

September 21, 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 Monday, September 21, 2015.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

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 August 17, 2015 meeting minutes.

Mr. Eichmann asked for any corrections to the August 17, 2015 meeting minutes. No response.

Mr. Scheve made a motion to approve the August 17, 2015 meeting minutes.

Mr. Leugers seconded.

Mr. LaBarbara called roll to approve the minutes.

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

Item 6. – Old Business

SYCB150014
Holthaus Signs
6947 E. Kemper Road
Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case SYCB150014.

Mr. Eichmann asked for any comments. No response.

Mr. LaBarbara called roll.

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

SYCB150015
Angela Nickell & Tom Willingham
8450 Blue Ash Road
Variance

Mr. Holbert presented the resolution approving the variance request for Case SYCB150015.

Mr. Eichmann asked for any comments. No response.

Mr. LaBarbara called roll.

Mr. Heidel – AYE
Mr. Scheve – RECUSED
Mr. Leugers – NEA
Mr. Scholtz - AYE
Mr. LaBarbara – AYE

Mr. Eichmann explained what a variance is and the process by which the Board of Zoning Appeals goes about making a decision on a variance request.

Item 7. – New Business

SYCB150016
Norman Rolf
8462 Deerway Drive
Variance

Mr. Holbert presented the case and case history in a power point presentation. The applicant requests a variance to Section 10-7.1 of Zoning Resolution to allow four feet (4) tall fence in the front yard and a six feet (6') tall privacy fence in the defined side yard. Mr. Holbert stated the lot is on a corner and noted which yards were front, rear and side. Mr. Holbert also noted the applicant did not submit a survey and that CAGIS shows the property line very close to the house in the side yard.

The Board members asked questions of Mr. Holbert.

Mr. Scheve asked if the existing fence was grandfathered in.

Mr. Holbert noted that the fence pictured in the power point photo belongs to the applicant's neighbor and is located in the neighbor's rear yard so it is a compliant fence.

Mr. Scheve asked if the neighbor extended the fence if it would still be the neighbor's rear yard.

Mr. Holbert said if it was extended forward it would be the neighbor's side yard as well.

Mr. Eichmann asked for clarification on the proposed location of the picket fence.

Mr. Holbert clarified.

Mr. LaBarbara also asked for clarification as to what portions of the fence the applicant would need a variance for and if the fence would be permitted were it a more open style.

Mr. Holbert explained no fences are permitted as of right in a defined front yard.

Mr. Leugers asked for clarification on the defined side and rear yards.

Mr. Holbert noted the locations of the side and rear yards on the power point. Mr. Holbert stated the applicant could have a four feet tall, 75% open fence as of right in the defined side yard.

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

Mr. Norman Rolf, the applicant, of 8462 Deerway Drive, Sycamore Township, OH 45236, addressed the Board. Mr. Rolf pointed out that the front on the south side of his house extends out 12 feet further than the carport. He would like the fence to be extended 12 feet to be parallel to the front corner of the house itself. He noted he has a tree there that he fears would be killed if he installed a fence in line with the carport.

Mr. Scholtz asked the applicant why he wants a fence.

Mr. Rolf said he wants a fence because he has a small dog and he'd like to have a safe place for the dog to play. He noted an invisible fence would not keep large dogs out of his yard. Mr. Rolf said he is more concerned with having the picket fence in front than the extended privacy fence in the rear.

Mr. Scheve asked about the existing fence.

Mr. Rolf said the existing fence belongs to the neighbor. Mr. Rolf said he believes he has located stakes showing the property line farther back than what Mr. Holbert had shown in his power point.

There was no one from the public present to speak.

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

Mr. Eichmann stated there was a difficult situation presented because the fence in the front yard would set a precedent.

Mr. Heidel asked where the applicant could have an area fenced off for the dog.

Mr. Eichmann said the fence would be permitted in the defined rear yard.

Mr. Scheve noted the applicant does not show a hardship because of the dog, however, it is unusual because the yard has very small rear and side yards.

Mr. Heidel suggested the fence be permitted behind the existing tree.

Mr. Eichmann said he does not see a hardship but was struggling because of the unique situation of the property.

Mr. Holbert reviewed again with the Board where the applicant could have a fence as of right and what kind of fence.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to deny the variance request for Case SYCB150016.

Mr. Scheve 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.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, October 19, 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 7:45 P.M.

Minutes recorded by: Beth Gunderson, Planning & Zoning Assistant