

February 16, 2016

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, February 16, 2016.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

Members Present: Mr. Scheve, Mr. Leugers, Mr. Eichmann, Mr. Heidel, 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 all those providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the January 19, 2016 meeting minutes.

Mr. Eichmann asked for any corrections to the January 19, 2016 meeting minutes. No response.

Mr. Leugers made a motion to approve the January 19, 2016 meeting minutes.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll to approve the minutes.

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

Mr. Eichmann explained what a variance is and the process by which the Board of Zoning Appeals makes decisions on those requests.

Item 6. – New Business

SYCB160001

David Proudfit

8645 Kenwood Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. The applicant requests a variance to allow for the installation of a sign with an electronic message board. Mr. Holbert noted that the property in question is in a residential district. The church is permitted in a residential district as a conditional use. Mr. Holbert showed a photo of the existing sign noting it does not meet the current zoning resolution requirements. He also showed a rendering of the proposed sign and detailed the zoning compliance issues with the proposal.

The Board members asked questions of Mr. Holbert.

Mr. Eichmann asked for clarification on the height of a free standing sign permitted by the zoning resolution in residential districts.

Mr. Holbert said the sign base could be a maximum of three feet tall and the sign itself could be a maximum of six feet tall and thirty two square feet in area.

Mr. Holbert pointed out some items in the staff report to the Board members.

Mr. Eichmann asked what the applicant could do to alter the existing sign as of right.

Mr. Holbert answered the applicant could do a sign face change to the existing sign.

Mr. Eichmann asked for clarification on what constitutes the sign face on the current sign.

Mr. Holbert clarified, noting any new sign would have to be brought into compliance with current code requirements for base height and materials used.

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

Mr. Lance Cunningham, Pastor of Mt. Carmel Baptist Church, addressed the Board, stating the existing sign was installed in 2002 and is aging. He said the church would like to update it before it deteriorates further. Pastor Cunningham noted the church is proud of its park like property which he thinks neighbors enjoy. Pastor Cunningham said they would like to be able to change the messages on the sign electronically rather than go out in the elements to manually change the messages. Most of the messages on the sign speak to the community about events and other activities at the church. He stated this makes the community members feel welcome.

Mr. Eichmann asked if the current lighting on the sign is internal and if that is permitted.

Mr. Holbert answered yes, the existing sign is internally illuminated and yes, it is permitted by the zoning resolution to be illuminated.

Mr. Eichmann asked if the pastor had considered moving the sign so that is easier to change manually.

Pastor Cunningham said the sign has been in that location 50 years.

Mr. Eichmann said he has difficulty with flashing and lights from the sign at the corner disturbing neighbors.

Pastor Cunningham said the sign is easier to read at the corner where cars must stop. He noted it will not be a flashing sign and informed the Board the neighbors in the subdivision across from the church have been notified of their intent and have no problem with the proposal.

Mr. Eichmann said the sign could be a safety hazard for traffic going by it.

Pastor Cunningham said there is an entrance to the church on Sycamore and it would be possible to move the sign to that location. However, there have been accidents at that entrance and, without a stop sign there, it could be more of a hazard in that location. He said he does not think the new sign would be any more of a distraction to drivers than the existing sign is.

Mr. Eichmann asked if the church had considered a face change to the existing sign.

Pastor Cunningham said he has considered it but, as the sign will continue to deteriorate, it will have to be replaced eventually. He stated the messages will not be changed often but more often than they are now because of the limitations of manually changing them.

Mr. Eichmann noted that he is concerned about setting a precedent by allowing an electronic message board in a residential district.

Pastor Cunningham noted the proposed sign will not be any brighter than it is currently. He also said removing the outdated sign would communicate to the community that the church is modern.

Mr. Scholtz asked if there had been any consideration regarding bringing the proposed sign into compliance with the other requirements of the code such as the stone or brick base.

Pastor Cunningham said he was not familiar with those requirements until he received the staff report.

Mr. David Proudfit, the applicant, of 7835 Westwind Lane, Montgomery, OH 45242, addressed the Board. He said the church did discuss updating the old sign with new electronic lettering, however, they were told by the sign company that was not possible. He said the proposed sign would be capable of flashing but that the church would make a covenant with the Township to abide by their conditions. He pointed out their intent is to have something similar to what the Board approved for Good Shepherd Church. He said the new sign would be identical in size and shape to the existing sign and stated the church did not propose a stone or brick base because of the cost.

Mr. Scheve asked how many times messages would be changed.

Mr. Proudfit said there would be no flashing messages and the messages would change every ten seconds.

Mr. Scheve asked if messages would continue to change 24 hours a day.

Mr. Proudfit said they may turn it off at night. He said they are willing to look at compliant base materials and conditions similar to what the Board imposed on the Good Shepherd approval if they could have electronic sign.

Mr. Eichmann asked if there was anyone present from the public who wished to speak. No response.

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

Mr. Leugers said he was against the proposal because there are too many items that are not conforming to the zoning code.

Mr. Eichmann noted having the message change so often could be dangerous and reiterated his concern about this being in residential district.

Mr. Scheve agreed, noting Good Shepherd Church is near Kenwood Towne Center and located in a more commercial area.

Mr. Scheve said he is not opposed to updating the sign but the proposal presented is too far from code.

Mr. Leugers said he does not see a hardship and believes granting the variance would be a special privilege.

There was discussion about what the church could do to modernize the sign.

Mr. LaBarbara and Mr. Scheve asked for clarification on sign face changes and what they could do as of right.

Mr. Holbert clarified what the applicant could change on the current sign as of right.

Mr. Scheve asked Mr. Holbert if the applicant could come back with a new plan if the Board were to deny it.

Mr. Holbert answered yes.

Mr. Scheve asked if it made sense to continue the case to allow the applicant to modify the proposal to be more compliant with the code.

Mr. LaBarbara noted what the applicant really wants is the electronic message board.

Mr. Eichmann made a motion to deny the variance request for Case SYCB160001.

Mr. Scheve seconded.

Mr. LaBarbara called roll.

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

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

SYCB160002
Buckhead Homes, Inc.
7279 Hosbrook Road
Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert pointed out that many of the lots on the Sycamore Township side of Hosbrook Road have 50 feet of frontage. The Zoning Resolution requires 70 feet of frontage. He said many of the lots also do not meet the minimum lot size. The applicant could not ask for a variance for that because it is impossible to meet as the lots already exist. He noted many of the house are very close together. The existing home on the lot in question does not meet the current setback. Mr. Holbert also noted some fences that are up are not on the property line. Mr. Holbert showed photos to the Board of existing conditions noting distances from the existing house to the property lines.

Mr. Holbert said the applicant is actually proposing to increase the setback from what is existing to 6.25 feet. The Zoning Resolution requires an eight feet side yard setback but very few of the existing houses near the property in question meet that requirement.

The Board members asked questions of Mr. Holbert.

Mr. Eichmann asked if there had been other tear downs on Hosbrook.

Mr. Holbert answered yes, noting that some were in Madeira or on larger lots. Mr. Holbert said most of the existing homes on Hosbrook from the property in question to Miami Hills do not meet the current setback requirements.

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

Mr. Paul Saba, of 2623 Erie Avenue, Cincinnati, OH 45208, attorney for the applicant, addressed the Board.

Mr. Scheve disclosed to the Board that he knew Mr. Saba professionally and asked Mr. Saba if he was comfortable with him hearing the case or if he should recuse himself.

Mr. Saba said he was comfortable with Mr. Scheve hearing the case.

Mr. Saba handed out materials to the board members saying they may be duplicates of plans they already had received. He brought the Board's attention to the first page of the handout which contained the text for Section 9-4.2 of the Sycamore Township Zoning Resolution. Mr. Saba said, although he recognizes that Mr. Holbert's interpretation of this section of the code may differ from his, the way he read it, it would seem that the applicant may not need a variance because the lot in question is non-conforming. He pointed out that the proposed setback conforms to and is consistent with other homes in the area and the new home would be an improvement of the property.

Mr. Eichmann asked if there was another plan for a home that could fit on the lot and meet the setbacks.

Mr. Saba answered, for marketability, the applicant would like to build a home with a two car garage and the layout shown is necessary so that the house doesn't just look like a garage from the front.

Mr. Eichmann asked again if there was no other plan.

Mr. Saba answered no.

Mr. Scheve asked if there was a photo of the existing home.

Mr. Holbert showed a photo of the existing house from his power point presentation noting it is actually wider than the proposed new house.

Mr. Scheve asked if the proposed house would be more expensive.

Mr. Eichmann asked who owns the house currently.

Mr. Saba noted the owner who plans to sell to Buckhead Homes to develop it.

