

December 21, 2015

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 21, 2015.

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 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 the October 19, 2015 meeting minutes.

Mr. Eichmann asked for any corrections to the October 19, 2015 meeting minutes. No response.

Mr. Scheve made a motion to approve the October 19, 2015 meeting minutes.

Mr. Leugers seconded.

Mr. LaBarbara called roll to approve the minutes.

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

Mr. Eichmann explained what a variance and a conditional use are and the process by which the Board of Zoning Appeals makes decisions on those requests.

Item 6. – New Business

SYCB150017

Lauren Beyersdorfer
3659 Langhorst Court
Variance

Mr. Holbert presented the case and case history in a power point presentation. The applicant sought a variance to allow a four feet tall fence constructed in the front yard to remain on the property. Mr. Holbert showed the existing conditions on the property noting the location of the fence in question. Mr. Holbert stated the applicant had applied for and received a zoning certificate for a fence, but it was noted on the permit the fence must stop at the front wall of the house. When the inspector performed a final inspection, the fence was found to be in the wrong location.

The Board members asked questions of Mr. Holbert.

Mr. Scholtz asked how much of the fence was in front yard.

Mr. Scheve asked if the fence was installed by a contractor and if it was known if the fence was installed in the wrong location inadvertently.

Mr. Holbert stated the application lists Eads Fence Company as the contractor.

Mr. Eichmann asked for clarification on the location of the front wall of the house.

Mr. LaBarbara asked if the neighbor next door had complained about the fence.

Mr. Holbert answered no, the office learned the fence was in the front yard when the fence was inspected.

Mr. Holbert stated about 15 feet of the fence is in the front yard and noted on the power point where the front yard is on the property.

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

Ms. Lauren Beyersdorfer, the applicant, of 3659 Langhorst Court, Sycamore Township, OH 45236, addressed the Board.

Mr. Scheve asked if she was aware that the fence had been installed in the wrong location after it was completed.

Ray Knight, fiancé of the applicant, stated he was home when fence was installed and did not know it was to stop at end of wall. Upon returning home, Ms. Beyersdorfer told him it was in the wrong location.

Mr. Scheve noted there was a big drop off alongside the driveway.

Ms. Beyersdorfer stated the white fence helps them to see when backing out of the driveway.

Mr. Eichmann asked for clarification on the letter included in the application which stated the applicant could not plant vegetation along the driveway. He wondered how the fence was installed if it was a paved surface.

Ms. Beyersdorfer said Eads Fence Company had to drill holes in the asphalt to install fence.

Mr. Holbert noted the applicant did submit a survey.

Mr. LaBarbara asked if the applicant would consider it a safety hazard if she had to remove the two non-compliant portions of fence.

Mr. Eichmann asked if they could build a rock wall there.

Mr. Holbert said they would have to apply for a variance to have a wall in the front yard.

Mr. Scholtz asked if the applicants knew she could not put fence along there.

Mr. Eichmann asked how high of an edge they could put along the driveway.

Mr. Holbert said the applicant could put a ledge there as a landscape feature.

Mr. Eichmann asked how much safer the applicant feels with the fence in the current location.

Ms. Beyersdorfer said the fence guides her until the light pole illuminates the driveway.

Mr. Eichmann commented the fence would not prevent a car from going over the edge.

The applicant said because it is white can see it even when it is dark.

Mr. Eichmann asked if there was anyone present from the public who wished to speak. No response.

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

Mr. Leugers said with safety in mind he believes a variance in order.

Mr. LaBarbara agreed saying the fence is barely visible from road.

Mr. Eichmann disagreed stating the fence does not seem safe.

Mr. Scheve agreed that the drop off along the driveway is unsafe but if the applicant hit the fence it would not keep her car from going over. He noted he does have a problem with asking for permission after building the fence in a location that was not approved.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve the variance request for Case SYCB150017.

Mr. LaBarbara seconded.

Mr. LaBarbara called roll.

Mr. Heidel – AYE

Mr. Scheve – AYE

Mr. Eichmann - NEA

Mr. Leugers – AYE
Mr. LaBarbara – AYE

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

SYCB150018
SFA Architects
11525 Snider Road
Conditional Use

Mr. Holbert presented the case and case history in a power point presentation. The request is by Cincinnati Hills Christian Academy to make modifications to an existing Conditional Use. Mr. Holbert showed the aerial view of the campus and explained that there are two parcels with different single family zoning designations. He noted a school is a permitted institutional use in a residential district. Mr. Holbert noted the criteria the Board should consider when deliberating a conditional use request as noted in the staff report. He noted the applicant is requesting two signs, one at the welcome center and one at the robotics lab, where one is permitted. He also noted a lighting plan was not submitted.

The Board members asked questions of Mr. Holbert.

Mr. Eichmann asked about the purpose of the Welcome Center. He also inquired if robotics was part of the curriculum and, if so, how the students will get to the robotics lab during the school day.

Mr. Holbert deferred to the applicant. He said the addition to the existing property formerly used as a daycare is a modification to that use.

Mr. Eichmann asked if it was a Township issue if children were to be crossing Kemper Road to get to the robotics lab.

Mr. Holbert said it is a school issue.

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

Ms. Randy Brunk, Head of School at Cincinnati Hills Christian Academy, of 166 Pheasantlake Road, Loveland, OH 45140, addressed the Board. Mr. Brunk stated CHCA needs space for the students because they are including a lot more self-directed learning in the curriculum. The offices will move out of the school building to free up space. He stated the number of students will not change, there is no increased intensity of use. He informed the Board that robotics is not part of curriculum it is an extracurricular activity that does not take place during school day.

Mr. Brunk pointed out the location of the proposed greenhouse which will be used as an aquaponics lab.

He said the Welcome Center would be used for administration and a school information center. The addition will match the existing architecture.

Mr. Brunk said the robotics lab will be used all after school and in the evening. The sign will be directional and would not be seen from Snider or Kemper Roads.

Mr. Brunk pointed out some of the interior renovations that would take place within the school building once the administration offices move out.

Mr. Brunk also pointed out plans to ease congestion on Snider going to their elementary and middle school campuses, which are not in Sycamore Township, by adding stacking lanes for dropping off the students.

Mr. Brunk then noted the timing of the project.

Mr. Eichmann asked if there was anyone present from the public who wished to speak. No response.

Mr. Heidel asked if the neighbors had been notified.

Mr. Holbert answered all property owners within 200 feet had been notified.

Mr. Eichmann asked for clarification on the proposed signage.

Mr. Holbert said the property would be permitted one 32 square foot building sign as of right, the proposal is for two signs. He noted the signage is for people to find their way on a campus with multiple buildings.

Mr. Brunk said there would be individualized lettering on the buildings for identification purposes.

Mr. Scholtz asked for clarification on what the applicant is requesting.

Mr. Holbert explained the modifications to the existing conditional use and the permit process.

Mr. Brunk asked if the entire project could be viewed as the conditional use so the county does not see property lines and setbacks.

Mr. Holbert said the applicant may be required to consolidate the lots. Mr. Holbert noted the variances for the setbacks would be approved by zoning as part of the conditional use. There may be other issues with the Hamilton County Building Department once the applicant submits for building permits.

Mr. Eichmann asked if there was a restriction on the number of buildings permitted on the property.

Mr. Holbert said there is a formula based on the frontage of the property used to determine the permitted amount of accessory use. He noted the property is at an advantage being on a corner lot because it has a lot of frontage. He noted the maximum square footage permitted in a residential district per structure is 1,032 square feet. The variance for the size of the proposed structures would be approved as part of the conditional use should the Board be inclined to approve the request.

Mr. Heidel asked about the parking requirements.

Mr. Holbert and the architect clarified the parking plan.

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

Mr. Leugers commented he agreed the school has to change with the times. He noted CHCA has been a really good neighbor because there are no members of the public present against the project. He said schools are permitted in residential areas because they are a residential function. He noted CHCA is using professionals and he likes the looks of the proposed modifications to the campus.

Mr. Scheve asked if the applicant would have to come back before the Board if outdoor lighting were to be added.

Mr. Holbert answered they would not if the lighting plan was compliant with the zoning resolution.

Eichmann asked about changes to the landscaping.

Mr. Holbert said he would work with the applicant on the landscape buffers.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve the conditional use request for Case SYCB150018 with the following conditions:

1. Lights must be shielded
2. New parking stalls must meet current Zoning Resolution requirements
3. Any new mechanical units must be screened per the Zoning Resolution and staff approval
4. No cell towers or sub stations permitted on either site
5. Refuse control to meet Zoning Resolution requirements
6. Any changes to buffering must be approved by staff

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.

SYCB150019

Liz Rising, Kenwood Baptist Church

8341 Kenwood Road

Variance

Mr. Holbert presented the case and case history in a power point presentation. The variance request is to install a 180 square feet temporary banner affixed to the building

to publicize an event. Mr. Holbert pointed out a temporary sign in a residential district per the zoning resolution may not exceed 24 square feet. Mr. Holbert showed the approximate location of the proposed banner which would be on the building from 2/18/2016 to 3/17/2016.

The Board members asked questions of Mr. Holbert.

Mr. Eichmann asked if the sign could be on the ground or if it had to be on the building.

Mr. Holbert answered a temporary banner must be affixed to the main structure. He pointed out the applicant could have a much smaller temporary free standing "A" or "T" shape sign approximately six square feet in size.

Mr. Scheve asked for clarification on how long a temporary banner is permitted.

Mr. Holbert said they are permitted a temporary banner for up to 60 days total per calendar year. The applicant is requesting the banner for only about 30 days. The church could put another temporary sign up in the same calendar year for the remainder of the 60 days provided it was a compliant size.

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

Ms. Liz Rising, the applicant, of 7918 Frolic Drive, Cincinnati, OH 45236, and Mr. David Palmer, Pastor of Kenwood Baptist Church, addressed the Board. Pastor Palmer said the church is working with University of Cincinnati President Santa Ono to present this speaker at their church noting it is probably the highest profile person the church has ever had speak. The speaker will also be speaking during the day to students at the University of Cincinnati. Pastor Palmer said he sees it as an honor for the church to have someone of this stature here and he wants the community to know about it. He noted they have a lot of community traffic in and out of their lot and are hoping to tastefully publicize the event to those members of the community. Pastor Palmer also pointed out that the church is 185 feet back from the road therefore a compliant 24 square feet sign would look like a postage stamp from the road.

Mr. Scheve asked if the speaker had requested such a big sign.

Pastor Palmer answered no.

Mr. Scheve asked how many people the church can accommodate.

Pastor Palmer answered the church could accommodate about 450 people in the auditorium with the speaker plus 250 in overflow areas.

Mr. Scheve asked if the church will advertise the event in the newspaper.

Ms. Rising answered yes, they would advertise in the newspaper, on social media, radio and in the Sycamore Township newsletter.

Mr. Eichmann asked if the church would be paying for the speaker.

Pastor Palmer answered yes, the church is paying the speaker but there would be no charge for community members to attend.

Ms. Rising noted the church has already planned to have overflow parking areas and shuttles.

Pastor Palmer said their vision is to see the church used by the community.

Mr. Scheve asked if the church had already purchased the sign.

Pastor Palmer answered no saying he was waiting for approval first.

Mr. Eichmann asked about the sign detail.

Pastor Palmer explained the intent is to mimic the look of the speaker's book.

Mr. Eichmann asked Mr. Holbert if there had been any similar case in the Township with building that far away from road.

Mr. Holbert said the closest case would be Kenwood Collection.

Ms. Rising said the 180 square feet proposed is a maximum, noting the sign may be smaller once they look into ordering the banner.

No one was present from the public to speak.

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

Mr. Scheve said the sign proposed is huge, but the building does sit very far off the road. He stated since the sign would be up for such a brief period of time, it does not bother him.

Mr. Eichmann said the sign sounds like it will be tasteful.

Mr. Leugers agreed, saying he did not see a problem with granting the request.

Mr. Eichmann entertained a motion.

Mr. Leugers made a motion to approve the variance request for Case SYCB150019 with the condition that the temporary banner may not exceed 180 square feet and is permitted from 2/18/2016 to 3/17/2016.

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 7. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Tuesday, January 19, 2016.

Item 7. – Communications and Miscellaneous Business

No report.

Item 8. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn.

Mr. Eichmann seconded.

Vote: All Aye.

The meeting adjourned at 8:25 P.M.

Minutes recorded by: Beth Gunderson, Planning & Zoning Assistant