

September 18, 2017

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member
Mr. Steve Scholtz - 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, September 18, 2017.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Members Absent: Mr. Leugers

Staff Present: Harry Holbert and Beth Gunderson

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 and the process by which the hearing would proceed. He then swore in all those providing testimony. Mr. Eichmann then explained what a variance is and the process by which the Board makes decisions regarding such requests.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve August 21, 2017 meeting minutes.

Mr. Eichmann asked for any corrections to the August 21, 2017 meeting minutes. No response.

Mr. Scheve made a motion to approve the August 21, 2017 meeting minutes.

Mr. Heidel seconded.

Mr. Eichmann called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Scholtz – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Item 6. – Old Business

Case: SYCB160023
Applicant: Nicholas Bucciere
Location: 9125 Montgomery Road
Request: Appeal

Mr. Holbert presented the Resolution denying the request for an appeal to a zoning violation for Case SYCB160023.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara - AYE

Case: SYCB170009
Applicant: Gabrielle Moore
Location: 3796 Lyndon Center Court
Request: Variance

Mr. Holbert presented the Resolution approving with conditions the variance request for Case SYCB170009.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara - AYE

Case: SYCB170010
Applicant: Sherry Overbeck
Location: 8608 Donna Lane
Request: Variance

Mr. Holbert presented the Resolution approving with conditions the variance request for Case SYCB170010. Mr. Holbert explained that part of the fence is in the right of way and the Board of Zoning Appeals may not approve a fence in the right of way. He said that part of the fence must be removed from the plan.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz – AYE
Mr. Eichmann - NEA
Mr. Heidel – AYE
Mr. LaBarbara - AYE

Item 7. – New Business

Mr. Eichmann explained how the hearing would proceed.

Case: SYCB170011
Applicant: Matthew Wallbrown
Location: 5150 Autumnwood Drive
Request: Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert explained the applicant requests a variance to Section 10-7.4 which states that a retaining wall

shall be setback a minimum of two feet from the residential property line for every foot of height. The applicant requests a two inch setback where an eight feet setback is required. He noted the applicant proposes to install a four feet fence on top of the wall.

Mr. Holbert showed the elevations of the topography map. He stated the property in question slopes away toward the new development which will be built behind it. He showed the location of the detention pond for the new development. He then noted the proposed elevation of the wall which begins at the same elevation as the next door neighbor's wall and then slopes gradually along the grade.

Mr. Holbert noted any issues with drainage or water course conditions because of the wall would be the property owner's responsibility.

The Board asked questions of Mr. Holbert.

Mr. Scheve asked if the adjacent neighbors currently have retaining walls.

Mr. Holbert answered one does but he is not sure about the other.

Mr. Scheve asked if applicant's intent is to match the neighbor to the west's wall.

Mr. Holbert answered yes.

Mr. Scheve asked if the neighbor has a four feet tall fence on top of the wall as Mr. Wallbrown proposes.

Mr. Holbert deferred to the applicant.

Mr. Scheve asked if the Board was voting on the fence tonight.

Mr. Holbert answered no. He said the fence would be permitted as of right. The Board will be voting on the wall because the proposed wall is four feet tall which would therefore have to be 8 feet away from the property line according to the Zoning Resolution. Mr. Holbert said that eight feet setback would defeat the purpose of the wall because the adjacent neighbor's wall is along the property line.

Mr. Scholtz asked if the new development was building something along the property line.

Mr. Holbert said the detention pond will be adjacent to this property and two others.

Mr. Scholtz commented without the wall this land would flow into the pond.

Mr. Scheve asked if there was a landscape plan along detention pond.

Mr. Holbert answered currently there is not.

Mr. Eichmann asked how far the detention pond must be setback from the property line.

Mr. Holbert answered the Township does not have a guideline for that. He said Hamilton county Soil and Water might regulate the setback for stability.

Mr. Eichmann asked when the new development was approved.

Mr. Holbert answered July, 2017.

Mr. Eichmann asked if the neighbors had been informed about the development.

Mr. Holbert said the subdivision plat was approved by Hamilton County therefore Sycamore Township did not notify the neighbors.

Mr. Heidel asked if part of the reason for the wall is so the land doesn't slide away to the pond.

Mr. Holbert deferred to applicant.

Mr. Scholtz commented he thinks the applicant will probably back fill and that's why he wants the fence.

Mr. Holbert deferred to applicant.

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

Mr. Matthew Wallbrown, the applicant, of 5150 Autumnwood Drive, Cincinnati, OH 45242, addressed the Board. He said residents near the new development were not given opportunity to review the plans and express their concerns. He said only one of his adjacent neighbors has a retaining wall noting the neighbor's yard is at a different grade. He said the fence proposed is the same as his neighbor with the intent to create a universal look.

Mr. Wallbrown submitted a letter as letter from the developer of the new subdivision in support of the proposed wall and giving approval for access to that property during construction of the wall if necessary.

Mr. Wallbrown pointed out the rear portion of the current yard is not usable because of the slope.

Mr. Scheve asked the purpose of the proposed wall.

Mr. Wallbrown answered the wall would provide a separation from the detention pond itself and provide more usable yard because it will be backfilled.

Mr. Eichmann asked for clarification on which houses have walls and fences.

Mr. Wallbrown clarified.

Mr. Scholtz asked what the hardship is.

Mr. Wallbrown answered without the wall that part of his yard will not be usable and he will also have an erosion problem.

Mr. Scheve asked about the picture of the fence and wall included with Mr. Wallbrown's letter.

Mr. Wallbrown explained the photos are of his neighbor's wall and fence.

Mr. Scheve asked if what he is proposing will be similar.

Mr. Wallbrown answered yes, it will be exactly the same look.

Mr. Scheve asked if any neighbors had voiced an opinion regarding the variance request.

Mr. Wallbrown stated all the neighbors he had spoken with are in support and the developer of the new subdivision is in support also.

Mr. Scheve asked Mr. Holbert if Hamilton County Soil and Water would have to weigh in on this.

Mr. Holbert said since it is less than an acre lot, they would not have to approve the plan, however, he would recommend the Township have them review it and ask for comments. He noted there will be a small amount of watershed which probably won't have much of an impact.

Discussion ensued about the wall having an adverse impact on flow of water.

No members of the public were present to comment on the case.

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

Mr. Heidel spoke in support of the request.

Mr. Scheve said he thinks the applicant has a reasonable request and he is supportive of it.

Mr. Scheve moved to approve the variance request for Case SYCB170011 with the condition that the plan is reviewed by Hamilton County Soil and Water for assurance that there would be no serious adverse impact on adjoining properties.

Mr. Scholtz seconded.

Mr. Eichmann asked if Hamilton County Soil and Water will have to approve the plan.

Mr. Holbert said because the lot is less than an acre they cannot give approval but they could give an opinion.

Mr. LaBarbara called roll.

Mr. Scheve – AYE

Mr. Scholtz – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Mr. LaBarbara - AYE

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

Mr. Holbert said he will email Hamilton County Soil and Water about it and try to have a report to Board before the next meeting.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, October 16, 2017.

Mr. Holbert said two cases have already been submitted for the October meeting. They are appeals of Property Maintenance Code and Zoning Resolution notice of violations.

Item 9. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

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

The meeting adjourned at 7:15 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator