

June 18, 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, June 18, 2018.

Item 2. – Roll Call of the Board

Mr. Scholtz called the roll.

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

Members Absent: Mr. Heidel

Staff Present: Harry Holbert and Beth Gunderson

Also Present: Doug Miller, Township Law Director

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.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the May 21, 2018 meeting minutes.

Mr. Eichmann asked for any corrections to the May 21, 2018 meeting minutes. No response.

Mr. Scheve made a motion to approve the May 21, 2018 meeting minutes.

Mr. Scholtz seconded.

Mr. Scholtz called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Leugers - AYE
Mr. Eichmann – ABSTAIN
Mr. Scholtz – AYE
Ms. Glassmeyer – AYE

Item 6. – Resolution

Case: SYCB180013
Applicant: Keith Konze
Location: 8414 Beech Avenue
Request: Variance

Mr. Holbert presented the Resolution approving with one condition the variance request for Case SYCB180013.

Mr. Scholtz called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - ABSTAIN
Mr. Scholtz – 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 the case was being continued again due to pending litigation.

Case: SYCB180007
Applicant: John Ross
Location: 8905 Plainfield Road
Request: Variance

Mr. Holbert explained the property owner directly to the south of the subject property wrote a letter asking the Board to modify condition number six of the approved resolution to permit the fence to be eight feet from grade. The original condition states that the fence must have a screening height of eight feet. Because of the grade, the fence would then have to be 12 feet tall in some areas.

Ms. Glassmeyer said her concern was that, due to the type of business, at least an eight feet screen is required.

Mr. John Ross, the applicant, of 8905 Plainfield Road, said the neighbor had approached him because he did not want a 12 feet tall fence there. He said there is honeysuckle there that also provides screening.

Ms. Glassmeyer stated the reason the eight feet screening is required is for security for his business.

Mr. Eichmann entertained a motion.

Mr. Scheve made a motion to approve the amendment to the condition as requested, seconded by Mr., Leugers.

Mr. Scholtz called roll.

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

Mr. Eichmann explained what a variance and a conditional use are and how the meeting would proceed.

Case: SYCB180012
Applicant: Marshal Hyzdu, President, Moeller High School
Location: 7745 and 7755 Kennedy Lane
Request: Conditional Use

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert explained the request is for a conditional use to construct a parking lot for institutional use with a total of 130 parking spaces. Mr. Holbert stated that an institutional use such as a school is permitted as a Conditional Use in a residential district.

Mr. Holbert showed an aerial photo of the high school and spoke about areas on and off the property where the faculty and students currently park their cars.

Mr. Scheve asked if there was a shuttle service.

Mr. Holbert deferred to the applicant.

Mr. Holbert reviewed the proposed plan for the layout of the parking lot. He noted water detention is something regulated by Hamilton County not Sycamore Township. Mr. Holbert stated the Township does regulate lighting and showed the lighting plan which has zero foot candles at the property lines. Mr. Holbert then reviewed the landscape plan and boundary buffers proposed by the applicant.

Mr. Holbert reviewed Section 17-6 of the Zoning Resolution, General Considerations for Conditional Uses. Mr. Holbert said the engineer had redesigned the landscaping to minimize the effect of light from traffic on adjacent residents.

Mr. Holbert stated the lighting plan had been revised to comply with the requirement of the Zoning Resolution that there be no glare on residential properties.

The Board asked questions of Mr. Holbert.

Mr. Scheve asked if the case was before the Board because as a high School it is a conditional use. Mr. Scheve asked a procedural question about standards for variances being required.

Mr. Miller said should consider CU

Mr. Scheve asked who 7745 Kennedy Lane LLC is and asked what their relationship is to the archdiocese.

Mr. Holbert deferred to applicant

Mr. Eichmann asked for information on the parcels in question.

Mr. Holbert said 7745 Kennedy Lane is one parcel owned by the LLC and 7755 Kennedy Lane is two parcels, one owned by the archdiocese.

Mr. Scheve asked if the house on 7745 Kennedy Lane is a rental.

Mr. Holbert deferred to applicant.

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

Mr. Marshal Hyzdu, the applicant, President of Moeller High School, 9001 Montgomery Road, Sycamore Township, OH 45242, addressed the Board. Mr. Hyzdu presented a Power Point presentation to the Board.

Mr. Hyzdu and Mr. Nick Selhorst, of Choice One Engineering, 203 W. Loveland Avenue, Loveland OH 45140, addressed the Board. Mr. Hyzdu spoke about the mission of Moeller High School and the need to keep the students safe.

Mr. Hyzdu stated the current parking is not enough for students and employees. The students are walking to school. At least 100 students are walking daily, 80% of whom park in the City of Montgomery. He reviewed all the main parking lots and residential streets where the students park and walk. He said there is no shuttle. He noted students must cross the Ronald Reagan Highway on ramp/off ramp.

Mr. Hyzdu showed current conditions and a rendering of proposed conditions noting there would be a one to two feet berm all the way around the new lot. He then spoke about improving the way the school looks saying it is important to them to have the project done professionally and to respect the concerns of the neighbors. He said they propose 79 trees that are initially seven feet tall and will grow up to 15 to 30 feet tall.

Mr. Hyzdu said the benefit for the neighbors and local businesses would be to get students' vehicles off streets and parking lots. He said the most important thing is the safety of the students who have had to walk in the dark, in inclement weather and during rush hour. He noted there have been several minor incidents over the years and Moeller's goal is to avoid any major injury.

Mr. Hyzdu then noted the City of Montgomery plans a roundabout which will make the walk even more dangerous for students. He then reviewed comments on the Nextdoor Montgomery Social Media site in support of the project and said he also has letters in support. He stated the challenge is that Moeller is landlocked and this is the best option to solve the parking problem. He said even those against it will agree the safety of students is priority.

Mr. Hyzdu reviewed concerns he has heard from neighboring property owners including landscaping and lighting. Mr. Selhorst spoke about the LED lights which are designed to spill down to minimize impact on neighbors. He showed a rendering of the parking lot at night. He then spoke about the underground detention and drainage system noting the water already flows toward Moeller. He said the water detention system has been approved by Hamilton County. Mr. Hyzdu noted there will be no egress/ingress onto Kennedy Lane and traffic on Kennedy Lane should decrease because students should not have to park on Kennedy Lane.

Mr. Hyzdu then spoke about his efforts to meet with the neighbors to address their concerns.

Mr. Scheve asked how many students attend school.

Mr. Hyzdu answered there are 880 students and 100 faculty. He said there is a need for 540 to 600 parking stalls and Moeller currently has 390. The proposed lot would add 130 stalls, less than the demand of 150-200.

Mr. Scheve asked about 7745 Kennedy Lane LLC.

Mr. Hyzdu explained the LLC brought that property with the intent to help with this plan.

Mr. Scheve asked about other options.

There was discussion about other options such as shared parking with All Saints and shuttle service. Mr. Hyzdu explained the difficulties with those ideas.

Mr. Scholtz asked about Mr. Hyzdu's takeaway from speaking to neighbors.

Mr. Hyzdu said the neighbors don't want it to happen noting their areas of concern are real concerns but Moeller is doing all they can to work with the neighbors to minimize the impact.

Ms. Glassmeyer asked if there are parking permits required.

Mr. Hyzdu answered yes saying seniors get preference and those without permits are the ones walking.

Ms. Glassmeyer asked about growth of the student body.

Mr. Hyzdu answered there is no room for expansion they will stay at between 880 and 900 students

Mr. Scheve asked Mr. Hyzdu about a letter the Board received from a resident stating she had received blind letters offering to buy houses and thought the interested buyer was Moeller.

