

Meeting Minutes
Sycamore Township Board of Zoning Appeals
Township Administration Building
8540 Kenwood Road
Monday, September 21, 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, September 21, 2020 at 6:30 pm.

Item 2.-Roll Call of the Board

Mr. Eichmann called the roll.

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

Members Absent: Mr. Scholtz

Staff Present: Skylor Miller and Kevin Clark

Item 3.-Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4.-Approval of Minutes

Mr. Eichmann entertained a motion to approve the July 20, 2020 meeting minutes.

Mr. Leugers made a motion, seconded by Mr. Heidel, to approve the July 20, 2020 meeting minutes.

Mr. Eichmann called roll.

Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Ten Eyck-YES
Ms. Hughes-YES

Item 5- Approval of Electronic Signatures

Mr. Eichmann made a motion to approve electronic signatures, seconded by Ms. Hughes.

Mr. Eichmann called roll.

Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES

Mr. Ten Eyck-YES
Ms. Hughes-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

Item 7.-New Business

Mr. Eichmann explained variances.

SYCB200013
Shawn Walraven
4236 Kugler Mill Road
Variance

Mr. Clark presented the case SYCB200013 in a PowerPoint.

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

Mr. Clark said Mr. Walraven is requesting a 6 feet tall privacy fence to go 24 ft into the defined front yard of the property line and then extend 78 ft down the property line to the existing back chain-link fence.

Mr. Eichmann asked Mr. Clark if this is a street or an access road only.

Mr. Clark answered he believes it is part of Beech Avenue.

Mr. Eichmann asked Mr. Clark if there were any residences on this street that have a street address on Beech Avenue.

Mr. Clark answered no, not on this part of this street. He said there is a house basically across the street that is a Kugler Mill address.

There was discussion of where a fence would be permitted as of right, the sidewalk, and the right of way.

Mr. Heidel asked Mr. Clark if they take care of the property all the way back to the apartments.

Mr. Clark answered yes.

Ms. Hughes asked Mr. Clark if the fence is coming all the way to the sidewalk.

Mr. Clark answered no.

Ms. Hughes asked Mr. Clark how far away from the sidewalk is it going to be.

Mr. Clark answered he is not sure, but maybe 2-3 feet.

Mr. Eichmann asked if there were any other questions for the staff.

No response.

Mr. Shawn Walraven, 4236 Kugler Mill Road, Sycamore Township OH, 45236 addressed the board.

Mr. Walraven discussed the dimensions on his drawing being a foot from the sidewalk, the reasons that he is requesting the fence is for security, preventing people throwing stuff in his yard, and cutting through it.

There was discussion about owners of the adjacent apartments being in favor of the proposed fence.

Mr. Eichmann asked if there were any questions for the applicant.

No response.

Mr. Eichmann asked if there was anyone from the public.

There was no one in the waiting room.

Mr. Eichmann closed the public comments.

Mr. Leugers said he would like to see the fence moved in from the property line two feet and every six feet a bush planted.

Mr. Walraven said ok.

Mr. Leugers said he thinks the two feet will allow room for the shrubbery and will not interfere with the sidewalk.

Mr. Ten Eyck said he concurs with Mr. Leugers.

Mr. Leugers motion to approve Case SYCB200013 with the following conditions.

1. The fence is two feet in from the property line
2. There is a bush planted every six feet.

Mr. Heidel seconded.

Mr. Miller said unless they are wanting him to change the wording here is what he is putting in the resolution. He said fence shall be set back 2 feet from property line and a shrub shall be planted every six feet. He asked if that was satisfactory.

Mr. Leugers said that looks good.

Mr. Eichmann called roll.

Mr. Leugers-YES

Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Ten Eyck- YES
Ms. Hughes-YES

Resolution

Mr. Miller presented a resolution to approve Case SYCB200013 with conditions.

Ms. Hughes electronically signed in Mr. Scholtz place on the resolution.

Mr. Eichmann called roll.

Mr. Leugers-YES
Mr. Eichmann-YES
Mr. Heidel-YES
Mr. Ten Eyck-YES
Ms. Hughes-YES

SYCB200014
Mat Walker
4810 Heitmeyer Lane
Variance

Mr. Clark presented Case SYCB200014 in a PowerPoint.

Mr. Clark said the current zoning is “B” single family residential. The request is to allow for the construction of a six feet (6’) tall fence in the defined front yard of a corner lot.

Mr. Clark said Mr. Walker is looking to extend the six feet fence that already exists another 25 feet to cover the open area between the existing six-foot fence and landscaping along Kenwood Road.

There was discussion about the location of the proposed fence, the property behind the proposed fence, the sight triangle, and Kenwood Road.

Mr. Ten Eyck asked Mr. Miller if all the landscaping was in that reserve property.

Mr. Miller answered he believed so, but he would have the applicant verify that.

Mr. Eichmann asked if there were any other questions.

Mr. Eichmann asked if the applicant would like to speak.

Mr. Mat Walker, WP Land Company, 9352 Main Street, Montgomery OH, 45242 addressed the board.
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Mr. Walker said the reason they asked for this variance is because Kenwood is a busy road and due to having two front yard setbacks on the lot it creates in his mind a hardship. There is a small ten foot section between mound which leaks into the lot line about five feet they really are not even taking the privacy fence to the property line. They are going to be short of the property line at the mound which creates a great buffer. As cars drive in and lights come up Kenwood Road there becomes a blank space between where they are allowed to put the fence and that buffer. If he does more mounding and landscaping, it hurts that drainage. It becomes hard to get the water out of that area which is one of the reasons they want

to do it in a fence and extend the fence down to block the site from their driveway to Kenwood Road and the view from Kenwood Road to their driveway. They felt like it was a good thing to do for everyone involved and they feel like the hardship was more along the reason of how Heitmeyer set everything back. If there was a true house on the lot that backs up to them, they wouldn't have this request because there would be landscaping, a house, and some buffer from them to the road. That sign being pushed back creates the same view corridor that it protects as you leave Heitmeyer as they drive up Kenwood Road comes right into their garage and driveway.

Mr. Eichmann asked Mr. Walker if they were just going to have a straight-line fence.

Mr. Walker answered yes. They are going to go right to the mound and stop it at the mound which will be at least two feet from the actual property corner.

There was continued discussion about lights, traffic, and Kenwood Road.

There was a discussion about if this was a corner lot because of the strip of land out in front of the development.

Mr. Walker said he had to donate some right of way as part of the purchase of the property.

Mr. Walker explained that he pulled up the record plat and the D.B.N.A is an actual utility easement that was created when he made the parcels that allowed for future expansion of Kenwood Road. At such time that they chose to do it and the mound that he has built is off of that and onto the lot with a homeowners easement on top of that. The HOA easement is actually on the lot there and that is the utility easement. There is multiple uses allowed in there and was part of what was requested of him to get a bigger right of way when they bought the property and subdivided it.

Mr. Miller said as of today it isn't a corner lot.

Mr. Walker answered yes.

There was continued discussion about whether the proposed fence needs a variance.

Mr. Miller said if the board agrees with his determination, he will sign a permit. If the board feels that the corner lot standard should apply, then they make a determination on whether this variance has merit or not.

Mr. Miller said the third option, is to doubly protect the future owner of the property, is to grant the variance, approve the permit; and that way it is not grandfathered it has been approved by variance. In the future, it may be a benefit to the future property owner to have the variance instead of it being a legal non-conforming use.

There was discussion about variances going with the property.

Mr. Walker said that he wanted to note that the fence will but up to the trees on the existing mound. The exposure of the fence that goes from Kenwood Road is very minimal as it would be from a view from the front yard to it. It really is created to work as a backyard fence. The exposure on Kenwood Road with the big mound and the trees they created is very minimal.

Mr. Ten Eyck asked Mr. Walker if the fence was going to come up to the landscaping and not go beyond the landscaping toward Kenwood Road.

Mr. Walker answered yes.

Mr. Eichmann asked if there was any attending public.

There was no attending public.

Mr. Eichmann closed the public comment.

There was continued discussion about the proposed fence, Kenwood Road and the existing landscaping.

Mr. Eichmann said he has a tendency to agree with the hardship.

Mr. Ten Eyck agreed.

Ms. Hughes said she agreed.

Mr. Miller discussed the impact to drainage if they continued the mounding and landscaping.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve Case SYCB200014 as submitted.

Mr. Heidel seconded.

Mr. Eichmann called roll.

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Ten Eyck- YES

Ms. Hughes-YES

Resolutions

Mr. Miller presented the resolution to approve Case SYCB200014 as submitted.

Mr. Eichmann called roll.

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Ten Eyck-YES

Ms. Hughes-YES

Item 9.-Date of Next Meeting

The next regular meeting will take place on, Monday October 19, 2020 at 6:30 p.m.

Item 10.-Communication or Miscellaneous Business

There was discussion about a letter sent to residents from the Concerned Citizens of Sycamore Township group and the elected officials addressing the issues that relate to the Board.

Mr. Miller discussed a special proclamation for a Township World War II Veteran.

Item 11. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Leugers moved to adjourn.

Mr. Heidel seconded.

Mr. Eichmann called roll.

Mr. Leugers-YES

Mr. Eichmann-YES

Mr. Heidel-YES

Mr. Ten Eyck-YES

Ms. Hughes-YES

Meeting adjourned 7:36 p.m.

Minutes Recorded by Jessica Daves

Planning & Zoning Assistant