

January 20, 2015

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

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Tuesday, January 20, 2015.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Members Absent: Mr. Scholtz

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Mr. Eichmann explained that this was a public hearing and anyone who wished to speak would have to be sworn in prior to providing testimony.

Item 4. Swearing in of Those Providing Testimony

Mr. Eichmann swore in those present who would be providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the December 15, 2014 meeting minutes.

Mr. Eichmann asked for any corrections to the December 15, 2014 meeting minutes. No response.

Mr. Leugers moved to approve the December 15, 2014 minutes as written.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE
Mr. Scheve – AYE
Mr. Eichmann – AYE
Mr. Leugers – AYE
Mr. LaBarbara - AYE

Item 6. – Old Business

SYCB140014

Jeremy Mainous
10792 Montgomery Road
Variance

Mr. Holbert presented the resolution approving the variance request for Case SYCB140014.

Mr. Eichmann asked for any comments. No response.

Mr. LaBarbara called roll.

Mr. Heidel – AYE
Mr. Scheve – AYE
Mr. Eichmann – AYE
Mr. Leugers – AYE
Mr. LaBarbara – AYE

Mr. Eichmann explained what a variance is and the process by which the Board makes decisions regarding whether or not to grant a variance request.

Item 7. – New Business

SYCB150001

Mike Wentz
8915 Blue Ash Road
Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted there were a couple clarifications that need to be made with the application. In the letter of intent it states Kenwood Road where it should have stated Blue Ash Road. Mr. Holbert noted there is a specific height permitted for accessory use structures in Light Industrial Districts which he would explain in his presentation. He reported that Table 6-5 of the Zoning Resolution states the maximum height permitted in an Industrial District is 15 feet, not 12.5 feet as noted earlier in the staff report. Therefore, the height of the proposed structure is permitted as of right.

Mr. Holbert explained the applicant would still need a variance for the proposed area of the structure. Mr. Holbert explained how the height of the structure was measured.

The Board members asked questions of Mr. Holbert.

Mr. Eichmann asked for clarification on the calculation for the maximum area permitted.

Mr. Holbert explained the formula.

Mr. Eichmann asked about the setbacks.

Mr. Holbert said the structure would have to be a minimum three feet from property lines. He noted the applicant shows a ten feet setback.

Mr. Eichmann asked if the property behind if it was industrial also.

Mr. Holbert answered yes.

Mr. Eichmann asked about the ingress and egress to the property.

Mr. Holbert noted this on the site plan.

Mr. Leugers asked if there was an industrial classification that permitted larger accessory structures.

Mr. Holbert answered no. The formula is the same for all zoning districts.

Mr. Eichmann asked if this is a new structure.

Mr. Holbert said he would allow the applicant to address that issue.

Mr. Eichmann asked if the structure was attached if it could be any size.

Mr. Holbert said if it is attached it would have to meet the setback requirements for the principle structure.

Mr. Eichmann asked if the applicant was present and wished to speak.

Michael Wentz, architect, 8220 Shawnee Run Road, addressed the Board. He said there is currently a structure on the site but it is too close to the primary structure. He said they could have attached that structure to the main building but there are functional reasons why they want to move it to the rear. He noted the proposed location would make deliveries of mulch and salt easier by offering trucks more room to maneuver on the property. He noted the location away from the building would also be safer for employees.

Mr. Wentz noted the required rear yard for light industrial districts is only 10 feet and therefore makes the accessory structure area permitted as of right very small. He pointed out the large but narrow lot with only 200' of frontage was also a hardship.

Mr. Wentz said the proposed location is well off Blue Ash Road so the structure will appear smaller from the road. He noted they will keep the existing buffer.

Mr. Scheve asked if there were any plans to pave gravel area.

The applicant stated they cannot pave the gravel area because it would increase the ISR. He noted that may be something that is done in the future.

Mr. Eichmann said it seems strange to have heavy trucks on unpaved surface.

Mr. Wentz said the gravel is pretty compacted so it is not too messy.

Mr. Holbert noted if they increase the ISR, they would have to go before Zoning Commission and Trustees for approval.

Mr. Scheve asked about maximum area allowed versus proposed for the accessory structure.

Mr. Holbert answered 725 square feet was permitted as of right, and 1440 square feet was proposed.

Mr. Scheve asked about the size of the existing structure.

The applicant answered 1440 square feet.

Mr. Holbert noted that the existing structure was installed without a permit since Grasscor took occupancy and will be moved as is. Mr. Holbert noted the block foundation on the submitted drawing and the open front.

Mr. Eichmann asked if it would completely house the salt/mulch.

The applicant answered yes and noted Grasscor is a young, growing company and needs the space for storage.

Mr. LaBarbara asked if the structure built without a permit was permitted as of right.

Mr. Holbert answered no saying it was too close to the building and was not attached.

Mr. LaBarbara asked if a smaller structure was possible.

The applicant said they could decrease the size to be in compliance but that would make it not functional for the company's needs.

Mr. Eichmann thanked the applicant and asked if there was anyone present from the public who wished to comment on the case.

No response.

Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. LaBarbara noted this was a unique circumstance needed to conduct business and that the structure would be far from the road.

Mr. Holbert noted the applicant has a fence with a permit which will be slatted and will shield accessory structure from view.

Mr. Scheve asked if it would be visible from the back.

Mr. Holbert said there is a self storage business adjacent and a retention pond and another storage facility behind the property.

Mr. Scheve asked if any residential property would have view of the structure.

