

August 18, 2014

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

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Monday, August 18, 2014.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Members Absent: Mr. Scholtz

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing In

Mr. Eichmann swore in those providing testimony before the Board.

Mr. Eichmann took the opportunity to explain the public hearing process to the members of the public present.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve the July 21, 2014 meeting minutes.

Mr. Eichmann asked for any corrections to the July 21, 2014 meeting minutes. No response.

Mr. Leugers moved to approve the July 21, 2014 minutes as written.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE
Mr. Scheve – AYE
Mr. Eichmann – AYE
Mr. Leugers – AYE
Mr. LaBarbara - AYE

Item 6. – Old Business

B2014-02V

Richard B. Tranter (Agent – LCA-Vision, Inc.)

7840 Montgomery Road

Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case B2014-02V. Mr. Holbert pointed out Exhibits A and B which were referenced in the resolution and noted that per Law Director Doug Miller the approved image would be limited to that of an eye because it is a reconstruction of the non-conforming sign that was removed.

Mr. Eichmann asked for any comments. No response.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – NEA

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

B2014-06V

Steven Proctor

4566 Buxton Avenue

Variance

Mr. Holbert presented the resolution approving the variance request for Case B2014-06V.

Mr. Eichmann asked for any comments. No response.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Item 7. – New Business

Mr. Eichmann explained what a variance is and the process by which the Board makes decision regarding whether or not to grant a variance request.

B2014-07V

Pam Hallberg

8740 Montgomery Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted Section 13-5.3 of the Sycamore Township Zoning Resolution states there is a ten (10) feet setback requirement from the right-of-way for free standing signs. The applicant requests two new signs installed right up to the right-of-way line. Mr. Holbert showed photos of two monument signs on the property, one that had been removed already, and one that the tenant had agreed to remove should the landlord receive approval for the two new monument signs.

Mr. Holbert stated that should the Board choose to approve the variance request, staff recommends the following:

1. The applicant is required to obtain a survey of the property showing the exact locations of the proposed signs.
2. The survey must note the exact distance from the right-of-way to the proposed signs.
3. The survey must show a 20' clear sight triangle from the points of egress.

Mr. Holbert pointed out the landscape plan that the applicant had submitted which had been approved by ODOT.

The Board members asked questions of Mr. Holbert.

Mr. Scheve asked for clarification on the proposed setback.

Mr. Holbert stated the applicant's request was basically a zero foot setback and that it would be impossible to know the exact setback without a survey.

Mr. Scheve asked if the applicant's issue with the required setback was that it would take up parking spaces.

Mr. Holbert answered part of the hardship is that the site meets the minimum parking requirements and moving the signs back would take up some of the parking.

Mr. LaBarbara asked for clarification on the landscape plan.

Mr. Holbert said the existing trees would be removed but the applicant would be adding more trees and shrubs making it compliant with current streetscape requirements.

Mr. Eichmann asked about the signs' proximity to the right-of-way being a safety hazard.

Mr. Holbert said the signs would be in locations similar to the existing sign which had not been a problem, but cannot say the signs could not be hit by a car in the future.

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

Ms. Pam Hallberg, Property Manager, Montgomery Pointe, addressed the Board. Ms. Hallberg explained that lack of signage was making it difficult to rent the lower level of the center. She also stated her goal is to update the landscaping and signage to make it more attractive. She noted that the tenant with the existing pole sign had agreed to remove it if the monument signs with tenant panels were approved.

The Board asked questions of the applicant.

Mr. Eichmann thanked the applicant and asked if there was anyone present from the public who wished to comment on the case.

Ms. Judy Wordeman addressed the board with some concerns she had about safety, the dumpster and graffiti on the property. The applicant spoke to her concerns. Ms. Wordeman said she thinks the proposal is much more attractive than what is in place now.

Mr. Eichmann asked if anyone else from the public wished to speak concerning the case. No response. Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Leugers said in his opinion the proposal is an improvement to an older center.

Mr. Scheve expressed concerns about the size of the proposed signs.

Mr. Holbert said the signs are within the size limitations of the Zoning Resolution for a shopping center that size.

Mr. Leugers made a motion to approve case B2014-07V with the condition that the existing pole sign be removed and the staff recommendations regarding the survey of the property.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Mr. Eichmann said staff would prepare a resolution for the next meeting.

B2014-08V

Helen McAninch

4560 Sycamore Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted Table 4-6 of the Zoning Resolution required a 30 feet front yard setback from the primary structure. The proposed carport would be attached to the house and become part of that primary structure. The applicant proposes a 15 feet front yard setback from the carport. Mr. Holbert noted neighboring properties had similar front yard setbacks to the property in question.

The Board members asked questions of Mr. Holbert.

Mr. Scheve asked about the size of the carport and if it met size and height requirements.

Mr. Holbert stated the carport could be any size as long as it met the setback requirements and the height was well below the maximum allowed for an attached structure.

Mr. Heidel asked if the applicant had come to the Township with the plans prior to beginning construction.

Mr. Holbert said the applicant had come to zoning for approval of the wall but was told by her contractor she did not need a permit for the carport. A Hamilton County official had stopped work on the project because it was begun without a permit and alerted the Township.

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

Ms. Helen McAninch, of 4560 Sycamore Road, addressed the Board. Ms. McAninch stated that her property has a very large rear yard but her lot is too narrow to put in a driveway and build a garage in the rear. She stated the wall had begun to bulge, so they decided to replace the wall and the driveway and add the carport. She noted there is no parking on the street. Ms. McAninch said she was told by the Township she needed a variance prior to construction but was advised by her contractor that no permit was needed.

The Board asked questions of the applicant.

Mr. Scheve asked about the materials used in the wall.

The applicant said the wall is made of stone.

Mr. Eichmann asked about the slope of the roof on the carport and where her neighbors park if there is no on street parking.

The applicant said they park in their driveways or have garages in the rear.

Mr. Leugers said in order to approve there must be a hardship.

Ms. McAninch said her hardship is the fact that there is no access to the rear yard to build a garage and the lack of on street parking. She noted it is a safety issue; the carport would keep the path to the vehicles clear in inclement weather.

Discussion ensued about the height of the carport and the style of the proposed roof.

The applicant said that, if approved, she would agree to build the roof as shown on the architect's drawing submitted.

Mr. Eichmann thanked the applicant and asked if there was anyone present from the public who wished to comment on the case.

Mr. Mark Vanover, of 4562 Sycamore Road addressed the Board. Mr. Vanover said he lives next door to the property and is in support of the variance. He said he would like to see the applicant's request approved so the work could be completed as soon as possible.

Mr. Eichmann asked if anyone else wished to comment. No response. Mr. Eichmann noted the Board had received one letter from a neighbor in support of the variance and one anonymous letter against it expressing concerns that it was too large and would have a negative impact on property values.

Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Leugers said in his opinion the hardship regarding the lack of parking has nothing to do with the cars being covered. The applicant will be able to park in the new driveway. The carport would be a special privilege.

Mr. Leugers made a motion to deny case B2014-08V.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

Mr. Holbert informed the applicant of her right to appeal the decision of the BZA within 21 days.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, September 15, 2014.

Item 9. – Communications and Miscellaneous Business

Mr. Holbert told the Board the office had received a submittal for a variance application for the September meeting.

Item 10. – Adjournment

Mr. Scheve moved to adjourn.

Mr. Leugers seconded.

The meeting adjourned at 8:26 P.M.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant