

Meeting Minutes

**Sycamore Township Board of Zoning Appeals
8540 Kenwood Road
Sycamore Township, Ohio 45236
Monday, August 21, 2023, at 6:00 p.m.**

Mr. Ted Leugers – Chairman
Mr. Michael Schwartz – Vice Chairman
Mr. Steve Scholtz – Secretary
Ms. Tracy Hughes-Member
Mr. George Ten Eyck – Member
Mr. Anthony Ramicone - Alternate

Item 1.-Meeting Called to Order

Mr. Leugers called the meeting of the Board of Zoning Appeals to order on Monday, August 21, 2023, at 6:00 p.m.

Item 2.-Roll Call of the Board

Mr. Scholtz called the roll.

Members Present: Mr. Schwartz, Ms. Hughes, Mr. Ten Eyck, Mr. Leugers, Mr. Scholtz

Alternate Present: Mr. Ramicone

Members Absent: None

Staff Present: Jeff Uckotter, Kevin Clark, Jon Ragan

Item 3.-Pledge of the Allegiance / Opening Ceremony

Mr. Leugers led the Pledge of Allegiance.

Item 4. Nomination of Vice-Chairman

Mr. Uckotter stated that Mr. Heidel has resigned from the Vice-Chairman position and as a member.

Mr. Anthony Ramicone was welcomed by the Board as the new alternate.

Noting that the position must be filled, Mr. Leugers nominated Mr. Schwartz for the position of Vice-Chairman.

Mr. Ten Eyck seconded the motion.

Mr. Leugers called the roll.
All in favor, none opposed.

Item 5.-Approval of Minutes

Mr. Leugers entertained a motion to approve the April 17, 2023, meeting minutes.

Ms. Hughes made a motion to approve the minutes. Mr. Schwartz seconded the motion.

Mr. Scholtz called the roll:

Mr. Leugers- YES

Mr. Scholtz- YES

Ms. Hughes - YES

Mr. Ten Eyck - YES

Mr. Schwartz- YES

Item 6. Swearing in of Those Providing Testimony

Mr. Leugers swore in all those providing testimony. He then explained conditional uses and variances, reviewed the meeting procedures, and discussed the process by which the Board of Zoning Appeals makes decisions on such requests.

Item 7.-New Business

Case:	SYCB230005
Applicant:	Mark J. Brown (Brookside Swim Club)
Subject Property:	4400 Sycamore Road, Cincinnati, Ohio 45236
Request:	Conditional Use/Variance

Mr. Uckotter presented the case. Mr. Uckotter explained that in early 2023, Brookside Swim Club expanded the existing gravel lot without a zoning certificate (approximately 6,226 square feet of gravel parking surface was added).

Mr. Uckotter noted the two (2) considerations for this case. The conditional use request for the expansion of the parking lot, and the variance request for the pervious gravel parking.

Mr. Uckotter noted that STZR 12-4.5 requires every off-street parking lot and driveway to be surfaced with an asphaltic or Portland cement binder pavement, providing an all-weather, durable, and dustless surface.

Mr. Uckotter explained how the presence of the existing non-conforming gravel parking lot does not provide a right to expand the non-conformance further. Mr. Uckotter noted that staff is supportive of the expansion of the parking lot if the expansion is an impervious surface.

Mr. Uckotter expanded on the applicable conditions listed in the staff report. Mr. Uckotter noted that in this case, practical difficulty is not present. He explained the variance requirements and reiterated the fact that cost is not a practical difficulty when analyzing a zoning hardship for a variance.

Mr. Uckotter stated that the expansion of the gravel parking lot violates multiple Sycamore Township zoning resolution provisions. (12-4.5, 9-2.4, 9-2.5, 9-2.6).

Standards for variances (STZR 21-6) were reviewed by Mr. Uckotter, accompanied by staffs findings. Mr. Uckotter also stated that the variance is substantial and would negatively affect the adjoining property owners and community.

Mr. Uckotter noted that staff recommends approval of the conditional use request to expand the parking lot with the proposed conditions:

- 1) Condition 15b shall be adhered to. A landscape plan shall be approved prior to the approval of the Zoning Compliance Plan.
- 2) If the parking lot expansion remains, it shall be an impervious surface (asphaltic or Portland cement).
- 3) The parking lot's spaces and drive aisles shall be striped, consistent with the Sycamore Township Zoning Resolution.

Mr. Uckotter noted that staff recommends denial of the variance request with the following condition:

- 1) If the impervious parking surface is not installed, the gravel expansion shall be removed and returned to grass.

Mr. Scholtz made a comment, noting that even if the expansion of the parking lot is an impervious service, there will still be dust from the existing gravel lot.

Mr. Uckotter stated that was correct and the current gravel is legal non-conforming.

Mr. Schwartz asked who owns the lot immediately west of the yellow-marked area (shown on the aerial view of the property in the staff report). Mr. Uckotter stated that the lot to the west is owned by Brookside Swim Club. Mr. Schwartz asked about the vegetation near the fence (to the west), Mr. Uckotter noted that this vegetation consists of weeds and brush growing through the fence line.

Mr. Leugers asked the Board if there were any more questions. There were none.

Mr. Leugers invited the applicant to the podium.

Mark Brown, the applicant/President of Brookside Swim Club, from 4610 Largo Dr. introduced himself from the podium. Mr. Brown stated that he has been on the Board at Brookside for sixteen (16) to seventeen (17) years and is a long-time Sycamore Township resident.

Mr. Brown read a written statement on behalf of Brookside Swim Club. The statement stated how, recently, membership of Brookside had increased. This revenue has allowed Brookside to make improvements such as new pool cleaning supplies, pay raises for staff, and additional gravel parking. The statement stated that Brookside's contractor cleaned up the area, leveling it, and adding approximately 2,600 sf of additional gravel to the existing parking lot. He notes that they were given a stop work order by the Sycamore Township inspector (Kevin Clark). Mr. Brown noted in the statement that Brookside was then informed by Mr. Uckotter that any addition to the parking lot must be a paved surface. Mr. Brown asked the Board, on behalf of the staff at Brookside Swim Club, that the current gravel addition be approved as is.

Mr. Scholtz asks Mr. Brown why Brookside did not get a permit before they started the work.

Mr. Brown stated that Brookside did not see the addition of gravel to a grass area as a permanent construction job that would need a permit.

Mr. Scholtz asked what the hardship is in this case that the Board should consider in the approval/denial of the case.

Mr. Brown noted that there is a hardship present. Mr. Brown explained that a few times a year, the swim club runs out of parking. The amount of parking that used to be adequate is no longer adequate for the site.

Mr. Leugers explained that hardship is needed, fitting into the definitions that the Board is required to look at for approval of a variance.

Mr. Brown stated that he admits there is not a strong hardship present.

Deer Park resident Greg Reddish, from 4051 Oleary Ave, introduced himself from the podium. Mr. Reddish stated that Brookside Swim Club has provided a great service to the community for 62 years. There was a discussion on the zone type ("B"-Single Family Residential) between Mr. Reddish and Mr. Uckotter.

Mr. Reddish asked the Board if a variance is granted, does Brookside then lose the legal non-conformance. Mr. Uckotter noted that this request solely deals with the parking lot, not the entirety of the site as a whole. Mr. Reddish noted that the size of the expansion was approximately 2,600 sf. Mr. Reddish noted that the dust on the site is very minimal.

Mr. Schwartz asked Mr. Reddish if he originally stated that the original construction included gravel up to the fence (west side), then the removal of the gravel, and replacement of grass seed.

Mr. Reddish noted that the contractor excavated on the west side; however, after speaking with Mr. Uckotter, what was excavated was put back.

Mr. Schwartz asked for further clarification on what happened to the area that was excavated.

Mr. Reddish stated that the previously excavated area has been reseeded for grass.

Mr. Reddish stated that dust from the parking lot of Brookside has never been an issue. He noted that the dust from the baseball diamonds at Bechtold Park is much worse than the dust that comes from the parking lot of Brookside.

Deer Park resident Theresa Reddish, from 4051 Oleary Ave, introduced herself from the podium. Ms. Reddish stated that she would like to talk about the hardship that is present in the case. Ms. Reddish noted that on wet days, people park on the grass, and then get stuck in the mud. She stated that the area where they would like to place gravel is very swampy. The hardship is that people cannot park there without gravel.

Mr. Leugers asked if anyone else from the public would like to speak. There was no reply. Mr. Leugers noted that the Board would now debate between themselves.

Mr. Leugers stated that he does not see where the hardship was met by Brookside as defined by the code. He noted that the Township must stay consistent on what is approved and what is denied.

Mr. Uckotter reviewed the STZR 17-6 (General Considerations For Conditional Uses).

Mr. Schwartz asked Mr. Uckotter if Brookside could use the grass as overflow parking. Mr. Uckotter noted that per the zoning resolution, the code requires an impervious surface. Mr. Schwartz asked if the zoning resolution is directed for the average use as opposed to the worst-case scenario use. In other words, are parking standards geared toward normal everyday activity or "holidays" with an influx of traffic. Mr. Uckotter stated normal business activity.

Mr. Ten Eyck asked for clarification on forming a motion.

Mr. Leugers noted that two (2) votes are needed. One (1) for the conditional use request, solely relating to the concept of the parking lot expansion, and one (1) for the variance request, the request to allow a gravel variance.

Mr. Schwartz made a motion for approval of the conditional use subject to the following:

- 1) If the parking lot expansion remains, it shall be an impervious surface (asphaltic or Portland cement).

Mr. Scholtz seconded the motion.

Mr. Scholtz Called roll:

Mr. Schwartz- YES
 Mr. Scholtz- YES
 Ms. Hughes- YES
 Mr. Ten Eyck- YES
 Mr. Leugers- YES

Mr. Schwartz made a motion to deny the variance based upon the staff report with no conditions.

Mr. Ten Eyck seconded the motion.

Mr. Scholtz called roll:

Mr. Schwartz- YES
 Mr. Scholtz- YES
 Ms. Hughes- YES
 Mr. Ten Eyck- YES
 Mr. Leugers- YES

Item 8.-Communication or Miscellaneous Business

Mr. Uckotter noted that there is no meeting scheduled for the month of September.

Item 9. – Adjournment

Mr. Leugers sought a motion to adjourn. Ms. Hughes made a motion to adjourn, seconded by Mr. Ten Eyck.


Mr. Scholtz called roll:

Mr. Schwartz: YES
Mr. Leugers: YES
Mr. Ten Eyck: YES
Ms. Hughes: YES
Mr. Scholtz: YES

The meeting adjourned at 7:02 p.m.
Meeting minutes prepared by Jon Ragan



Ted Leugers, Chairman



Steve Scholtz, Secretary