

Meeting Minutes
Sycamore Township Board of Zoning Appeals
Township Administration Building
8540 Kenwood Road
Monday, April 20, 2020
5:00 p.m.

NOTE: Due to the COVID-19 pandemic and the issuance of a Stay-at-Home order by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, this meeting was held via remote video with all participants joining in by videoconference. Video of the meeting was live streamed to the public on the internet. To ensure compliance with HB 197, the Township provided the following public notice in advance of the meeting, along with links to the meeting agenda and to where the public could watch it:

Due to the COVID-19 pandemic and the issuance of a Stay-at-Home order by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, The Sycamore Township Board of Zoning Appeals will hold their April 20, 2020, 5:00 p.m. public hearing via remote video with all participants joining in by videoconference. Members of the public who have interest in the cases to be heard are invited to submit comments or questions in writing prior to the meeting to Jessica Daves, Planning & Zoning Assistant, at jdaves@sycamoretownship.org or by dropping off written comments in the bin at the Sycamore Township Fire Station 92 at 8540 Kenwood Road. Video of the meeting will be live streamed to the public on the internet. The live stream link is below.

In order to participate during the video conference, please register with Jessica Daves at jdaves@sycamoretownship.org by 2:00 pm on April 20, 2020. Once registered you will be sent login instructions. Please provide your name, address, phone number and email for registration.

[Agenda & Video Links followed the notice.]

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

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order on Monday, April 20, 2020 at 5:00 pm.

Item 2. – Roll Call of the Board

Mr. Scholtz called the roll.

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

Staff Present: Skylor Miller, Kevin Clark, Ray Warrick and Jessica Daves

Item 3.-Approval of Minutes

Mr. Eichmann entertained a motion to approve the March 9, 2020 meeting minutes.

Mr. Leugers made a motion, seconded by Mr. Heidel, to approve the March 9, 2020 meeting minutes.

Mr. Scholtz called roll.

Mr. Scheve-Abstained
Mr. Leugers-YES
Mr. Heidel- YES
Mr. Eichmann-YES
Mr. Scholtz-YES

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 those providing testimony.

Item 5.-Old Business

SYCB190018 (Continued to TBD)
Five Star Equity Investors, LLC
6100, 6331, 6341, 6491 & 6551 Kugler Mill Road
Conditional Use

Item 6.-Resolutions

SYCB200003
Eliot Schwartz
3907 Mantell Avenue
Variance

Mr. Clark presented the resolution approving Case SYCB200003.

Mr. Eichmann asked if there was any discussion.

Mr. Scholtz called roll.

Mr. Heidel- YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Scholtz-YES

Mr. Eichmann made a motion, seconded by Mr. Scholtz to authorize electronic signatures for the resolution approving case SYCB200003.

Mr. Scholtz called roll.

Mr. Leugers-YES
Mr. Scheve-Abstained
Mr. Heidel- YES
Mr. Eichmann-YES

Item 7. - New Business

SYCB200004
Joseph Jahn
4451 Crystal
Variance

Mr. Miller presented Case SYCB200004 in a PowerPoint.

Mr. Miller said the current zoning is "C" single family residential. He said the issue has to do with the front yard setback, it does pertain to Table 4-6 of the Zoning Resolution. The yard requirement is 30 feet front yard setback. He said the applicant is requesting a reduction of a front yard setbacks on the Tudor Avenue side. He said this is a corner lot. The proposed new home is going to be approximately nine feet from the property line, that is a reduction of 21 feet.

Mr. Miller discussed the history of the subdivision pointing out the subdivision predates zoning.

Mr. Miller discussed the site plan provided by the applicant, the setbacks, and the Appendix of the Zoning Resolution explaining how corner lots are defined.

Mr. Miller discussed Chapter 21 in the Zoning Resolution and the practical difficulty standards.

Mr. Scheve asked Mr. Miller if the building was habitable now.

Mr. Miller answered no, he believes it is vacant.

Mr. Scheve asked Mr. Miller if it makes any difference to them whether the property is a rental property.

Mr. Miller answered from a zoning standpoint no.

There was continued discussion about setbacks.

Mr. Scheve asked if some of the trees were going to come down in the yard.

Mr. Miller referred that question to the applicant.

Mr. Eichmann asked Mr. Miller if building a building this large on a piece of property like this cause a concern with the neighbors with water.

Mr. Miller said the impermeable surface is not at a threshold that would raise a concern.

Mr. Leugers asked Mr. Miller about 25 feet wide lots. He said he thinks they were told that, by right if it's plotted for a lot that they have to allow a building to be built. He asked Mr. Miller if that was true for this.

Mr. Miller answered that he does have concerns with small 25 feet lots, but theoretically yes.

Mr. Miller discussed the Zoning Code, the site and lot sizes.

Mr. Eichmann asked Mr. Miller if there is a limitation of how much property can be used by a structure.

Mr. Miller answered he believes it is 60 percent of the lot.

Mr. Scholtz asked Mr. Miller if we know how far this structure will be from the house next door.

Mr. Miller answered they are only required to have a five feet setback, so the minimum setback that zoning would allow in this area between the two structures is ten feet. He said what they have pretty much done is set this home nine feet off the sides and center it for aesthetic purposes. He said we are looking at roughly 19 feet between the two buildings.

Mr. Leugers asked Mr. Miller what was the standard this had to be as opposed to hardship.

Mr. Miller answered practical difficulty.

There was continued discussion about practical difficulty and the Zoning Resolution.

Mr. Heidel asked Mr. Miller if there was a future look to put sidewalks back in that area.

Mr. Miller answered not that he is aware of.

There was continued discussion about sidewalks.

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

Mr. Eichmann swore in Mr. Jahn.

Mr. Joseph W. Jahn, 5264 Meyers Lane, Cincinnati, OH 45242 addressed the board.

Mr. Jahn said the proposed house is a house they are wanting to build. He said they think they have a buyer. The house itself is basically two feet wider than the existing house that is there, it just happens to be about 2.5 times as deep. They would end up having to take down he believes one tree that is on their property, not the right of way. The setback from Crystal would still be behind any of the existing houses that are on Crystal. The setback from Tudor would still be well beyond the property line if you would consider it a side yard, they would be well within

the side yard distance. One of the concerns was about drainage of the water off of the property, he believes on the corner of Tutor and Crystal is a storm drain. That shouldn't be an issue at all. The property in of itself is not habitable, it is very deteriorated. He said he has talked to every neighbor within eyesight of this property and everyone wants it gone. It is an eyesore and they are looking to improve the neighborhood and build a nice new house.

Mr. Eichmann asked Mr. Jahn if this was on a slab.

Mr. Jahn answered yes.

Mr. Scheve asked Mr. Jahn if he thought the house would fit in with the neighborhood or would it be out of place.

Mr. Jahn answered he thinks it will fit in fine with the neighborhood. He said there are a lot of people that have already done a lot of improvements to their homes.

Mr. Scheve asked if he owned any other houses in this neighborhood.

Mr. Jahn answered no.

Mr. Scheve asked Mr. Jahn if he had experience in building houses in the community.

Mr. Jahn answered not in Sycamore Township.

Mr. Scheve asked Mr. Jahn but elsewhere.

Mr. Jahn answered yes.

Mr. Eichmann asked Mr. Jahn if his intent was to fully build a house on this and sell it and not occupy it.

Mr. Jahn answered correct, he thinks he already has it sold if he can get it built.

Mr. Eichmann asked Mr. Jahn if he was going to rent it.

Mr. Jahn answered no.

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

Mr. Eichmann asked if any of the attending public wanted to speak.

Mr. Mark Tinsley said he is observing only and wanted to see how the process worked.

Mr. Eichmann asked Mr. Ebel if there was anyone else from the public that wanted to speak.

Mr. Ebel answered the waiting room was empty.

There was discussion about a public comment that was email from Mr. Joseph Janus, Jr. that was sent to the Board prior to the meeting. (Email attached Exhibit A)

Mr. Eichmann closed public comment.

Mr. Leugers said he does not see a hardship but when they get to this other standard this practical difficulty then he thinks everything changes. He said if he levels the house he has a right to build a house on that property. He said he is in favor of going ahead with this as proposed.

Mr. Scheve said he thinks the hardship standard and the practical difficult are basically functional equivalent so, to him, they are essentially the same.

Mr. Eichmann said his thought was there is nothing in the house extravagantly out of place to make it larger than normal or more appealing or less appealing because of the neighborhood surrounding it. It doesn't seem to be encroaching on the ruling about how much of the property is building verses greenspace. It doesn't have any other concerns on it. He might be concerned about the trees coming down but if only one tree is being removed, he does not see that as a issue.

There was discussion about landscaping.

Mr. Scholtz said in reference to Mr. Janus letter the idea that he has a buyer for it makes that moot.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motioned to approve Case SYCB200004 to be approved as submitted.

Mr. Scholtz seconded.

Mr. Scholtz called roll.

Mr. Leugers-YES
Mr. Scheve-YES
Mr. Heidel-YES
Mr. Eichmann-YES
Mr. Scholz-YES

Mr. Clark present the resolution approving Case SYCB200004.

Mr. Eichmann asked if there was any further discussion from the board members.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Heidel- YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Scholtz-YES

Mr. Scheve asked if we needed to authorize electronic signatures on this as well.

Mr. Eichmann said we will need a motion to authorize signatures.

Mr. Eichmann made a motion to authorize electronic signatures seconded by Mr. Scheve.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Leugers-YES
Mr. Heidel- YES
Mr. Eichmann-YES
Mr. Scholtz-YES

Item 8.-Date of Next Meeting

The next regular meeting will take place on Monday, May 18, 2020 at 5:00 p.m. unless notified otherwise.

Item 9.-Communication or Miscellaneous Business

Mr. Miller reported the Land Use Steering Committee has been put on hold and the Board of Zoning Appeals has a vacancy for the Alternate position.

There was discussion about the 30-day referendum period and zoom.

Mr. Ebel explained the process and the public speaking period.

Item 10. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn.

Mr. Heidel seconded.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Leugers- YES
Mr. Heidel-YES
Mr. Eichmann-YES
Mr. Scholtz-YES

Meeting adjourned 6:15 p.m.
Minutes Recorded by: Jessica Daves
Planning & Zoning Assistant

Exhibit A

From: j janusjr <jjanusjr@hotmail.com>

Sent: Monday, April 20, 2020 1:18 PM

To: Daves, Jessica <JDaves@SycamoreTownship.org>

Cc: Warrick, Ray <RWarrick@SycamoreTownship.org>; Skylor Miller <SMiller@SycamoreTownship.org>;

j janusjr <jjanusjr@hotmail.com>

Subject: Public Comments; Sycamore Township, Ohio, BZA Virtual Public Meeting; Mon/ 20 April 2020

Re: SYCBZ200004; 4451 Crystal Avenue, Sycamore Township, Ohio

TO WHOM IT MAY CONCERN

I regret that Sycamore Township, Ohio, has not "proof read," much very of what they have posted, publicly off their internet website concerning this applicant's request for a Variance.

Much of the documentation is weak/ low illegible to read, due to the intensity of the post as far as a great need for it to be much more very darkened.

This especially true ever so of his printing and many submitted documents by an architect.

I regret that I and other citizenry are not allowed to be there in person to express our input on this and any case that may come before you.

Be that as it may, I offer:

The applicant, is and would be, apparently, another absentee landlord.

This proposed variance is currently located in the Sarah A. Ferris allotment, in the Rossmoyne/ Milldale community of Sycamore Township, Ohio.

The application does not state at all whether he intends to relocate to be an Owner/ Occupant, or to lease or rent, if approved, this new residential habitat?

Which is it?

This area has been decimated oft by absentee landlords that frequently "swoop in" and purchase a property oft at greatly reduced prices of its true value from people that have oft died off, has been tied up in an estate sale, have fallen upon "hard times," or poorly maintained by banks, lien holders, etc., that are oft not from our area.

Sadly, oft, only a few residents and citizenry will publicly "complain" about unkept nuisance like property issues.

Even then, the abatement process is oft delayed, long, and drawn out, in favor of the current property owner when it comes to getting the property up to minimal codes.

From personal experiences, this possible "tear down," to wit: GENTRIFICATION would, if approved, as it be, approximately 2.59 times larger than the existing residence at this property.

This habitat currently posts upon its site notices of disconnection of various utilities leading into and out of it at present and has for some time.

I am, currently, the longest currently surviving living owner/ occupant of any residential structure a few streets away on Daffodil Avenue, Sycamore Township, Ohio.

I recently passed the 30 plus years mark of residency in this 'hood.

Oft absentee landlords buy property, cause it to be demolished as a "tear down," bring in earth that greatly elevates the entire new residence so that all the elements fall away from the new house and into and onto the existing proximate residential properties ala wind, rain, snow, hail, sleet, sewer, water, etc.

At times, this is much very problematic.

In theory, ANY new residential construction seems to be a nice neighborhood enhancement to an economically challenged community, to have a new residence or the size and magnitude of 2.59 times the size of the existing residential structure, to me, seems to be, possibly, problematic.

If allowed and permitted as requested, how will this effect the existing property values of those around it.

Will those that assess taxes be so inclined, then, to promptly, assess much higher taxes for this structure and all around it?

If so, will that cause many of the current residents of this area to consider to re-locate, elsewhere, soon, out of this area and neighborhood, because of it.

I take personal umbrage at the vile rant of this applicant in his typed, undated letter to you, stamped as received by The Sycamore Township, Ohio, Planning and Zoning recently.

In his Paragraph 4, to paraphrase his verbiage, "...without relief..this lot will be an unbuildable lot...as well similar lots within Sycamore Township (Ohio.)"

I would love to see his studies on those statements.

Being poor, disabled, old, economically challenged, is, contrary to his belief, not for many, an option.

For various reasons it is a way of life.

At least for now, we have a roof over our head.

I, therefore, ask each of you in your decision making process and potential vote upon this applicant, application for a variance, to give much very serious consideration to what I have posted herein above.

If you were currently either an owner or an occupant of a proximate residence this this proposed new residence, how would you feel with your existing residential structure.

If this applicant elects to remain an absentee landlord, how often will he tend to routine property maintenance at this location, abate if cited, and comply with orders to comply?

His application does have some attributes as well as deficiencies to be considered by you for your potential vote upon his request for approval of his variance, if not tonight, soon.

Please keep me apprised of your ultimate decision, on this applicant's request for a variance.

I much very thank you for your time, efforts, and considerations.

I remain...for now...

Joseph (Janusiewicz) ("Jay") Janus, Jr.
4462 Daffodil Avenue
Sycamore Township
Blue Ash
Ohio 45242-7820

Mo/ 20 April 2020; 1314 Hours PM EDT

For many of us, we are in a constant state of almost near "deluxe homelessness."