

March 19, 2018

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

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 6:30 P.M. on Monday, March 19, 2018.

Item 2. – Roll Call of the Board

Mr. Eichmann appointed Mr. Heidel Acting Secretary for the evening in Mr. Scholtz's absence.

Mr. Heidel called the roll.

Members Present: Mr. Scheve, Mr. Leugers, Mr. Eichmann, Mr. Heidel and
Ms. Glassmeyer

Members Absent: Mr. Scholtz

Staff 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 explained that this is a public hearing in which testimony will be given by staff and members of the public. He then swore in all those providing testimony.

Mr. Eichmann explained to those in attendance what a variance is and the standards by which the Board makes decisions on such requests.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the February 20, 2018 meeting minutes.

Mr. Eichmann asked for any corrections to the February 20, 2018 meeting minutes. No response.

Mr. Scheve made a motion to approve the February 20, 2018 meeting minutes.

Mr. Heidel seconded.

Mr. Heidel called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Leugers - AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Ms. Glassmeyer - AYE

Item 6. – Resolutions

Case: SYCB180004

Applicant: Matthew Wallbrown

Location: 5150 Autumnwood Drive

Request: Variance

Mr. Holbert presented the Resolution approving with conditions the variance request for Case SYCB180004.

Mr. Heidel called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Ms. Glassmeyer - AYE

Case: SYCB180005

Applicant: Mark & Lynne Stewart

Location: 11394 Marlette Drive

Request: Variance

Mr. Holbert presented the Resolution approving with conditions the variance request for Case SYCB180005.

Mr. Heidel called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Ms. Glassmeyer - AYE

Case: SYCB180006

Applicant: J. Janus, Jr.

Location: 4462 Daffodil Avenue

Request: Appeal of Notice of Violation

Mr. Holbert presented the Resolution denying the appeal request for Case SYCB180006.

Mr. Scheve asked if Mr. Janus has made any progress since the last hearing.

Mr. Holbert answered yes, the garage has been razed.

Mr. Heidel called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Ms. Glassmeyer – AYE

Case: SYCB180007

Applicant: John Ross

Location: 8905 Plainfield Road

Request: Variance

Mr. Holbert presented the Resolution approving with eight (8) conditions the variance request for Case SYCB180007.

Mr. Eichmann asked how the screening height would be determined.
Mr. Holbert explained the height of the fence depends on the grade.
Mr. Heidel called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Ms. Glassmeyer - AYE

Item 7. – Old Business

Case: SYCB170014
Applicant: Kathleen Ryan, Esq.
Location: 7292 Kenwood Road
Request: Appeal Notice of Zoning Violations

Mr. Holbert stated this case had been continued due to pending litigation.

Mr. Scheve asked when the case would be in court.

Mr. Holbert answered it should be soon, however, he does not know the exact date.

Mr. Eichmann then explained how the hearing would proceed.

Item 8. – New Business

Case: SYCB180008
Applicant: Meghan Donnellon Hyden
Location: 4125 Ester Marie Drive
Request: Variance

Mr. Holbert presented the case and case history in a power point presentation. He said the applicant requests a variance to the Section 10-7.1 of the Zoning Resolution in order to construct a four feet tall, split rail fence. Mr. Holbert showed the rear, front and side yards on the property in question. He then showed photos of existing conditions on the property including the existing chain link fence.

Mr. Holbert showed the site plan noting the location of the proposed fence.

The Board asked questions of Mr. Holbert.

Mr. Scheve asked if the existing chain link is in disrepair.

Mr. Holbert answered yes.

Mr. Eichmann asked if the fence along the rear property line was to remain.

Mr. Holbert deferred to the applicant.

Mr. Eichmann asked where the applicant could have a fence as of right without a variance.

Mr. Holbert explained.

Mr. Eichmann asked for clarification on what height fence would be permitted as of right.

Mr. Holbert answered four feet tall in the side yard and six feet tall in the rear yard.

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

Ms. Meghan Donnellon Hyden, the applicant, of 4125 Ester Marie Drive, Cincinnati, OH 45236, addressed the Board. She noted the existing fence is deteriorating and was there when they purchased the property. She said she believes the existing fence is devaluing her property and a new fence would make it look better and also improve the property value. Ms. Hyden said they do have a dog and would be able to contain the dog better with a new fence. She said none of the fence would be in front of the house on the Ester Marie side.

Ms. Hyden pointed out if she were to install the fence as of right, it would cut right down the middle of the rear yard. She noted the new zoning resolution will allow a fence in the front yard.

Mr. Scheve asked if she will be putting the fence in the same spot as the existing fence.

Ms. Hyden answered yes.

Mr. Scheve asked if she had she thought of putting it back farther so it wouldn't be so obtrusive.

Ms. Hyden said she has thought of it but it would cut the property in half and would look ridiculous.

Mr. Eichmann asked about moving the location of the proposed fence back a few feet and if she will be leaving the existing fence along the rear property line.

Ms. Hyden said she would prefer to have the new fence installed in the same location as the existing chain link fence. She pointed out the fence would be installed in two phases and explained how she would like to proceed with the project.

Mr. Scheve asked for clarification.

Mr. Holbert and the applicant explained.

Mr. Scheve noted, if the fence were to be installed in two phases, for a while the property would have part chain link and part split rail.

Ms. Hyden said yes, however, the chain link left after phase one is not visible due to vegetation.

Mr. Scheve asked, if the variance is approved, when the applicant would have phase two completed.

The applicant answered probably next year.

Mr. Scheve asked if any neighbors had commented on it.

Ms. Hyden said the only neighbor affected would be on the corner of Huddleston and Plainfield and they are in favor of a new fence.

Mr. Eichmann asked if she had considered an electric fence.

Ms. Hyden said electric fences are not 100% effective and if passersby don't see a fence her dog could intimidate them.

Mr. Eichmann commented it is premature to go by the draft of the new zoning resolution since it has not yet been approved.

Ms. Hyden said it is her understanding the new zoning resolution will allow a four feet tall, 75% open fence in the front yard.

Mr. Holbert said the draft of the new zoning resolution is up for public review but has not yet been approved. He stated that allowing a fence in the front yard is up for review, however, chain link fences will not be permitted at all.

Mr. Scheve asked how long it will take to get it approved.

Mr. Holbert said it could be a while.

Mr. Eichmann asked Mr. Holbert if the applicant takes part of the fence down, would the entire fence then have to be removed since it is non-compliant.

Mr. Holbert answered part of the fence can stay if those parts have not been touched.

Mr. Scheve asked the applicant about the existing shrubbery along the fence line.

Ms. Hyden said that vegetation was mostly weeds and has been cleared out.

Mr. Eichmann commented it would be good to have the fence back a few feet from the sidewalk to allow for shrubbery between the sidewalk and the fence.

Ms. Hyden said she would be willing to move it back a couple feet to allow for a buffer but she doesn't feel it would look good much farther back.

There was discussion about the location of the fence in relation to the utility pole and sidewalk.

Mr. Heidel asked if any other neighbors had commented.

Ms. Hyden said the neighbors she has spoken with are in favor of it.

Mr. Eichmann 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. Leugers said he likes the idea to set the fence back a few feet and require landscaping in front of it. He said obviously the existing chain link fence looks bad.

Mr. Holbert noted the applicant cannot install the fence in the right of way and would be taking a chance by putting landscaping there. The fence and landscaping would run the risk of being taken down if there was work done in the right of way.

Mr. Scheve asked how far back the right of way goes.

Mr. Holbert gave an estimate from CAGIS.

Mr. Scheve asked about approving the fence with the condition that it not be in the right of way.

Mr. Holbert said a survey would be required.

There was discussion about where the fence could be installed outside of the right of way and how to add landscaping.

The applicant said she would have a survey done if the variance is approved to allow the fence along the property line.

Mr. Eichmann entertained a motion.

Mr. Scheve made a motion to approve the variance request for case SYCB180008 conditioned upon the applicant obtaining a survey to show the fence is on the property line and out of the right of way.

Mr. Leugers seconded.

Mr. Heidel called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE
Ms. Glassmeyer - AYE

Mr. Eichmann said a resolution would be prepared for the next meeting.

Item 10. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, April 16, 2018 at 6:30 p.m.

Mr. Mark Stewart, of 11394 Marlette Drive, Sycamore Township, OH 45249 addressed the Board. He asked about the new zoning resolution changes in regards to fences.

Mr. Scheve said he is not sure exactly but changes are proposed.

Mr. Holbert said because there have been so many variance requests regarding fences in the front yard and on corner lots, that section of the zoning resolution has been proposed to change. He noted it has not yet been approved.

Item 11. – Communications and Miscellaneous Business

Mr. Holbert reported the new Zoning Resolution is on the website for public review and comment.

Item 12. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn, seconded by Mr. Leugers. Vote: All Aye.

The meeting adjourned at 7:27 P.M.
Minutes recorded by: Beth Gunderson, Office Administrator