

December 16, 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**

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Monday, December 16, 2013.

**Item 2. – Opening Ceremony**

Mr. Eichmann led the Pledge of Allegiance.

**Item 3. – Roll Call of the Board**

Mr. LaBarbara called the roll.

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

Also Present: Harry Holbert and Beth Gunderson

**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 November 18, 2013 meeting minutes.

Mr. Eichmann asked for any corrections to the November 18, 2013 meeting minutes. No response.

Mr. Leugers moved to approve the November 18, 2013 minutes as written.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

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

**Item 6. – Old Business**

B2013-16V  
Doug and Debbie Miller  
8622 Plainfield Lane  
Variance

Mr. Holbert presented Case# B2013-16V in a power point presentation. Mr. Holbert noted that the case was presented at the last Board of Zoning Appeals meeting when the vote

had ended in a tie. Because of the tie vote, and the fact that the applicant was not present for the November meeting, the case had been continued.

The Board asked questions of Mr. Holbert.

Mr. Holbert noted that the applicant had obtained a permit for the detached garage but when the final inspection was completed, the garage was found to be over the maximum height permitted by the Sycamore Township Zoning Resolution.

Mr. Eichmann reviewed the process by which a variance is reviewed and a decision made by the Board of Zoning Appeals.

Mr. Eichmann noted that there was a member of the public present at the last meeting who spoke in support of the Miller's variance request.

Mr. Eichmann asked if the applicant was present.

Mr. Doug Miller, 8622 Plainfield Lane, Cincinnati, OH 45236, addressed the board. Mr. Miller explained why he decided to build the garage and that he didn't know the height was a problem.

The board asked questions of the applicant and Mr. Holbert.

The contractor, Mr. Philip Volker, 4514 Elsmere, Blue Ash, OH, addressed the board. He said the garage was built according to the approved plans.

Mr. Holbert said the garage was not built to plan; the walls were taller than the dimension the contractor noted. Mr. Holbert explained the other factors that could affect the height including foundation, grade and moisture in the materials.

Mrs. Miller submitted a document to the board with signatures from some of her neighbors in support of the variance request.

Mr. Eichmann asked if anyone from the public 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. Eichmann entertained a motion.

Mr. Leugers moved to approve Case B2013-16V.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

**Item 7. – New Business**

B2013-17V

Sia Spa

8127 Montgomery Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted that Sia Spa has 59 feet of store frontage and would be permitted by code one building sign not to exceed 59 square feet. He stated the applicant has a 48 square foot building sign and an awning which was painted with lettering without a permit. The lettering on the awning is approximately 3.5 feet by 15 feet.

The board asked questions of Mr. Holbert.

Mr. Scheve asked for clarification on how the sign was measured.

Mr. Eichmann asked if the sign above the awning used up all of the applicant's allowed square footage for a building sign and if they had a permit.

Mr. Scheve asked if the owner of the property approved of the applicant seeking a variance.

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

Ms. Elizabeth Jacobs, manager of Sia Spa, addressed the Board. Ms. Jacobs explained that the lettering was added to the awning to help generate awareness about Sia Spa's services. Ms. Jacobs pointed out that their existing sign had faded. She said it was never their intent to do anything underhanded; the lettering was the most cost effective way to increase awareness.

Mr. Eichmann stated that it is the job of the Board of Zoning appeals to uphold the Zoning Resolution and it would be difficult to justify the approval of two signs when only one is permitted as of right.

Mr. Suren Hegde, President of Sia Spa, addressed the Board. He said the spa had been in business since 2005 and has lost money each year. The spa does not have much of a marketing budget and he is concerned about the jobs of their 35 employees. He noted that Sia Spa is a Medispa and it is imperative that potential customers know that.

Ms. Jacobs presented a document to Mr. Eichmann showing the increase in business compared to the same time in 2012 which they attribute to the new sign on the awning.

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

Mr. Scheve said the fact that Sia Spa's business is suffering is not reason to allow them to have twice the signage the resolution allows.

Mr. Leugers agreed and said the request did not meet the criteria for approval.

Mr. Scheve motioned to deny case B2013-17V.

Mr. Leugers seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann - AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

**Item 8. – Date of Next Meeting**

Mr. Eichmann noted the date of the next meeting – Tuesday, January 21, 2014.

**Item 9. – Adjournment**

The meeting adjourned the meeting at 8:05 P.M.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant