

December 16, 2019

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 on Monday, on December 16, 2019, 6:30 p.m.

Item 2. – Roll Call of the Board

Mr. Scholtz called the roll.

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

Members Absent: Ms. Glassmeyer

Staff Present: Skylor Miller, Kevin Clark and Jessica Daves

Item 3.-Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4.-Approval of Minutes

Mr. Eichmann entertained a motion to approve October 21, 2019 meeting minutes.

Mr. Scholtz made a motion, seconded by Mr. Scheve, to approve the October 21, 2019 meeting minutes.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-YES

Mr. Eichmann entertained a motion to approve the November 6, 2019 special meeting minutes.

Mr. Scheve made a motion, seconded by Mr. Heidel, to approve the November 6, 2019 special meeting minutes.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-YES

Mr. Eichmann entertained a motion to approve the November 18, 2019 meeting minutes.

Mr. Scheve made a motion, seconded by Mr. Heidel, to approve the November 18, 2019 meeting minutes.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES

Item 5. – 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 6. - Resolution

SYCB190020
Ann and Stephen Haines
8779 Appleknoll Lane
Variance

Mr. Clark presented the resolution approving the variance request for case SYCB190020.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES

Item 7.-Old Business

SYCB190018 (Continued to 01/21/2020)
Five Star Equity Investors, LLC
6100, 6331, 6341, 6491 & 6551 Kugler Mill Road
Conditional Use

Item 8.-New Business

SYCB190021
Brianne and Kevin Kroger
9148 Shadetree Drive
Variance

Mr. Clark presented the case in a PowerPoint.

Mr. Clark said the current zoning is "B "single family residential. The zoning compliance issue is table 4-6. The applicant is requesting a variance to allow for construction of a two story addition within the required front yard setback on the Kennedy Lane side of the property.

Mr. Scholtz asked Mr. Clark if the carport will be a part of the garage.

Mr. Clark answered it is all going to be new, they are still going to keep one area of the carport and then they are adding on to make a two car garage.

Mr. Scheve asked Mr. Clark if they were going to lose a tree if they approve it.

Mr. Clark said yes.

Mr. Scheve asked Mr. Clark if the proposed garage meet the setback requirements.

Mr. Clark answered no.

Mr. Scheve asked Mr. Clark if the existing structure is grandfathered in.

Mr. Clark answered because it is non-conforming.

Mr. Eichmann asked Mr. Clark because the carport is there this is not an accessory structure because it is attached to the house.

Mr. Clark answered because it is attached to the house.

Mr. Eichmann said so the footprint isn't changing in terms of its distance from the street except it is going to go further east.

Mr. Clark said the house predates zoning.

There was discussion about trees, shrubs, the previously approved plan and the proposed plan.

Mr. Miller said one thing he would note is the addition is not further encroaching the preexisting nonconforming setback.

Mr. Eichmann said there is still plenty of space between the eastern boundary of their property and the building itself, more than required.

Mr. Miller said yes, the new addition will meet the side yard setbacks.

Mr. Eichmann asked if the applicant would like to come forward.

Mr. Kevin Kroger, 9148 Shadetree Drive, Sycamore Township, OH 45242 addressed the board.

Mr. Kroger said the existing dormer will stay there. That would become access to the bedroom, bathroom on the second floor. That will not be taken down.

Mr. Kroger said the previous application the extended out of the dormer they have forgone that idea all together.

Mr. Scheve asked Mr. Kroger why they need a two car carport and a garage.

Mr. Kroger explained because the kitchen is off of the carport, they need some light to get into the windows, otherwise the kitchen is completely closed off and the ease of access.

Mr. Scholtz asked Mr. Kroger if they were going to lose half the carport.

Mr. Kroger answered correct.

Mr. Scholtz said the outside half.

Mr. Kroger said the outside half would start the garage.

Mr. Scholtz said so it is only going to be a one bay carport.

Mr. Kroger answered correct.

