

Meeting Minutes
Sycamore Township Board of Zoning Appeals
Township Administration Building
8540 Kenwood Road
Monday, May 18, 2020
6:30 p.m.

NOTE: Due to the COVID-19 pandemic and the issuance of a Stay-at-Home order by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, this meeting was held via remote video with all participants joining in by videoconference. Video of the meeting was live streamed to the public on the internet. To ensure compliance with HB 197, the Township provided the following public notice in advance of the meeting, along with links to the meeting agenda and to where the public could watch it:

Due to the COVID-19 pandemic and the issuance of a Stay-at-Home order by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, The Sycamore Township Board of Zoning Appeals will hold their April 20, 2020, 5:00 p.m. public hearing via remote video with all participants joining in by videoconference. Members of the public who have interest in the cases to be heard are invited to submit comments or questions in writing prior to the meeting to Jessica Daves, Planning & Zoning Assistant, at jdaves@sycamoretownship.org or by dropping off written comments in the bin at the Sycamore Township Fire Station 92 at 8540 Kenwood Road. Video of the meeting will be live streamed to the public on the internet. The live stream link is below.

In order to participate during the video conference, please register with Jessica Daves at jdaves@sycamoretownship.org by 2:00 pm on April 20, 2020. Once registered you will be sent login instructions. Please provide your name, address, phone number and email for registration.

[Agenda & Video Links followed the notice.]

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

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order on Monday, May 18, 2020 at 6:30 pm.

Item 2. – Roll Call of the Board

Mr. Eichmann called the roll.

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

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 the April 20, 2020 meeting minutes.

Mr. Scheve made a motion, seconded by Mr. Leugers, to approve the April 20, 2020 meeting minutes.

Mr. Eichmann called roll.

Mr. Scheve-YES
Mr. Leugers-YES
Mr. Eichmann-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 those providing testimony.

Item 4.-Motion to Authorize Electronic Signatures

Mr. Eichmann entertained a motion to authorize electronic signatures.

Mr. Eichmann made a motion to authorize electronic signatures seconded by Mr. Scheve.

Mr. Scholtz joined the meeting.

Mr. Scholtz called roll.

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

Item 6.-Old Business

SYCB190018 (Continued to TBD)

Five Star Equity Investors, LLC

6100, 6331, 6341, 6491 & 6551 Kugler Mill Road

Conditional Use

Item 7. - New Business

SYCB200005

Mark Tilsley, AIA

8501 Montgomery Road

Conditional Use

Mr. Clark presented Case SYCB200005 in a PowerPoint.

Mr. Clark said the current zoning is "B" single family residential. He said, the zoning compliance issue is a conditional use church in a residential district. The applicant is requesting approval of a conditional use and a variance. The Power Mission Baptist Church is proposing to build a 3625 square foot addition and additional parking of 36 spots added to the 46 already on site. They are four parking spots short of needed spots per number of seats in the church.

Mr. Clark discussed the proposed plan, landscaping, streetscape, and the location of the proposed addition and parking.

Mr. Clark said Power Mission Baptist Church is requesting a Conditional Use and a variance to build an addition that is 3,625 SF for a new sanctuary for their congregation adding on to the existing 8,740 SF building that sits on 3.8 acres. Power Mission is also proposing to add 26 trees to the rear yard buffer between the church and the Neighborhood and 21 trees with 51 shrubs to the parking lot landscaping. The Church is looking for relief for parking, due to having seats for 341 people but only 82 parking spots when 86 is needed. The Church is only able to build out its site for parking as much as the topography will reasonably allow. Still, the site will be short four parking spots.

Mr. Eichmann asked Staff if they just had an addition that was put on not too long ago.

Mr. Clark answered he does not remember an addition to that building.

Mr. Eichmann asked Mr. Clark if this was being put on a vacant piece of land and if it is using up their greenspace but none of there parking lot and they are adding parking places.

Mr. Clark answered correct.

Mr. Scholtz asked Mr. Clark why they are needing a variance.

Mr. Clark answered they need a variance for the parking. He said they do not have enough parking spots.

Mr. Scholtz asked Mr. Clark if that was all they are considering tonight.

Mr. Miller said the expansion of the conditional use as well as the reduction of four parking spaces.

Mr. Eichmann said he understands from the applicant's information that they utilize the school for overflow parking already.

Mr. Clark answered correct.

Mr. Eichmann said that is not going to fulfill the requirement because it is not a permanent allowance.

Mr. Miller said it is a good neighbor arrangement.

Mr. Scheve asked Mr. Clark how the number of spaces are factored.

Mr. Clark answered four seats to one parking spot.

Mr. Scheve asked Mr. Clark if they are short if they are going to use with the adjoining school.

Mr. Clark answered right.

Mr. Eichmann asked if there were any more questions.

No response.

Mr. Eichmann asked if the applicant was present.

No response.

Mr. Eichmann asked if the attending public would like to make a comment.

Mr. Eichmann swore in Mr. Steve Ginn and Mr. Tom Brockman from the Sturbridge Homeowners Association, Sycamore Township, OH 45236.

Mr. Ginn addressed the board.

Mr. Ginn said they have always been very good neighbors and they have never had any problems with them. They have had some concerns with adjoining neighbors that were worried about other developments should it not be operated the same as it currently is. The main problem they have is the parking. When they have events particularly with Rockwern the cars park on both cars on both sides of Sturbridge and if that happens to be a school day the traffic is pretty precarious going up and down on those days. That only happens just so often but it is a concern. The other thing is the parking lot sharing. He believes that parking lot that is over at Rockwern is also shared by the Township use and is cost shared both with Rockwern and the Township. He said there is a permanent agreement for that, and he knows they just redid the whole parking lot over at Rockwern. They might have the right to use that parking lot from time to time. That would be something that would have to be determined.

Mr. Ginn discussed possible landscape buffering along that south edge of their existing parking.

Mr. Eichmann asked if there were any comments.

Mr. Mark Tilsley, 11401 St. Gregory St., Cincinnati, OH 45202 addressed the board.

Mr. Eichmann swore in Mr. Mark Tilsley

Mr. Tilsley said it is essential a replacement facility for their current facility which is no longer adequate. They also need an odd fellow's hall which the current sanctuary will become when they build their new sanctuary. He said they have followed the Sycamore Township Zoning Resolution in terms of requirements for landscaping and all the other things they need to do to visually and substantially protect the surrounding community. They have completely developed the site that is primarily parking. He said they have maxed it out and they are four cars short which is the variance that they are seeking, other than the conditional use approval.

Mr. Scholtz asked Mr. Tilsley what his relationship is to the church.

Mr. Tilsley answered that he was hired by the church to examine and explore the possibilities of doing an expansion of their facility.

Mr. Eichmann asked Mr. Tilsley if he was the architect.

Mr. Tilsley answered that is correct, he is the architect of record.

There was discussion about the application being signed by the applicant as agent for owner and the record having the owner authorize Mr. Tilsley to file the application.

Mr. Eichmann swore in Mr. Jung Lee.

Mr. Ginn discussed concerns again for Mr. Tilsley including parking and asked if they would consider putting in some minor buffering.

There was continued discussion about landscaping.

Mr. Eichmann asked if there were any other questions.

Mr. Eichmann closed the public comment.

Mr. Scholtz said that he does not have an issue with anything he is seeing and as long as The Sturbridge people are happy, he is happy.

Mr. Eichmann said if there is any concern over additional landscaping it can be referenced to the staff to coordinate that effort with both parties.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve Case SYCB200005 as submitted.

Mr. Scheve seconded.

Mr. Scholtz called roll.

Mr. Scheve- YES

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES
Mr. Scholz-YES

Mr. Miller asked Mr. Heidel if he agrees to his signature being electric format.

Mr. Heidel answered yes.

Mr. Eichmann present the resolution for Case SYCB200005 for approval.

Mr. Scheve said just so the record is clear they prepared a draft each way, so the public is not confused that we decided this case before they heard the evidence.

Mr. Miller said correct, they received two draft resolutions. The vote could have went either way. This is going to be our typical format moving forward.

Mr. Eichmann said this is a resolution for SYCB200005 approving a request for the conditional use permit and the variance.

Mr. Scholtz called roll.

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

SYCB200006
Stan Better, AIA
8084 Carnaby Lane
Variance

Mr. Eichmann explained that this is a public hearing in which testimony will be given by staff and members of the public.

Mr. Clark presented Case SYCB200006 in a PowerPoint.

Mr. Clark said the current zoning is B-2CUP. He said the zoning compliances issues are Table 4-6. The applicant requests a variance to construct an addition of a 12 ft x 18 ft roof covering over an existing paver patio, to replace the existing pergola.

Mr. Clark said the new roof covering will be 10 feet into the setback and 20 feet off the rear yard property line where the old pergola was 16 feet into the setback and 14 feet off the rear yard property line.

Mr. Clark made a clarification to the variance to Table 4-6 of the Zoning Resolution.

Mr. Eichmann asked Mr. Clark if the roof itself was going to be less intrusive into the backyard than it is now by just one foot.

Mr. Clark answered correct, they are basically going 10 feet into the setback instead of where they were 14 feet.

Mr. Eichmann asked Mr. Clark so the only issue is the setback and nothing to do with the construction or the size of the roof.

Mr. Clark answered right.

Mr. Eichmann asked if there were any questions from the Board.

Mr. Eichmann swore in Mr. Stan Better, Mr. Fred Kamen and Ms. Joyce Kamen.

Mr. Better said for clarification the pergola sets 18 feet out from the house. They are doing the roof overhang only 12 feet out. There is a six-foot difference going into the setback. The setback almost occurs right at the building line. They have a unique hardship where they could never build anything off the back of this house with the hardship of the setback. He said the rear of the house is adjoining to a greenspace.

Mr. Eichmann asked if there were any other comments.

Mr. Eichmann asked Mr. Clark and Mr. Miller if there was some specific ruling in a neighborhood in regard to a PUD in the way it was developed and handling setbacks in a PUD.

Mr. Miller answered is we have two different setback standards because of the type of structure that it is. He said the pergola structure is not an integral part of the house. Therefore, it's a separate accessory structure to the home and it is allowed to encroach into the rear yard setback.

Mr. Miller explained the covered patio being considered an addition according to the Zoning Resolution.

There was discussion about the Homeowners Association.

Ms. Kamen said that it has been approved by the Homeowners Association.

Mr. Eichmann said they saw that in a note from the HOA president.

Mr. Eichmann asked if there were any other questions.

Mr. Eichmann asked if there was anyone joined from the public.

Mr. Ebel answered no.

Mr. Eichmann closed the public comment.

Mr. Leugers said he is inclined to approve it.

Mr. Scholtz said the footprint is going to be smaller. It just seems like a no brainer to him.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve Case SYCB200006 as submitted.

Mr. Heidel seconded.

Mr. Scholtz called roll.

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

Mr. Eichmann presented the resolution approving Case SYCB200006 as submitted.

Mr. Scholtz called roll.

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

Item 8.-Date of Next Meeting

The next regular meeting will take place on Monday, June 15, 2020 at 6:30 p.m.

Item 9.-Communication or Miscellaneous Business

There was discussion about continuing cases.

Item 10. – 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 7:44 p.m.
Minutes Recorded by: Jessica Daves
Planning & Zoning Assistant