

August 19, 2013

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member

Item 1. – Meeting called to Order

Vice-Chairman Leugers called the meeting of the Board of Zoning Appeals to order at 7:00 PM on Monday, August 19, 2013.

Item 2. – Opening Ceremony

Mr. Leugers led the Pledge of Allegiance.

Item 3. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Mr. Eichmann had an excused absence.

Also Present: Greg Bickford, Harry Holbert and Beth Gunderson

Item 4. – Swearing In

Mr. Leugers swore in those providing testimony before the board.

Item 5. – Approval of Minutes

Mr. Leugers stated the next order of business was to approve the July 15, 2013 meeting minutes.

Mr. Leugers asked for any corrections to the July 15, 2013 meeting minutes. No response.

Mr. Scheve moved to approve the July 15, 2013 minutes as written.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

All voted yes to approve the minutes.

Item 6. – Old Business

Mr. Bickford presented four resolutions to the board for approval.

B2013-08C
All Saints Church
8939 Montgomery Road
Conditional Use

Mr. Bickford presented the resolution approving the conditional use request for Case B2013-08C.

Mr. Leugers asked for any comments. No response.

Mr. LaBarbara called roll.

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

B2013-09V
Earnest Stewart
4452 Sycamore Road
Variance

Mr. Bickford presented the resolution approving the variance request for Case B2013-09V.

Mr. Leugers asked for any comments. No response.

Mr. LaBarbara called roll.

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

B2013-10V
KCR Construction
7200 Quail Hollow Road
Variance

Mr. Bickford presented the resolution approving the variance request for Case B2013-10V.

Mr. Leugers asked for any comments. No response.

Mr. LaBarbara called roll.

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

B2013-11V
Andrea Otter and Martin Mishkin
8113 Deer Path Lane
Variance

Mr. Bickford presented the resolution approving the variance request for Case B2013-11V.

Mr. Leugers asked for any comments. No response.

Mr. LaBarbara called roll.

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

Item 7. – New Business

B2013-12V
Dr. Beatriz Porras and Alvaro Ryes
7904 Kugler Mill Road
Variance

Mr. Holbert presented the case and case history in a power point presentation.

The board asked questions of Mr. Holbert.

Mr. Scheve asked if there was any fencing in the rear yard.

Mr. Holbert answered there was fencing in the rear yard.

Mr. Leugers asked if the reason for the variance request was the section of the Sycamore Township Zoning Resolution prohibiting fences in the front yard.

Mr. Holbert answered yes.

Mr. LaBarbara asked if there was a setback requirement for landscaping or decorative features.

Mr. Holbert replied no.

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

The applicants, Dr. Beatriz Porras and Dr. Alvaro Ryes, of 7904 Kugler Mill Road, Cincinnati, OH, 45243, addressed the board. Dr. Porras explained that the couple has an autistic child and need the gate for safety reasons. Dr. Ryes stated that Kugler Mill has a lot of traffic and they are concerned for their child when he is riding his bike on the driveway.

The board asked questions of the applicants.

Mr. Leugers asked if anyone from the public would like to comment on the case. No response.

Mr. Leugers closed the floor to comments from the public and the board discussed the issues brought before them.

Mr. Leugers stated in his opinion there are two issues: should the board define the proposed gate as a fence and is there a hardship. He said to him the gate is more part of the landscaping and the traffic on Kugler Mill is a hardship.

Mr. Scheve disagreed and said the fence should be considered in the same manner as a fence. He noted there is a fenced in area in the rear yard where the child could play.

Mr. Leugers motioned to approve case B2013-12V.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – NEA

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Mr. Leugers stated a resolution approving the variance would be presented at the September meeting.

B2013-13V

Atlantic Sign Co.

8063 Montgomery Road (Party City)

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert said the applicant submitted proposals for two possible signs. Mr. Holbert noted the applicant's measurements were incorrect and that both of the options were larger than the square footage noted on the submitted drawings. Mr. Holbert said Pier 1 Imports had applied for and been granted a zoning certificate for a compliant sign of approximately 75 square feet in size.

The board asked questions of Mr. Holbert.

Mr. Scheve asked what signs were presently on the building.

Mr. Holbert stated the building is in the process of a façade renovation so the signs had been removed from the building.

Mr. Holbert noted the applicant had applied earlier this year for a variance for a larger proposed sign and been denied.

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

The applicant, Mike Cassedy of Atlantic Sign Company, 2328 Florence Ave., Cincinnati, OH, 45206, addressed the board. He stated Mr. Joshua Cox, representing Party City, was also present. Mr. Cassedy stated the multi-colored letters on Party City's sign would not be visible without the white background proposed. He said the hardship is that Party City is one of the only retail businesses on Montgomery Road without a monument sign. Mr. Cassedy went on to list the criteria the Board of Zoning Appeals must consider for a variance request and explain why Party City should be permitted a variance.

Mr. Scheve asked for clarification from Mr. Holbert on how signs are measured.

Mr. Holbert explained the process the Township uses for measuring signs and noted that the applicant could have the white background as long as the sign was a compliant size.

Mr. Heidel asked if the applicant could erect a monument sign.

Mr. Holbert said the property already had one monument sign for Pier 1 Imports and was not permitted to have two free-standing signs.

Mr. Leugers asked if anyone from the public would like to comment on the case. No response.

Mr. Leugers closed the floor to comments from the public and the board discussed the issues brought before them.

Mr. Leugers stated everyone wants a large sign but the board has a sign ordinance to enforce.

Mr. LaBarbara commented the signs for both tenants look to be similar in size on the drawing.

Mr. Holbert said that was a rendering and the signs were not to scale. He said the proposed Party City sign would be almost twice the size of the Pier 1 Imports sign.

Mr. Scheve said the proposed sign would be two times the permitted size and the applicant's stated hardship did not stand out as any different from anyone else's.

Mr. Leugers entertained a motion.

Mr. Scheve motioned to deny case B2013-13V.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Mr. Bickford stated a resolution denying the variance would be prepared for the September 16th meeting.

Item 8. – Date of Next Meeting

Mr. Leugers noted the date of the next meeting – Monday, September 16, 2013.

Item 8. – Adjournment

Mr. Leugers motioned to adjourn the meeting.

Mr. Scheve seconded.

The meeting adjourned the meeting at 7:48 PM.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant