

September 15, 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, September 15, 2014.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

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

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 August 18, 2014 meeting minutes.

Mr. Eichmann asked for any corrections to the August 18, 2014 meeting minutes. No response.

Mr. Leugers moved to approve the August 18, 2014 minutes as written.

Mr. Scheve seconded.

Mr. LaBarbara called roll.

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

Item 6. – Old Business

B2014-07V
Pam Hallberg
8740 Montgomery Road
Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case B2014-07V.

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

B2014-08V
Helen McAninch
4560 Sycamore Road
Variance

Mr. Holbert presented the resolution denying the variance request for Case B2014-08V.

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 decisions regarding whether or not to grant a variance request.

B2014-09V
Joshua Maag
7998 Fawncreek Drive
Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted Section 10-7.1 of the Sycamore Township Zoning Resolution states that fences are prohibited in the defined front yard. The applicant requests a split rail fence in the defined front yard of a corner lot.

The Board members asked questions of Mr. Holbert.

Mr. Eichmann said he noticed some fences on corner lots when he drove through the neighborhood.

Mr. Holbert noted those fences were older and erected prior to current zoning.

Mr. Scheve asked for clarification on fence regulations in the zoning resolution.

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

Mr. Joshua Maag, of 7998 Fawncreek Drive, addressed the Board. Mr. Maag explained that due to HOA covenants on the property of which he was unaware at the time of his submittal, he had a revised site plan to submit to the board showing the fence an additional ten (10) feet back. The revised proposal shows the fence 22 feet back from the property line on the Stillwind Drive side of the property.

The Board asked questions of the applicant.

Mr. Eichmann asked why the applicant did not want to put the fence in the rear yard to be in compliance with the Zoning Resolution.

Mr. Maag responded he was trying to maximize the area where his children could safely play. He also noted he considers the area the fence would enclose to be his rear yard. He also did not think it would be aesthetically pleasing to install the fence so far back.

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

Mr. Jerry Thamann, of 7949 Fawncreek Drive, addressed the board. He said if the Board was to approve the variance request, he would like the split rail fence specified because he would not want to see a privacy fence nor a chain link fence installed.

Mr. Todd Zuboski of 7956 Fawncreek addressed the Board. Mr. Zuboski submitted to the Board photos of fences in the neighborhood he finds unattractive. He said he did not have a problem with Mr. Maag's request for a split rail back especially now that it would be 22 feet back from the right of way.

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. Eichmann agreed that moving the fence 22 feet back was a compromise; however, it still seemed to be a special privilege. Mr. Eichmann wondered how the Board could arbitrarily decide how many feet back is acceptable.

Mr. Leugers agreed adding that he does not see a hardship present that would necessitate the fence being installed in the front yard.

Mr. Scheve said the hardship is that it is a corner lot. However, he agreed the proposed fence goes quite some distance into the front yard.

Mr. LaBarbara noted the Board had granted variances in the past for corner lots.

Mr. Scheve noted in previous approvals there was a much smaller lot and essentially no other place for children to play. The lot in question has a large defined rear yard. Mr. Scheve asked if the applicant could use landscaping to create a natural boundary.

Mr. Holbert answered yes.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to deny case B2014-09V.

Mr. Eichmann seconded.

Mr. LaBarbara called roll.

Mr. Heidel – NEA

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – AYE

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

B2014-10V

D. Bradley Bobbitt, M.D. / Vigour

7629 Kenwood Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the applicant was requesting a variance to Section 13-11.3 of the Zoning Resolution to allow for three signs measuring combined 71.56 square feet where a maximum of two signs at a total area of 30 square feet would be permitted.

The Board members asked questions of Mr. Holbert.

Mr. Scheve asked if the previous signs were the same size as those in question.

Mr. Holbert answered yes.

Mr. Eichmann asked if the 48 square foot sign was in two sections and if the bottom portion could be removed.

Mr. Holbert answered if the bottom portion of the sign were removed; he would estimate the sign would be reduced to 32 square feet.

Mr. Eichmann asked if the awning had directional text instead of the name if it would be permitted.

Mr. Holbert answered yes.

Mr. LaBarbara asked if the church next door had complained about the awning sign.

Mr. Holbert answered no.

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

Dr. Bradley Bobbitt, of 7629 Kenwood Road, addressed the Board. Dr. Bobbitt said this is the first he had heard about a third sign. He said one of the items Mr. Holbert noted as a

sign was actually an architectural element of the building. Dr. Bobbitt apologized for changing the faces of the sign and awning without a permit, saying he honestly did not know it was required. He said the name on the awning is necessary so that patients know where to enter the building.

The Board asked questions of the applicant.

Mr. LaBarbara asked how long Dr. Bobbitt and his family had been in the building.

Dr. Bobbitt answered since 1985.

Mr. Eichmann asked the applicant about compromises to get the signage on the property reduced. He inquired about changing the awning to a directional sign and reducing the size of the 48 square foot sign.

Dr. Bobbitt said he does get some people coming into the building because of the list of services on the bottom portion of the sign.

Mr. Scheve asked how difficult it would be to change the text on the awning.

Dr. Bobbitt said he did not know.

Mr. Eichmann asked what else the applicant could do to bring the property more in line with the current sign guidelines.

The applicant said he would like to comply and be a good neighbor but he honestly is unclear about what is grandfathered in as far as sign face changes.

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

Mr. Eichmann swore in a member of the public.

Dr. Carter Bobbitt, the applicant's father, of 7629 Kenwood Road, stated the awning and the signs are exactly the same size as they have been for years and gave some history of the property. He said he does not understand why the signs are not grandfathered as nothing has changed except the faces.

Mr. Eichmann swore in another member of the public.

Jo Ann Bobbitt, of 9105 Kugler Mill Road, addressed the Board saying the signs were necessary for safety reasons so that they may be seen from the road and allows patients to know how to access the parking lot.

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. LaBarbara and Mr. Heidel agreed since the signs have been there for thirty years they do not have a problem with them remaining.

Mr. Leugers noted in previous cases dealing with older signage, the Board has allowed for compromise and not made the property come all the way into compliance with current zoning regulations.

Mr. Scheve made a motion to approve case B2014-10V with the condition that the lower portion of the front 48 square foot sign be removed.

The Board discussed the motion.

Mr. Scheve restated the motion to approve case B2014-10V with the condition that the lower portion of the front 48 square foot sign be removed.

Mr. Leugers seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann – AYE

Mr. Leugers – AYE

Mr. LaBarbara – NEA

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

B2014-11V

Robert & Eileen Luby

7585 Quailhollow Drive

Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the applicant was requesting a variance to Section 10-3.3 of the Zoning Resolution to allow for the construction of a detached garage exceeding the maximum size permitted by the Zoning Resolution for the property in question. Mr. Holbert noted the property is a pie shaped lot in a cul de sac which limits its frontage.

The Board members asked questions of Mr. Holbert.

Mr. Scheve asked for clarification on the proposed location of the shed.

Mr. Holbert noted if the Board approves the request, staff suggests adding the condition that property maintenance issues on the property be remedied including painting or removing the existing shed and removing piles of brush from the lot.

Mr. Eichmann asked if the lot was a half acre.

Mr. Holbert answered yes.

Mr. Scheve asked for clarification of the proposed size of the garage versus what would be permitted as of right.

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

Mr. Robert Luby, of 7585 Quailhollow Drive, addressed the Board. Mr. Luby said if his lot was a traditional shaped rectangle the proposed garage would be approved as of right. He stated the pie shaped lot is a hardship and noted he is not asking for a special privilege because neighboring lots smaller than his with greater frontage could have the

proposed garage as of right. His request is the right to have the same as his neighbors could have.

The Board asked questions of the applicant.

Mr. Scheve asked the applicant why a smaller garage would be a problem for him.

Mr. Luby answered he would like to have room to move around and have some storage in the garage.

Mr. Eichmann asked for the dimensions of the proposed garage.

Mr. Holbert answered 36 feet by 25 feet.

Mr. Eichmann commented the garage seemed quite large.

Mr. Luby noted because of the cul de sac there was no parking in the street in front of his house.

Mr. Eichmann asked about the height of the garage.

Mr. Luby said the he was not requesting a variance for the height.

The Board asked for clarification on the style and location of the proposed garage.

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

Mr. David Martin, 7571 Quailhollow Drive, the applicant's next door neighbor, spoke in support of the variance request saying from his perspective it would look better to have cars parked in the garage than on the driveway.

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. Heidel noted the applicant's yard is so large the garage would seem to fit.

Mr. Heidel made a motion to approve case B2014-11V with the condition that the applicant remedy the property maintenance issues noted by staff including painting or removing the shed and removing the piles of brush on the property.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – NEA

Mr. Eichmann – AYE

Mr. Leugers – NEA

Mr. LaBarbara – AYE

Mr. Eichmann 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, October 20, 2014.

Item 9. – Communications and Miscellaneous Business

None.

Item 10. – Adjournment

Mr. Leugers moved to adjourn.

Mr. Scheve seconded.

The meeting adjourned at 9:02 P.M.

Minutes Recorded by: Beth Gunderson, Planning & Zoning Assistant