

June 12, 2023

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
Ms. Anne Flanagan – Member
Mr. Bill Mees – Member
Mr. Steve Roos – Member
Bill Swanson - Alternate

Item 1. – Meeting called to Order

Mr. Friedmann called the meeting of the Zoning Commission to order at 6:00 p.m. on Monday, June 12, 2023.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Ms. Flanagan, Mr. Barrick, Mr. Friedmann, Mr. Roos, Mr. Swanson,
Mr. Mees

Members Absent: N/A

Staff Present: Jeff Uckotter, Kevin Clark, and Jon Ragan

Item 3. – Approval of April 10, 2023, Meeting Minutes

Mr. Uckotter noted that case 2023-03MA was the Beacon Orthopedics case, and was approved by the Trustees.

Mr. Friedmann asked if there was a motion to approve. Mr. Roos made a motion.

Mr. Mees seconded the motion.

All in favor, no opposed.

Item 4. – New Business

Case: 2023-06MA

Applicant: KMK Law

Location: 7700-7724 Montgomery Road

Request: Major Adjustment to a PUD

Mr. Friedmann noted that the applicant requested a continuance.

Mr. Uckotter noted that with the case being on the agenda, it would perhaps be appropriate to vote on the continuance.

Mr. Mees made a motion, seconded by Mr. Roos.

All voted aye.

Case: 2023-07TC

Applicant: The Sycamore Township Board of Trustees

Request: To amend the Zoning Resolution to allow for criminal zoning enforcement.

Mr. Uckotter presented the case. He stated that on May 16, 2023 in a 2-0 vote, the Sycamore Township Board of Trustees voted in favor of starting the text change process.

Mr. Uckotter explained that this text change seeks to amend the Zoning Resolution to allow for criminal misdemeanor citations and penalties. Currently, the resolution only considers civil remedies. The goal is to gain access to the Hamilton County Housing Court, to remedy housing matters that are zoning violations.

Mr. Uckotter noted that the theme of the staff's view on the subject is to work with the resident or business owner. The goal is not to seek the judicial process; however, sometimes, this may be necessary.

Mr. Barrick asked about commercial issues.

Mr. Uckotter explained that the Township currently can file an injunction that would go to Common Pleas Court. Mr. Uckotter explained that this would mainly aim at housing matters, explaining that the Housing Court only hears criminal matters. He explained that currently, other jurisdictions use this enforcement process, such as Colerain Township.

Mr. Uckotter explained that this would not be a process generally geared for solely peeling housepaint cases, but situations where the general health, safety, and welfare of the community are negatively affected.

Mr. Uckotter went on to explain the resolution.

Mr. Friedmann asked about page (7) of the resolution "24-4.2 . He questioned if the Prosecuting Attorney had been contacted to see if they were willing to participate.

Mr. Uckotter asked Mr. Friedmann (a Hamilton County Assistant Prosecutor) that he be directed to the appropriate person to talk to. Explaining that staff would not want to put the Hamilton County Prosecutor in any position that they are not comfortable with. Mr. Uckotter explained that he will send another letter to the Hamilton County Sheriff asking for comment, with them being the ones who would post the legal notification. As of now, the Sheriff's office has not responded.

Mr. Swanson asked what the issue was that compelled the Trustees to propose this text change.

Mr. Uckotter explained that once staff identifies an issue, Trustee initiation is standard procedure. He gave an example in another municipality of chickens and bees being the start of a text change initiation. In that case, the Trustees initiated the text change.

Mr. Uckotter presented a backlog of cases where this text change could perhaps help staff be in a position of a more targeted venue, the Hamilton County Housing Court.

Ms. Flanagan asked about page (2) of the resolution No. 2023-035 and the public hearing process.

Mr. Uckotter explained that tonight's meeting is the public hearing.

Ms. Flanagan asked if this was posted to the public and if there was any public response. Mr. Uckotter stated that it was, and that there has not been any public response.

Mr. Friedmann stated that it would be best to make a recommendation that the Prosecuting Attorney be addressed.

Mr. Swanson stated that he has done some investigation on this, and there are other Townships that follow this process. He stated that one of the advantages is that in a civil suit the Attorney fees start to add up.

Mr. Swanson asked about "24-3.3 Citation in the Resolution and how it states that additional citations may be issued each day the violation remains in noncompliance. Mr. Swanson asked if that is something that staff follows. He asked how many times residents are cited for the same violation. Mr. Clark stated that we do not add additional citations daily. Mr. Uckotter stated that he believed this was written in a way to perhaps give the Township Attorney the most room possible. Ms. Flanagan stated that this process can be helpful however, it usually is not used due to the amount of work it takes to put this in place. Mr. Friedmann stated that this practice is within statutes.

Mr. Uckotter noted that there may be a percentage of residents who with a citation would respond who otherwise may not with no citation. Mr. Uckotter reiterated that staff's goal is to not go to Housing Court, however, it would be an option after other attempts and due process are exhausted.

Mr. Friedmann asked if anyone would like to make a motion.

Ms. Flanagan made a motion for the text change case 2023-07TC, with a condition that the Hamilton County Prosecutor be contacted for their willingness to participate as described.

Mr. Roos seconded the motion.

Mr. Friedman asked if there was any further comment. There was none.

Mr. Mees called roll.

Ms. Flanagan – Aye

Mr. Barrick- Aye

Mr. Friedmann – Abstained

Mr. Roos - Aye

Mr. Mees – Aye

Mr. Friedmann noted that the case would be heard by the Trustees. Mr. Uckotter stated that the hearing would likely be on July 5th.

Item 5. – Township Report

Mr. Uckotter reported that at the next meeting we will have the continued case as well as a sign case related to a restaurant near I-275 and Montgomery Rd.

Ms. Flanagan asked what was provoking the public regarding the Shoppes of Kenwood case.

Mr. Uckotter generally explained the case application, which is available on the website. He stated that there was a Crossfit Studio that opened in January without a permit, that had rear entry access next to residential. The CrossFit Studio also opens at 5:30 am. Mr. Uckotter stated that there is a restaurant that is called 6' n the mornin that would like to open earlier than 7am.

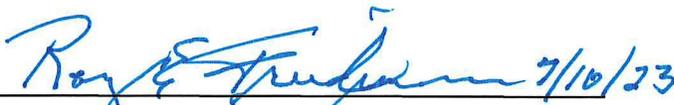
Mr. Friedmann stated that the next meeting is Monday, July 10th at 6:00 pm.

Item 6. – Adjournment

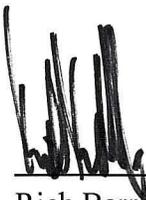
Mr. Roos moved to adjourn. Mr. Mees seconded. Mr. Friedmann called for a vote. All voted yes.

The meeting adjourned at 6:26 p.m.

06/12/2023 Meeting minutes recorded by Jon Ragan



Roger Friedmann, Chairman Date



Rich Barrick, Vice-Chairman Date