

February 19, 2019

Mr. Jim Eichmann – Chairman

Mr. Ted Leugers – Vice-Chairman

Mr. Tom Scheve – Member

Mr. Jeff Heidel – Member

Mr. Steve Scholtz – Secretary

Ms. Julie Glassmeyer - 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, February 19, 2019.

Item 2. – Roll Call of the Board

Mr. Heidel called the roll.

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

Staff Present: Harry Holbert and Jessica Daves

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann explained 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 19, 2018 meeting minutes.

Mr. Scheve made a motion, seconded by Mr. Heidel, to approve the November 19, 2018 meeting minutes.

Mr. Heidel called roll to approve the minutes.

Mr. Scheve –AYE

Mr. Leugers -AYE

Mr. Eichmann – AYE

Mr. Heidel – AYE

Item 6. – Old Business

Case: SYCB170014

Applicant: Kathleen Ryan, Esq.

Location: 7292 Kenwood Road

Request: Appeal Notice of Zoning Violations

Mr. Holbert stated the case was being continued again due to pending litigation.

Item 7. – New Business

Case: SYCB190001

Applicant: David Meranus

Location: 7135 Hosbrook Road

Request: Variance

Mr. Holbert presented the case and case history in a Power Point presentation. He pointed out the retaining wall requiring a variance is on 7135 Hosbrook Road. Current zoning is “B” Single Family Residential. Mr. Holbert stated the applicant requests a variance to Section 10-7.4, height and open face area in front and side yard, and to allow a retaining wall constructed on the property to remain as installed. He showed an aerial view of the property and noted the requirement is that retaining walls in a residential district shall be set back from the residential property line a minimum of 2 feet for every foot of height. The variance request is to allow 4ft tall retaining wall constructed in the rear yard to remain as constructed which was done by the applicant without a permit. The retaining wall is about 2ft away from the existing property line.

Mr. Holbert said there is a permit required for that fence on top of the retaining wall which is not on the application for a variance. He further indicated that the original plan was approved for a deck. It was

approved for a 14X16 deck that did meet the setback requirements not only from the rear yard but also from the side yard.

The Board asked questions of Mr. Holbert.

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

Mr. David Meranus, the applicant, of 7135 Hosbrook Road, Sycamore Township, OH, addressed the Board. Mr. Meranus explained why he is before the Board of Zoning Appeals.

Mr. Meranus said he met with BZAC landscaping who built this retaining wall and the fence. He went in for surgery with the understanding that BZAC was responsible to pull the permit. He had a six week stay in the hospital, didn't know there was not a permit and wasn't aware of what had gone on other than it was constructed.

A discussion then ensued between the Board and Mr. Holbert about adding the fence to the variance, and questions about drainage, and concerns about the close proximity of the church parking lot and how the issues could be consolidated into the same variance in order to vote on the entire situation altogether.

Mr. Holbert suggested that if it is not on the application and there is no notification to the surrounding residents regarding a fence being installed without a permit that it couldn't really be a part of this decision.

Mr. Scheve then commented that he wanted to make a motion to continue this case until next month.

Mr. Holbert indicated that at that time we would have to present the entire variance request and presentation over again.

Mr. Scheve presented the options for Mr. Meranus to consider if we were to consider a motion to continue the case until the next time the Board meets.

Mr. Meranus stated that he would rather have the Board vote on the landscape wall today and he can address the fence issue on his own at a later date if he chooses to do so.

Mr. Scheve agreed to the option for the Board to vote on the landscape wall variance only.

Mr. Leugers then made a motion in the case of SYCB190001 to approve the variance for the landscape wall as built with the addition of four evergreen bushes to be added in front of the wall as an additional landscape buffer.

Mr. Scheve seconded the motion

Mr. Heidel called roll.

Mr. Scheve – AYE

Mr. Leugers - AYE

Mr. Eichmann – No

Mr. Heidel – AYE

Mr. Scheve asked Mr. Holbert if the fence can stay up until otherwise notice. Mr. Holbert said we will send him a violation notice that says he needs to apply for a permit.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, March 18, 2019 at 6:30 p.m.

Item 9. Miscellaneous Business

Mr. Scheve asked Mr. Holbert if the Township has settled the Moeller High School parking lot expansion case yet.

Mr. Holbert said he was meeting them next week to look at a new landscape plan and new parking lot renovations

There was further discussion about the Moeller case.

Mr. Holbert introduced Kevin Clark the inspector.

Mr. Eichmann said in light of his comment earlier during the Hosbrook case, regarding the church parking lot, and while we are discussing miscellaneous business, can we do something to clean up the way the playground approved for the church looks in the front from the street.

Mr. Holbert said he would look at it.

Mr. Eichmann said there are benches outside the fenced in area, and there are other things scattered around the yard. I don't know that they are in violation. I don't know what a violation is. It is not a playground you and I expected to see fronted on Euclid Road in a beautiful neighborhood.

Mr. Holbert said we could talk to them about screening the fencing.

Mr. Scheve asked about the status of the proposed new zoning code.

Mr. Holbert said we have an emergency meeting on the 28th of February with the Zoning Commission to hopefully make a recommendation to the Board of Trustees for approval.

Mr. Scheve asked Mr. Holbert if the county Zoning Commission would have to approve it.

Mr. Holbert answered no.

Mr. Heidel asked Mr. Holbert are they readdressing the median on Kenwood between Euclid and Montgomery.

Mr. Holbert deferred to the maintenance supervisor.

Item 10. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn, seconded by Mr. Heidel.

Vote: All AYE

The meeting adjourned at 7:36 P.M. Minutes recorded by: Jessica Daves, Planning & Zoning assistant