

December 19, 2016

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, December 19, 2016.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann swore in all those providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve November 21, 2016 meeting minutes.

Mr. Eichmann asked for any corrections to the November 21, 2016 meeting minutes. No response.

Mr. Scheve made a motion to approve the November 21, 2016 meeting minutes.

Mr. Heidel seconded.

Mr. LaBarbara called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz – AYE

Mr. Eichmann explained that this is a public hearing and the process by which the hearing would proceed.

Item 6. – Old Business

Case: SYCB160023- Continued to 01/17/2017
Applicant: Nicholas Bucciere
Location: 9125 Montgomery Road
Request: Appeal

Case: SYCB160029
Applicant: SFA Architects
Location: 8283 East Kemper Road
Request: Conditional Use

Mr. Holbert presented the resolution approving with conditions the Conditional Use request for Case SYCB160029.

Mr. LaBarbara called roll.

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

Case: SYCB160030
Applicant: Russell E. Moody
Location: 6626 Branford Court
Request: Variance

Mr. Holbert presented the resolution approving with one condition the variance request for Case SYCB160030.

Mr. LaBarbara called roll.

Mr. Scheve – NEA
Mr. Leugers - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz – AYE

Mr. Eichmann explained what a variance is and how the Board comes to a decision regarding a variance. He also explained how the public hearing would proceed.

Item 7. – New Business

Case: SYCB160031
Applicant: Robert and Miriam Haas
Location: 4777 Kugler Mill Road
Request: Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert explained the applicant is requesting a variance to Section 10-7.1 of the zoning resolution to allow a six feet tall privacy fence to remain in the defined side yard. Mr. Holbert showed aerial views and photos of the property noting the defined front, side and rear yards.

The Board asked questions of Mr. Holbert.

Mr. Eichmann asked for clarification on the location of the defined rear yard.

Mr. Holbert stated, due to the angle of the house and the distance from Kugler Mill Road, the privacy fence on the northwest corner of the house is permitted.

Mr. Heidel asked if any of the neighbors responded to the notice of the variance request.

Mr. Holbert answered no.

Mr. LaBarbara asked if the fence along Kugler Mill Road is in violation.

Mr. Holbert answered no, only the fence along Kenwood is in violation. He explained the fence along Kugler Mill Road is in the defined rear yard; the fence on the Kenwood Road side is in the defined side yard and therefore does not meet the height and openness requirements.

Mr. Heidel asked about the photos the applicants submitted of cars in their yard.

Mr. Holbert deferred to applicant.

Mr. Eichmann asked what part of the fence is in violation.

Mr. Holbert noted the "L" shape portion of the fence that is in violation due to its location in the defined side yard of the property.

Mr. Scheve asked why the fence companies do not contact the Township to find out the zoning regulations before installing.

Discussion ensued about why fence companies and property owners do not apply for permits.

Mr. Eichmann asked if a chain link fence would be permitted.

Mr. Holbert answered yes.

Mr. Eichmann asked if the applicants could install an angled barrier to the top of a fence to help keep their dog from jumping over the fence.

Mr. Holbert answered yes noting the overall height of the fence would include the slanted area.

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

Mr. Robert Haas, the applicant, of 4777 Kugler Mill Road, Sycamore Township, OH 45236, addressed the Board. Mr. Haas noted the Kugler Mill Road side is the portion of the property they view as the front of their house. He stated he built the fence himself. Mr. Haas pointed out a similar fence that was on the property in 2003 noting he didn't think it would be a problem to reinstall it in that location. He informed the Board they have had issues with cars coming into their yard; as well as containing their dog and keeping their grandchildren safe on a busy street. He said due to the location of the patio and the side door they would like to keep the fence where it is. Mr. Haas said it is a safety issue living next to a four lane road, noting it is nerve wracking to mow the lawn on the portion of the yard adjacent to Kenwood Road due to the speed of the cars going by.

Mr. Heidel asked what direction the cars that have ended up in his yard were travelling.

Mr. Haas said cars travel with a good bit of speed coming both north and south on Kenwood Road and will sometimes clip another car then come into his property. He noted this has happened quite a bit, therefore safety is an issue. He noted he has spruce trees in front and a car recently took one of those out.

There was discussion about how the zoning department determines which yards are front, rear and side on a corner lot and if that designation could be changed to allow for the fence.

Mr. Holbert stated it could not because then the garage would be in a side yard which is not permitted.

Mr. Scheve noted the house is unique because of the way it is angled on the lot.

Mr. Holbert agreed saying it is not a common way to angle a house.

Mr. Haas noted the house is about 80 years old and was built before Kenwood was a four lane road.

No one was present from the public to comment on the case.

The Board discussed the issues brought before them.

Mr. LaBarbara asked what could be done to make the fence compliant.

Mr. Holbert said it would be challenging with this style of fence because the owner would have to remove so many planks to be in compliance with the openness requirements. He noted the fence would have to be moved back to the rear corner of the house parallel to Kenwood Road to be in the rear yard where a six feet privacy fence is allowed.

Mr. Scheve noted if the fence were moved the applicant wouldn't have access to the door on side of the house.

Mr. Heidel pointed out the fence is adjacent to the next door neighbor's side yard.

Mr. Scheve said this is a unique situation. The house is unique because of the way it is situated on the lot and there are hardships because the traffic on Kenwood Road is a concern and the option to move the fence makes the side door inaccessible. Mr. Scheve said, in his view, these hardships meet the requirements for approval of a variance.

Mr. Eichmann said a chain link would be permitted but he would not like to see a chain link installed along Kenwood Road because it would be unattractive.

Mr. Leugers suggested adding landscaping.

Mr. Holbert said there is already a lot of landscaping there.

Mr. Eichmann suggested a condition that the owner must keep the existing landscaping.

Mr. Scheve suggested adding bushes in front of the fence.

Mr. Leugers suggested five bushes.

Mr. Holbert showed the street view of the property noting there is already a nice buffer.

Mr. Eichmann entertained a motion.

Mr. Scheve made a motion to approve the variance request for Case SYCB160031 with the condition that a minimum of three bushes are planted in the exposed area on the south side of the fence along Kenwood Road.

Mr. Leugers seconded.

Mr. LaBarbara called roll.

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

Mr. Eichmann said a resolution would be prepared for the next meeting.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Tuesday, January 17, 2017.

Item 9. – Communications and Miscellaneous Business

Mr. Holbert stated the Trustees expressed their appreciation to the Board for their work for the Township this year.

There was discussion about the possibility of changing the Board of Zoning Appeals meeting time. Mr. Holbert noted there is nothing in the Ohio Revised Code that dictates the meeting time. Mr. Eichmann said he would be interested to see when other municipalities hold meetings. Mr. Holbert noted the Board of Trustees public hearings often start at 6:00 p.m. before their regular 7:00 p.m. meeting. Board members expressed concern about residents having trouble getting to an earlier meeting.

Item 9. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Leugers moved to adjourn, seconded by Mr. Scheve. Vote: All Aye.

The meeting adjourned at 8:04 P.M.
Minutes recorded by: Beth Gunderson, Office Administrator