Mr. Eichmann asked Mr. Kroger if they were adding something to the back of the carport to close it in.

Mr. Kroger answered no structure, it will be completely open.

Mr. Scheve asked if they approved it would there be a way they could reconfigure the driveway to go more circular so they wouldn't lose that tree.

Mr. Kroger answered he does not know if there is a way to keep tree with extending the garage out.

Mr. Scholtz asked Mr. Kroger if there was any landscaping associated with the new garage.

Mr. Kroger answered they do have plans from the contractor for landscaping.

Mr. Heidel asked Mr. Kroger if there was access from the house to the garage.

Mr. Kroger said it would be through the carport and then into the house.

Mr. Eichmann asked Mr. Kroger if the upstairs bedroom they are adding will have access through the dormer that is at the top of the normal Cape Cod stairwell.

Mr. Kroger answered correct, there would be second floor access into the bedroom/bathroom area.

Mr. Eichmann asked Mr. Kroger if there would be garage access.

Mr. Kroger answered no garage access to the second floor just the one access point.

There was continued discussion about access.

Mr. Eichmann asked the staff about fire code and access.

Mr. Miller answered in a residential building like this it would not be a concern.

There was discussion about the roof, peak and gable.

Mr. Eichmann asked if any of the attending public would like to speak.

No response.

Mr. Eichmann closed the floor to public comment.

Mr. Eichmann explained his concern is about the gable and about the architecture of the neighborhood.

Mr. Kroger said along Kennedy Avenue there have been two tear downs with totally new construction that are completely different than the character of all the other houses in the neighborhood. It is not going to be abnormal compared to these very large houses that have gone up on the street.

Mr. Eichmann said his point is not so much about matching the character of the neighborhood as much as the normal architectural process of a house.

Mr. Leugers explained he sees the hardship. He said this looks like a good addition and he would vote for it.

There was discussion about the driveway and landscaping.

Mr. Scholtz made a motion to accept SYCB190021 as submitted with the exception that they submit their landscaping plan to administrative staff for approval.

Mr. Leugers seconded.

Mr. Scholtz called roll.

Mr. Scheve-YES
Mr. Heidel-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Scholtz-YES

SYCB190022
Ace Hardware
3986 E. Galbraith Road
Variance

Mr. Clark presented the Case SYCB190022 in a PowerPoint.

Mr. Clark said the current zoning is "E" retail. The request is for a variance to 12-9.1 and 12-9.2 to allow storage for a U-Haul truck rental in the existing parking lot without required screening. The applicant is requesting a variance to allow for the storage of a U-Haul truck rentals in the existing parking lot.

Mr. Clark explained the location of the ten spaces where they want to park the U-Haul trucks.

There was discussion about fencing.

Mr. Eichmann asked Mr. Miller how they would enclose ten spaces and get ingress and egress.

Mr. Miller answered it would be more of a three sided enclosure. He said you are essentially screening from public right of way and residential areas, so having it screened from the shopping center would not be necessary.

Mr. Miller said he did want to clarify that vehicular storage would be permissible with screening. The operation of a U-Haul rental can be done by right. The only variance on the table is the screening itself.

Mr. Eichmann asked Mr. Miller how would screening work with the parking arrangements that currently exist.

Mr. Miller answered it would require a larger area because there would have to be potential for turnaround or a lane for turning in there. It may change the orientation of how they park, they may have to go straight in. They were not actually given a design for that because they were hoping to do this without the screening.

Mr. Eichmann asked Mr. Miller if the shopping center would restrict the use of lanes.

Mr. Miller answered internal movements would be the responsibility of the shopping center.

Mr. Eichmann asked if there were any questions for staff.

No response.

Mr. Eichmann asked for the applicant.

Mr. Stephen Flannery, Ace Hardware Dillionvale, 4919 Laurel Ave, Blue Ash, OH 45242, addressed the board.

Mr. Flannery said the reason they are requesting the variance to not have the screening is because it is really not a part of U-Haul's business model to have these vehicles enclosed, for several reasons.

Mr. Flannery discussed the reasons being logistically it being harder to maneuver them around and security reasons.

Mr. Scheve asked Mr. Flannery how they arrived at 10 spaces.

Mr. Flannery answered Steven with U-Haul has indicated he would probably start them off with six vehicles, a pick up, van , maybe two small box trucks and a couple of trailers. That would be about the space where they could store those easily.

Mr. Scheve asked Mr. Flannery if they have interest from customers.

Mr. Flannery answered they have got nothing but positive feedback from their customers.

There was discussion about a resident that is opposed to the proposed plan.

There was discussion about possible locations for the parking spaces and shielding.

Mr. Flannery said the reason they chose those is because it is visible to them from the store and it is easy for them to see what is going on from the store during business hours and for them to walk the customers out to vehicles it is a little bit closer.

There was discussion about competitors nearby that have similar services, screening and people driving by and seeing the trucks.

Mr. Flannery said part of U-Haul's business model is to not have them enclosed is because they don't advertise on TV or anything. Their advertising is by visibility.

Mr. Eichmann asked staff if they approved the ten spaces they are asking for and they go to twenty, once you don't have any kind of enclosure up you are not going to need an enclosure for a bigger spot unless they put the maximum on that. It is hard for them to enforce the maximum number of trucks.

Mr. Miller explained, if we are going to grant a variance to waive the screening requirement, it could be for a maximum number of vehicles or a maximum number of spaces. If they exceeded that would trigger the threshold of them coming back in and request more or implement the screening at that time.

There was discussion about the variance, conditions, rolling inventory and parking spaces.

Mr. Steve Allen, 6887 Erie Drive, Mainville OH, 45039 addressed the board.

Mr. Allen said U-Haul has premade signage for equipment return that they could put there to address potential customers moving in to direct them to a certain area.

Mr. Allen explained possible signage.

Mr. Allen said if a condition had to be put on the number of equipment they would have to come back. U-Haul's business model is everyone just thinks truck rental but they had to evolve over the years so U-Haul is more into what they call truck sharing now. Where they have a limited number of vehicles but they want to share those vehicle with as many customers as possible per one truck. This limits the amount of equipment they need in one area to service that community.

There was discussion about how U-Haul's business model works.

Mr. Scholtz said his sense is that his application needs to be more specific.

Mr. Eichmann asked if any attending public would like to make a comment on the variance proposal.

No response.

Mr. Eichmann closed the floor to public comment.

Mr. Eichmann asked staff if there were any other examples of this in our Township.

There was discussion about locations of delivery trucks in the Township.

There was discussion about signs, marking the spaces and fencing.

Mr. Scheve asked if they had talked to the landlord at all if they painted lines on the street would they allow that.

Mr. Flannery answered that was not something that was specifically brought up but in all their meetings with them they seemed to be completely willing to go along with whatever they could do to get more business going into the plaza.

Mr. Scholtz said there has to be some kind of designation of where the trucks are going to be.

Mr. Leugers said let Ace police it.

There was discussion about the person that wrote in who was opposed.

Mr. Leugers made a motion to approve Case SYCB190022 with the parking place as indicated on the plans.

Mr. Scholtz seconded.

Mr. Scholtz called roll.

Mr. Scheve-YES

Mr. Leugers-YES

Mr. Eichmann-NO

Mr. Heidel-YES

Mr. Scholtz-YES

Item 9. – Date of Next Meeting

The date of the next meeting is Tuesday, January 21, 2020 at 6:30 p.m.

Item 10.-Communication or Miscellaneous Business

There was discussion welcoming Mr. Miller, and about the Moeller Case and the Township development.

Item 11. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn.

Mr. Heidel seconded.

Mr. Scholtz called roll.

Mr. Scheve-YES

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Scholtz-YES

Meeting adjourned 7:46 p.m.

Minutes Recorded by: Jessica Daves
Planning & Zoning Assistant