Mr. Eichmann asked if it would be a custom design home and asked if the garage would have a single door or two doors.

Mr. Saba said he is not sure if it was a custom design. He said it would not matter whether the garage had one door or two, it would still have to have space for the cars.

Mr. Scheve asked what the square footage of the current house is versus the proposed.

Mr. Saba said he doesn't know the square footage of the current house, noting the proposed house will be larger vertically but would actually not be as wide as the current home.

Mr. Eichmann asked if Buckhead has built other homes in area.

Mr. Saba answered yes, in Madeira.

Mr. Eichmann asked if there was anyone present from the public who wished to speak.

Mr. Eichmann swore in a member of the public who rose to speak.

Ms. Renee Andrews, of 7723 Styrax Lane, Cincinnati, Oh 45236, addressed the Board. Ms. Andrews said she used to live behind the property in question on Bobby Lane. She said she is interested in purchasing the house and asked if Buckhead Homes had a signed contract with Mr. Henke, the owner. A Buckhead representative present answered yes. Ms. Andrews said Buckhead Homes tears down houses and builds "McMansions" on streets that cannot support that kind of house. Ms. Andrews said she is against Buckhead coming in to Sycamore Township because she has seen what they do in Madeira.

Mr. Eichmann asked her to clarify.

Ms. Andrews said she is concerned about them building a very large house on a small lot and taking away the quaintness of neighborhood.

Mr. Mark Hicks, of 7265 Hosbrook Road, Cincinnati, OH 45236, the property next door, said he too has been interested in buying this property and consolidating the lots to expand his house. He said he is not opposed to the variance request but noted the Board would be setting a precedent. Mr. Hicks did say he thinks Buckhead Homes builds a great home and he does not have anything against them.

Mr. Tim Hershner, of 7333 Hosbrook Road, Cincinnati, OH 45236, said his side yard setbacks are probably closer to two feet. His concern is the scaling of the two car garage. He noted the larger house is in scale to the garage so that it looks more like a house than just a garage. He is in support of a larger house which would be better for the character of the neighborhood. Mr. Hershner said he thinks this will improve property values. He noted other new houses have been built and he welcomes the investment.

Ms. Andrews came to the microphone again and spoke regarding the 25 mile per hour speed limit on Hosbrook and a fire that destroyed a house on the street making it necessary to build a new house. She reiterated her concern about Sycamore Township looking like Madeira.

Mr. LaBarbara asked about pricing of the proposed new house. The representative from Buckhead Homes answered probably \$520,000 to \$530,000.

Mr. Heidel noted there have been water problems in that area and asked Mr. Holbert about possible water shed issues.

Mr. Holbert said current sewer and water requirements are more stringent than they were when the existing house was built as far as water shed issues. He noted the proposed new house will not be as wide as the existing house so there would be more grass land to absorb water shed.

Ms. Andrews addressed the Board again, saying the owner of the property in question had discussed water issues on the property with her.

Mr. Holbert pulled up a topography map on the screen noting the location of the higher elevations and stating that the water would shed from north to south.

Mr. Hicks suggested the topography shown was incorrect.

Mr. Holbert noted the footprint of the proposed house would be smaller therefore, if anything, it would reduce the water shed problems.

Mr. Holbert said this is an existing development that was built prior to Sycamore Township control of local zoning. He reminded those in attendance that the reason for the hearing was to address a setback issue; the board is to decide whether to grant a variance for the side yard setback. He stated water shed is not the issue before the Board.

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

Mr. LaBarbara asked if the code regulated the size of a garage.

Mr. Holbert answered no.

Mr. Leugers said he is in favor of granting the variance request as the proposed plan is actually improving the setback and the ISR is shrinking. He pointed out the proposal will be an improvement of the property and noted there is a hardship because the lot existed prior to the current zoning resolution's lot size and setback requirements.

Mr. LaBarbara agreed.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve request for Case SYCB160002.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann – AYE

Mr. Heidel – AYE

Mr. LaBarbara – AYE

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

SYCB160003

J. Robert Linneman

8555 Vorhees Lane

Appeal

Mr. Eichmann stated this case had been continued per the applicant's request.

Item 7. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, March 21, 2016.

Item 7. – Communications and Miscellaneous Business

No report

Item 8. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn.

Mr. Leugers seconded.

Vote: All Aye.

The meeting adjourned at 8:20 P.M.

Minutes recorded by: Beth Gunderson, Planning & Zoning Assistant