

June 18, 2012

Mr. Jim Eichmann – Chairman  
Mr. Ted Leugers – Co-Chairman  
Mrs. Marlene McDaniel – Secretary  
Mr. Tom Scheve – Member  
Mr. Jim LaBarbara – Member  
Mr. Jeff Heidel – Alternate

**Item 1. – Meeting called to Order**

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 PM on Monday, June 18, 2012.

**Item 2. – Roll Call of the Board**

Mrs. McDaniel called the roll.

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

Also Present: Greg Bickford, 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.

**Item 5. – Approval of Minutes**

Mr. Eichmann stated the next order of business was to approve the May 21, 2012 meeting minutes.

Mr. Eichmann asked for any corrections to the May 21, 2012 meeting minutes.

Mr. Eichmann entertained a motion to approve the May 21, 2012 meeting minutes.

Mrs. McDaniel moved to approve the May 21, 2012 meeting minutes.

Mr. Leugers seconded.

All voted – yes.

**Item 6. – Old Business**

B2012-07V  
Kimberly Siefert  
4562 Matson Avenue  
Cincinnati, OH 45236

Mr. Bickford presented the resolution approving with conditions the variance request for case# B2012-07V.

Mr. Eichmann asked for any comments.

Mrs. McDaniel called roll.

Mr. Scheve – AYE  
Mr. Heidel – AYE  
Mr. Leugers – AYE  
Mrs. McDaniel – AYE  
Mr. LaBarbara – AYE

**Item 6. – New Business**

B2012-08V

Mary C. Taylor  
8367 Beech Avenue  
Cincinnati, OH 45236

Mr. Holbert presented the case and case history for case# B2012-08V. Mr. Holbert stated that the fence was installed without a permit in the defined front yard of a corner lot.

The board asked questions of Mr. Holbert.

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

Mary C. Taylor of 8367 Beech Avenue, Cincinnati, OH 45236, addressed the board. Ms. Taylor explained that the current fence was installed in what she thought was her rear yard to replace a chain link fence that was damaged by fallen tree limbs. The applicant stated she thought she had submitted the paperwork and would never have gone through the expense of installing the fence had she known it was in violation. Ms. Taylor noted the house behind her was vacant and that four of the first six houses on her side of Woodlawn were vacant.

Mr. Eichmann noted the board had received a letter from a neighbor who could not attend in support of the variance request.

The board asked questions of the applicant.

Mr. Eichmann asked if anyone was present from the public who wished to comment.

Ms. Barb Riesenbergh of 4224 Woodlawn Avenue, Cincinnati, OH 45236 addressed the board. Ms. Riesenbergh stated she thinks the fence not only enhances Ms. Taylor's property but also the entire street and neighborhood.

Sherry Whitworth of 8403 Beech Avenue, Cincinnati, OH 45236 stated that the fence adds beauty and elegance to neighborhood.

Helen Baumgartner of 8362 Beech Avenue, Cincinnati, OH 45236 said she lives across the street from the property in question and has no issue with the variance request.

Tom Viox of 4221 Woodlawn Avenue, Cincinnati, OH 45236, addressed the board. Mr. Viox stated the fence regulations and zoning definitions of front yards of corner lots do not make common sense and asked for clarification on how those ordinances came into effect.

Harry Holbert gave background information on yard definitions and fence regulations.

Eileen Thorpe of 7607 Plainfield Road, Cincinnati, OH 45236 said she grew up on Woodlawn and thinks the fence is pretty. She stated many houses on Woodlawn are in disrepair.

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

The board agreed the corner lot; location of the owner's back door with regard to the permitted location of the fence, as well as the condition of the neighborhood could be viewed as hardships to justify the variance approval.

Mr. Eichmann entertained a motion.

Mr. Scheve moved to approve case# B2012-08V as submitted.

Mrs. McDaniel seconded.

Mrs. McDaniel called roll.

Mr. Scheve – AYE  
Mr. Eichmann – AYE  
Mr. Leugers – AYE  
Mr. McDaniel – AYE  
Mr. LaBarbara – AYE

B2012-10V  
David Damaska  
7616 Montgomery Road  
Cincinnati, OH 45236

Mr. Bickford presented the case and case history in a power point presentation. Mr. Bickford noted the applicant was requesting modifications to conditions 2, 3, 6 and 7 of the resolution approving the conditional use for the property in case# B2011-01C.

The board asked questions of Mr. Bickford.

Mr. Eichmann asked if the applicant was present to address the board.

Mr. Mark McGrath of 6839 Plainfield Road, Cincinnati, OH 45236, the realtor representing the applicant and Mr. David Damaska, the applicant, of 7491 Quailhollow, Cincinnati, OH 45243, addressed the board.

Mr. McGrath stated that the applicant believed that the property in question would be a good location for his financial planning business to share with his current office mate, an attorney. Mr. McGrath stated they had addressed drainage issues in their plan in a way he thought would improve water flow. The client traffic would be minimal. The extra parking spaces proposed would be needed for the six total employees and occasional clients. He said they did not plan to install lighting in the parking lot. Mr. McGrath pointed out the applicant is requesting a 16 sq. ft. sign. Mr. Damaska said he had a contract to buy the property that is contingent upon approval of the variance request.

The board asked questions of Mr. McGrath and Mr. Damaska.

Mr. Eichmann asked if there was anyone from the public who wished to speak.

Mr. Vali Tadayon of 5980 Winnetka Drive, Cincinnati, OH 45236 addressed the board. Mr. Tadayon presented Mr. Eichmann with a letter and photos and then read the letter aloud. He stated that there were discrepancies in the application and letter of intent submitted by the applicant and noted his concerns regarding the proposed expansion of the driveway and parking lot which he was concerned would exacerbate existing drainage problems on Winnetka. Mr. Tadayon said granting the variance would have negative effects on the neighborhood and that he believed the board should not set a precedent by granting the variance. He added that granting the variance would be a special privilege for the property owner/applicant.

Pauline Barthel of 5953 Winnetka Drive, Cincinnati, OH 45236 addressed the board. Mrs. Barthel presented Mr. Eichmann with a letter and petition signed by 26 residents of Winnetka and St. Regis opposing the variance request. Mrs. Barthel said the proposed project was not in harmony with surrounding properties and expressed concerns about water runoff to surrounding residences.

Carol Schneider of 5960 Winnetka Drive, Cincinnati, OH 45236, said she was concerned about the applicant coming back and asking for more if the variance were to be granted. Ms. Schneider expressed concerns about the encroachment of businesses into the residential area adjacent to the property in question and stated she was also worried that the expanded parking lot would worsen the existing drainage issues.

Roberto Madrigal of 7620 Montgomery road, Cincinnati, OH 45236 said his property is next door to 7616 Montgomery Road. Mr. Madrigal stated he was concerned about the increased parking lot and also safety issues.

Mr. McGrath and Mr. Damaska addressed some of the residents' concerns regarding the drainage issues and stated it was the applicant's intent to be honest in his application and submittal documents. Mr. Damaska explained that he believes his proposal would be a benefit to the area in that it would maintain the residential feel of the property.

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

Mrs. McDaniel stated she had no problem with the requested signage and interior changes but was troubled by the proposed increase to the parking lot and the water issues effecting adjacent residences.

Mr. Scheve said he does not see a hardship and therefore the request does not meet the necessary requirements to justify a variance.

Mr. Eichmann entertained a motion.

Mr. Scheve moved to deny case# B2012-10V.

Mrs. McDaniel seconded.

Mrs. McDaniel called roll.

Mr. Scheve – AYE  
Mr. Eichmann– AYE  
Mr. Leugers – AYE  
Mr. McDaniel – AYE  
Mr. LaBarbara – AYE

Mr. Bickford stated that a resolution would be prepared for the July 16, 2012 meeting.

**Item 8. – Communications and Miscellaneous Business**

Mr. Bickford informed the Board that Mrs. McDaniel had submitted her resignation from the Board of Zoning Appeals and thanked her for her years of service to Sycamore Township.

Mr. Bickford also stated that Phillips Edison Company had come to an agreement with the Trustees in regards to their request for an additional building sign. The company agreed to remove the existing sign and install a new one just 16 sq. ft. larger than allowed by code. They will therefore have only one sign on the building as opposed to the two they proposed in their initial variance request.

**Item 7. – Date of Next Meeting**

Mr. Leugers noted the date of the next meeting – Monday, July 16, 2012.

**Item 8. – Adjournment**

Mr. Eichmann adjourned the meeting at 8:56 PM.

Minutes Recorded by:           Beth Gunderson  
  Planning & Zoning Assistant