Mr. Hyzdu said Moeller has expressed interest in purchasing 7745 and 7755 Kennedy Lane.

Ms. Glassmeyer asked for more information on the lighting plan.

Mr. Selhorst said the lighting on the parking lot is fairly dim but the lights are only shielded in the back if they have to be.

Mr. Scheve asked if there was any way to utilize fields for parking during off season.

Mr. Hyzdu answered the fields are used 365 days a year.

Ms. Glassmeyer asked if it was possible for the proposed parking lot to be used only during school hours.

Mr. Hyzdu answered that would be difficult to restrict because of activities, noting the headlights from cars should have little impact due to the buffering.

Mr. Miller suggested Moeller consider the bollard lights that the Mercedes Benz dealership had used in a recent zoning case and the neighbors found satisfactory.

Mr. Hyzdu said they had looked at bollard lights and are open to reconsidering them.

Mr. Eichmann suggested having those present for Moeller speak first.

Mr. David Beiersdorfer, alumnus, father of two students and Director of Facilities for Moeller High School, 9001 Montgomery Road, addressed the Board saying the off-site parking is a worry and safety of the students is a concern. He noted, if approved, he would be the person primarily in charge of the project. He stated he believes it can be done in such a way as to alleviate concerns of the neighbors. Mr. Beiersdorfer spoke about changes to Ohio laws pointing out that students cannot carpool because new drivers may only have one other person in the car with them for the first 12 months after getting their driver's license. He said this change to the law has been the biggest impact on the need for parking.

Ms. Jodi Kastner, of 6861 Miami Hills Drive, spoke in favor of the project noting the dangers of her children crossing Ronald Reagan Highway ramps with no crosswalk and no signage saying there is a school. She commented on issues such as speeding, increases in pedestrian accidents in recent years and the proposed Montgomery Road roundabout making the walk more dangerous.

Mr. Frank Minnich, a teacher at Moeller, of 3516 Cutter Lane, *Maineville*, OH 45039, addressed the Board in support of the proposal commenting about the safety issue with the students parking off site.

Mr. Peyton Bambauer, of 9635 Zig Zag Road, Montgomery, OH, a student at Moeller, addressed the Board in support of the project. He also spoke about how unsafe it is for the students to cross the Ronald Reagan Highway ramps.

Mr. John Bugada, of 10421 Stone Court, Montgomery, OH, a student at Moeller, addressed the Board in support of the project. He spoke about the hazards students encounter walking and added the parking lot will benefit community events such as the All Saints Festival.

Mr. Todd Naumann, a teacher at Moeller and resident of 7645 Kennedy Lane, addressed the Board saying he strongly supports the project.

Mr. Jerry DiCristoforo, Moeller cross country coach, of 1175 Creekstone Drive, Batavia, OH, 45203, and cross country athlete, Ian, of 6556 Chamber Way, addressed the Board in support of the project. They testified about the dangers of crossing the ramps at Ronald Reagan Highway.

Ms. Glassmeyer said cross country examples have nothing to do with parking lot and asked if the team will continue to run along Montgomery Road even if parking lot is approved.

Mr. DiCristoforo answered yes. Ian noted it is often dark when they walk in the morning to school.

Mr. Eichmann said the Board has a clear idea of the danger of that intersection and entertained other comments.

Mr. Rob Hornback, of 9795 Zig Zag Rd., Montgomery OH 45242, spoke in favor of the project saying he frequently stops his car for Moeller students walking and that something should be done about the intersection

Mr. Miller said Ronald Reagan Highway is a County road and Montgomery Road is a State road, therefore, the Township doesn't have jurisdiction over that intersection, but can check on it.

Mr. Dave Campbell, of 8862 Roundhill Road, spoke in favor of the proposal noting it is not a matter of if, but when an accident will happen.

Mr. Alexander Elma, of 8500 Miami Road, spoke in favor of the project noting the safety issue.

Ms. Julie Dixon, of 8870 Raiders Run Road, a Moeller parent and Sycamore Township resident spoke in support of the proposal saying Moeller desperately needs the parking lot. She spoke about the onsite parking being better for new drivers.

Ms. Sophia Holley, of Keating, Muething & Klekamp PLL, One East 4th Street, Suite 1400, Cincinnati, OH 45202, attorney representing neighboring property owners Tom and Kim Navaro, addressed the Board. Ms. Holley stated she had been in communication with Sycamore Township Law Director Mr. Miller to argue that the case cannot move forward for several legal reasons. She said variances were not included in the application and are required for the light poles to be 25 feet tall. She argued that lighting poles are an accessory structures and therefore limited to 12.5 feet in height in residential neighborhoods. She said the applicant was under obligation to bring variances before the Board in addition to conditional use. Ms. Holley further stated that parking lots are required to have lighting and the lighting proposed requires a variance, therefore the parking lot cannot be approved.

Ms. Glassmeyer asked if the 25 feet Ms. Holley mentioned was referring to the setback or height.

Ms. Holley answered she was referring to 25 feet tall light poles proposed. She said her client is entitled to review the plans submitted and was denied opportunity for due process. She requested that the parking lot expansion be denied.

Mr. Miller said this is a Conditional Use noting we can get into argument about whether this a structure or not, however, if there is a conflicting argument in code, you go with the most narrowly construed. He said the lighting request appears to be less than what is allowed in a parking lot. Mr. Miller noted this is a conditional use and the Board has authority to put conditions on the lights and light pole height if they choose.

There was discussion about the considerations for Conditional Use requests.

Mr. Holbert read Section 12-7.2 of the zoning resolution which addresses lighting and noted we are not using Chapter 21 because the application is a conditional use approval which follows the guidelines listed under Chapter 17.

Both Mr. Miller and Mr. Holbert stated there is no zoning requirement that a parking lot must have lighting.

Ms. Holly said this is a residential property, therefore, as Mr. Miller said, we should look at the most strict interpretation noted in Section 10-12 of the Zoning Resolution which states a height limit for accessory structures of 12.5 feet.

Ms. Glassmeyer said, because this is being considered as a conditional use that makes it not residential, therefore, the applicant does not have to get a variance for everything not permitted in a residential district.

Ms. Holly stated she is defining the light poles as a structure.

Mr. Scheve asked if the applicant removed the lighting her argument would fail.

Ms. Holly said lighting is required. She also commented she hasn't heard that zoning certificate has been denied.

Mr. Dan Reitz, attorney, Graydon, Head and Ritchie, 312 Walnut street, Suite 1800, Cincinnati, OH 45202, addressed the Board saying he disagrees with both Mr. Miller and Ms. Holley. He stated if two provisions of the code conflict, the Board should rule in favor of the property owner. He stated the law is in favor of Moeller here. He also stated light poles are not accessory structures.

Mr. Scheve spoke about the idea that this is a self-created problem since Moeller chose to add sports fields instead of parking lots previously. He stated that is a guideline to consider for variances and, since Moeller hasn't asked for a variance, the Board can't consider that.

Mr. Reitz said that is correct.

Mr. Bill Reynolds, of 11960 Riveroaks Dr., Loveland, OH 45140, spoke in favor of the project saying his son walks every day. He spoke of a close call involving an illegal left turn and pointed out this is a community issue not just a school or neighborhood issue.

Ms. Kim Navaro, of 7739 Kennedy Lane, addressed the Board against the proposal. She said if Moeller was really concerned about the students this issue would have been addressed when they expanded the athletic facilities. She said Moeller continues to allow students to run along Montgomery Road for athletic purposes. She spoke about such issues as lighting, noise, and cutting down trees. She said Moeller did not use due diligence. Ms. Navaro stated Moeller should consider shuttles, crossing guards, and other options to increase the safety of walkers.

Ms. Cathy Willis, of 7741 Kennedy Lane and Ms. Margee Clarke, of 7765 Kennedy Lane, addressed the Board presenting a Power Point presentation against the proposed parking lot. Ms. Willis spoke of the beauty of their neighborhood and how the parking lot will take away green space. She said it would have an adverse effect on adjacent properties and the overall neighborhood. She spoke about the reasons the project should be denied including the increase in inexperienced drivers on Montgomery Road, safety risks of parking lots, risks for crime created by parking lot, fire hazards due to students smoking next to her house and the increase in pollutants such as noise, lights, and auto emissions. She also pointed out students will be tempted to cut through her lot which is a liability to her. Ms. Willis said this is a green area with established trees and wildlife. She suggested Moeller look at more neighborhood friendly options such as busses, van service or improving the neighborhood's walkability.

Mr. Scheve asked if she would like it better if Moeller proposed a smaller parking lot.

Ms. Willis answered no and said this is not where Moeller will stop.

Ms. Clarke addressed the Board and discussed property being purchased by others and donated to Moeller. She said Moeller has also tried to get her to give them first right to purchase her property. Ms. Clarke spoke about the possibility of Moeller trying to gain an egress onto Kennedy Lane noting her biggest concern is what their plans are for the future which could make her property an island on Kennedy Lane. Ms. Clarke also spoke about her concerns regarding the flow of water. She suggested a larger setback from her property and the possibility of a wall or fence around the parking lot.

Ms. Clarke then showed aerial photos of the area where the parking lot would go noting the mature trees that will be lost. She then noted how close it would be to the adjacent residential

properties. Ms. Clarke also spoke about Moeller's priorities since they chose to build sports fields instead of parking lots in the past. Ms. Clarke noted there is a lot of activity at Moeller outside of school hours and even in the summer.

Mr. Eichmann suggested a ten minute break.

Mr. Eichmann reopened the floor. He offered the three cases of new business the opportunity to continue to next month.

The two applicants present declined that offer.

Ms. Brianne Kroger, a real estate agent, of 9148 Shadetree Dr., addressed the Board saying the parking lot will negatively affect the value of the houses in the neighborhood.

Mr. Bill Ropp and Ms. Joann Ropp, of 7336 Timberknoll Drive addressed the Board and presented a handout to the Board members. They then reviewed a Power Point slideshow called "Preserving a great neighborhood." Mr. Ropp said he doesn't understand how Moeller can say this would be a positive project for the neighborhood. He spoke of five key points: safety issues for neighbors, removal of existing trees, noise, heat and aesthetic effects of the parking lot. He noted he suspects this is not the end of Moeller's expansion. Mr. Ropp then listed resident suggestions for alternative answers to address the lack of parking saying he thinks there is a win-win solution for both Moeller and neighboring residents.

Mr. Tom Navaro, of 7739 Kennedy Lane, addressed the Board. He spoke against the parking lot with a slide show titled "Neighborhood Response to Zoning Board Case SYCB180012" and said he was speaking on behalf of some of the neighbors on Kennedy Cove. Mr. Navaro disputed some of the claims Moeller made in its application letter. He noted Moeller has never reached out to the City of Montgomery for help making it safer for students to cross Ronald Reagan Highway. He also stated there are no records in the last five years of an incident with a pedestrian in that location. Mr. Navaro said there is not an issue with students parking on Kennedy Lane. He then stated there is not a need for additional parking for All Saints Church. He reiterated Mr. Ropp's statement that he cannot see how as Moeller's letter states that the parking lot will have a positive effect on the neighborhood. Mr. Navaro said there is a land grab going on with Moeller trying to get more properties. He stated Moeller has a long term plan that they are not sharing and requested that their future plans be revealed. Finally, Mr. Navaro showed photos of all the trees that will be removed if the project is approved.

Mr. David Broxterman, 7755 Kennedy Lane, said the proposed parking lot would be ten feet from his property. He went on to discuss the adverse effects on his family's health and safety if the parking lot approved. Mr. Broxterman said there are too many other options such as bussing for Moeller noting he does not want a parking lot in his back yard. He also said he is concerned about Moeller's future plans. He requested the Board deny the request.

Mr. Matt Clarke, of 7765 Kennedy Lane, addressed the Board. Mr. Clarke also spoke about the newer sports fields saying Moeller's claim about safety is disingenuous because the school chose to build athletic fields instead of addressing the parking issues. He pointed out driving to high school is a privilege. Mr. Clarke said Moeller has not thought enough about other options such as shuttles.

Ms. Kristen Myers, attorney, Beckman Weil Shepardson LLC, 895 Central Ave., Cincinnati, OH 45202, addressed the Board saying she represents Cathy Willis of 7741 Kennedy Lane.

Ms. Myers stated she requests the board deny the conditional use request because the applicant has the burden of proof. She said there is an adverse effect on neighboring properties noting the removal of the green space is of significant public interest. She said the proposed use does not fit with the Township's Land Use Plan. Ms. Myers also stated it is not compatible with the spirit and intent of the Zoning Resolution.

Mr. Greg Williams, 7714 Kennedy Lane, spoke against the parking lot saying most of his objections have already been stated by his neighbors. He suggested Moeller build an underground parking garage.

Ms. Karen Olberding, 9094 Shadetree Drive, spoke about the traffic issue at Moeller's dismissal time. She said additional cars parking there will make it more difficult to get in and out of the parking lot.

Mr. Nick Hubble, of 7723 Kennedy Lane, said he is a newer resident who loves the neighborhood and Moeller but thinks Moeller should have done neighborhood outreach before submitting the plans for the parking lot. He spoke about the adverse effect of lighting on adjacent properties.

Mr. Russell Kosel, of 7451 Kennedy Lane, addressed the Board against the proposal. He said he has never had an issue with a student from Moeller parking on Kennedy Lane in 32 years. He spoke of the term "minimize the impact" versus "no impact" on adjacent properties.

Linda Engelhart, of 9095 Shadetree Drive, said she has spoken with Mr. Hyzdu requesting a five or ten year plan for Moeller. She spoke about the students' access to taxpayer funded school bus service and said students should take buses as that is the safest way to get to school. Ms. Engelhart said she is concerned about approval for this project setting a precedent.

Ms. Margee Clarke addressed the Board again saying Mr. Hyzdu said he wants to be a good neighbor but there are property maintenance issues on the Kennedy Lane properties in question that have not been addressed.

Mr. David Broxterman addressed the Board again stating he is also concerned about school violence and the effect of the parking lot on wildlife.

Mr. Dan Reitz, attorney on behalf of Moeller, rebutted. Mr. Reitz noted this is also Moeller's neighborhood. He pointed out the property in question is not a public park or green space, the trees are Moeller's trees and could be taken down any time they want. He stated plans for the future do not have any relevance on the Board's decision for this case. Mr. Reitz added underground parking would cost millions of dollars and is not a comparable project. He stated this is a project is a conditional use that complies with the requirements of the Zoning Resolution.

Mr. Miller asked Mr. Holbert if he told Moeller they could not build this project as of right without going through the conditional use process,

Mr. Holbert answered yes.

Ms. Holley asked if there was a refusal in writing.

Mr. Holbert said it was verbal in a meeting.

Ms. Holley asked when the meeting was.

Mr. Holbert couldn't recall.

Ms. Holley asked who requested the meeting.

Mr. Holbert said Moeller requested it as the applicant.

Ms. Holley asked if there was a written request by Moeller for a zoning certificate.

Mr. Holbert said he would have to look at Township records.

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

Ms. Glassmeyer said the adverse effect is worse than the improvement made by the parking lot.

Mr. Scheve agreed, saying he is weighing the public benefit against the local impact. He noted the proposed parking lot is twenty feet from someone's bedroom. He said there has been significant testimony about the adverse effect on the neighborhood.

Mr. Leugers said Mr. Scheve cited a variance and this is not a variance. He said the project is in harmony with the spirit and intent of the zoning resolution. Mr. Leugers noted the applicant is minimizing the effect of the project on adjacent residences with the buffering and lighting plans. He noted it is unfortunate to remove trees but it is their property and they have the right to do it.

Mr. Scheve argued the project destroys the character of the neighborhood and said he is not sure Moeller has explored other options to the fullest extent.

Mr. Eichmann agreed with Mr. Leugers stating the minimizing of the impacts will give neighbors enough protection from their property. He stated the Board cannot make decisions based on what Moeller may or may not do in the future.

There was discussion about the decision this evening being a straw vote as the resolution will not be officially approved until the next month.

Mr. Eichmann entertained a motion.

Mr. Scheve made a motion to deny the Conditional Use request Case SYCB180012.

Ms. Glassmeyer seconded the motion.

Mr. Scholtz called roll.

Mr. Scheve – AYE

Mr. Leugers – NEA

Mr. Eichmann - NEA

Ms. Glassmeyer – AYE

Mr. Scholtz – AYE

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

Item 8. – New Business

Case: SYCB180014

Applicant: William and Tracy Dominique

Location: 11945 5th Avenue

Request: Variance

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert stated the request is for a variance to Section 10-7.1 of the Zoning Resolution to allow for a six feet tall privacy fence in the defined side yard. Mr. Holbert reviewed the timeline of the applicant's zoning approval for the property. The applicant consolidated all the lots she owned so that she could build a garage. The applicant applied for zoning approval for the fence and staff approved it in error. The applicant then applied for the zoning approval for the garage at which point Mr. Holbert found his mistake in approving the privacy fence in the side yard. Mr. Holbert said the applicant went through all the proper channels and the fence permit was issued in error with staff missing in the review that it was a privacy fence. He reminded the Board only up to a four feet tall, open style fence would be permitted in the side yard.

The Board asked questions of Mr. Holbert.

Mr. Eichmann asked where the applicant could put the fence as of right.

Mr. Holbert answered in the rear but then they wouldn't have access to the garage.

Mr. Holbert noted the applicant did get a survey and stated the fence would have to be 35 feet back to be out of the front yard.

Mr. Leugers asked if the Board is looking at a three feet variance.

Mr. Holbert said the variance is to have a privacy fence as opposed to a four feet high, 75% open fence.

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

Mrs. Tracy Dominique, the applicant, of 11945 5th Avenue, Sycamore Township, OH 45249, addressed the Board. Mrs. Dominique said she had multiple conversations with Harry about the project. She said she applied for the fence first because, if that was not approved in that location, they would have changed their plans for the garage. She noted Hamilton County required them to have a three feet footer under the garage which cost more than the garage.

Ms. Glassmeyer asked if she had two driveways.

Mrs. Dominique answered yes.

Mr. Eichmann asked for more detail on the fence location.

Mrs. Dominique and Mr. Holbert explained.

Mr. Scholtz asked if the Township is the hardship for making the error.

Mrs. Dominique said yes.

Mr. Eichmann asked why she couldn't have an open style fence.

Mrs. Dominique said for security and because she has a very large dog which she thinks could jump over a four feet fence. She noted the entire project was based on having the fence in this location.

There was discussion about the reasons for the privacy fence versus a more open style.

Mrs. Dominique said there will be a gate made of the same material.

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 the hardship is it was the Township's mistake and the variance should be granted.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve as submitted Case SYCB180014.

Mr. Eichmann seconded the motion.

Mr. Scholtz called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Glassmeyer – AYE

Mr. Scholtz – AYE

Mr. Eichmann said a resolution would be prepared for the next meeting on July 16th at 6:30 p.m.

Case: SYCB180016

Applicant: Stacey Carpenter

Location: 12114 1st Avenue

Request: Variance

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert said the request is for a variance to allow for the construction of a six feet privacy fence and a four feet Kentucky Board fence in the defined front yard of a corner lot. Mr. Holbert stated at first staff found that it appeared some of the parcels were not owned by the applicant. He said since then, the applicants has provided Quit Claim Deeds showing they own the lots which are actually vacated alleyways. Mr. Holbert then showed the proposed locations of the privacy fence and Kentucky Board. He reviewed what parts of the property are front, rear and side yards. Mr. Holbert noted where a fence would be permitted as of right, where no fence is permitted at all and where no privacy fence is permitted.

Mr. Holbert said he discussed the proposed fence with the maintenance superintendent who stated, provided it is on their private property and not in the paper street, he has no issue with it.

The Board asked questions of Mr. Holbert.

There was discussion about the paper street.

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

Mr. and Mrs. Brian and Stacey Carpenter, the applicants, of 12114 1st Avenue, Sycamore Township, OH 45249, addressed the Board. Mrs. Carpenter stated her father has lived there 67 years and Sycamore Township does not maintain the paper street. She said they have been mowing it. Mrs. Carpenter said a neighbor has a similar fence. She then discussed the issues with the lots and the Quick Claim Deeds and said she doesn't understand how there is a front side and rear yard if there is no building on those parcels.

Mr. Holbert explained.

Mr. Eichmann asked why the fence was needed.

Mrs. Carpenter said a lot of people walk through there and cut through their property. She said their dog has damage to his throat from being on a runner and they would like him to have a fenced in area.

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 was having a little trouble with the fence going all the way out to the street.

Mr. Eichmann agreed.

There was discussion about how far back would be acceptable.

Mr. Leugers suggested the front setback on 1st Avenue be even with the house.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve Case SYCB180016 with the conditions:

1. The fence must be setback in line with the southwest corner of the house on the First Avenue side of the property.
2. The applicant must install shrubs in accordance with the Zoning Resolution at ten shrubs per 100 feet with no trees required.

Mr. Scheve seconded the motion.

Mr. Scholtz called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Ms. Glassmeyer – AYE

Mr. Scholtz – AYE

Mr. Eichmann said a resolution would be prepared for the next meeting on July 16th at 6:30 p.m.

Case: SYCB180017

Applicant: Josh Ditmore

Location: 8661 Lancaster Avenue

Request: Variance

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert stated the applicant requests a variance to construct a covered deck addition within the required front yard setback. He noted a covered porch may project ten feet into the required thirty feet front yard setback per Section 3-5.11.

Mr. Holbert then showed the drawings the applicant had submitted stating he thinks the intent is to build a roof over the existing back porch.

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

Mr. Dan Campbell and Ms. Jane Stieringer, the owners of the property at 8661 Lancaster Avenue, addressed the Board. Ms. Stieringer noted they received the Beautification Award from the Township for this property in 2011. She said at the time they didn't have the money to improve the rear of the house. She said now they'd like to renovate the rear porch to get rid of the rod iron and the awning.

Mr. Campbell noted, when this project is completed, the house will look consistent all the way around. Ms. Stieringer said the applicant/contractor was present but the previous meeting went on so long they sent him home.

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

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve Case SYCB180017 as submitted.

Mr. Eichmann seconded the motion.

Mr. Scholtz called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Ms. Glassmeyer – AYE

Mr. Scholtz – AYE

Mr. Eichmann said a resolution would be prepared for the next meeting on July 16th at 6:30 p.m.

Item 9. – Date of Next Meeting

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

Item 10. – Communication and Miscellaneous Business

Mr. Holbert said he had nothing to report.

Item 11. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

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

The meeting adjourned at 11:29 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator