

Meeting Minutes
Sycamore Township Board of Zoning Appeals
Township Administration Building
8540 Kenwood Road
Monday, July 20, 2020
6:30 p.m.

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. George Ten Eyck III – Member
Mr. Jeff Heidel – Member
Mr. Steve Scholtz – Secretary
Ms. Tracy Hughes-Alternate

Item 1.-Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order on Monday, July 20, 2020 at 6:30 pm.

Item 2.-Roll Call of the Board

Mr. Scholtz called the roll.

Members Present: Mr. Ten Eyck, Mr. Leugers, Mr. Eichmann, Mr. Heidel, Mr. Scholtz and Ms. Hughes

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 June 15, 2020 meeting minutes.

Mr. Scholtz made a motion, seconded by Mr. Leugers, to approve the June 15, 2020 meeting minutes.

Mr. Scholtz called roll.

Mr. George Ten Eyck III-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-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 6.-Old Business

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

Mr. Eichmann discussed zoning variances and the process.

Mr. Eichmann changed the order in which the cases were being heard according to the Agenda.

Item 7.-New Business

SYCB200008

Michael Bowling

11959 Fourth Ave

Variance

Mr. Clark presented Case SYCB200008 in a PowerPoint presentation.

Mr. Clark said the current zoning is “C” single family residential. The zoning compliance issue are section 10-7.1. The request is to allow for the construction of a six foot (6’) tall fence in the defined front yard of a corner lot.

Mr. Clark explained the location of the existing fence on the property and location of the proposed fence.

Mr. Eichmann asked Mr. Clark if they have a fence around the entire piece of property.

Mr. Clark answered they do.

Mr. Eichmann asked Mr. Clark if the fence was grandfathered.

Mr. Clark answered that fence is grandfathered.

Mr. Miller said that we would consider that fence legal non-conforming, it does predate zoning.

Mr. Eichmann asked if it was in needed repair and if it needs to be torn down.

Mr. Clark answered no.

There was continued discussion about the existing fence and the proposed fence.

Mr. Eichmann asked if the chain link was on the property line.

Mr. Miller answered it is currently unverified. The applicant could submit a survey to us. It would be one of our recommendations based on the conversation with our maintenance superintendent that, should the board choose to grant the variance, that we would require a survey to verify property lines so that a new fence does not encroach into the public right of way.

There was discussion about the fence gate and the location being on the Park Avenue side.

Mr. Eichmann asked if there were any other questions.

Mr. Eichmann asked for the applicant to speak.

Mr. Michael Bowling, 11959 4th Avenue, Sycamore Township, OH 45249 addressed the board.

Mr. Bowling explained his property and the proposed fence.

Mr. Bowling discussed his concerns about unsupervised kids banging on his fence and tormenting his dogs, a property maintenance issue across the street and concerns in the neighborhood.

Mr. Bowling submitted a packet for the record with pictures.

Mr. Ten Eyck asked Mr. Bowling if there were any houses that face Park.

Mr. Bowling answered there is one house that faces his yard.

There was a discussion about the property maintenance issue on the neighboring property and fencing.

Mr. Scholtz asked Mr. Bowling if he was fencing in the whole property.

Mr. Bowling answered no.

Mr. Scholtz asked Mr. Bowling if he was just doing a portion of the side yard.

Mr. Bowling answered yes.

Mr. Clark said it is the second front yard.

There was discussion about the proposed fence, the existing fence, and the property having two front yards.

Mr. Miller discussed two issues: How far forward toward Fourth Avenue is the Board going to allow, and is the board going to allow for a six-foot fence to replace the existing four-foot chain link along Park Avenue.

Mr. Miller said the only issue he has is ensuring that a new fence does not encroach into the public right of way.

Mr. Eichmann asked by putting up the six foot fence that does not mean the rest of the chain link fence has to come down.

Mr. Miller said not unless it is conditioned by the board.

There was discussion about the existing chain link and property lines.

Mr. Miller said if there is a concern about having parallel fences that is something that can be conditioned.

Mr. Eichmann discussed them needing to have a survey.

Mr. Miller said that the condition is not to ask the applicant to verify all property lines. We are asking him to verify that his new fence would not encroach onto the public right of way. If the surveyor could provide that information at a reasonable fraction of the cost of a full survey, he would accept that documentation.

There was continued discussion about the property and fencing around the property.

Mr. Eichmann asked if any attending public would comment on the variance proposal.

Ms. Sarah Tygrett, 7780 Cincinnati Avenue, Cincinnati, OH 45249, addressed the board.

Ms. Tygrett said that she is the owner of the property.

Ms. Tygrett discussed the house being well taken care of and the property maintenance issue across the street.

Ms. Shannon Roush, 4142 Airport Road #303, Cincinnati, OH 45226 addressed the board.

Ms. Roush discussed regulations concerning the openness of fences, the front yards on this lot and setbacks.

Mr. Jonas Tygrett, 7780 Cincinnati Avenue, Cincinnati, OH 45249 addressed the board.

Mr. Tygrett discussed the packet that was submitted and the photos of other homes in the neighborhood with fences laid out the same way.

There was discussion about fences in the neighborhood.

Mr. Eichmann asked if anyone else from the attending public would like to speak.

No response.

Mr. Eichmann closed the public comment.

Mr. Leugers said that he is inclined to approve this one because it is nasty across the street. Obviously, they are not doing anything about it or can't do anything about it because they know about it. He said they said they are out there all the time, but he is inclined to do it and put a few stipulations on it.

Mr. Leugers said, first off on, Park Avenue put a bush every six feet or some sort of landscaping and have a survey verify the property line on Park Avenue.

Mr. Miller said they do not want any landscaping on public right of way.

Mr. Leugers said they would have to set it back a little to accommodate that and remove the parallel fence that would be created by that.

Mr. Scholtz said he agrees with Mr. Leugers. He thinks the landscaping could be something simple, it does not have to be that much of a setback.

Mr. Scholtz said the property does have to be surveyed.

Mr. Leugers agreed.

Mr. Leugers made a motion to approve Case SYCB200008 as submitted with the following conditions:

1. Where new fence is installed, remove existing fence.
2. Verify property lines along Park Avenue.
3. Landscaping a bush every 6 feet along Park Avenue.

Mr. Heidel seconded.

Mr. Scholtz called roll.

Mr. Ten Eyck- YES

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Scholtz-YES

SYCB200011

Betsy Ahlert

7767 Styrax Lane

Variance

Mr. Clark presented Case SYCB200011 in a PowerPoint.

Mr. Clark said the current zoning is "C" single family residential. He said the applicant is seeking relief by variance for a deck constructed without a permit. The existing structure replaces a prior dilapidated deck and patio that was deemed by the applicant to be an unsafe structure.

Mr. Clark said the applicant is requesting a variance to allow for a deck already constructed of 26 feet 6-inches by six feet seven and a half inches with 16 feet 6-inch setback where a 30 feet setback is required. The applicant is also asking for a one foot from the side deck when three feet to the property line is required.

Mr. Miller explained where the side, front and rear yards are located on the property. He also discussed the setbacks and the variance request.

There was a question about if a permit is required for a patio.

Mr. Miller said patios do not require any permits.

There was discussion about the existing fence.

Mr. Eichmann asked for the applicant.

Ms. Betsy Ahlert, 7767 Styrax Lane, Sycamore Township, OH 45236, addresses the board.

Ms. Betsy Ahlert discussed her recent purchase of the property.

Ms. Alhert said she does apologize and begs forgiveness for building a deck without permission that was not her full intention when the deck was started.

Ms. Ahlert referred to photos and a packet she submitted.

Ms. Alhert explained the condition of the previous condition of the patio and deck. She also discussed trees on property, letters submitted by neighbors and the property.

Mr. Eichmann asked if from the attending public would like to comment on this variance.

No response.

Mr. Eichmann closed the public comment.

Mr. Miller asked Ms. Ahlert how the grass is being maintained between the deck and the fence.

Ms. Ahlert answered there is no grass, there was nothing there it was dirt and rock before.

There was discussion about property lines and surveys not being required by the Township before putting up a fence and if there is a property line dispute between two neighbors it becomes a civil matter.

Mr. Miller asked Ms. Ahlert how far past the house the deck extends.

Ms. Ahlert answered she does not have the exact number.

There was continued discussion about the how far past the house the deck extends.

Mr. Eichmann discussed residents doing projects without permits and then coming before the Board for a variance.

Mr. Ten Eyck said it is a significant improvement, there is no doubt and he would like to think they do support improvements even though there is a variance.

Mr. Ten Eyck said he is inclined support it.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve Case SYCB2000011 as submitted with the following condition:

1. Sycamore Township makes no assurances to the western property line.

Mr. Ten Eyck seconded.

Mr. Scholtz called roll.

Mr. Ten Eyck- YES

Mr. Leugers-YES

Mr. Eichmann-NO

Mr. Heidel-YES

Mr. Scholtz-YES

Mr. Eichmann discussed SYCB200010 being voided out due to a computer issue.

SYCB200009

Bradley E Lehmann, Jr.

6640 Kugler Mill Road

Variance & Appeal

Mr. Miller said there is a violation on the property right now that is being appealed. Depending on the Board's determination, there is a possible variance to be considered on that same issue. The applicant is improving the property with a large addition to the principle structure and we will be reviewing a variance

for that as well. He said he wants to make it clear that each of these actions are independent of the other. If one is denied it is not the whole case.

Mr. Miller presented Case SYCB200009 in a PowerPoint.

Mr. Miller said the first item has to do with planting/vegetation within what we call the clear sight distance triangle.

Mr. Miller said there were several plantings placed along the corner for aesthetic purposes. The applicant did call the Township prior to planting and received mixed information.

Mr. Miller discussed a conversation between the applicant and Mr. Kellums about the Hamilton County Engineers intersection sight distance formula.

Mr. Miller explained the intersection sight distance formula and the property being placed in violation based on Section 14-9 of the Zoning Resolution.

Mr. Miller discussed off sight issue including a crosswalk, stop sign on Weatherfield Lane and speed issues on Kugler Mill Road.

Mr. Eichmann asked Mr. Miller if we enforce the sight plan if all the shrubs have to be dug up.

Mr. Miller answered not quite all of them but there are quite a few.

Mr. Eichmann asked if this neighbor is a part of a neighborhood that this is affecting.

Mr. Miller answered he is not actually a part of the subdivision.

There was discussion about the plantings.

There was a discussed about two different agencies attempt to provide control and visibility for intersections.

There was discussion about 12 out of 24 trees being within that triangle and sight triangle standard.

Mr. Eichmann asked if the applicant wanted to speak.

Bradley Lehmann, 6044 Kugler Mill Road, Sycamore Township, OH 45236, addressed the board.

Mr. Bradley Lehmann said he was under the impression that he could do it then he had a complaint from the homeowner association. The day they were planted he thinks he had thirty people stop by and tell him how good they look and thanked him for cleaning up the property. Also, the fence that enclosed the whole property on the backside to make it look a whole lot nicer and open up the yard. On the Kugler Mill side he was more so looking to have a little more yard space and privacy because it is such a busy street.

Mr. Lehmann discussed another entrance to Sturbridge subdivision being non-conforming to the sight triangle with landscaping, other areas in the neighborhood that do not meet the sight line requirements, the stop sign and the speed limit.

There was discussion about Kugler Mill sidewalks and possible future plans.

Mr. Miller said that we are in the process of acquiring additional right of way for the sidewalk project.

Mr. Eichmann asked Mr. Miller if the sidewalks would be on both sides of the road.

Mr. Miller answered the northside he believes.

Mr. Miller said regardless of the appeal or variance he believes Mr. Kellums is going to be painting the stop bar farther up. They will continue with doing their speed analysis of Kugler Mill and also working with sheriff department to do some targeted enforcement.

Mr. Eichmann asked Mr. Lehmann with the fact that his plants are dead, and they will probably have to be replanted, his commentary is that he is not interested in what he would call a cropped corner to help this situation out.

Mr. Lehmann answered he would take a couple plants out but taking 12 out would be a significant amount. He said he really does not think it would make a difference once they put that stop sign where it supposes to go.

There was discussion about the possible sidewalk location, delaying the plantings and the homeowner's association.

Mr. Miller said there is no conflict with the homeowner's association. He said this property is not within the subdivision. The homeowner's association does not have jurisdiction over this property.

Mr. Lehmann said he read the homeowners handbook and they do not regulate landscaping.

Mr. Eichmann asked if any attending public would like to comment.

Mr. Merrill Tomlin, 6700 Kugler Mill Road, Sycamore Township, OH 45236 addressed the board.

Mr. Tomlin asked Mr. Miller about the sight triangle.

Mr. Miller explained the sight triangle in the Zoning Resolution.

There was continued discussion about the sight triangle.

Mr. Miller discuss the 20 ft each direction zoning tool to mitigate traffic issues.

Mr. Joe Bride, 6402 Westover Circle, Sycamore Township, OH 45236, addressed the board.

Mr. Bride said he is member of the neighborhood association and he disagrees with the decision.

Mr. Bride discussed the stop sign and the owner enhancing the neighborhood. He said he strongly recommends that they allow him to move forward with what he is doing. He thinks there are a lot of people like him in the neighborhood that feel very strong and this is a positive move for Sturbridge and for Sycamore Township.

Mr. Miller asked Mr. Bride if he was speaking about the property and his ownership in general.

Mr. Bride agreed.

Mr. Eichmann asked if there were any other comments from the public.

No response.

Mr. Eichmann closed the public comment.

Mr. Miller said at the end of this we are looking for two possible actions. One is an action on the appeal, whether you approve of the appeal or deny it so that is a question of essentially whether the violation was right or wrong to begin with. Then if the applicant's request warrants a variance you can provide a variance for relief of this issue as well. There are two actions that should be taken.

There was discussion and explanation about the appeal and variance actions.

Mr. Eichmann made a motion to deny Case SYCB200009 for the appeal of the violation.

Mr. Leugers seconded.

Mr. Scholtz called roll.

Mr. Ten Eyck- YES

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Scholtz-YES

Mr. Miller explained the variance options.

Mr. Eichmann asked Mr. Miller if he could have his plantings as long as they are not in the triangle and if they have to rule on the plantings outside the triangle or just within the triangle.

Mr. Miller answered only the plantings within the triangle are in question and need relief.

There was a discussion about tabling the decision and providing construction drawings of the right of way improvements in relation to the property.

Mr. Leugers made a motion to deny Case SYCB200009 for the variance.

Mr. Eichmann seconded.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Scholtz-YES

SYCB200009

Bradley E Lehmann, Jr.

6640 Kugler Mill Road

Variance

Mr. Miller presented case SYCB200009 for a variance to the addition in a PowerPoint.

Mr. Miller said this is “B” single family. The applicant is requesting is relief from the front yard setback. The applicant is proposing in total approximately 3,400 square feet in addition and improvements to the existing property, including the basement and porch. The current home is legal non-conforming as it sits at 19.4 feet from the front setback on Wetherfield Lane.

Mr. Miller said for the total of this addition we are looking at a one-foot encroachment into the front yard on Wetherfield Lane. The new setback will be approximately 18.4 feet.

Mr. Eichmann asked if the applicant wanted to speak.

Ms. Shannon Roush, the architect, 4142 Airport Road #303, Cincinnati, OH 45226, addressed the board.

Ms. Roush discussed the setbacks, property, and the proposed addition.

Mr. Eichmann asked if anyone from the attending public would like to comment on the variance.

Mr. Merrill discussed his concern with his property and the construction of the proposed addition.

Mr. Eichmann asked Mr. Miller about letters from the public.

Mr. Miller said Sturbridge Homeowner’s Association was in favor of this.

Mr. Ten Eyck said it is a very attractive design.

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

No response.

Mr. Eichmann closed public comment.

Mr. Leugers made a motion to approve Case SYCB200009 as submitted.

Mr. Ten Eyck seconded.

Mr. Eichmann asked if there was any discussion.

No response.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Scholtz-YES

Item. 8- Resolutions

Mr. Clark presented the resolution to approve Case SYCB200008 with conditions.

Mr. Eichmann asked if there was any discussion.

No response.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-YES

Mr. Clark presented a resolution to approve Case SYCB200011 for a variance with conditions.

Mr. Eichmann asked if there was any discussion.

No response.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES
Mr. Leugers-YES
Mr. Eichmann-NO
Mr. Heidel-YES
Mr. Scholtz-YES

Mr. Clark presented the resolution denying Case SYCB200009 for a variance on the clear sight triangle distance violation.

Mr. Eichmann asked if there was any discussion.

No response.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-YES

Mr. Clark presented the resolution denying Case SYCB200009 for a variance for the clear sight triangle.

Mr. Eichmann asked if there was any discussion.

No response.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-YES

Mr. Clark presented the resolution approving Case SYCB200009 for a variance for an addition.

Mr. Eichmann asked if there was any discussion.

No response.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-YES

Item 9.-Date of Next Meeting

The next regular meeting will take place on Monday, August 17, 2020 at 6:30 p.m.

Item 10.-Communication or Miscellaneous Business

There was discussion about property maintenance issues discussed in Case SYCB200008, the neighborhood, and property maintenance complaints.

There was discussion about the Board of Zoning Appeal standards.

Item 11. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Leugers moved to adjourn.

Mr. Heidel seconded.

Mr. Scholtz called roll.

Mr. Ten Eyck-YES
Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Scholtz-YES

Meeting adjourned 9:28 p.m.
Minutes Recorded by Jessica Daves
Planning & Zoning Assistant