Mr. Holbert said no.

Mr. Eichmann asked if the Township had received any complaints about the property.

Mr. Holbert said no and noted the new owner did go to the expense of paving the front and had refinished the building and made it a lot nicer than when it was vacant.

Mr. Leugers said the irregular shape of the lot causes a hardship. He said buffering down the south side would help screen the accessory structure and suggested adding a condition that the foliage there must remain.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve case SYCB15001 with the condition that there be buffering on south side approved by staff.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel –AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Mr. Holbert said staff would prepare a resolution for the next meeting.

SYCB150002

Keith & Cindy Hermes

8711 Lancaster Avenue

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the proposed garage would not meet the setback requirement from Daffodil. He noted the applicant did get a legal survey. He said the former garage was damaged in a fire and was razed. The property is on a corner lot and therefore has two front yards. He noted the right of way on both the Daffodil and the Lancaster sides of the property. Mr. Holbert suggested that if the Board should approve the variance request, the condition that the applicants pave the driveway and store the camper on paved surface or in the new garage be added.

Mr. Scheve asked if the camper was allowed.

Mr. Holbert said the gravel driveway was grandfathered. He said the applicants could store the camper in the rear yard on a paved surface as of right.

Mr. Eichmann asked about another small camper in yard.

Mr. Holbert said to ask the applicant; it may have been stored in the garage that burned.

Mr. Eichmann asked if the garage would be same size as the one damaged in the fire and razed.

Mr. Holbert said it is a little bit larger. He noted because of the corner lot, the applicant has over 200 lineal feet of frontage and therefore can have an accessory structure up to the maximum of 1032 square feet.

Mr. Holbert noted the applicant could move the proposed garage back to within three feet of the side property line but would then not be able to use the foundation from old garage.

Mr. Leugers asked if the new garage would have a paved floor.

Mr. Holbert said the applicant would have to get a Building Permit and the County would require it.

Mr. Heidel asked if they could make gravel area bigger.

Mr. Holbert answered no.

Mr. Eichmann asked if the applicant was present and wished to speak.

Mrs. Cindy Hermesch, the applicant and property owner, 8528 Huddleston Drive, said her son and his family live on the property in question. She stated they would like to replace a garage that was in the same location but burned in a fire. She noted if they moved it they would lose back yard area where the children play and increase the cost. She said they are working with an insurance company to rebuild. She stated the house has no basement or other place to store the lawn mower, etc.

Mr. Heidel asked if they want to replace with the same garage that was there.

Mrs. Hermesch said they are looking to improve and build it a little wider, noting the old one was built in the 1920's.

Mr. Eichmann asked about a paved driveway and storage of the trailer/camper.

The applicant said they would store the smaller trailer in the new garage but the large camper would not fit.

Mr. LaBarbara asked if there would be enough room on the gravel for the large camper.

Mr. Holbert answered probably not.

The applicant said she would like to keep the camper there and that they could put pavers down if necessary.

Keith Hermesch, 8528 Huddleston Drive, addressed board saying he was not aware they could not put more gravel down. He suggested moving the garage closer to the house to make room for the camper on the gravel. He said the old garage was not on foundation because it was not required at the time. He noted they are trying to keep costs down.

Discussion ensued about what pavers they could use to be in compliance for parking camper.

Mr. Hermesch said he would pave the section under the camper if required.

Mr. Holbert noted the camper cannot be parked on grass and when garage built would not be enough room on gravel surface for camper.

Mr. Heidel asked if they could replace the garage with a garage the same size as before.

Mr. Holbert said a variance for the setback would still be required.

Mr. LaBarbara asked if they could pave only under camper not the entire driveway.

Mr. Holbert said yes. He said what they have now could serve as a base for pavers.

Mr. Scheve asked if the camper could be stored elsewhere.

The applicant answered they do not have room on their other property for the camper.

Mr. Eichmann thanked the applicant and asked if there was anyone present from the public who wished to comment on the case.

Mr. J. Janus, Jr., 4462 Daffodil Avenue, addressed the Board. Mr. Janus said the applicant is a long time Sycamore Township resident. He noted he is challenged by the zoning definition of two front yards for corner lots. He said he is in favor of granting the variance request and suggested waiving the minimum wait for the variance to be in effect so the applicant would not have an additional hardship.

Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Leugers said in his opinion the applicants had proved a hardship.

Mr. Scheve asked about the staff comment suggesting the condition that the driveway be paved. He noted paving the driveway would be a financial hardship for the applicant. Mr. Scheve stated he was inclined to grant the variance but was concerned about attaching a condition to the approval that the applicant was not in a financial position to do.

The Board discussed possible options for pavement on the property.

Mr. Eichmann entertained a motion.

Mr. Leugers moved to approve the variance request for case SYCB150002 with condition that the camper be parked on a paved surface.

Mr. Scheve suggested another condition that items in the yard be stored in the new garage once it is constructed.

Mr. Leugers amended his original motion to add the condition that the yard be kept in a neat and orderly fashion.

Mr. Scheve seconded.

Mr. Eichmann asked Mr. Holbert about waiving the thirty days allowed for appeal.

Mr. Holbert stated that is not something that the Board has the ability to waive.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Mr. Holbert said staff would prepare a resolution for the next meeting.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Tuesday, February 17, 2015.

Item 9. – Communications and Miscellaneous Business

No report.

Item 10. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn.

Mr. Heidel seconded.

Vote: All Aye

The meeting adjourned at 8:10 P.M.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant