

SYCAMORE TOWNSHIP, OH
 DEPARTMENT OF PLANNING & ZONING
 8540 KENWOOD ROAD, CINCINNATI, OH 45236

513.792.7250 PHONE 513.792.8564 FAX

RECEIVED

FEB 18 2022

SYCAMORE TWP.

| BZA APPLICATION | |
|------------------------|----------|
| FEES: | |
| APPEAL: | \$150.00 |
| VARIANCE: | \$150.00 |
| CONDITIONAL USE: | \$500.00 |
| NON-CONFORMING USE: | \$500.00 |

| COMMERCIAL | RESIDENTIAL |
|------------|-------------|
| | X |

| APPLICATION NUMBER |
|----------------------------|
| SYCB220001 |
| DO NOT WRITE IN THIS SPACE |

1. PROJECT ADDRESS: **8453 St. Clair Ave.** ZIP CODE: **45236**

| 2. NAME | STREET ADDRESS | CITY | ST | ZIP | PHONE NUMBER |
|-------------------------------------|---------------------------|------------|----|-------|--------------|
| OWNER JEREMY & KAYLEIGH MCELWAIN | 8453 st. clair av | Cincinnati | OH | 45236 | 5135006816 |
| CONTRACTOR TBD | | | | | |
| DESIGNER TBD | | | | | |
| APPLICANT OWNER | | | | | |
| APPLICANTS E-MAIL ADDRESS | Jeremy.mcelwain@gmail.com | | | | |

3. BZA ACTION REQUESTED: APPEAL VARIANCE
 CONDITIONAL USE NON-CONFORMING USE


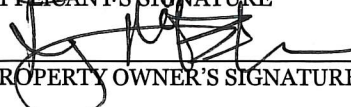
4. STATE IN DETAIL ALL EXISTING & PROPOSED USES OF THIS BUILDING OR PREMISES:
 See included letter and details

5. SQUARE FEET: **66 linear feet** 6. USE: **privacy fence** 7. HEIGHT: **6'**
 8. EST. START DATE: **TBD** 9. EST. FINISH DATE: **TBD**

THE DEPARTMENT OF PLANNING & ZONING IS DEDICATED TO THE CONTINUING PROSPERITY OF SYCAMORE TOWNSHIP. WE PROMOTE HIGH STANDARDS FOR DEVELOPMENT AND QUALITY PROJECTS. WE LOOK FORWARD TO SERVING OUR CITIZENS AND BUSINESS COMMUNITY TO MAKE SYCAMORE TOWNSHIP THE BEST IT CAN BE.

The owner of this project and undersigned do hereby certify that all of the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct. The applicant and owner of the real property agree to grant Sycamore Township access to the property for review and inspection related to this Board of Zoning Appeals application.

NOTE: FILING THIS APPLICATION DOES NOT CONSTITUTE PERMISSION TO BEGIN WORK.

 **APPLICANT'S SIGNATURE** **2/1/22** **DATE**
 **PROPERTY OWNER'S SIGNATURE** **2/1/22** **DATE**

DO NOT WRITE BELOW THIS LINE

Good morning,

Included you will find our application for a zoning variance regarding our fence. We've provided as much information both on the project scope itself as well as reasoning for the variance request that we can.

If additional information is needed or clarification, please let us know. We look forward to working with the board and presenting our request at the next meeting.

Per the Sycamore township website, 6 conditions must be met to be granted a variance.

We've outlined below how we see our project meeting those conditions.

"Is a unique physical condition"

Our home, located at 8453 St. Clair, is a corner lot with Kugler Mill on the South side, and St. Clair on the East side (illustrations included). Currently, a privacy fence that was in place upon our purchase of the home is located along Kugler Mill running approximately 108 feet from the rear property line along Kugler Mill. Per my discussion with Mr. Miller, this fence was grandfathered in as apparently its location is in our defined "front" yard. This section of fencing is not in the best condition, and we will be replacing it with an identical picketed privacy fence.

We would like to extend said fence further along Kugler Mill, approximately an additional 30 feet. We would then run a section perpendicular to connect to our home (~35 feet), and install a gate. Per Mr. Miller, and the zoning department, this cannot be approved "as-is" because this section of the property is also considered the "front" yard as it faces Kugler Mill.

After a few emails between myself and Mr. Miller, we do understand that because we live on a corner lot, the Kugler Mill side of our property is considered the front yard.

A few things we consider to be a unique physical condition:

1. With the addition of sidewalks on our side of Kugler Mill, we now have pedestrians regularly walking by our home (no problem). However, we've had quite a few intoxicated people walking by our home from the 312 bar up the street, and either leaving their trash, or in at least one instance throwing a lawn chair over our fence into our backyard. While we realise we can't install a taller fence, we do feel from a privacy and safety standpoint that we should be able to extend the fence, thus directing foot traffic toward the true front of our home. This will also restrict access to two very large windows on the Kugler Mill side of our home, increasing safety from the sidewalk to our home.

2. In addition to the sidewalks being installed, the ground itself was raised variously between 10 and 12 inches along our entire property. This grade change has caused our fence to actually sit *below* grade. Replacing our worn out fence will require replacing the existing 6'

pickets with 7' pickets to return the existing height while still being within code of "6 feet above grade". For consistency, we would do this on the extension portion being requested.

3. We have 2 dogs, and 2 children. We use our backyard extensively and wish to continue to do so. With the mention of intoxicated individuals regularly cutting through our yard, and throwing trash etc., the replacement fence at the appropriate height as well as extension offer additional safety for our children and containment of our 2 dogs without impeding pedestrian traffic, visibility for drivers, and without negative impact to the surrounding areas and properties.

4. Our home sits on 2 parcels. The existing fence and the addition we are proposing would reside on the parcel that does not contain our home. We are of the opinion that this presents another unique physical condition. Our fence is currently on a separate parcel from our home.

"is not self-created"

Nothing regarding this project and request is self created. The existing fence was already in place upon our purchase of the property, and the changes along Kugler Mill are a result of the Kugler Mill project.

"would deny substantial rights"

Privacy, safety, and use of real property are being negatively impacted. The change in grade mentioned above effectively makes our existing fence useless from a privacy standpoint. My wife, Kayleigh, is 5'5" and can see right over the fence into our yard, from the sidewalk. As mentioned previously, the sidewalk presents the opportunity for intoxicated individuals specifically from 312 bar, as well as anyone who happens to walk by - the ability to see into our backyard where our children play, and both physical access as well as visual access to the two large windows on the side of our home. The request to match our existing fence to the new grade and extension resolves both of those issues. In addition, we purchased this property with the intent to rehab the home and utilize the ample size of the property. Being unable to bring our fence back to proper height as well as extend the fence prevents us from exercising a right to privacy and safety as well as causing us to re-think landscaping plans - in short, preventing us from using our property as we envisioned.

"is not merely a special privilege"

In considering what to present to the board in pleading our case, we drove around the township to identify if there are additional properties with fences in their "front" yards like us - both on corner lots and interior lots. We've documented, both via addresses and pictures, a significant number of properties that are in the same situation as us but have fencing extended along their "front" yard as well. We are happy to provide said addresses and photos if needed. In fact, just down the street from us at 4236-38 Kugler mill, the owner submitted the same request that we are and was granted a variance. He expressed the

same reasoning as us - safety and privacy primarily due to a sidewalk running along the property. We're not asking for a favor or special treatment, just equal application of the existing code and fair treatment in consideration of an almost identical request to the board. Note - this home did suffer an accident, as a large tree fell on it. It has since been demolished. However, the fence does remain.

“must be in harmony with the Township Resolution”

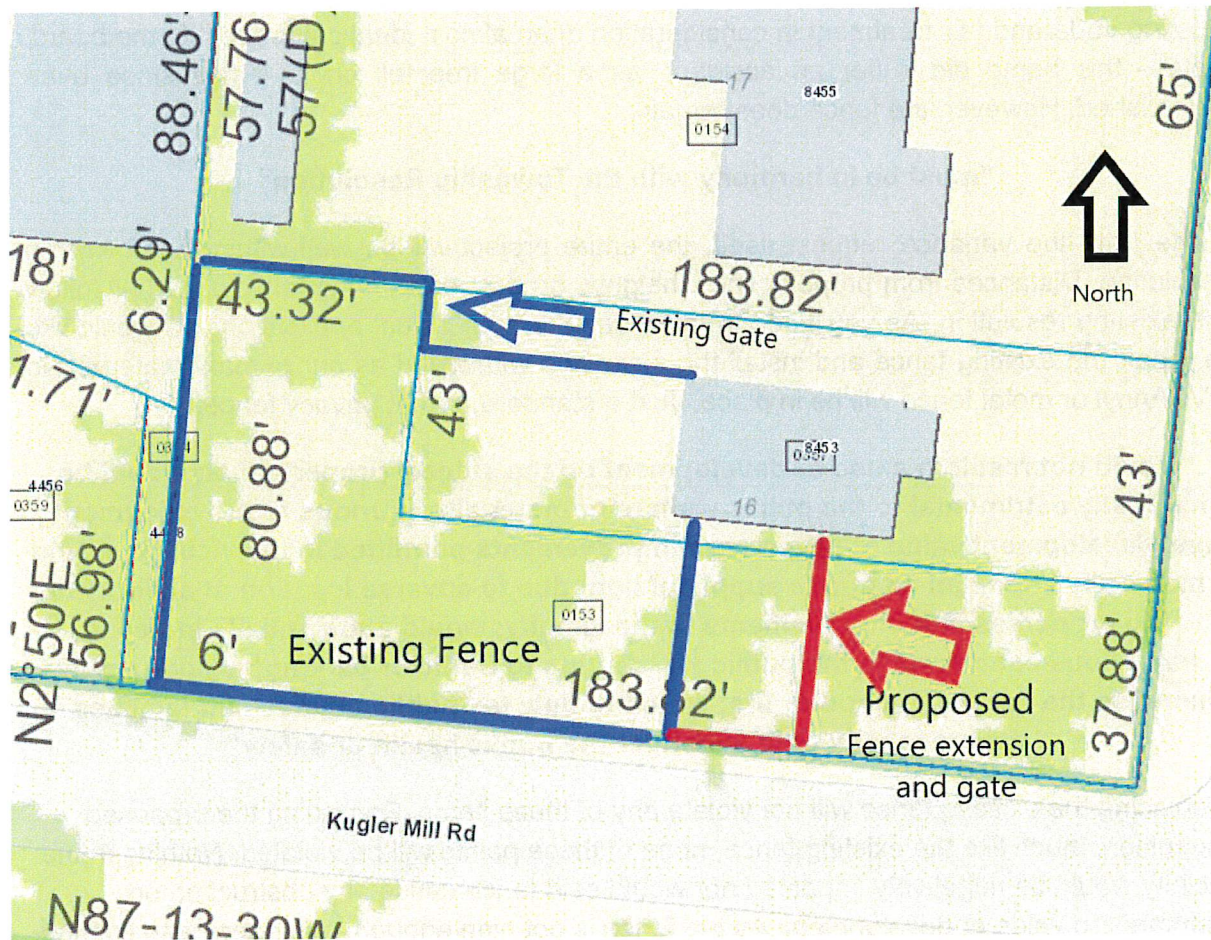
Aside from the variance request itself, the entire project will be well within the Township resolution. Distances from property lines, heights, grades, color, materials etc., will all follow the existing resolution. As you'll see in more detail on our actual application, we would like to repair the existing fence and install the extension with wood as our primary material. No PVC/Vinyl or metal fence will be in place. Just a standard, picket privacy fence.

“would not result in a use or development on the subject property that: would be materially detrimental to the public welfare or materially injurious to the enjoyment , use, development value of property or improvements permitted in the vicinity; would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity; would substantially increase hazardous conditions in the public streets due to traffic or parking; would unduly increase the danger of flood or fire; would unduly tax public utilities and facilities in the areas; or would endanger the public health or safety”

Replacing the existing fence will not violate any of these items. Regarding the proposed extension, much like the existing fence, none of these points will be violated. Nothing in the vicinity would be negatively impacted nor would said fence cause any obstruction or detriment to value or development. As the fence is not high enough to interfere with lighting, this is not a concern. The only shadows thrown would be on the sidewalk and into our yard. No visibility will be impacted for drivers, nor will we be doing or proposing anything that would even go past our property line. No increase in flooding or fire would occur, as this proposal is for a stationary, wooden fence. No public utilities or facilities would be taxed in any conceivable way, and nor would the fence endanger public health or safety.

In short, we're asking to replace our existing privacy fence section so it is not in bad condition, but would have to install taller pickets to accommodate the change in grade due to the Kugler Mill project. We would then like to extend said fence roughly 30 feet East along Kugler Mill.

From the county CAGIS map:



Blue lines are our existing fence and gate, the red line is our proposed fence extension and gate. Our existing gate would remain, and we would add an additional gate to the extension section.

Materials considered

For the actual pickets, we are only considering wooden dog ear style both for durability and attractiveness. We would also stain and seal the wood to prevent discoloration and weathering. We would install a simple gate similar to depicted below. Wooden fence posts will be set in concrete. At this time, we have not selected a contractor.



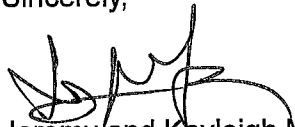
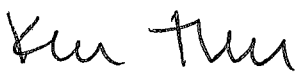
Additional Considerations

Some concerning information has come to light since we first submitted our permit request. A sex offender has moved in next door to us, and one of the residents a few houses down has been caught looking in windows of a few houses. In addition, he walks up and down the street at strange times, stands on the sidewalk and stares at our home and other homes along our street and Kugler Mill. He also invited our children into his home, when they were playing outside. He is now on the "radar" of everyone on the street.

We really hope the committee will grant us this variance for all of the reasons listed above, but with this new information our concern now more than anything is safety of our children, ourselves, and our property.

Please let us know anything else you may need or any clarifications we can provide. We're happy to discuss in person ahead of the appeals meeting. We're looking forward to presenting to you, and getting this project started.

Sincerely,

 
Jeremy and Kayleigh McElwain

8453 St. Clair Av

513-500-6816

jeremy.mcelwain@gmail.com