

December 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, December 18, 2017.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Members Absent: Mr. Scholtz

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 in which testimony will be given by staff and members of the public. He then swore in all those providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the November 20, 2017 meeting minutes.

Mr. Eichmann asked for any corrections to the November 20, 2017 meeting minutes. No response.

Mr. Scheve made a motion to approve the November 20, 2017 meeting minutes.

Mr. Heidel seconded.

Mr. LaBarbara called roll to approve the minutes.

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

Item 6. – Resolution for Approval

Case: SYCB170013
Applicant: Kathleen Ryan, Esq.
Location: 7292 Kenwood Road
Request: Appeal Notice of Property Maintenance Code Violations

Mr. Holbert presented the Resolution denying appeal of property maintenance code violations for Case SYCB170013.

There was some discussion about the condition that staff would refrain from issuance of a summons for 30 days.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – ABSTAIN

Case: SYCB170016
Applicant: Marshall Hyzdu – Moeller High School
Location: 9001 Montgomery Road
Request: Conditional Use

Mr. Holbert presented the Resolution approving with conditions the conditional use request for Case SYCB170016.

Mr. LaBarbara called roll.

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

Item 7. – Old Business

Case: SYCB170014
Applicant: Kathleen Ryan, Esq.
Location: 7292 Kenwood Road
Request: Appeal Notice of Zoning Violations

Mr. Holbert explained the case noting it was pending in Hamilton County courts.

Ms. Gunderson stated Township legal counsel said the case should remain on the agenda as old business until further notice.

Case: SYCB170017
Applicant: Nisbet Property Holdings
Location: 8000 Hosbrook Road
Request: Variance

Mr. Holbert informed the Board he had updated the presentation for this case from last month to include more detailed information from the applicant. Mr. Holbert reviewed the site plan, foundation plan and elevations for the wall and fence.

The Board asked questions of Mr. Holbert.

Mr. Eichmann asked for clarification on the location of the wall and the height of the fence.

Mr. Holbert explained the fence would be five feet tall closest to Montgomery Road and showed how the fence and wall follow the grade.

Mr. Eichmann asked if there would be a fence installed on top of the existing wall.

Mr. Holbert deferred that question to the applicant.

Mr. Eichmann asked if there would be a gap between the proposed fence and the existing fence along Montgomery Road.

Mr. Holbert answered no, noting the two fences will meet at a perpendicular angle.

Mr. Scheve asked if the fence will look like the existing one along Montgomery.

The applicant said it is the exact same fence.

Mr. Eichmann asked the applicant to come forward to address the Board.

Mr. Russ Bockerstette, the applicant, of Nisbet Property Holdings, 8041 Hosbrook Road, Suite 206, Cincinnati, OH 45236, addressed the Board. Mr. Bockerstette said the purpose of the wall is to prevent people from parking in their parking lot and walking over to the adjacent center.

Mr. Scheve asked what would prevent cars from backing into the fence.

Mr. Bockerstette said cars would back into the wall causing damage to the vehicle. He noted the existing yellow posts will be removed and the existing concrete wall will be repaired.

Mr. Eichmann asked how the Board knows the wall and fence are on the applicant's property.

Mr. Bockerstette said they will actually be on the adjacent property noting he has an easement agreement and that property owner is in support of the project.

Mr. Eichmann asked if it would be a safety hazard if someone did try to climb over the wall and if the Township would have liability concerns.

Mr. Holbert said there is no code regulating that and the Township would not be liable.

Mr. Eichmann asked how far back the wall goes on the property.

Mr. Bockerstette clarified.

There were no members of the public present to comment on the case.

Mr. Leugers said he is in support of the project as there is already a fence in the front yard along Montgomery Road and the project will clean up the mess on the property.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve the variance request for Case SYCB170016 as submitted.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. Eichmann - AYE

Mr. Heidel – AYE

Mr. LaBarbara - AYE

Mr. Holbert said a resolution will be prepared for the next meeting.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Tuesday, January 16, 2018 at 6:30 p.m.

Item 9. – Communications and Miscellaneous Business

Mr. Eichmann stated it was Mr. LaBarbara’s last Board of Zoning Appeals meeting. He thanked Mr. LaBarbara for his service and wished him the best of luck in his new role as Trustee.

Item 10. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

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

The meeting adjourned at 7:00 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator