotter noted that the proposal involves multiple variance requests. Mr. Uckotter explained each variance request as shown in the staff

report. Variance 1- lot size reduction from 6,000 square feet to 5,800 square feet. Variance 2- a 30-foot front yard setback variance for the proposed corner lot. Variance 3- buildable lot width.

Relating to variance two, Mr. Uckotter stated that the proposed front yard setback variance of 30 feet to five feet accounts for a substantial 83.333% reduction in front yard setback.

Mr. Uckotter reviewed the applicable code, STZR Table 4-6 for the "C"-Single Family Residential District. STZR 4-1.5 Lot Area, Lot Width, Building Height, and Yard Standards were also presented. Mr. Uckotter then presented staffs analysis on STZR Section 21-6: Standards to review a Variance Request. Mr. Uckotter stated that the variance requests are substantial. He noted that the proposed variances are self-created, the applicant seeks to enjoy special privileges or additional rights, and the applicant's proposal is not in harmony with the zoning resolution. Mr. Uckotter referenced the Sycamore Township Land Use Plan, stating that at no point does the Land Use Plan desire such substantial variances to achieve future development.

Staff Recommendation:

Mr. Uckotter stated that staff recommends denial of all proposed variances because the STZR Section 21-6 variance standards are not satisfied.

Michael Morgan (813 Maple Ave, Newport, KY 41071) introduced himself as the applicant's counsel at the podium. Mr. Morgan stated that there are not three separate variance requests because the lots are proposed at 6,050 square feet.

Mr. O'Shea asked Mr. Morgan if the applicant had acquired the strip of land to the north. Mr. Morgan stated that the land had not been acquired but was under contract.

Mr. Morgan stated that the only thing that requires a variance is lot three (3), the corner lot.

Mr. Uckotter presented Attachment "A" from the staff report. There was discussion between the board, staff, and Mr. Morgan on the front yard setback requirement for proposed lot three (3), the corner lot.

Mr. Schwartz asked Mr. Morgan if he would agree that by creating three (3) lots, the applicant is also creating the necessity for a requested variance on the corner lot. Mr. Morgan stated that the point of the variance is three (3) lots.

Steve Hampton (114 E. McMicken Ave, 45202) introduced himself from the podium as the applicant's architect. Mr. Hampton stated that the proposed three (3) lots will comply with the zoning code, other than the variance needed for the corner lot. Mr. Hampton stated that the proposal aligns with the dimensions for the surrounding lots. Mr. Hampton presented plans showing the dimensions of the surrounding area.

Marilyn Stevens (4459 Kugler Mill Rd, 45236) stated that she has lived in her house since 1986. Ms. Stevens stated that her concern is water runoff because her house is the low point in the neighborhood.

Eli Kadiu (5052 Elmcrest Ln, 45242) introduced himself as the applicant from the podium. Mr. Kadiu stated that he liked the land and felt it would be a good development opportunity. Mr.

Kadiu read an excerpt from the Sycamore Township Land Use Plan and stated that he believes that three (3) new families would be beneficial to the community.

Louis Gabe (4457 Kugler Mill Rd, 45243) introduced himself from the podium. Mr. Gabe stated that he has one of the properties that floods. Mr. Gabe stated that his primary concern is water runoff.

Mr. Schwartz mentioned STZR Section 21-6.3, noting that the proposed corner setback variance is indeed self-created.

Mr. Ten Eyck stated that he feels approving the case as proposed would set a terrible precedent.

Mr. Ten Eyck moved to deny all proposed variances because the STRZ Section 21-6 variance standards are not satisfied, and the applicant's proposal is self-created, violating STZR Section 21-6.3.

Mr. O'Shea seconded the motion.

Mr. O'Shea called Roll:

Mr. Schwartz- YES

Mr. O'Shea- YES

Mr. Ramicone- YES

Mr. Ten Eyck- YES

Mr. Hoalst- ABSTAINED

Mr. Weinel – YES

Item 8. Date of next meeting

Wednesday, May 28, 2025, at 6:00 pm.

Item 9.-Communication or Miscellaneous Business

Mr. Uckotter stated that the Zoning Department has gone paperless, and applicants will now apply for zoning certificates online.

Item 10. – Adjournment

Mr. O'Shea made a motion to adjourn, seconded by Mr. Ten Eyck.

Mr. O'Shea called Roll:

Mr. Schwartz- YES

Mr. O'Shea- YES

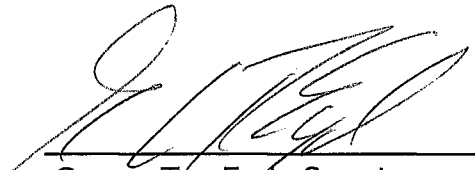
Mr. Ramicone- YES

Mr. Ten Eyck- YES

Mr. Hoalst- YES

The meeting adjourned at 8:26 p.m.
Meeting minutes prepared by Jon Ragan



John O'Shea, Chairman

George Ten Eyck, Secretary