

October 20, 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, October 20, 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

Member Absent: Steve 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 took the opportunity to explain the public hearing process to the members of the public present.

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

**Item 5. – Approval of Minutes**

Mr. Eichmann stated the next order of business was to approve the September 15, 2014 meeting minutes.

Mr. Eichmann asked for any corrections to the September 15, 2014 meeting minutes. No response.

Mr. Scheve moved to approve the September 15, 2014 minutes as written.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

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

**Item 6. – Old Business**

B2014-09V

Joshua Maag  
7998 Fawncreek Drive  
Variance

Mr. Holbert presented the resolution denying the variance request for Case B2014-09V.

Mr. Eichmann asked for any comments. No response.

Mr. LaBarbara called roll.

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

B2014-10V

D. Bradley Bobbitt, M.D. / Vigour  
7629 Kenwood Road  
Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case B2014-10V.

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 – NEA

B2014-11V

Robert & Eileen Luby  
7585 Quailhollow Drive  
Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case B2014-11V.

Mr. Eichmann asked for any comments. No response.

Mr. LaBarbara called roll.

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

**Item 7. – New Business**

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

SYCB140012

Douglas E. Burkey, RWA Architects, Inc.

12041 Snider Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. He said the applicant's request is for a variance to Section 3-5.13 of the Zoning Resolution to construct a second main building on a residential lot. After construction is completed, the existing single family residence would be razed. Mr. Holbert noted the applicant did provide a legal survey of the property. Mr. Holbert said the applicant provided drawings detailing the phases of construction. Mr. Holbert reviewed those phases with the Board.

The Board members asked questions of Mr. Holbert.

Mr. Eichmann asked if there has ever been a similar case.

Mr. Holbert said not that he is aware. He noted the code is worded as such to prevent two residential buildings on one property.

Mr. Eichmann asked if the Board should add a condition that the building be razed if they decide to approve the request.

Mr. Holbert answered the applicant would not be permitted to have final occupancy of the new building until the original house is razed.

Mr. Eichmann asked for clarification on obtaining the certificate of occupancy from the Building Department.

Mr. Holbert explained they could have a temporary occupancy to move in and then once the original house is razed, a final certificate of occupancy may be issued.

Mr. Scheve asked about the size of the lot.

Mr. Holbert answered 3.5 acres.

Mr. Scheve commented the majority of the lots in Sycamore Township would be too small for such a project.

Mr. Scheve asked if there were any easements.

Mr. Holbert deferred to the applicant to answer that question.

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

Mike Mauch and Douglas Burkey, of RWA Architects, 2771 Observatory Avenue, Cincinnati, OH 45208, addressed the Board. Mr. Burkey said staff had presented the case accurately and said there is no intent to have two houses on one lot permanently. What they are requesting is a temporary variance. Mr. Burkey noted they intend to move the drive location to the panhandle so that they are not bringing trucks through the

neighbors' yards. He also stated the plan would move the house back and provide more buffering from the neighbors.

Mr. Scheve asked what the size of the current house is.

Mr. Burkey answered the existing house is 3,500 square feet and that the new house would be about 4,500 square feet. He noted the owner wants a bigger, more modern house. The owners purchased the property with the intent to raze the existing house and build a new house. The owners live in lot north of this property and a relative lives in the existing house.

Mr. LaBarbara asked what the timeline for construction would be.

Mr. Burkey said construction would begin in 2015. They have not hired a contractor yet or finished the design of the new house because they wanted to obtain the variance first.

Mr. Eichmann asked if the address would change because the entrance would change.

Mr. Holbert said regional planning would be ok with the addresses being out of order.

Mr. Burkey said the addresses may be out of order now.

Mr. LaBarbara asked if construction would take a year as noted on the application.

Mr. Burkey answered yes.

Mr. Eichmann thanked the applicant and asked if there was anyone present from the public who wished to comment on 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 commented that since this is a temporary variance he does not see a problem. He pointed out that temporary allowances are made regularly during construction.

Mr. Scheve argued there really is not a hardship since the property owners are not living in the existing house. On the other hand, he agreed that it is temporary and in the end will all be compliant.

Mr. Leugers said he views it as part of the construction process. He noted it is a unique situation because of the large size of the lot.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve case SYCB140012.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE  
Mr. Leugers – AYE  
Mr. LaBarbara – AYE

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

SYCB140013  
Samuel Walkiewicz  
6631 Michael Drive  
Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert stated the proposed variance is to allow for the construction of a six foot privacy fence in the side yard. Mr. Holbert noted the existing fence, which is in disrepair, was installed backward with the finished side facing inward.

The Board members asked questions of Mr. Holbert.

Mr. Scheve asked for the definition of a side yard.

Mr. Holbert clarified and noted it on a map of the lot.

Mr. Scheve asked if a six foot privacy fence could be built as of right in the rear yard.

Mr. Holbert answered yes.

Mr. Eichmann asked how the Township let the fence get in such disrepair.

Mr. Holbert said the Township had received no complaints and because the portion of the fence in disrepair is in the rear yard it is difficult to see. He noted the applicant did obtain a survey.

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

Mr. Walkiewicz, the applicant, of 6631 Michael Drive, Cincinnati, OH 45243, addressed the Board. He noted his neighbor keeps garbage on the other side of the fence in the side yard. He said he would repair the existing fence if he could. He is accustomed to having it and his neighbors are ok with it. He said he purchased the house as a foreclosure and this was one of the last things on their list to improve.

Mr. LaBarbara asked about ages of applicant's children and if he had a dog to contain.

The applicant answered and said he needs the fence for the safety of children and pets.

Mr. Eichmann asked about the applicant's comment that the neighbor has debris and the applicant wants the fence to block that view.

Mr. Holbert said that is not a hardship, the neighbor can put trash cans on side of house.

Mr. Scheve suggested building fence as of right in the rear, and planting bushes in side yard to block view.

Mr. Walkiewicz said would also like to have A/C unit contained and that he is also concerned about neighbor's dogs getting out and leaving excrement in his yard.

Mr. Heidel asked if west side would be facing neighbor's back yard.

Mr. Walkiewicz answered yes and said he is willing to compromise on that side of the lot.

Mr. Eichmann noted if the Board should deny the request the applicant can build as of right in rear yard. Mr. Eichmann asked Holbert about getting neighbor to clean up.

Mr. Holbert said if the garbage is in containers it is not a zoning violation. Mulch bags also are not a zoning violation. If there were piles of brush and debris present, that would be a violation.

Mr. Eichmann asked about options for side yard.

Mr. Holbert said the applicant could have a screened chain link fence in the side yard as of right.

Mr. Scheve commented that would look worse.

The applicant said if his variance request is denied he would leave the existing fence on the east side by the neighbor with the dog.

Mr. Scheve asked if he could do that.

Mr. Holbert said it would have to be repaired.

Mr. Scheve said the Board has to find a hardship and he is not sure that the applicant has demonstrated one. He noted it would be a big improvement over what is there.

Mr. LaBarbara asked how many feet of fence the variance would include on the east side.

Mr. Holbert said about 28 feet.

Mr. Scheve noted the end result is the neighborhood would be improved were a new fence installed and that is part of the Board's responsibility to improve Township.

Mr. Eichmann asked if anyone else wished to comment. No response.

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

Mr. Leugers said he would rather see the fence on the side replaced than deny the request and have the applicant leave the old fence on that side and try to repair that 28 foot section.

Some discussion ensued about how far up the side of the house the fence should come.

Mr. Scheve agreed if he built a new fence in the rear yard and repaired the side yard fence it would look worse.

The Board discussed the possibility of granting the variance just for the 28 foot section on the east.

Mr. Leugers made a motion to approve the variance request for case SYCB140013 subject to the following conditions:

1. The variance for the privacy fence in the side yard is approved from the northeast corner of the house to the eastern property line, for 28 feet along the east property line, to tie in to the new fence in the rear yard.
2. The fence in the rear yard that is in disrepair must be replaced with a new fence.

Mr. Scheve seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

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

**Item 8. – Date of Next Meeting**

Mr. Eichmann noted the date of the next meeting – Monday, November 17, 2014.

**Item 9. – Communications and Miscellaneous Business**

None

**Item 10. – Adjournment**

Mr. Leugers moved to adjourn.

Mr. Scheve seconded.

Vote: All Aye

The meeting adjourned at 8:10 P.M.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant